

Faribault Police Department

Policy # 206	Subject: Detention Area
Issued by: Chief Andy Bohlen	
Personnel: All Personnel	Date Issued: April 3, 2018

Purpose

The Faribault Police Department is committed to detention area procedures that safeguard staff welfare while promoting and protecting the rights of detainees.

Procedures

A. Area Management

The Chief of Police shall have overall responsibility and authority for compliance with all physical and procedural operations of the detention area within the Faribault Police Department.

In the absence of the Chief of Police, the Captains, on-duty Sergeant or Officer In Charge (OIC) shall have this responsibility and authority.

In all cases there shall be a sworn officer and/or reserve officer present in the Police Department any time any of the holding cells are occupied. This officer must possess training in emergency first aid that includes CPR and AED use.

B. Access by Non-Essential Personnel

Controlling access to the detention area by non-essential persons (anyone except designated staff and detainees) is the responsibility of the on-duty supervisor or OIC. The following rules apply:

1. Tours of the detention area are not to be conducted when a detainee is present;
2. Non-essential persons are not permitted in the detention area during emergency situations;
3. Non-essential persons must not violate a detainee's privacy, impede facility operations, or obstruct or frustrate the legitimate interests of prosecution or defense representatives;
4. Authorized maintenance persons are permitted in all holding cells not occupied by a detainee, and;
5. Non-essential staff must be accompanied by a sworn officer and / or reserve officer when entering any part of the detention area.

C. Firearms and Knives

No firearms or knives are allowed in the detention area except when a condition exists that would authorize the use of deadly force.

All armed law enforcement officials, prior to entering the detention area, must store all firearms and knives in the lockers provided outside the detention area.

D. Entering an Occupied Cell

In order to ensure that detainees do not have the opportunity to escape or injure the officer, all officers entering occupied cells must be monitored visually by another officer.

E. Key Control

Control of holding cell keys is the responsibility of the Chief of Police. Keys to security locks will be properly marked and securely stored out of reach of the public and detainees. Locks must be inspected regularly, and any deficiencies must be reported immediately. Detainees must not be kept in a cell with a deficient lock.

F. Cell Inspection

An inspection of the cell must be conducted by the officer prior to placing a detainee into the cell. This inspection must include a check for weapons, contraband or any other items that could reasonably be used to harm persons or property. The inspection must be repeated again by the officer when releasing or transferring a detainee.

G. Tools and Equipment

In the event that any holding cell requires maintenance, the on-duty supervisor shall conduct an inspection of the cell immediately following the departure of maintenance personnel. He or she shall ensure that all tools and equipment have been removed.

H. Property Inventory

Detainees must be thoroughly searched while in the detention area and prior to entering a holding cell. Purses, wallets, footwear, cellular telephones, belts and jewelry, necklaces, the contents of all pockets, and any other property which could be used to mark, mar or injure any person or property must be taken from the detainee.

All such property must be listed on a property inventory form, which must be signed by the detainee to verify its accuracy, and placed in a container. The property will be returned to the detainee upon release or forwarded with all paperwork to the holding facility with the detainee, if the person is being further detained.

I. Booking and Intake

Normally detainees will be brought into the detention area through the sally port on the east side of the building. When accessing the detention area through the sally port, the officer must drive the squad completely into the sally port and close the garage door,

secure his or her weapons in the lockers provided, obtain a key for the holding room doors and then remove the detainee from the rear of the squad.

Officers will normally use cell #4 for interviews only, but may use cell #4 for holding detainees if all other cells are occupied.

An officer must not leave a detainee unmonitored during the booking process.

Detained persons must be thoroughly searched while in the booking area and prior to being placed in a holding cell. Compliance with all property and evidence procedures specified in policy 501 of the Faribault Police Department Policy and Procedure Manual is required. Money must be counted in front of the detainee, if practical, and the amount recorded in the proper format.

Detained persons must be advised of the official charge or legal basis for detention, information gathered, and to whom disseminated.

Detained persons, including juveniles suspected of having committed a criminal/delinquent offense, must not be held longer than four hours. If extended detention is required, persons should be removed to the appropriate facility.

J. Searches

For arrests not involving a weapon or drugs, a thorough pat-down, including removal of shoes, belts, jewelry and all items in the pockets is sufficient.

Officers may conduct lawful strip searches when the officer has reason to believe that the person may be secreting drugs, contraband or weapons on his or her person. The arresting officer must receive approval from the on-duty supervisor (sergeant or above) prior to conducting a strip search.

A strip search is a visual inspection of the unclothed human body by law enforcement officers or their designee for the purpose of detecting drugs, contraband, weapons, securing evidence or for holding cell security.

