

# Waltham Police Department

## CHAPTER 72

### HOLDING FACILITY AND DETAINEE PROCESSING

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#### **POLICY:**

It shall be the policy of the Waltham Police Department to process and detain all individuals in custody in a manner that provides maximum safety to the detainee, the custodial officers, and the community. In addition, it shall be the policy of the Waltham Police Department to comply with both the spirit and the letter of all laws regarding the custody and processing of arrested persons in its custody.

The Officer-In-Charge shall be responsible for the maintenance and fiscal affairs of the Holding Facility and shall delegate authority to their subordinates as necessary to fulfill their responsibilities.

All sworn and non-sworn personnel [72.1.1-2] who deal with the holding facility shall receive initial training [72.1.1-1] and retraining [72.1.1-11] every three years in the rules and procedures of the holding facility, on fire suppression equipment [72.1.1-4, 7] and on equipment such as breathalyzers (sergeant or above), cameras, cell check recorders, restraint devices, and automated booking systems [72.1.1-8]. Officers must receive initial training in suicide detection, intervention, and prevention upon promotion. All personnel receive annual suicide re-training. [72.1.1-13], [72.3.1] (reference chapter 33).

**DEFINITIONS:** The following definitions apply to these procedures:

**HOLDING FACILITY:** The booking area, the cellblocks, and the holding facility garage.

**OFFICER IN CHARGE (OIC):** The commanding officer of the platoon or the operations Sergeant in their absence.

**DETAINEE:** Any person under arrest or under protective custody.

## **PROCEDURES:**

1. **BOOKING:** Booking is both a law enforcement process and a holding facility procedure. As a law enforcement action, it is the official recording of an arrest and identification of the arrested person, place, time, arresting officers, and the reason for arrest [72.5.2-1]. All individuals arrested must go through the booking process unless in the event of a medical emergency, when they will be transported to a medical facility (refer to Chapter 71 – transporting detainees) [72.5.2-3]. The holding facility procedure is a protocol for the admission of a person charged with an offense and includes searching, the collection of personal history data, medical screening [72.6.3], inventory and storage of the individual's personal property.

**MEDICAL SCREENING:** Arrangements for transportation to a hospital will be made when a detainee requests medical attention. If the detainee is under arrest, an officer or officers will be assigned to guard the prisoner at the hospital. Further, a supplemental report will be submitted documenting the transport to the hospital and the prisoner's return to the station, when applicable.

**SUICIDE THREAT:** When a detainee threatens suicide, arrangements will be made for the detainee to be transported to a hospital for a psychological evaluation. A Q5 entry will be made, further the QED Booking slip for that individual will be coded as a suicide risk. If a clinician is working, the clinician should be made aware of the suicide threat and offer resources that may be available after treatment from the hospital and follow up when necessary. If a clinician is not working, a clinician should be assigned to follow up with the individual as soon as practicable.

All Accreditation standards, accompanying written directives, and compliance documents pertaining to medical screening during booking and in the holding facility, must be reviewed and by a licensed medical professional every three years or when the applicable written directive is updated [72.6.1]. Detainees (arrest or protective custody) are fingerprinted and photographed [41.4.3-3B, C], [1.2.5] [72.5.2-4A], [72.6.1]. The booking process shall be conducted by the Officer-In-Charge or their designee. The booking officer shall be in complete charge of the booking procedure, subject to orders from the Officer-In-Charge. Officers not involved in the arrest or booking shall not congregate in the booking area; they shall not comment adversely toward the detainee, and shall not carry on a conversation with the arresting officers(s) during the booking procedure.

- a. **BOOKING OFFICER TO BE INFORMED:** Whenever a person is brought to the station under arrest, or not under arrest for an appropriate reason, the officer involved shall immediately inform the booking officer of the charge or charges against the person. If the person is not under arrest, the officer shall immediately explain the circumstances to the Officer-In-Charge. This explanation should be made in the presence of the person involved, if possible.

