



TRANSPORTATION AND HANDLING OF PRISONERS

General Order Number: 37.2

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PREFACE:

The proper transporting and handling of prisoners is essential to ensure the safety of officers and prisoners. Officers are reminded that the arrest, safe handling and processing of persons arrested by members of the Brookline Police Department require that officers be alert at all times. Policy and Procedures require examination at the beginning of each shift of all vehicles used for transporting prisoners and also the search of any transport vehicles prior to and after transporting prisoners. This is to ensure that no weapons or contraband are present. Some latitude may be allowed wherein an officer has been in constant control of the vehicle following the pre-shift examination and the introduction of the prisoner to the vehicle; however, most vehicles will not have been under constant supervision and officers should not assume that no opportunity has existed for the introduction of weapons, contraband, or other items.

Once a prisoner has been removed from the vehicle, a thorough search should be conducted as soon as practical, but in all cases, before the vehicle is reused. This will not only ensure that the prisoner has left nothing in the vehicle, but if items are found, it will be possible to link them in a timely manner to the prisoner.

All persons arrested by this department shall be fingerprinted and photographed in accordance with M.G.L. c.263 s.1A and with current department policy and procedures.

Persons being held in custody are being held against their will and as such they present a potential danger to police officers who must deal with them. With this in mind, the following procedures are to be followed when persons are in the custody of the Brookline Police Department.

I. HOLDING FACILITY TRAINING:

- A.** All members of the Department shall receive training in departmental policies and procedures on the operation of the holding facility at least once every three years.
 - 1.** Methods of physical restraint, so that when necessary, control of violent or disorderly prisoners can be obtained with the minimum of discomfort and danger to both the officer and the prisoner.

2. CPR, First Responder, and Automated External Defibrillator (AED).
- B.** Additional training shall be consistent with the officer's duties and responsibilities.
1. All Superior Officers, all officers assigned to the position of house officer, shall be fully trained in:
 - a. Detention procedures including suicide prevention in accordance with M.G.L. c. 40, s.36C
 - b. The use of fire suppression equipment.

II. HANDLING OF PRISONERS AT THE ARREST SCENE:

- A.** The arresting officer will call ahead to the station and notify them of an arrest. For safety reasons, the prisoner should be under observation at all times.
- B.** Officers who are involved in the arrest of a person shall perform a thorough search of the prisoner prior to transporting the prisoner. Whenever an officer takes custody of a prisoner that he/she is to transport, they should never assume that the prisoner has already been searched. The officer shall conduct a thorough search of the prisoner himself. Prisoners will be searched at the scene of the arrest by:
1. An officer of the same sex, or
 2. An officer of the opposite sex if there is reason to believe that the prisoner possesses an item which could cause harm to the prisoner or the officer; or if there is probable cause that the prisoner is in the possession of evidence which can readily be disposed of and circumstances do not permit the time to await the arrival of a same sex officer. The officer should conduct this search in the presence of a supervisor or another officer to minimize any accusation of misconduct.
- C.** All prisoners are to be searched and handcuffed prior to being placed into the transport vehicle, except when transporting juvenile, pregnant, elderly, handicapped, sick or injured persons where the use of restraining devices shall be within the discretion of the transporting officers. The transporting officer(s) is legally responsible for the safety and custody of the prisoner(s) being transported.
- D.** Prisoners shall be handcuffed with their hands behind their back, palms facing outward, unless there are exigent circumstances (such as injury). Handcuffs shall be double locked.
- E.** If the number of persons arrested exceeds the number of pairs of handcuffs on hand, flex cuffs may be used if available.

- F. At no time will prisoners be handcuffed to any part of the police transport vehicle during transport.

III. PRISONER TRANSPORT:

IMPORTANT – The department is in a vulnerable position if a male escort officer is used to transport a female prisoner and only slightly less vulnerable in the reverse situation. At times, however, it may not be possible to assign a female officer as the transporting officer for a female prisoner. In such situations, procedures should provide for recording time of departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information should be documented.

A. TRANSPORT VEHICLE

1. All vehicles normally used for transporting prisoners shall be checked for operational suitability prior to each shift.
2. All Department vehicles normally used to transport prisoners shall have a safety barrier installed.
3. All vehicles used for transporting prisoners shall be modified to minimize opportunities for the prisoner to exit from the rear compartment of the vehicle without the aid of a transporting officer;
4. Before placing a prisoner in a police vehicle, the vehicle shall be searched to ensure that there are no articles present that can be used as weapons. This will also ensure that items (e.g., contraband, evidence, etc.) subsequently found can more easily be attributed to the prisoner.
5. Blue emergency lights should be activated during a prisoner transport.
6. At the completion of all prisoner transports, the officers assigned to the vehicle will conduct a search of the area within the vehicle where the prisoner was located for evidence and/or contraband that may have been discarded by the prisoner.