Restrictions of strip searches include:

- The search must take place in a location and under circumstances to afford the appropriate privacy to the person being searched.
- Searches may only be conducted by a police officer or other designated person of the same sex as the arrestee. If a qualified person is not available, the Rice County Sheriff's Office will be contacted for the purpose of securing an officer of the same sex as the arrestee to conduct the search. An off-duty Faribault Police Officer may also be called in for such purposes.
- Video monitoring showing the strip search must not take place.
- The strip search is limited in scope to a visual inspection.
- Strip searches must be appropriately documented.
- Nothing in this policy is intended to prohibit an officer from conducting any searches authorized by state statute or case law.

K. Separation of Detainees

Sight and sound separation between juvenile and adult detainees must be maintained at all times. The cell window must be covered when the room is occupied by a juvenile.

Female detainees will be separated from male detainees by sight and sound as much as possible. The cell window must be covered when the room is occupied by a female.

When detainees are placed in a cell, the security door must be closed and locked.

Detainees who have been identified as dangerous or have mental issues must not be kept at the Faribault Police Department detention area and must be taken to the Rice County Jail as soon as practical.

Any detainee suspected or having a contagious disease must be kept separated from other detainees. The Minnesota Department of Health must be notified of any person entering the facility known to have an infectious disease.

L. Violent/Self-Destructive/Intoxicated Detainee

The detention area is not equipped to detain violent, self-destructive or intoxicated detainees. The goal of handling such detainees is to minimize the potential for injury to either themselves or staff.

Detainees under the influence of drugs or alcohol should be transferred to a detoxification facility.

Violent or self-destructive detainees must be handled in the following manner:

- An officer should not attempt to subdue a violent or self-destructive detainee alone. Violent or self-destructive detainees must be segregated from other detainees as determined by the on-duty supervisor.
- The use of force against any detainee must be commensurate with existing state law governing the use of force, known applicable case law, and the Department's use of force policies. Minnesota state statutes and case law related to the use of force will be included in the staff training program.
- Instruments of restraint such as handcuffs, flex cuffs, leg cuffs, handcuffs, belts, etc., may be used as a precaution against escape during transfer or any time the detainee is moved from the secure holding facility to another location; or to prevent a detainee from injuring himself/herself or others or from damaging property.
- Instruments of restraint shall not be applied for any longer than is necessary. Each incident involving the use of restraints as a means to control an unruly detainee must be documented.
- The denial of clothing or other items to a detainee shall not be used as a punishment but may be used to prevent the detainee from injuring himself/herself, defacing property or compromising the security of the detention area. Any such denial, and the reasons for the denial, must be noted in the officer's report.

- Instruments of restraint must not be used as a means of punishment, nor will any detainee be subjected to unwarranted physical or verbal abuse.

M. Receiving Detainees from Another Agency

Normally, detainees from an outside agency should be referred to the Rice County Jail. In the event a detainee from an outside agency is being received, positive identification must be made of the person presenting the detainee, including verification of the person's authority to make the commitment. Detainees will only be received by authorization of a sergeant or above.

If unknown, the person presenting the detainee should be required to produce appropriate credentials to certify his/her authority to make the commitment. Phone calls may be necessary to verify the identity of the person.

Faribault police personnel receiving a detainee must ensure that any personal property accompanying such transfer is itemized and signed for.

Prior to the release of the detainee, the releasing officer must verify by appropriate means that the right person is in fact being released and any personal property is returned to the detainee.

N. Return of Property

Property not retained for evidentiary or other purposes must be returned to the detainee upon release or given to the detention facility where such detainee is being transferred.

Upon return or transfer of the property, the itemized list should be compared with the inventory list and, if everything is in order, the detainee or receiving agency must sign for the property.

A copy of the itemized list must be maintained in the case file.

O. Medical Assistance

24-hour detainee emergency health care is available through ambulance paramedics and the Faribault Fire Department. The following procedures apply to handling detainee medical situations:

- Any injury or sickness which may require medical attention must be checked in a timely manner by a paramedic who may in turn consult with a physician.
- Any chronic medical or psychological problems which might be affected by placement of a detainee in a holding cell will also be considered by a physician as necessary.
- A physician's report will be noted and directives from a physician must be followed.
- No medication (including aspirin and any other over the counter medication) will be dispensed to any detainee without specific direction from a physician. Medication that the detainee may have had at the time of the arrest may only be dispensed upon

the detainee's request and then only after a paramedic has directed that this be done. If the detainee requests this medication the officer is to contact ambulance paramedics and request that they respond to the facility. The administration of the medication must be documented on the officer's report. Ambulance paramedics must also note this on a run sheet. Medication must be stored and dispensed by ambulance paramedics in accordance with physician directions and instructions as depicted on the medication label. Ambulance personnel must advise the detention facility staff when they dispense or are unable to dispense medication so that staff may make a record of this on their reports. If there is a refusal to take medication, ambulance paramedics must advise the medical control physician of this fact.