- b. **DEPARTMENT ARREST REPORT: [82.2.1], [72.1.3]** The Waltham Police Department Arrest Reports (or Booking Slip) shall serve as the arrest record of all persons arrested for crimes by members of the Waltham Police Department and shall be completed on every detainee [72.5.2-1]. It is a computer-generated report form containing the information needed to develop a profile on the subject and is used by the booking officer for gathering all pertinent and mandatory information regarding the detainee [72.5.2-2]. All booking records are accessible to police personnel on the QED computer system and protected by passwords. Any record kept by prosecutors and the Community Services Division (Records Division) are kept in secure locked cabinets. [72.1.3] These records are only accessible during the day shift. The Community Services Division is locked to department members after normal business hours. [82.2.1a]
- c. **BOOKING FORMS:** The booking officer shall be familiar with all departmental booking forms and make certain that the appropriate forms are completed during the booking process.
- d. **BOOKING FORMS TO BE COMPLETE:** It is the responsibility of the booking officer to make certain that all booking forms are as complete and as accurate as possible. [72.5.2]

2. **BOOKING SECURITY:**

- a. During the booking of any detainee, the arresting officer(s) or, if not present, the transporting officer(s) shall remain in the booking area with the detainee. In the event that the detainee is incapacitated (drugs or alcohol), violent, self-destructive, suicidal or unruly, the officer(s) shall restrain the detainee without unnecessary force. The presence of the arresting or transporting officer(s) during the entire booking procedure is mandatory, unless excused by the booking officer. [72.5.4-1A-F]
- b. Violent detainees or those under protective custody (PC), may be immediately searched and placed in a cell if the booking officer determines that immediate confinement is appropriate for the safety of the officers and/or detainee. [72.5.4-2A]
- c. Handcuffs shall remain on the detainee until the booking officer authorizes their removal.
- d. Other detainees awaiting booking shall be kept under constant observation and shall be controlled in such a manner as to prevent their interfering with the booking process.

- e. In the interest of security, when booking a detainee into our facility, all entry /exit doors to the booking area shall be closed and locked. [72.4.4]

3. **FIREARMS:** No firearms shall be allowed in the booking or cell areas during the processing, detention, or release of prisoners.

- a. Officers transporting detainees to the station by cruiser or patrol wagon shall, upon arrival, park in the detention area garage, secure the garage door, and then secure their firearms and cruiser keys in the weapons lockers. Detainees are then removed from the transporting vehicle.
- b. Inside officers, who are called upon to assist in booking or controlling a detainee, shall place their firearm in the lockers provided for this purpose in the operations area prior to entering the booking area.
- c. Officers who enter the cellblock areas during the normal course of business shall, prior to entry, secure their firearm in the lockers provided in the operations area.
- d. The Officer-In-Charge may allow firearms in the booking or cellblock area when appropriate to respond to an emergency situation such as a fire or medical emergency.

4. **INVENTORY SEARCH OF DETAINEES:** A routine inventory search is justified when a detainee is booked (Comm. V. Bowlen, 351 Mass. 665, [1969]). The inventory of an accused's personal belongings has also been upheld as necessary both to preserve them while he is incarcerated and to safeguard the police from a later groundless claim that some item has not been returned (U.S. v Lipscomb, 435 F. 2nd 796, 5th Cir. [1970]). [72.5.1], [72.5.2-4B]

If a person who is incapacitated due to alcoholic intoxication is taken to a police station, pursuant to Mass. Gen. Law, Chap. 111B, Sec. 8, the statute provides that all valuables and all articles which may pose a danger to such person or to others may be taken from such person for safekeeping and, if taken, inventoried. Inventory searches of detainee's are conducted prior to placing detainee in cell. [72.5.1-1A]

- a. **TIME OF BOOKING SEARCH:** No search of a detainee shall be conducted, except in cases of emergency, until directed by the booking officer. Maximum safety is provided if the search is conducted before handcuffs are removed.
- b. **METHOD OF SEARCH:** All detainees upon being booked shall be searched (including body searches if deemed appropriate by the Officer-In-Charge) for contraband. Officers are to be aware of the fact that detainees

will frequently attempt to secrete contraband on their persons and shall conduct all searches in such a manner that all articles that can present any threat to the detainee, officers, or the facility, are found.

- c. **EXTENT OF SEARCH:** Detainees shall be searched for all personal property. This shall include the clothing, all articles in possession of the person, such as contents of suitcases, handbags, shopping bags, and any other place on or in possession of the detainee where property could be maintained or concealed.

