

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Beloit Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy (312). Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy (901).

900.1.1 DEFINITIONS

Definitions related to this policy include:

Detainee- Any person physically arrested who is brought into the Department's lockup facility for booking and/or temporary detention purposes.

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Lockup Facility- Those facilities of a temporary place of detention at a police station which are used exclusively to hold persons under arrest until they can be brought before a court, and are not used to hold persons pending trials who have appeared in court or have been committed to imprisonment for nonpayment of fines or forfeitures (Wis. Stat. § 302.30)

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Beloit Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Beloit Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

The Department's lockup facility is inspected on an annual basis by the Wisconsin Department of Corrections (DOC), Office of Detention Facilities (ODF) to ensure conformity with applicable statutory and administrative code requirements for lockup facilities constructed before February 1, 1990.

Beloit Police Department

WI LE Policy Manual

Temporary Custody of Adults

A lockup facility should not hold an adult detainee in temporary detention for more than four (4) hours in a holding room or more than 72 hours in a cell. However, only in extraordinary circumstances and with the approval of the Chief, should an adult detainee be kept in the Department's lockup facility for more than 24 hours. Temporary detention of an adult inmate exceeding four (4) hours requires approval of the Shift Commander and if exceeding eight (8) hours, approval of the respective Captain whose division is responsible for the arrest. The responsible Captain shall review and approve continued temporary detention of the detainee.

The Department's lockup facility consists of one (1) holding room, designated as Cell 1, and three (3) individual cells, designated as cells 2, 3, & 4.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Beloit Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Emergency Detentions Policy-409).
 - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy (433).
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

Beloit Police Department

WI LE Policy Manual

Temporary Custody of Adults

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized sworn department member of the same gender shall be present within the Department proper at all times when an individual is held in temporary custody (Wis. Stat. § 302.41 & 302.42). The member responsible for supervising the detainee should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody and secured in a cell must be able to summon assistance if needed. This may be accomplished by voice or via video/audio monitoring of the cell. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

No detainee shall be left unattended in the booking room or any other area within the Department.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody shall complete the Department Medical Intake Form (P006), ensuring they evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

Prior to transporting a detainee for medical or custody purposes, the transporting officer should confer with the arresting officer or Shift Commander to determine if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care.

The officer should promptly notify the Shift Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Commander shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

Beloit Police Department

WI LE Policy Manual

Temporary Custody of Adults

The medical intake form shall be attached to the arrest report review and subsequently forwarded to the Records Bureau for retention purposes.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Advise the Shift Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence) and to the extent possible take appropriate action to mitigate identified risks.
- (b) Ensure female detainees are placed in cell three (3).
- (c) Ensure restrained individuals are not placed in cells or a holding room with unrestrained individuals.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. A foreign national is any person who is not a United States citizen. The Captain of Patrol shall ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members and posted in the booking area. A published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation are available in the Department's forms folder. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should occur as soon as reasonably practicable and be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.

Beloit Police Department

WI LE Policy Manual

Temporary Custody of Adults

- (d) Document all notifications to the embassy or consulate and ensure all reports are forwarded to the Records Bureau, including the faxed notification and any fax confirmation for retention purposes.
- 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.
 - (c) Document actions and forward all reports to the Records Bureau.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Beloit Police Department, the custody shall be promptly and properly documented in the Department's Booking Register including, but not limited to:

- (a) Identifying information about the individual, including his/her name, race, sex, DOB, etc.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Date and time of release from the Beloit Police Department.

The Shift Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Commander should make periodic checks to ensure all log entries and safety and security checks are made on time. (Wis. Admin. Code § DOC 349.11(1)).

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the Department's Prisoner Observation Log (P007).
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins (Wis. Stat. § 302.37; Wis. Admin. Code § DOC 349.07).
- (d) There is an adequate supply of water (Wis. Admin. Code § DOC 349.07).

Beloit Police Department

WI LE Policy Manual

Temporary Custody of Adults

- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (g) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
- (h) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape (Wis. Stat. § 302.37).
- (i) Cell doors are double locked.