B. Under normal circumstances officers will transport prisoners in the following manner; listed in order of preference:

1. Caged, two person cruiser (When Possible):
 - a. Prisoners will be seated in the rear seat area.
 - b. Both officers will be seated in the front seat.
 - c. The officer in the passenger position shall maintain visual contact with the prisoners.
 - d. No more than three prisoners will be transported in a single cruiser

2. Caged, one-person cruiser (officer to be followed by an additional unit and station by a second officer):
 - a. Prisoners will be seated in the rear seat
 - b. If there is only one prisoner, he or she will be seated in the rear passenger's side seat.
 - c. No more than 3 prisoners will be transported in a single cruiser.

3. Uncaged, two-person cruiser:
 - a. Only 1 prisoner may be transported in a cruiser without a security barrier.
 - b. The prisoner will be seated in the rear passenger's side seat.
 - c. The second officer will be seated in the left rear seat behind the driver.

4. Patrol Wagon – 2 Officers:
 - a. Prisoners will be seated in the rear compartment.
 - b. Both officers will be seated in the front seat.
 - c. The camera and vent, rear compartment, shall be kept on during the transport of all prisoners in order for the transporting officers to maintain visual observation of the prisoners.
 - d. The officer in the passenger position will maintain visual contact with the prisoners via the monitor.
 - e. The Patrol Wagon rear compartment outer door shall be secured and locked at all times.

NOTE: An un-caged vehicle will only be used if a caged cruiser is unavailable or if officers operating an uncaged vehicle make the arrest out of town.

- IV. C.** All persons under arrest and being transported in Department vehicles are required to be secured in the vehicle by a safety belt in all seating positions for which safety belts are provided by the vehicle manufacturer. If an officer encounters an unruly prisoner or if the application of the safety belt would jeopardize the safety of the officer, prisoners may be transported without the use of a safety belt. **SPECIAL TRANSPORT SITUATIONS**

A. Transporting Prisoners by an Officer of the Opposite Sex:

1. Whenever one or two officers transport a prisoner of the opposite sex, the following procedures will apply.

- a. The transporting officers will call in the mileage on their patrol vehicle and their location. The dispatcher will make an entry into the CAD System.
- b. The transporting officers will proceed directly to their destination using the shortest practical route.
- c. Upon arrival at the destination of the transport, the transporting officers will call in the ending mileage on their patrol vehicle. This information will be noted by the dispatcher in the CAD System.

B. Injured, or Handicapped Prisoners:

1. Handcuffing of Injured, or Handicapped Prisoners

- a. Officers should apply handcuffs to such prisoners only if there is threat of attack or injury to himself or herself or the prisoner. If handcuffs are required, they should be used in a manner so as not to further aggravate the handicap or injury. If E.M.T.'s are present, handcuffs should be applied as suggested by them.
- b. The decision whether or not to use handcuffs should be based on the officer's observations of the individual's handicap, illness, or injury, his or her mental state at the time of arrest, the charge, and any pertinent information acquired at the scene.

2. Transporting Sick, Injured, or Handicapped Prisoners:

- a. Officers will take every possible precaution to ensure the safe transportation of all prisoners. If a prisoner is sick, injured, or handicapped, the officers shall, whenever reasonable and practical, summon an ambulance to arrange for transportation. If possible, the prisoner should be transported in the ambulance accompanied by at least one police officer.
- b. Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the prisoner.
- c. Mentally disturbed prisoners may pose a significant threat to themselves and/or the transporting officers. If required, handcuffs should be used until a more appropriate restraining device can be applied.

- d. Leg restraints shall only be used on a prisoner who violently resists arrest and poses a threat to themselves or to the transporting officers.
- e. Whenever a prisoner is transported by EMS, and that prisoner is wearing handcuffs, leg shackles or any other Department issued restraints, at least one officer shall accompany that prisoner in the transport prisoner in the event that the restraint devices need to be removed and/or adjusted.

C. Juvenile Prisoners:

Juvenile prisoners present a special concern when they are transported after arrest.

M.G.L. Chapter 119: Section 34 states: A child involved in any proceeding shall not be transported in a Patrol Wagon from his home or from any other place to any court or institution, but if a conveyance is necessary shall convey him in such other suitable vehicle as shall be provided or designated by the department.

- 1. Juvenile prisoners shall not be transported in the Patrol Wagon.
- 2. When transporting Juvenile prisoners the procedures in sections 3-A, B-2, 3, 4 and C-4 should be followed.