Any container (or any item reasonably appearing to be a container) found on the arrestee's person or carried by them at the time of their arrest shall be opened and its contents inventoried. Any locked container for which the arrestee has a key among their other personal belongings shall be opened and its contents inventoried. Any locked container for which the arrestee does not have a key among their other personal belongings shall be opened only if there is reasonable suspicion to believe that the container contains any item posing a threat to the safety and security of the station or its personnel. The rule set forth in this paragraph applies equally to any container within any other container searched.

- 5. **BODY SEARCHES:** The following guidelines and procedures should be followed:

**IN ALL CASES WHERE A STRIP SEARCH OR MANUAL BODY CAVITY SEARCH IS CONDUCTED, A REPORT SHALL BE SUBMITTED [41.4.2-5G, 9D].**

As with any police report, reports on strip or body cavity search shall include the time, date, name of individual and demographics. A report on a strip and or body cavity search is required and shall include a well-documented reason(s) for the search and should detail the findings. In the case of a body cavity search, all reasons for the application of a warrant for this search should be documented. If a warrant is granted, the name of the judge and the warrant information shall be included in the report. Additionally, the name of the medical professional performing the search and the location of the medical facility where the search was done shall be documented in the report.

- a. **STRIP SEARCHES:** The United States Supreme Court has described examinations of a person's genital and anal areas without any sort of touching to be a practice which instinctively gives the most pause (Bell v. Wolfish, 441 U.S. 520 (1979)).

**DEFINITION:** Strip Search is an inspection of a naked individual without any scrutiny of their body cavities. This includes any search which requires the removal or rearrangement of any clothing so as to expose or permit the visual observation of a person's buttocks, anus, genitalia or breast area (Pursuant to Comm. V. Thomas 1999). It is important to note that "a strip search may also occur when a detainee remains partially clothed, but in circumstances during which a last layer of clothing is moved (and not necessarily removed) in such a manner whereby an intimate area of the detainee is viewed, exposed, or displayed." (Comm v. Morales 462 Mass. 334 (2012)) **[41.4.2]**

1. Strip searches shall be conducted only when, due to the circumstances and/or nature of arrest, the booking or arresting officer has probable cause to believe that a weapon(s), item(s) of evidentiary value, and/or contraband are concealed upon the detainee in a manner that would not lead to discovery of such by a conventional detainee inventory search or search incident to arrest (i.e.: a manual search) **[41.4.2- 5A]** The purpose of a strip search is limited to the amount of intrusion necessary to accomplish the proper law enforcement purpose of ensuring the safety of officers and detainees alike while in custody (United States v. Cofield, 391 F.3d334(1<sup>st</sup> Cir. 2004)) **[41.4.2]**.
2. Strip searches shall be conducted only upon the authorization of the Officer-In-Charge or their designee **[41.4.2-5B]**, and shall be conducted in a manner that will minimize any embarrassment to the detainee, whether an adult or juvenile **[41.4.2- 5C, F]** Such searches must be performed by members of the same sex as the detainee being searched or, in the case of a transgender individual, the member of the expressed gender of the detainee. **[41.4.2-5D, E]** Searches are to be conducted in a private room or area. Under no circumstances will a location be chosen, so as to humiliate or embarrass a detainee. According to the SJC, "how a search is conducted is of the utmost importance and at all times the potential harm to the detainee's health and dignity should be taken into account. "Comm v. Morales (2012) **[41.4.2]**.
3. Strip searches are distinguishable from body cavity searches. A strip search shall be limited to examining the detainee's body as it exists, naked to ensure that weapon(s), item(s), of evidentiary value and/or contraband are not concealed under garments, with the exception of separating the detainee's buttocks to ensure weapon(s), item(s), of evidentiary value and/or contraband are not concealed just outside the anus.

4. If the booking officer has reason to believe that weapon(s), item(s), of evidentiary value and/or contraband may be secreted inside a body cavity, such as the anus or vagina, refer to section below Body cavity Search.