Upon completion of temporary custody the jail observation log shall be forwarded to the Records Bureau for retention purposes.

900.5.3 MEDICAL CARE

Fully stocked first-aid equipment and basic medical supplies should be available to department members. The Patrol Captain or the authorized designee shall, on a weekly basis, ensure that all first-aid equipment is inspected and re-stocked and that an adequate supply of clean blankets are present..

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she shall be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Beloit Police Department. They should be booked and released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Absent exigent circumstances, unless a Department member has received training in the removal and reattachment of an orthopedic or prosthetic appliance, the detainee should be transported to a local hospital to facilitate the search of the detainee or taken to the County jail for search and booking purposes.

Whenever a prosthetic or orthopedic appliance is removed due to exigent circumstances, the Shift Commander shall be promptly apprised of the reason.

900.5.5 TELEPHONE CALLS

When deemed appropriate by the arresting officer based on the circumstances of the arrest or investigation, an individual in temporary custody should be allowed to make a reasonable number of completed telephone calls from a booking room phone. Under no circumstances should a detainee have access to cell phones, etc. while in custody. If arrested for an offense in which they

Beloit Police Department

WI LE Policy Manual

Temporary Custody of Adults

will be transported to the Rock County Jail, the detainee should be advised that they will also be allowed to make a phone call at the County jail.

- (a) Telephone calls may be limited to local calls, except long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy-339).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential. Because the Department's lockup facility is continually recorded and there is not a secured location to safely afford a private phone call from a hard line phone, officers may monitor the detainee from the secure hallway or patrol office while the detainee calls an attorney if privacy is requested for this purpose only. Detainees shall not be escorted out of the lockup facility and provided a cell phone for such purpose.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The shift commander should be advised any time a request for religious accommodation is denied.

Those who request to wear simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face shall be removed before the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Absent exigent circumstances, firearms shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

Beloit Police Department

WI LE Policy Manual

Temporary Custody of Adults

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy (302). Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Beloit Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.6.2 SECURING TO FIXED OBJECTS

When a holding cell is not readily available, or as otherwise authorized by a supervisor, handcuffing one hand of an individual to a stationary object may be used as a means of temporary detention. An employee should be present at all times to ensure the individual's safety while secured to a stationary object. The stationary object must be designed and intended for such use.

Generally, individuals should not be secured to a stationary object for more than 60 minutes.

Supervisor approval should be obtained before securing an individual to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

Detainees shall not be unsecured while in the lockup facility unless actively involved in booking, interrogation, or placed in a cell or holding room.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody shall be removed, inventoried and processed as provided in the Custodial Searches Policy (901) and the Property and Evidence Policy (801), utilizing the Department's Prisoner Property Form (P005).

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Property Sheet shall be forwarded to Records Bureau for retention purposes.

The Shift Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Commander shall attempt to prove or disprove the claim and take appropriate action.

Beloit Police Department

WI LE Policy Manual

Temporary Custody of Adults

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection shall also be conducted when he/she is released. Any damage noted to the cell or contraband recovered should be photographed, and documented. Discovery of contraband or weapons shall be promptly reported to the Shift Commander and appropriate investigative action taken to amend charges and/or address any internal policy issues.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged on the Department's Prisoner Observation Log (P007).
- (e) The detainee timer shall be set once the person is secured in the cell or holding room.
- (f) Safety checks by department members shall occur no less than every 30 minutes, unless the detainee has been identified as having a special problem, such as mental disturbance, suicidal tendencies or severe alcohol or drug withdrawal, in which case the safety checks shall be conducted no less than every 15 minutes.
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to his/her well-being.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
- (g) Requests or concerns of the individual should be logged.
- (h) The Shift Commander on day shift shall ensure a sworn member is assigned to conduct a check of the lockup facility on a daily basis, to include a thorough search of each unoccupied cell or holding room.