D. Transgender Prisoners:

Transgender prisoners shall be transported from the scene of an arrest in accordance with department policy. Any other transports involving a transgender individual will be separate and apart from any other detainees. All such prisoner transportation will be done in accordance with all applicable department policies and procedures.

V. COMMUNICATION

Unless a situation exists that makes a verbal exchange necessary, transporting officers shall not allow prisoners to communicate with other persons while being transported.

VI. INTERRUPTION OF TRANSPORT:

The primary duty of the transporting officers is the safe delivery of prisoners in their care to the proper destination. While transporting a prisoner, the transporting officers will stop to provide police services only in the following circumstances, and only if this activity can be accomplished without serious risk of injury to, or escape of, the prisoner.

- A. Where immediate response is required to prevent severe bodily injury or death to an individual.

- B.** Where serious injury has occurred requiring immediate attention.
- C.** Where a serious or violent crime is in progress and/or a criminal is fleeing and immediate apprehension is required to ensure public safety.
- D.** Use of toilet facilities: The officers shall contact the nearest available police department to make arrangements for the use of their facilities.
- E.** Food: If transporting officers must provide food for detainee during transport:
 - 1.** Fast food may be provided and consumed in the transportation vehicle.
 - 2.** The officer may contact a police facility to make arrangements for the detainee to be placed in a cell and fed.

VII. TRANSPORTATION TO OTHER FACILITIES:

- A.** When a prisoner is to be transported from the station to another facility to be held in custody or to court, the officers involved will comply with the following:
 - 1.** Ensure that all the necessary paperwork accompanies the prisoner to the custody facility or the court house (i.e., booking sheet, arrest report, etc.); and advise the receiving personnel of any potential medical or security hazards.
 - 2.** Transfer the prisoner's property to the custody facility or court.
 - 3.** The officer or official who is taking custody of the prisoner shall sign the booking sheet, and the property shall be turned over to him or her and becomes his or her responsibility.
- B.** Upon arrival at the custody facility or court, the officers will:
 - 1.** Escort the prisoner into the facility with all necessary papers and personal property;
 - 2.** Secure firearms in accordance with the procedures of the receiving agency; and
 - 3.** Maintain control of the prisoner until relieved by the receiving agency.
 - 4.** Remove restraining devices only when directed to do so by the receiving agency.
 - 5.** Obtain the signature of the receiving agency.

- C. When transporting a prisoner from another facility to the Department's holding facility (e.g., picking up a prisoner arrested on a warrant by another agency), the transporting officers will:
1. Ensure that all required paper work is properly signed and executed and accompany the prisoner;
 2. Prepare the prisoner for transport according to proper procedure;
 3. Transport the prisoner directly to the Department's holding facility.

VIII. HANDLING PRISONERS AT THE POLICE STATION:

Note: No weapons are allowed in the cellblock area. All officers, at all times when entering the cellblock area, shall secure their weapons in the gun lockers located in the hallway opposite the entrance to the cellblock area (this includes officers exchanging their O.C. Aerosol Spray by placing it in the gun locker and taking out the distinctively marked O.C. Foam Spray and placing it in the holder on their gun belt, for use if necessary). This rule of no weapons includes law enforcement personnel from other departments including local, state, and federal agencies. **See section 7, #B, for the securing of transport-officer(s) weapons.**

Departmental firearms should be handled in the following manner:

Administrative Unloading Procedure:

1. Officers shall remove the magazine from their weapon, while the firearm remains holstered, and put the magazine into the gun locker.
2. Officers shall remove the weapon from it's holster, keeping their finger off the trigger and outside the trigger guard.
3. Officers will then secure the firearm in the gun locker, by locking the locker and removing the key.

Administrative Reloading Procedure:

1. Upon unlocking the locker, officers should holster the weapon, without the magazine.
2. Officer shall, while the weapon is holstered:
 - a. Insert the magazine into the magazine well;
 - b. Ensure that the magazine clicks into place;

- c. Tug on the magazine to ensure that the magazine has seated properly
- A. Prisoners should be supervised by department staff of the same sex as the prisoner. When this is not possible, there should be at least two officers present during all contact with male and female prisoners of the opposite sex. Employees monitoring prisoners of the opposite sex shall respect the prisoner's privacy rights within the limits of facility security.
- B. Any law enforcement officer who commits an indecent assault and battery on a person in their custody or control will be charged under G.L. c265 s13H1/2.