- b. **MANUAL BODY CAVITY SEARCH:** The Supreme Judicial Court commented Rodriques v. Furtado, 410 Mass. 878 (1991). It is difficult to imagine a more intrusive, humiliating, and demeaning search than one conducted inside a [person's] body. Where an officer seeks to conduct a search in someone's body, **a warrant must be issued by a judge, supported by a strong showing of particularized need and a high degree of probable cause.** [41.4.2-9B]

**DEFINITION:** Body cavity – search includes some degree of touching and probing of the anus and vagina. A body cavity search is any search involving not only visual inspection of skin surfaces that also includes the internal physical examination of body cavities including the anal and genital areas.

1. Probable cause [41.4.2-9A] to believe that the contraband or other items of evidentiary value is actually inside the cavity must exist independent of whether there is probable cause to believe that the individual searched is hiding contraband elsewhere in their home or on their person.
2. **Manual body cavity searches are extremely intrusive and are only to be conducted when a search warrant has been obtained.** [41.4.2-5B] The search warrant must be authorized by a **Judge** and not a **Clerk Magistrate**. Once a search warrant has been obtained the body cavity search shall take place as soon as practicable.
3. All body cavity searches require special hygienic procedures and shall be conducted only by qualified medical personnel. [41.4.2-9C] The detainee shall be transported to a medical facility, pursuant to department policy to accommodate such a procedure.
4. The medical facility should be notified in advance so that a qualified medical professional may be located to conduct the search. Upon arrival at the facility, the staff of the medical facility shall be provided with a copy of the search warrant. Should the search reveal any contraband, items of evidentiary value and or weapons, such items shall be confiscated, tagged, and placed into evidence pursuant to department policy guidelines. See Waltham Police Department Manual, Chapters 83 and 84.

6. **DISCOVERY OF CONTRABAND:** If, during the inventory search of a detainee, items are discovered which are unlawful to possess, a criminal complaint should be initiated.
7. **DISCOVERY OF MEDICATION:** [72.6.4] When medication of any kind is possessed by a person in department custody, it must be identified and handled with care. Identification may be accomplished by inspecting the package or bottle, its contents and labelling; accessing a reliable website; asking the person in custody; contacting a knowledgeable pharmacist or other health care professional; or some other method. Once identified, the medication shall be documented on the QED booking form and held in the secure detainee's property box or placed into evidence if determined to be contraband [72.5.2-4D], [72.8.4E].

No medication or prescription will be given to a detainee without the approval of the Officer in Charge. If there is any question as to the legitimacy of the medication or its need, the detainee shall be transported to a nearby hospital by ambulance and evaluated by a doctor for determination as to whether the medication should be administered. Any purported medication possessed by a person in department custody that is identified as contraband shall be reported immediately to the Officer-In-Charge. Criminal charges may follow at their discretion [72.8.4].

When any officer (or other person (e.g., doctor/nurse)) provides medication to a detainee, this shall be documented on the QED Booking Form. The documentation shall include the time, name and amount of medication provided the name of the officer or person providing the medication.

8. **PAPERS/DOCUMENTS OR OTHER WRITINGS FOUND ON DETAINEE:**

Papers, documents, or other writings found on the detainee may be examined only to the extent necessary to:

- a. Check the detainee's identity.
- b. Ensure the detainee's physical safety.
- c. Ensure the removal of items dangerous to cell administration.
- d. To protect the department from charges of theft.

Any search of detainee's papers or other possessions for investigative purposes may be affected only upon obtaining either the detainee's written consent or a search warrant.



9. **MALES:** All male detainees shall be searched before being placed in a cell. There shall be no exceptions to this procedure. No personal property shall be allowed in the cell.
10. **FEMALES:** The booking officer is to ensure that all female detainees are examined carefully when booked. No personal property shall be allowed in the cell. Female detainees are to be searched by a female cadet or female officer before being placed in a cell or as soon as possible thereafter. Female detainees may be searched by male officers only under conditions of extreme emergency, when failure to do so could result in a life-threatening situation or could lead to the destruction of evidence. If such a search is necessary, it shall be conducted by the Officer-In-Charge, in the presence of one arresting officer. The search shall be conducted in such a manner and location as to minimize embarrassment to the detainee.
11. **TRANSGENDER:** Efforts should be made to put a transgender detainee in an unoccupied cell block. If an unoccupied cell block is not available the transgender detainee should be placed in the cell block that corresponds with their expressed gender.
12. **DETAINEE PROPERTY:** The following procedures will be used to ensure the security of the facility and of detainee property: [72.5.1], [72.5.2-4C], [72.8.4F]
  - a. **INVENTORY AND KEEPING OF DETAINEE PROPERTY [72.5.1B]:**

