



# ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Transportation and Detention of Detainees		
POLICY & PROCEDURE # 3.03	DATE OF ISSUE: 1/29/2024	EFFECTIVE DATE: 2/9/2024
SUBJECT: DETAINEE PROCESSING	ISSUING AUTHORITY: Chief James Cogan	
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## I. PURPOSE

This policy addresses the processing of detainees from their arrival at the Public Safety Facility to transfer or release. The actual detainment is addressed in the policy on Detaining Detainees (3.04).

During this stage, the detainee is searched, advised of rights, photographed, fingerprinted, and the custody is documented. For those charged with a crime, a criminal history file is created for each arrest.

Processing of detainees is a critical step in the custody process. It is during this stage that officers processing the detainee must take steps to ensure that the rights of the detainee are advised and honored. An omission of this responsibility may result in damage to the ability to prosecute the case, complaints against employees, or civil liability against employees, supervisors, and the municipality.

## II. POLICY

It is the policy of the Acton Police Department to protect the constitutional rights of detainees during booking while protecting the safety of department employees and detainees.

## III. DEFINITIONS

- A. *Strip Search*: Strip Search is an inspection of a naked individual without any scrutiny of his or her 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(3)]

- B. *Visual Body Cavity*: A visual inspection of the anal and genital areas.
- C. *Body Cavity Search*: A 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 but also includes the internal physical examination of body cavities including the anal and genital areas. [41.4.2(8)]

## **IV. PROCEDURES**

### **A. Arrival at the Public Safety Facility**

#### **1. NOTIFICATIONS**

- a. When officers transporting a detainee arrive at the police facility, transporting officers shall:
  - 1) Request that the sally-port door be opened.
  - 2) Notify the dispatcher, using the police radio, of their arrival and the odometer reading of their vehicle.
- b. Once inside, close the sally-port door.

#### **2. POLICE FIREARMS**

- a. The transporting officers shall remove and secure their firearms in the lockers outside of the booking area prior to handling and uncuffing detainees. [72.4.1(1)] [72.5.6(4A)]
- b. All persons, including but not limited to assisting officers, booking officers, detectives, and supervisors shall secure their firearms prior to entering the booking area. [72.5.6(4A)]
- c. No firearms are allowed in the booking room or holding facility during the processing or detention of detainees, with the exception of an officer in a trouble situation.
- d. See Holding Facility policy (3.02) for further information on securing firearms.

3. **DOORS:** All doors to the booking area will be secured during the entire booking process.

4. **BOOKING ROOM ACCESS:** Only authorized personnel are allowed in the booking area during processing.

5. **VIOLENT OR UNCONTROLLABLE DETAINEES**

- a. Detainees who are violent, intoxicated, or uncontrollable may be placed directly into a holding cell, after being searched, until they are calm enough to process.
- b. Officers should not remove restraints if the behavior of the detainee poses an excessive risk of injury to officers or the detainee.

**B. Examination by Patrol Shift Supervisor:** Upon the arrival of a person in custody, the patrol shift supervisor shall: [72.5.2(2)]

- 1. Examine the detainee for injuries and note any medical complaints.
- 2. If any injuries do exist, inquire as to whether these injuries were sustained during or prior to the arrest.
- 3. If injuries exist, they shall be documented in the records management system. [72.5.2(4F)]
- 4. If a detainee complains of any medical problems, the patrol shift supervisor should follow the department's procedure for Detaining Detainees (3.04)

**C. Booking**

1. **STAFFING:** At least two officers, if available, will conduct detainee bookings whenever possible.

2. **DETAINEE SEARCH FOR WEAPONS**

- a. Prior to the removal of handcuffs, a full and thorough search shall be conducted of the detainee's person for weapons.
- b. An officer of the same sex as the person should conduct the search whenever possible.