There are two (2) emergency call buttons located in the lockup facility in the event an officer needs assistance while in the lockup area. One is in the processing area and the second is in the main lockup area hallway. Sworn members should familiarize themselves with the locations of these buttons.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Captain of Patrol shall ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Beloit Police Department. The procedures should include the following (Wis. Admin. Code § DOC 349.18):

Beloit Police Department

WI LE Policy Manual

Temporary Custody of Adults

Procedures to facilitate this section are outlined in the Officer-Involved Deaths and Critical Incident Policy (305) and Major Incident Notification Policy (328).

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Beloit Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Documentation confirming the transfer of custody of an individual to another facility or entity shall be provided to the receiving entity. Written acknowledgement of receipt of custody of an individual shall be obtained from the receiving entity. All documentation of the transfer of custody of any individual should be retained by the Records Bureau.
- (j) All safety procedures designated by the receiving entity shall be followed by the transporting officer.

900.10.1 RELEASE AFTER PROCESSING

Individuals should be released or transferred to a housing or other type of facility within two hours following the conclusion of processing, testing and/or interrogation.

900.11 ASSIGNED ADMINISTRATOR

The Captain of Patrol will annually review this policy and ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security (Wis. Admin. Code § DOC 349.12)

Beloit Police Department

WI LE Policy Manual

Temporary Custody of Adults

- (b) Key, culinary equipment and tool control (Wis. Admin. Code § DOC 349.12)
 - 1. The Department has four sets of cell keys located as follows:
 - (a) In the Sergeant's office
 - (b) A secured location in the lockup facility
 - (c) The patrol office wall across from the gun lockers
 - (d) Records Bureau in the extra side office.
 - 2. Cut down tools are located in the patrol office on the wall across from the gun lockers.
- (c) Sanitation and maintenance (Wis. Admin. Code § DOC 349.08)
 - 1. City maintenance personnel shall minimally conduct a weekly inspection of the cell and holding room areas ensuring sanitary and clean conditions exist, as well as on a daily basis after use of a cell or holding room.
 - 2. Hygiene items such as soap, toothpaste, toothbrush, comb, toilet paper, and female hygiene materials are available upon request.
- (d) Emergency medical treatment
- (e) Escapes (Wis. Admin. Code § DOC 349.11)
 - 1. In the event of a detainee escape the Shift Commander shall, notify dispatch, follow the Major Incident Notification policy, and initiate an immediate investigation and search for the escapee.
- (f) Evacuation plans (Wis. Admin. Code § DOC 349.10)
 - 1. Evacuation maps are posted at both external egress points within the lockup facility. All sworn personnel should familiarize themselves with the routes.
 - 2. Only sworn members should evacuate detainees, ensuring they are properly secured and placed into a squad or transport vehicle as soon as practicable after removal from the lockup facility.
 - 3. Annual evacuation training shall be provided to all Department staff.
- (g) Fire- and life-safety (Wis. Admin. Code § DOC 349.10; Wis. Admin. Code § DOC 349.12)
 - 1. Smoke detectors shall be physically tested monthly. The Department is not required to have self-contained breathing apparatuses.
 - 2. Fire inspections shall be conducted every six (6) months.
- (h) Disaster plans
- (i) Building and safety code compliance (Wis. Admin. Code § DOC 349.12)
 - 1. Monthly inspections of cell and fire escape locks and doors shall be conducted and documented.
- (j) Required notifications, including any required to be made the regional detention facilities specialist (Wis. Admin. Code § DOC 349.11)

Beloit Police Department

WI LE Policy Manual

Temporary Custody of Adults

1. The Captain of Patrol shall notify the Office of Detention Facilities with 48 hours to report any of the following detention area occurrences:
 - (a) A detainee dies.
 - (b) A detainee attempts suicide and is admitted to a hospital or is treated for a life-threatening injury as a result of the suicide attempt.
 - (c) A detainee is hospitalized due to an injury.
 - (d) An inmate escapes or attempts to escape.
 - (e) There is significant damage to the lockup affecting the safety or security of the facility.
- (k) Receiving detainees from outside law enforcement agencies

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.