An accurate inventory of all detainee property shall be conducted and recorded on the booking slip by the booking officer. Property shall be secured in the detainee property locker corresponding in number to the cell assigned to the detainee. Evidence is not to be placed in the property box. There will be an extra-large locker placed next to the property lockers for any property that does not fit in the assigned locker. [72.5.1C] With the exception of medication, detainees are not allowed to receive any items while in the cell [72.8.4]. No property, whether personal property or evidence, is to be kept in the possession of the arresting officer. Locker keys are kept in police operations and at the booking desk.

Detainee property shall be returned to and signed by the detainee signed upon their release [72.5.1-1D]. Detainee property left over thirty days will be considered abandoned property and disposed of according to Massachusetts Law Ch 135 s8. This is posted in the booking area and stated on the Detainee Release Form. High value items (money, jewelry, cash) shall be turned into evidence for safekeeping and will be kept according to Mass General Law.
  - b. **PROPERTY/CONTRABAND PROHIBITED FROM CELL BLOCK AREA:** No property, including footwear, jewelry, eyeglasses or contraband

items shall be allowed in the cells. Contraband items include, but are not limited, to the following: **[72.8.4D]**

1. Any weapon or item that could be used as a weapon.
2. Any drugs (prescription or otherwise).
3. Matches, lighters, or cigarettes.
4. Any item that could be used to tamper with the lock on a cell or assist in escape.
5. Money, checks, money orders, or other negotiables.
6. Any article that could be used in a self-destructive attempt.
7. Any article that could in any way be used to threaten or harm the facility, its occupants, or detainee caretakers.
8. Any article that could be used to mar, deface, or otherwise damage the cells.

13. **CELL BLOCK SECURITY:** The safety of custodial officers and detainees requires strict adherence to proper security measures. At no time will any officer of this Department leave a detainee unattended outside the confines of the holding facility. Detainees are only allowed in the holding facility or an interview room. If a detainee is brought to an interview room, they will be under the direct supervision of an officer (s) or detective (s) and shall be escorted after being searched and handcuffs. A minimum of two officers shall escort the detainee and shall follow protocol for safely removing and locking their firearms prior to handling the detainee. Refer to Chapter 42 - Investigations, dealing with interview rooms. No detainee, whether male, female, or juvenile, shall be allowed to roam around the cellblock or other areas unattended in the police station. Cadets/officers shall inspect all cellblocks at the beginning of each shift, and shall note it on the Holding Facility Log in DHQ as such.

14. **PLACING DETAINEES IN CELLS:** Whenever possible, detainees shall be placed in a cell by two or more officers. Whenever possible, incapacitated detainees shall be placed in the "even" numbered cells; these cells have drains and are more easily cleaned.

15. **DOORS:** All cell blocks and cell doors shall remain open when no detainees are in custody. When any of the three cellblock areas are occupied, that detainees cell door, including the cellblock door shall be closed and locked. The men's facility

has two entry/exit doors to close and lock in addition to individual cells. The women's and juvenile facility have one entry/exit door to close and lock in addition to individual cells. [72.4.4]

Doors to the booking facility include the "sally port" door (automatically locks allowing entry only by digital key pad), rear door of booking facility leading to rear stairwell (always locked unless it is necessary to exit via key); and the main entry door to the booking facility leading to the rear hallway by the back lobby. This door is open when booking is not in progress. [72.4.4]