- 1) A Matron or female officer shall be called whenever a female detainee is to be searched and placed in the holding facility. If there is not a matron or female officer available to search a female detainee then the search will be conducted with a minimum of two male officers present and only in the booking area which is under video surveillance.
- 2) A trained department employee or an officer of the same sex as the detainee from another police agency may conduct the search if necessary.
  - a) The detainee may continue to be restrained until an officer or trained employee of the detainee's same sex can be located to conduct a search.
- 3) Depending upon the circumstances, a search may be able to be conducted without actually touching the detainee.
  - a) Some portions of clothing may be such that the outline of a weapon may be obvious.
  - b) Pockets may be turned inside out.
  - c) The waistband may be exposed and rolled outward to expose the body side.
  - d) If available, a hand-held metal scanner may detect the presence of metal items.

### 3. HANDCUFFS

- a. The transportation handcuffs should remain on the detainees until the booking supervisor instructs that they be removed.
- b. In making the decision to remove handcuffs from a detainee, the booking officer 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 officer(s).

### 4. BOOKING INVENTORY

- a. After the Detainee search, an inventory of the detainee's property shall be conducted prior to placing the detainee into a holding cell. **[72.5.1(1A)]**
  - 1) After a search for weapons, when the handcuffs are removed, the detainee shall be directed to remove all articles or items of personal property that [s]he is carrying on his/her person. This will include:
    - a) All items in all pockets;
    - b) Items secreted on the detainee's person;
    - c) Belts; and
    - d) Jewelry. NOTE: In the event a piece of jewelry cannot be removed without damaging it, the jewelry may remain with the detainee.
  - 2) 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 of the same sex. If such an officer is not available:
    - a) A Matron, trained employee, or an officer from another police agency, of the same sex as the detainee, may conduct the search, if necessary.
    - b) If no officer or trained employee of the same sex is available, as a last resort a search may be conducted by having the person:
      - i. Turn pockets inside out if possible;
      - ii. Lift the shirt off of the waistband and roll the waistband;
      - iii. Expose the interior cuffs; and
      - iv. If available, a handheld metal scanner wand should be used as a search tool regardless of gender.
  - 3) If the detainee is expected to be placed in a holding cell or taken directly to court after booking, the following items shall also be removed and placed with the detainee's property:
    - a) Shoelaces;
    - b) Drawstrings; and
    - c) Other similar items.
  - 4) The following items should be searched as part of the inventory:

- a) All outer clothing worn by the arrestee;
  - b) Wallets;
  - c) Purses; and
  - d) Packs, bags, or other containers brought in as personal property.
- 5) Any container or article found on the detainee's person or carried by the detainee shall be opened and its contents inventoried.
- 6) Papers, documents, or other writings found on the detainee's person may be examined only to the extent necessary to check the person's identity, ensure his/her physical safety, ensure the removal of items dangerous to cell administration, and protect the department from charges of theft. Any search of a detainee's papers or other possessions for investigative purposes may be conducted only upon obtaining either the arrestee's consent, preferably in writing, or a search warrant.
- 7) The officer conducting the inventory shall list smaller items on the personal property bags, and the items should be placed inside the bags. Larger items should be listed on property tags, and the items should be tagged accordingly. The items should be exposed to the view of the booking camera if possible. **[72.5.1(1B)]**
- 8) The booking supervisor shall list the personal items in the property tab of the booking sheet. **[72.5.1(1B)]**

## 5. STORAGE OF PROPERTY

- a. All items removed from the detainee shall be marked with the detainee's identification and placed into the detainee property locker corresponding to the cell number that the detainee is placed in. Lockers shall be locked when in use. **[72.5.1(1C)]**
- b. Large bulky items that do not fit in the detainee's property locker shall be tagged with the detainee's identification and placed into the locked property and evidence processing room. **[72.5.1(1C)]**

## 6. RETURN OF PROPERTY

- a. Items removed from the detainee which are not taken as evidence shall be: **[72.5.1(1D)]**

- 1) Returned to the detainee upon release from the facility; or
- 2) Transported to court or to the receiving agency and turned over to the custody of the receiving officials.

Note: Bulky items that will not be accepted by the court shall be turned over to the property officer for safekeeping. See Property and Evidence Control (6.02) for further information on abandoned property.

