PRI-003

DETAINEE PROCESSING

I. POLICY

It is the policy of the Wilmington Police Department to:

A. Protect the constitutional rights of detainees during booking while protecting the safety of department employees and detainees.

II. PROCEDURES

A. Arrival at Station

1. When officers transporting a detainee arrive at the police facility, they shall notify the dispatcher over the cruiser radio of their arrival.

2. FIREARMS:

   a. The transporting officers shall remove their firearms and secure them in the appropriate gun lockers located within the sally port area of the station.

   b. No firearms are allowed in the booking room or holding facility during the processing or detention of detainees, unless there is an emergency situation requiring the officer's immediate attention and there is no time to secure the firearm.

3. DOORS: When a detainee is being processed, all doors to the booking area will be secured during the entire booking process. Only authorized personnel are allowed in the booking area during processing. **[72.4.4]**

4. USE OF TELEPHONE: The detainee will be informed orally by the booking officer that [s]he has the right to use the telephone, and that [s]he will be allowed to exercise this right

upon completion of the booking process, or within one hour of arrival at the station, whichever first occurs.[1]

B. Searches and Handcuffs

1. In the presence of the booking officer, and prior to the removal of handcuffs, the transporting officers shall conduct a full and thorough search of the detainee's person for weapons.

2. In making the decision to remove handcuffs from a detainee, the officers should consider the conduct of the arrestee, the offense for which the arrest has been made, and the recommendations of the arresting and/or transporting officers.

3. When the handcuffs are removed from the arrestee, [s]he shall be ordered to remove all articles or items of personal property that [s]he is carrying on his/her person.

4. After the arrestee claims to have removed all personal effects from his/her person, [s]he will be subject to a full search of his/her person by an officer, including a search of all outer clothing worn by the arrestee. In the case of a female who is arrested when there is no female officer on duty, a search will be conducted by an officer in the presence of the booking officer, which will be video recorded.

5. ***STRIP/VISUAL BODY CAVITY SEARCHES***: A strip search or visual body cavity search of an arrestee is warranted only if officers have probable cause to believe that the arrestee is concealing contraband or weapons on his/her body.[2]

    a. A strip search is any search which requires the removal or re-arrangement of any clothing so as to expose or permit the visual observation of a person's buttocks, anus, genitalia, or breast area. This generally refers to an inspection of a naked individual, without scrutiny of his body cavities.

    b. All strip searches and visual body cavity searches must be approved by the officer-in-charge. **(1.2.8a)**

    c. The officer/employee conducting the strip/visual body cavity search shall not touch or prod any body part.

d. All strip searches and visual body cavity searches shall be conducted by an officer/employee of the same sex and out of the public view. Only the individual conducting the search should be able to see the person being searched. A private room shall be used when available. **(1.2.8b)**

6. ***MANUAL BODY CAVITY SEARCHES***: Body cavity searches shall not be conducted without the express approval of the officer-in-charge and a search warrant signed by a judge.[3] **(1.2.8(a))**

a. A body cavity search is any search involving not only visual inspection of skin surfaces but that also includes the internal physical examination of body cavities including the anal and genital areas.

b. Manual body cavity searches shall be conducted by medical personnel, in a private and hygienic setting and in a medically approved manner.[4] **(1.2.8(b))**

7. REPORT OF ALL STRIP/BODY CAVITY SEARCHES: The investigating officer shall document the probable cause and the results of the search in the arrest report. **(1.2.8(c))**

C. Inventory of Belongings [72.5.1]

1. An inventory search of the detainee shall be conducted during the booking process, prior to placing the detainee in the cell, unless an emergency makes it necessary to place a detainee in the cell immediately.

a. Any container or article found on the detainee's person or carried by him/her shall be opened and its contents inventoried.

b. Papers, documents or other writings found on the detainee's person may be examined only to the extent necessary to check the his/her identity, ensure the his/her physical safety, ensure the removal of items dangerous to cell administration, and protect the department from charges of theft.

2. REPORT: The officer conducting the search shall complete an inventory report in IMC, by listing in detail all of the

property belonging to and taken from the arrestee during the search. **(72.5.1b)**

3. STORAGE: All items removed from the detainee shall be marked for proper identification and placed for safekeeping in a secure area or in the storage lockers designated as a depository for valuables or personal effects of an arrestee, located in the booking area. Locker numbers should correlate with cell numbers to facilitate retrieval. **(72.5.1c)**

4. RETURN: Detainee's property will be returned to them upon their release from custody. Unclaimed property of detainees, who have been released for more than 48 hours shall be properly disposed.

D. Computer Checks

1. A computer wanted check (Q1) shall be run on all persons arrested or held in protective custody. The hard copy produced will be placed into the court folder by the booking officer.

2. A Board of Probation check shall be run on all persons arrested by this department who will be bailed from this facility. The hard copy produced will be placed into the court folder by the booking officer.

3. A suicide check (Q5) query shall be run on every person to be detained in the department's holding facility, and the hard copy produced shall be placed into the court folder by the booking officer.