16. **KEYS:** A set of keys to all cell and cellblock doors shall be kept on a hook in the operations area and at the booking desk when not in actual use. The use of these keys shall be limited to operations personnel unless prior permission has been granted by the Officer-In-Charge [72.5.1].
17. **ENTRY INTO CELLS:** Officers shall not enter occupied cells while alone, unless for the purpose of releasing a detainee or in the case of extreme emergency. Officers entering a cell under emergency circumstances shall attempt to activate the emergency alarm prior to such entry.
18. **UNAUTHORIZED ITEMS IN CELL BLOCK:** No tools, culinary equipment, or other potentially dangerous items will be allowed in the cell block without prior approval of the OIC. Rare exceptions may exist and should be noted on the booking sheet and articles removed after use. [72.4.7A, B]
19. **UNAUTHORIZED PERSONS:** No unauthorized agency employees, maintenance personnel, or janitorial personnel shall be allowed in the cell block areas when occupied. In the event of an emergency, a maintenance or janitorial person shall be allowed when accompanied by a sworn police officer. Visitor Tours of the police station shall not include the cell block area unless all cells are unoccupied. [72.1.2]
20. **ACCESS TO CELL BLOCKS/POLICE PERSONNEL:** Only those officers removing or placing detainees in cells or providing a safety or security function may enter the cellblocks without the express permission of the OIC. [72.1.2]
21. **INCIDENTS/CONDITIONS THREATENING THE HOLDING FACILITY OR OCCUPANTS:** All members of the department shall report all incidents or conditions that pose a threat to the safety and/or security of the holding facility, detainees, or staff.
  - a. **VERBAL NOTIFICATION:** An officer who has knowledge of such threatening condition or situation shall immediately report this information to the OIC.

- b. **WRITTEN REPORT:** After notifying the OIC, the officer shall submit a written report regarding the matter. [72.4.11]
- c. **INVESTIGATION BY OFFICER IN CHARGE:** The Officer-In-Charge shall immediately investigate all such reports made to them and take corrective action if necessary. They shall report their actions and/or recommendations in writing to the Division Commander – Patrol Division.
- d. **ADMINISTRATIVE REVIEW:** The Division Commander – Patrol Division shall review all reports of this nature and take appropriate action.

22. **EMERGENCY EVACUATION ROUTES AND PROCEDURES:** In the event of fire or other situation that presents a hazard or danger to those being held in the holding facility area, it shall be the responsibility of the Officer-In-Charge to oversee the safe evacuation of all detainees.

**THE FIRST OBLIGATION IN AN EMERGENCY EVACUATION OF DETAINEES WILL BE THE SAFETY OF THE DETAINEES. WHILE IMPORTANT, THE MAINTENANCE OF CUSTODY MUST BE SECONDARY TO THE SAFE REMOVAL OF DETAINEES FROM THE AREA OF DANGER.**

- a. The fire department will be immediately notified of any circumstance warranting emergency evacuation of the cellblocks.
- b. Detainees will be removed from their cells and handcuffed, if time and circumstances allow.
  - 1. **MALE CELL BLOCK EVACUATION:** The safest of the following evacuation routes will be followed:
    - a. Through the rear cellblock door into the detention area garage to be held under guard until safe to return or to exit the building through the garage.
    - b. Through the hallway into the guardroom to be held under guard until safe to return.
    - c. Through the hallway, exit building through rear lobby door.
    - d. Through the hallway, downstairs to basement, to be held under guard in the Academy Classroom, or to exit through either the front or rear entrances.

2. **FEMALE/JUVENILE CELL BLOCK EVACUATION:** The safest of the following evacuation routes will be followed:
  - a. Through the rear lobby into the guardroom, to be held under guard until safe to return.
  - b. Exit building through the rear lobby.
  - c. Through the rear lobby, downstairs to basement, to be held under guard in the Academy Classroom, or to exit through either the front or rear entrances.
  - d. Through the adult cellblock, to be held under guard in the detention area garage or exit the building through the garage.
3. **DETAINEE SECURITY AFTER EVACUATION:** After detainees have been removed from the holding facility, the following measures may be taken, depending upon the circumstances:
  - a. If detainees are kept in the guardroom, academy room, or detention area garage, they shall be guarded by a sufficient number of officers to maintain security.
  - b. If detainees are removed from the building, they shall, as soon as possible, be placed in the wagon and/or cruisers until it is safe to return or other arrangements can be made.
  - c. If re-entry will not be possible within a short period of time, the Officer-In-Charge make arrangements with neighboring police departments to temporarily house our detainees.
  - d. If a detainee requires medical treatment following evacuation, the Officer-In-Charge shall arrange transportation according to established procedures.
23. **COMPLAINT APPLICATIONS/COURT APPEARANCES:** When an officer makes an arrest and court is not in session, the Officer-In-Charge shall see that the following steps are completed, either by the arresting officer or an officer designated by the Officer-In-Charge before the end of the tour of duty. The Prosecution packet Completion Form – Supervisor review will need to be completed as well.