## 7. 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 searches shall include the time, date, name of the individual, and demographics. A report on a strip and or body 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 **[41.4.2(3)]**

- 1) Strip searches are authorized by the Acton Police Department using the following procedures: **[41.4.2(1)(3)(4)]**
- 2) Strip searches shall be conducted only when, due to the circumstances and/or nature of the 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 the discovery of such by a conventional detainee inventory search or search incident to arrest (i.e.: a manual search). 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. **[41.4.2(5A)]**
- 3) Strip searches shall be conducted only upon the authorization of a Division Commander, or his/her designee, and shall be conducted in a manner that will minimize any embarrassment to the detainee, whether an adult or juvenile. 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. 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(5B-5F)]**

- 4) 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 undergarments, 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.
- 5) 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 the section below Body Cavity Search.

b. **MANUAL BODY CAVITY SEARCH [41.4.2(8)]**

The Acton Police Department authorizes body cavity searches using the following procedures: **[41.4.2(6)(9)]**

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 of 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)]**

- 1) Probable cause to believe that the contraband or other items of evidentiary value are actually inside the cavity must exist independent of whether there is probable cause to believe that the individual searched is hiding contraband elsewhere in his home or on his person. **[41.4.2(9A)]**
- 2) Manual body cavity searches are extremely intrusive and are only to be conducted when a search warrant has been obtained. 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. **[41.4.2(9B)]**
- 3) All body cavity searches require special hygienic procedures and shall be conducted only by qualified medical personnel. The detainee shall be transported to a medical facility, pursuant to department policy to accommodate such a procedure. **[41.4.2(9C)]**



- 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.

## 8. DETAINEE RIGHTS

- a. During the booking process, the booking supervisor shall:
  - 1) Inform the detainee of his/her rights pursuant to Miranda by reading the Miranda Warning from a printed card or form.
    - a) The form shall then be signed and dated by the supervisor and offered to the detainee for signature as well. If the detainee refuses to sign, that shall be noted on the form.
  - 2) Inform the detainee again of his/her right to the use of the telephone.  
**[72.7.1(D)]** [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.
- b. The detainee shall be advised of his/her right to use the telephone and afforded the use of a telephone within one hour of being brought into police custody.
- c. Toll calls will be made at the detainee's expense.
- d. Officers shall allow calls of a type, number, and duration that are reasonable and practical, including confidential access to an attorney.  
**[72.7.1(C)]**
- e. 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(D)]**

- f. 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.
- g. OUI Arrest Rights: Any person arrested and held in custody for operating a motor vehicle while under the influence of intoxicating liquor shall be afforded all applicable rights and processed in accordance with department policy. See department policy on Impaired Operators (5.04).
- h. Detainees shall have the right to 3 meals during each 24-hour period during regular meal times. **[72.7.1(E)]**

#### 9.CJIS CHECKS

- a. A computer “wanted” check shall be run on all persons arrested or held in protective custody. The printed query sheet produced will be attached to the intake form.
- b. A Board of Probation check shall be run on all persons arrested by this department. The hard copy produced will be attached to the intake form.
- c. 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 attached to the intake form.

#### 10. IDENTIFICATION: Any detainee who is unknown to the personnel on duty at the Public Safety Facility should be positively identified. Identification may be determined through:

- a. A government photo identification;
- b. An investigative identification (name check, booking, or RMV photo); or
- c. Fingerprint-based criminal history.