E. Booking Report (72.5.2a)

1. The booking officer shall enter into IMC, the intake information (Booking Report or Protective Custody Form, as appropriate) on every person taken into custody by this department. All booking records shall be kept in a secure file with access limited to authorized persons. These forms shall serve as the permanent arrest/detention record of the individual arrested/detained, and shall contain:

   a. Biographical data on the arrestee including: name, address, social security number, telephone number, date and place of birth, age, marital status, names of

parents and spouse. Any refusal to answer any of these questions shall be noted on the form.

b. Information about the crime including the offense(s) with which the individual is charged and the arresting officer's name(s).

c. Physical description of the arrestee, including: sex, race, height, weight, color of hair and eyes, complexion, build, scars, marks, or tattoos, and physical condition, i.e., body deformities, trauma markings, bruises, lesions, and ease of movement.

d. Property inventory and disposition. **(72.5.2b)**

e. Detainee booking reports will be placed in the court file tray, located in the secured Sergeant's office, when completed. The police prosecutor will retrieve the files from the court file tray every morning that court is in session. **(72.1.3)**

F. Fingerprinting and Photographing (1.2.5(b)(c))

1. All persons arrested by this department shall be fingerprinted and photographed in accordance with current department policy and procedures.[5] *[82.3.7(b)(c)]*

2. All persons taking into protective custody and federal prisoners will be photographed.

G. Bail and Arraignment [*72.7.1(a)(b)]*

1. Arrestees shall be informed of the right to bail and afforded the opportunity for bail.[6] Arrestees, including juveniles, have the right to a prompt bail hearing.[7]

2. If the court is in session when the booking process and all related arrest reports are completed, it shall be the responsibility of the officer-in-charge to ensure that the arrestee is transported to the court without delay.[8]

3. If the court is not in session when the booking process and all related reports are completed, the arrestee shall be confined in the holding facility until bail can be arranged, or if bail cannot be arranged, until the next session of the

court.[9] It shall be the responsibility of the officer-in-charge to ensure that an arrestee's opportunity to make bail is not impeded.

H. Suicidal Detainees

1. Any detainee who exhibits any signs or symptoms of suicidal behavior shall be put on an immediate suicide watch until transported to the nearest available hospital or medical facility for evaluation. In the event that an individual brought to a hospital or medical facility for evaluation is returned to the holding facility for detainment, the officer-in-charge shall institute a suicide watch until such time as the detainee is released from custody or transferred to another agency.

2. Whenever any detainee attempts or threatens suicide within the holding facility, the officer-in-charge shall ensure that within twenty-four hours of such incident, someone enters in the criminal history systems board computer the name, address, and age of the detainee, the charge or reason for detention, and the nature and date of the attempt or threat.[10]

I. Detainee's Rights

1. During the booking process, the Booking Officer shall:

   a. Inform the detainee of his/her rights, including the right to consult with an attorney, by reading the Miranda Warning from the printed card on the booking room wall or the booking sheet.

   b. Inform the detainee again of his/her right to the use of the telephone. [S]he shall be allowed to exercise his/her right in order to contact family or friends, to arrange for bail, or to contact an attorney at the completion of the booking process.[11] ***(72.7.1(d))***

      i. Toll calls may be made at the detainee's expense.

      ii. Officers shall allow calls of a type, number and duration that are reasonable and practical.

iii. If a detainee is provided a monitored or recorded telephone, [s]he shall be informed of the monitoring (unless by court order) and a sign shall be posted in English and other language(s) prevalent in the community unless an audible signal is given on the telephone after detainees are told they are recorded or monitored. **(72.7.1(e))**

c. When arrested on a warrant, the arrestee shall, upon request, be provided with a printed copy of the warrant contained in the warrant management system within six hours of the request.[12]

2. OUI ARRESTEES: Any person arrested and held in custody for operating a motor vehicle while under the influence of intoxicating liquor shall: *[61.1.11]*

a. Be informed of his/her right to a doctor's examination by giving him/her a copy of G.L. c. 263, s. 5A unless a copy of that section is posted in a conspicuous place to which the arrested person has access.[13]

b. Be advised of the implied consent law and the right to a breathalyzer test by the booking officer who shall read from a printed form.[14]

c. If the arrestee agrees to take the breathalyzer test, the test will be administered by a certified operator, and the results will be made available to the arrestee by showing him/her the printed test record produced.

d. If the arrestee requests an independent medical examination, the booking officer shall facilitate the arrestee's release on bail in order to provide a reasonable opportunity for the examination.[15]

J. Removal to Cell

1. Prior to placing a detainee in a cell within the holding facility, the booking officer shall conduct a security search of the cell, including a search for weapons and contraband. Officers will also conduct a through search of the cell immediately after the use of the cell. Any unusual

conditions observed shall be reported to the Chief of Police or his/her designee. **(72.4.5)**

2. Whenever an officer closes a cell door to incarcerate a detainee, [s]he shall test the door to be sure it is securely locked. Any problems in securing a cell door shall be reported to the officer-in-charge, who will file a written report to the Chief of Police. *[72.4.4]*