- Any detainee requiring hospital care prior to release must be escorted by an officer or taken by ambulance.

P. Fire Procedures

In the event of a fire, the following procedures should be followed:

1. Notify the Faribault Fire Department;
2. Evacuate personnel to another part of the building or to the exterior of the building;
and
3. Secure detainees in the rear seat of squad cars as necessary.

Fire extinguishers are located in all squad cars and on the wall in the detention area.

Q. Emergency Evacuation Plan

The emergency evacuation plan is posted in the booking area and specifies the distinct routes for the evacuation of persons from the booking/holding area. Provision for first aid and hospital transportation is provided by North Ambulance.

R. Receiving/Screening Information

Screening of detainees will be accomplished by processing personnel to determine possible need of medical attention. This screening will be done at the time of admission to the facility and prior to transfer to another facility.

S. Special Incidents

Special incidents include:

- Attempted suicide
- Suicide
- Homicide
- Death other than homicide/suicide
- Serious injury or illness incurred after detention
- Fire causing serious damage
- Riot

- Assaults requiring medical care
- Occurrence of infectious disease
- Escape
- Other serious disturbances

The on-duty supervisor is responsible for notifying the Chief of Police of the occurrence of any special incident as soon as possible. Special incidents are to be reported to the Department of Corrections on the Special Incident Reporting Form for Local Detention Facilities as provided by the State. Such forms are available in the detention area.

Special incidents as noted above shall be reported in writing to the Department of Corrections within 10 days and the Rice County Sheriff's Office in a timely manner.

T. Detainee Death

When a detainee's death occurs:

1. The Chief of Police must be notified;
2. The Rice County Sheriff's Office or the Bureau of Criminal Apprehension must be notified and asked to conduct an investigation;
3. All pertinent information must be documented;
4. Personal belongings must be turned over to the County Coroner; and
5. The facility administrator must observe pertinent laws and allow appropriate investigating authorities full access to all facts surrounding the death.

U. 24-hour Supervision

Detainees in the detention area must be under continuous supervision by department personnel. The on-duty supervisor is responsible for the supervision and control of the detention area. In the absence of the on-duty supervisor, the arresting officer is responsible.

V. 30 Minute Observation

Detainees must be observed at least once every 30 minutes. This interval can be varied but in no instance shall 30 consecutive minutes elapse between observations. In all cases, an entry must be made on the detention log indicating the time, any noteworthy observations and the initials of the employee making the observation.

Detainees who are security risks should be kept under closer surveillance and may require more frequent observations.

W. Detainee Privacy

Visual surveillance includes surveillance of the booking area and holding cells. Officers should announce themselves when approaching the holding cell occupied by detainees of the opposite sex to allow the person to protect his or her bodily privacy.

X. Opposite Sex Observation

Same sex observation of detainees will be provided where practical. Pat searches and routine supervision of opposite sex detainees may be performed when an officer of the same sex is not available, at the discretion of the on-duty supervisor.

If the detainee specifically requests same sex supervision, contact the Rice County Sheriff's Office for assistance. In these cases, transport or release of the detainee shall be done as soon as possible.

If same sex supervision is not available, the request and efforts made to provide same sex supervision should be thoroughly documented.

Y. Training

All sworn officers shall be POST licensed and CPR / AED trained. All reserve officers shall be CPR / AED trained. All new employees shall receive training in the detention area inspection and on applicable policies during the FTO program.

Sworn officers are responsible for any new directives and policies related to the operation of the detention area.

Z. Review of Policy and Procedures

The Chief of Police shall annually review the policies and procedures as set forth in this section.

AA. Status Offenders

Juvenile status offenders (runaway, smoking, etc) shall be detained in the hard interview room off the main lobby. They must not be escorted through nor held in the detention area. Every effort must be made to notify and release these juveniles to a parent, guardian, or other responsible party as soon as practicable.

A detention form and observation log must be completed as with any other detainee. These records will be maintained in the same manner as with adult detainees. Juvenile status offenders must not be held longer than four hours.

This policy is in accordance with the Juvenile Justice Delinquency Prevention Act of 1994 (42 USC 5601)

BB. Maintenance of Records

In accordance with Minnesota Rule Part 2945.2100, all reports and records relating to the intake, observation, and release of detainees must be maintained. These records are not

to be included with the related case file report. These records must be stored in the records storage room on the main floor.