#### 11. BOOKING

- a. All persons taken into custody under arrest or in protective custody by members of this department shall be booked using the department booking software. **[72.5.2(1)]**

- b. The booking process creates a criminal history and custodial history of each person arrested. An RMS number for internal records and an offense base tracking number (OBTN) are created for each arrest. **[82.3.5]**
  - c. The booking program gathers the following information: **[72.5.2(2)]**
    - 1) Biological data on the arrestee, including name, address, social security number, telephone number, date and place of birth, age, marital status, and names of parents and spouse. Any refusal to answer any of these questions should be noted on the form.
    - 2) Information about the crime, including the offense(s) with which the individual is charged and the arresting officer's name(s). **[72.5.2(4A)]**
    - 3) Physical description of the arrest, including sex, race, height, weight, color of hair and eyes, complexion, build, scars, marks, tattoos, and physical condition, e.g., body deformities, trauma, markings, bruises, lesions, and ease of movement.
    - 4) Property inventory and disposition. **[72.5.2(4B)(4C)]**
    - 5) Evaluation of detainee's behavior involving their level of consciousness and mental status **[72.5.2 (4E)]**
    - 6) Documentation of any signs of injuries and/or illness **[72.5.2 (4F)]**
    - 7) Documentation that detainee was asked if they needed any medical assistance **[72.5.2 (4G)]**
    - 8) CJIS query results.
  - d. All bookings shall be printed and placed into a booking folder. The folders shall be kept in the bins in roll call that correspond with the cell numbers the detainee(s) are kept in. The folders and bins serve to restrict access to the detainee's records from unauthorized personnel. Once the detainee is moved from the cell, the folders should be moved into the court prosecutor's bin.
  - e. Detainees' records are retrieved each morning from the court prosecutor's bin by the court prosecutor. Master files are kept in the secured records office within the Public Safety Facility. **[72.1.3]**
12. FINGERPRINTING **[41.4.3(3B)]**
- a. All persons arrested by this department shall be fingerprinted each and every time that they are arrested, using live scan fingerprinting. The

fingerprints shall be downloaded to the state to create or be added to the detainee's fingerprint-based criminal history.

- b. Fingerprints should not be submitted until all charges have been listed in the fingerprinting program.
  - c. In the event that the live scan fingerprinting equipment is not available or functioning, the arrestee shall be fingerprinted using ink, and the fingerprint card shall be forwarded to the State Police Identification Section for entry into I.A.F.I.S.
  - d. The booking officer and booking supervisor shall check the message log on the live scan system for fingerprint-based criminal history responses.
13. PHOTOGRAPHING: All persons arrested by this department shall be photographed each and every time they are arrested in accordance with current department policy and procedures. **[41.4.3(3C)]**
14. SUICIDE RISK EVALUATIONS
- a. All detainees shall be screened for suicidal tendencies using the suicide evaluation screening Q5 CJIS search. This may help to establish the detainee's suicide risk.
  - b. A detainee shall be placed on suicide watch if:
    - 1) The risk screening indicates a suicide risk;
    - 2) The detainee exhibits signs or symptoms of suicidal behavior;
    - 3) The detainee threatens to commit suicide;
    - 4) The detainee attempts to commit suicide;
    - 5) The detainee's name appears on the Q5, Suicide Risk File; or
    - 6) The detainee is brought to a hospital for a mental health evaluation, released, and returned to the Public Safety Facility holding facility.
  - c. The booking supervisor shall consider the detainee's charges, mental state, behavior, and other factors and determine if the detainee should be transported to the hospital for a mental health evaluation (Section 12). See the department policy on Handling the Mentally Ill (1.16).

- d. For further information, see the department policy on Detaining Detainees (3.04).

## **D. Holding Cells**

1. REMOVAL TO CELL: Prior to placing a detainee in a cell within the holding facility, the booking officer or booking supervisor shall conduct a security search of the cell, including a search for weapons and contraband.

**[72.4.5(1A)(2)(3)] [72.5.6(4B)]**

- a. If any weapons or contraband are found, the detainee should be placed in another cell and the booking supervisor notified.
- b. The officer finding the item shall submit a report regarding the item found.
- c. The booking supervisor shall place the item into evidence and conduct an investigation into the matter.