K. Medical Screening and Treatment Procedures

1. The prisoner shall, upon arrival at the station and before transfer to another facility, be received and screened by the Booking Officer. This screening shall consist a brief inquiry into: *[72.6.3]*

   a. The current health of the detainee; **(72.6.3a)**

   b. Any medications being taken; **(72.6.3b)**

   c. Behavioral observations, including consciousness and mental status; and (**72.6.3c)**

   d. A notation of any obvious body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc. **(72.6.3d)**

2. All observations shall be noted in the IMC booking section.

3. In compliance with the statute requiring an examination of detainees by the officer in charge of the police station, the officer-in-charge, if [s]he is not the Booking Officer, shall also enter the booking area and examine the detainee for cuts, bruises or other injuries.[16] If any injuries do exist, the officer-in-charge shall inquire as to whether these injuries were sustained during or prior to the arrest. The Booking Officer shall make a notation of the injuries on the booking sheet, and the Officer in Charge shall forthwith make a written report thereof to the Chief of Police.

4. Medical treatment shall be arranged for any detainee in need of medical treatment

5. No employee shall be allowed to go beyond the scope of his/her training in administering to the emergency or special

medical needs of any person held in the custody of this department. This scope is determined by the level of emergency medical training of the individual members of the department (i.e., CPR, First Responder, EMT, etc.).

L. Group Arrests and Overflow Situations (72.5.6)

1. In the event of a group arrest, detainees arriving at the station will be placed in a holding cell or otherwise secured as directed by the officer-in-charge.

2. Detainees will be brought to the booking desk one at a time to be booked and processed.

3. If, as the result of a group arrest, or at any other time, the officer-in-charge determines that the number of persons to be detained in the holding facility will exceed the number for which the facility was designed, [s]he may authorize the overcrowding on a temporary basis.

    a. The Patrol Shift Supervisor may utilize the interview room located in booking for prisoners.

        1. Prior to using this room, the station officer will ensure that the area is inspected for weapons.

        2. No firearms are allowed in this room when there are detainee's in the booking area.

        3. Detainees who need to will be allowed to use the water and toilet in another cell.

        4. An officer will monitor this room face to face with prisoners at all times when there are prisoners detained therein.

    b. Temporary overcrowding of this area is permitted under these circumstances until such time as the overcrowding situation can be reasonably relieved, through the transfer or release of persons being held.

    c. In order to accomplish this, the officer-in-charge shall examine the list of detainees and attempt to expedite the bail of the less serious offenders.

d. If release of a sufficient number of detainees to relieve the overcrowding of the holding facility is not possible, the Patrol Shift Supervisor shall request the use of neighboring police departments holding facilities, with the use of department personnel to maintain security and control, if requested by the other department.

e. The Patrol Shift Supervisor is authorized to call in such additional personnel as may be necessary to satisfy the additional requirements of the overflow situation.

M. Handling Juveniles and Females

1. When a child between the ages of 7 and 18 is arrested with or without a warrant, the departmental policy and procedure for ***Handling Juveniles*** shall be followed.

2. Juveniles shall not be booked at the same time as adult arrestees. *[72.5.4]*

3. Females shall not be booked at the same time as male arrestees. *[72.5.4]*

N. Receiving Persons from Outside Agencies *[72.5.6]*

1. Before a detainee is accepted for detention in the department's holding facility by a person unknown to the personnel on duty at the station, such person shall be required to show a badge and appropriate credentials that certify his/her authority to make the arrest and commitment.

2. The officer-in-charge is responsible for ensuring that the person delivering the detainee has the authority to make the arrest and commitment and, if any questions arise, may call the agency that the person represents to confirm his/her identity and authority.

3. Only when the officer-in-charge is satisfied that the arrest and confinement are legitimate shall the detainee be received into the department's holding facility.

[1]M.G.L. c. 276, s. 33A

[2] *Com. v. Thomas*, 429 Mass. 403, 708 N.E.2d 669 (1999); *Swain v. Spinney*, 117 F.3d (1st Cir. Mass 1997)

[3] *Rodrigues v. Furtado,* 410 Mass. 878, 575 N.E.2d 1124 (1991)

[4] *Rodrigues v. Furtado,* 950 F.2d 805 (1st Cir. Mass. 1991)

[5] M.G.L. c. 63, s. 1A

[6] M.G.L. c. 276, s. 42

[7] M.G.L. c. 276, s. 58

[8] M.G.L. c. 276, s. 58

[9] M.G.L. c. 276, s. 58; *Com. v. Finelli*, 422 Mass. 860, 666 N.E.2d 144 (1996)

[10]M.G.L. c. 40, s. 36A

[11] M.G.L. c. 276, s. 33A

[12] M.G.L. c. 248, s. 26

[13] M.G.L. c. 263, s. 5A

[14] M.G.L. c. 90, s. 24

[15] *Com. v. King*, 429 Mass. 169, 706 N.E.2d 685 (1999); *Com. v. Finelli*, 422 Mass. 860, 666 N.E.2d 144 (1996)

[16] M.G.L. c. 276, s. 33