- a. Make one copy of all reports relating to the arrest for prosecutors. Officers requesting a summons or warrant will make one copy of their report for Prosecutors.
- b. Ensure the booking computer generated the application for criminal complaint, summons or warrant packet is included in the arrest package.
- c. All of the foregoing is to be placed in the box designated for the Prosecutors.
- d. Arresting officers will not appear in court for the arraignment unless notified otherwise.
- e. The Prosecution Unit shall take all complaint applications, along with the information required above, to the court for issuance of complaints and the Prosecution Unit will sign all complaints.
- f. It shall be the responsibility of the arresting officer to find out the trial date of their case. This shall be done by checking the court book, which will be kept in operations.
- g. Where there is no arrest but the defendant has been summoned at the request of any officer, it SHALL be the duty of the requesting officer to check the court book to determine if a complaint has been issued and a trial date set.
- h. Commanding Officers and Operations Officers shall notify any member of the department at the request of the Prosecutor to appear in court on a certain date and time.

24. **COURT APPEARANCES:** Unless otherwise noted, officers will report for court at the designated times listed in the department court book.

a. **COURT APPEARANCE: OPERATING UNDER THE INFLUENCE OF INTOXICATING LIQUOR:**

- 1. In all prosecutions for operating under the influence of intoxicating liquor, only two officers shall appear; namely, the complainant (arresting officer) and the booking officer, unless otherwise instructed.
- 2. In the event that the arrest is made by more than one officer, as in the case of a two-man cruiser, ONLY ONE officer shall be the complainant and need appear in court. When officers decide which officer shall be the complainant, it shall be the complainant officer's responsibility to:

- a. Arrest the detainee.
- b. Issue the citation, if any, in their own hand-writing.
- c. Search the detainee.
- d. Be present during the entire booking process if possible.
- e. Ensure all tow forms, computer entries, and Registry notifications have been made, and all other reports and forms are complete.

- b. **COURT APPEARANCE REPORT FORM #72-3:** Officers attending court shall complete and submit a Form #72-3 (Court Appearance Report Form). When the court appearance is at Waltham District Court, this form shall be signed by Officer in Charge - Prosecution Unit or, in their absence, one of their assistants. In the event that neither of these people are available, the officer shall have the Assistant District Attorney sign the report.

All officers who appear in traffic or criminal court whether on duty or off are required to complete and submit a form 72-3. The name of the defendant is to be included along with the charge(s). The Prosecution Unit shall maintain a record of the citation/court dispositions, which will be turned into the Community Services Division for recording and the Assignments Office for payroll purposes.

When the court appearance is at Superior Court, the officer is responsible for having the Assistant District Attorney involved in the case sign the report. In the event that a Superior Officer is assigned to a case in Superior Court along with other officers, they may sign this form for those officers attending Superior Court.

- c. **VIDEO/AUDIO RECORDING AND MONITORING:** The holding facility, including the garage, booking area, and cell block detention area for male, female, and juveniles, is video recorded. [72.4.8] All locations are noted with written postings to this effect, and prior to the actual booking, detainees/detainees are verbally advised as well.

In addition to video recording all booking of detainees, the booking area is also audio recorded, to ensure a complete record of booking. The system for accomplishing individual recordings of the booking area is the “Case Cracker – Onyx” system. Booking supervisors toggle a switch in the booking area to activate the recordings. These recordings are available to supervisors and detectives through the computer-based interface.

Audio monitoring of the cell areas is achieved through audio monitors wired into Operations. In addition to the system above, a back-up-based video/audio recorder is located in Operations, in the event the system is in-operative or non-operational. This system provides video recording of the cell block, individual cells, booking area, garage and other areas of the building. **[72.4.8-3]**

Video/audio monitoring shall be used to ensure the safety and security of detainees; it is not intended for and will not be used to violate the personal privacy of detainees. **[72.8.2]**.