2. PLACING IN CELL: 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 booking supervisor, who may take the cell out of service and report the problem to the holding facility manager. **[72.5.6(4B)]**

## **E. Medical Screening and Treatment Procedures**

1. INTAKE SCREENING: The detainee shall, upon arrival at the Public Safety Facility and before transfer to another facility, be received and screened by the booking supervisor. This screening shall consist of a brief inquiry into:

**[72.5.2(2)]**

- a. The current health of the detainee;
- b. Any medications being taken; **[72.5.2(4D)]**
- c. Behavioral observations, including consciousness and mental status (also see Suicide Risk Screening in this policy); **[72.5.2(4E)]** and
- d. A notation of any obvious body deformities, trauma markings, bruises, lesions, jaundice, and ease of movement. **[72.5.2(4F)]**

2. TREATMENT

- a. Medical treatment shall be arranged for any detainee in need of medical treatment. See the department policy on Detaining Detainees (3.04).
- b. 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).

## **F. Group Arrests and Overflow Situations [72.5.6(1)]**

### **1. DETAINEE INTAKE**

- a. In the event of a group arrest, detainees arriving at the station will be placed in a holding cell, with multiple detainees in a single cell if necessary, or otherwise secured as directed by the booking supervisor.  
**[72.5.6(1)(3A)]**
- b. Detainees may be secured with handcuffs and/or shackles to the bench in the Holding Facility that is designed for detainees to be restrained to.  
**[72.5.6(1)(3A)(6)]**
- c. If, as the result of a group arrest, or at any other time, the Patrol Shift Supervisor 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.
  - 1) Non-violent, low-security risk detainees may be held as a group, if from the same incident or by sex and age in the following locations: Individual cells and the booking cell. At least one officer shall be assigned to monitor these areas. **[72.5.6(3A)]**
  - 2) The temporary overcrowding of this area is permitted under these circumstances until such time as the overcrowding situation can reasonably be relieved, typically through the transfer or release of persons being held.
  - 3) In order to accomplish this, the booking supervisor shall examine the list of detainees and attempt to expedite the bail or release of the less serious offenders.
  - 4) If the release of a sufficient number of detainees to relieve the overcrowding of the holding facility is not possible, the booking supervisor may request the use of a neighboring Police Department's holding facilities, with the use of this department's personnel to

maintain security and control, if requested by the other department. The agency's holding facility shall meet accreditation standards (e.g. firearms security, access to restrooms, face-to-face observation).

**[72.5.6(3C)(4A-D)]**

- d. The booking supervisor is authorized to call in such additional personnel as may be necessary to satisfy the staffing requirements of the overflow situation.

2. DETAINEE PROCESSING: Each detainee will be brought to a booking area to be booked and fully processed.

## **G. Handling Juveniles and Females**

### **1. DETAINEE PROCESSING**

- a. When a child seventeen (17) and under is arrested with or without a warrant, the department policy and procedure Handling Juveniles (1.15) shall be followed. Persons aged eighteen (18) and older are considered adults for the purpose of criminal law.

- b. Juveniles shall not be booked at the same time as adult arrestees.

**[72.5.6(7)]**

- c. Females shall not be booked at the same time as male arrestees. **[72.5.6(7)]**

2. DETAINEE HOLDING: See the department policy on Holding Facility (3.02).

## **H. Bail and Arraignment**

1. COURT BUSINESS HOURS: If the court is in session when the booking process and all related arrest reports are completed, it shall be the responsibility of the patrol shift supervisor to ensure that the arrestee is transported to the court without delay. **[72.7.1(A)]**

2. COURT NOT IN SESSION: 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. **[72.7.1(B)]**

### 3. BAIL

- a. Arrestees shall be informed of the right to bail and afforded the opportunity for bail.
- b. It shall be the responsibility of the booking supervisor to ensure that an arrestee's opportunity to make bail is not impeded. **[72.7.1(B)]**
- c. Bail shall be determined by the bail clerk.
- d. Requesting Bail:
  - 1) Prior to contacting the bail clerk, officers should have the following information available:
    - a) Identity of the person for whom bail is to be determined. If the identity is in question, the bail clerk shall be so advised.
    - b) Residence of the person.
    - c) Age of the person.
    - d) Offenses charged.
    - e) Criminal history (BOP).
    - f) History of court defaults (BOP).
    - g) Issues relating to dangerousness, if appropriate.
    - h) Detainee funds and whether or not the detainee wishes to be bailed.
  - 2) The detainee shall be advised of his/her bail status. If the detainee has funds and wishes to be bailed, the bail clerk should be so advised.
  - 3) If the detainee does not have funds and wishes to be bailed, the detainee may attempt to call others for funds.
- e. When the bail money is at the Public Safety Facility, the bail clerk shall be called and so advised.
  - 1) Dispatchers may take bail money from persons wishing to bail the detainee. A receipt shall be completed and a copy given to the person supplying the bail money.
  - 2) The bail clerk shall have access to the booking paperwork, application for complaint, criminal citation, or served a warrant.
  - 3) The detainee's cell shall be inspected for contraband and fresh damage caused by the detainee. The detainee shall be escorted to the bail clerk from the holding cell by a police officer to be processed for bail.



- 4) Detainees under arrest who are also in protective custody may be returned to custody after being bailed until such time as they may be released.

#### 4. PROBABLE CAUSE HEARING (JENKINS)

- a. Detainees who are not released on bail within twenty-four hours following an arrest on charges for which probable cause has not been determined by a judge or magistrate are entitled to a probable cause hearing.
- b. The arresting officer, patrol shift supervisor, or booking supervisor shall report the facts, orally or in writing, to a neutral magistrate (usually the Clerk of Courts).
- c. The probable cause review must take place within twenty-four hours.
- d. In the event that the review cannot take place due to extraordinary circumstances, the hearing should take place as soon as possible, and the reason for the delay documented.

#### 5. VIOLENT OR UNCONTROLLABLE DETAINEES: See the department policy Detaining Detainees (3.04).

### **I. Release of a Detainee**

#### 1. RETURN OF PROPERTY

- a. All items of property shall be compared to the items listed on the inventory report and the individual shall be requested to sign the form indicating that [s]he has received the property. A refusal to sign shall be noted in writing on the inventory report. **[72.5.1]**
- b. Any items which were held for evidence or as contraband shall be indicated in the officer's narrative.

#### 2. CHANGE OF MEDICAL CONDITION: The medical screening information shall be rechecked, and any changes from the condition at entry shall be noted on the intake form. An inquiry shall be made as to the origin of any changes in condition, and the answers shall be documented on the intake form.

3. **HOLDING CELL INSPECTION:** After an officer removes a detainee from a cell, [s]he shall search the cell for weapons, contraband, and damages. The detainee may be criminally charged for any damage caused by him or her. Any unusual conditions shall be reported to the Patrol Shift Supervisor.

**[72.4.5(1A)(2)(3)]**

## **J. Receiving Persons from Outside Agencies**

### **1. INTAKE OF DETAINEE**

- a. Upon receiving a detainee from another law enforcement agency, the booking supervisor shall: **[72.5.5(1A)]**
  - 1) Ensure the identity of the officer in whose custody the detainee is being held.
    - a) If the officer is known to the receiving officer, no further action is necessary.
    - b) If the officer is not known to the receiving officer, obtain and make a photocopy of a government (police, parole, federal government) identification card or document for the file. **[72.5.5(1B)]**
  - 2) Verify the authority of the person making the commitment. Commitments must be made under the authority of the individual's employment. The following persons may request that this department accept their detainees:
    - a) A law enforcement officer;
    - b) A corrections officer;
    - c) A deputy sheriff authorized to serve criminal processes; and
    - d) A constable provided that the detainee is charged with a criminal offense.
  - 3) Obtain detainee information from the delivering officer. The information should include:
    - a) A copy of any booking sheets;
    - b) Any court documents if the detainee is to be bailed; and

- c) A point of contact and telephone number where a responsible member of the delivering agency can be reached at any time during the day or night.
- 4) The detainee shall be screened for medical issues by the booking supervisor. See Medical Screening and Treatment Procedure in this policy.

## **DETAINEE PROCESSING INFORMATION**

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**History: Manual I, Sections II & III**