IX. MALE PRISONERS:

- A. When officers transporting prisoners arrive at the station, they are to drive wagon or cruiser into sallyport area and then shut the sallyport overhead doors.
- B. The Department is in a vulnerable position if a female escort officer is used to transport a male prisoner. At times, however, it may not be possible to assign a male officer as the transporting officer for a male prisoner. In such situations, procedures should provide for recording time of departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information shall be documented.
- C. Both officers will lock the transport vehicle and secure their gun(s) and keys to the transport vehicle in the gun locker within the sallyport area (this includes officers exchanging their O.C. Aerosol Spray by placing it in the gun locker and taking out the distinctively marked O.C. Foam Spray and placing it in the holder on their gun belt, for use if necessary). The officer who is to do the fingerprinting shall also place his/her baton in the gun locker; however, the other officer will keep his or her baton on their person.
- D. Only after these steps have been completed, may a prisoner be removed from the transport vehicle and taken into the booking area.
- E. Prior to the booking process, prisoner(s) are to be secured in the holding area or the holding cell. While there, prisoner(s) are to be handcuffed to the bar that is within each location. The prisoner should be searched in accordance with the procedure that follows in subsequent sections.
- F. A prisoner who violently resists arrest and/or poses a threat to himself or to the transporting officers should be placed in his/her cell or the holding cell handcuffed behind his/her back. The cell door is closed and the handcuffs are to be removed by utilizing the food access portion of the cell door. The prisoner should be removed from the cell only after being re-handcuffed utilizing the food access portion of the cell door.

- G. Male prisoners are to be brought into the cellblock and subjected to a thorough search. This search includes the removal of outer garments such as; hats, jackets, sweaters, vests and the like. **It does not include the removal of normal inside-wear such as trousers, shirts, shorts, and other similar clothing.**
- H. Protective gloves shall be worn at all times during the search of a prisoner.
- I. A hand-held metal detector will be used **prior** to the inventory search. This search should be conducted by two officers in the holding area. When using the wand the sensitivity button should be depressed to avoid false readings from floor girders and other metal building materials.
- J. The metal detector will be kept at the booking desk. The wand will not be used on subjects with internal defibrillators and/or pacemakers.

***NOTE:** All officers should be aware that use of the metal detecting device does not constitute a proper inventory search. It should be used as a preliminary step in the inventory process. An inventory search must be conducted after the use of the metal detector wand.*

- K. After being thoroughly searched, the prisoner is to be secured either at the handrail in the holding area, the holding cell, or at the handrail at the booking desk utilizing handcuffs.
- L. When the booking officer is ready, the prisoner will be handcuffed to the rail at the booking desk. See **Section 16, for Prisoner Booking.**
- M. Leg restraints may be used in addition to handcuffs when the officer believes the prisoner has a potential for violent behavior or flight; leg restraints may be used in lieu of handcuffs due to injury or disability.
- N. Whenever there is a prisoner in the holding area he or she shall be monitored on camera. Additionally, there shall be at least one officer within the cellblock area to oversee the prisoner(s) at these times.
- O. Once the prisoner is booked, transporting officers shall advise the dispatcher and the House Officer to activate the cellblock cameras. The cellblock camera is to be locked on and monitored by the dispatcher, House Officer and the Commanding Officer. The dispatcher is to advise the transporting officer(s) when the camera is activated.
- P. During booking, the purpose of screening is to determine whether medical attention is required.

X. MULTIPLE PRISONERS:

The department is in a vulnerable position if a male escort officer is used to transport a female prisoner and only slightly less vulnerable in the reverse situation. At times, however, it may not be possible to assign a female officer as the transporting officer for a female prisoner. In such situations, procedures should provide for recording time of departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information should be documented.

- A. Multiple prisoners shall be handled in the same manner as Section 3, subsection 3a. Male Prisoners.
- B. In the case of multiple prisoners, one prisoner is to be searched at a time while the other(s) are secured in the holding area or in the holding cell.
 - 1. **See Section 13: Juvenile Prisoners**, on the handling of **Multiple Juveniles**
- C. When the booking officer is ready, the prisoner will be handcuffed to the rail at the booking desk. **See Section 16**, for **Prisoner Booking**.
- D. Once the prisoner is booked, transporting officers shall advise the dispatcher and the House Officer to activate the cellblock cameras. The cellblock camera is to be locked on and monitored by the dispatcher, House Officer and the Commanding Officer. The dispatcher is to advise the transporting officer(s) when the camera is activated.

XI. FEMALE PRISONERS:

The department is in a vulnerable position if a male escort officer is used to transport a female prisoner and only slightly less vulnerable in the reverse situation. At times, however, it may not be possible to assign a female officer as the transporting officer for a female prisoner. In such situations, procedures should provide for recording time of departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information should be documented.

- A. If males, females, and/or juveniles are required to be detained at the same time, their holding areas shall be separated from each other by sight and sound. This is to ensure the segregation of these three types of detainees. Juveniles should not be processed in the presence of adult violators and should be held in areas away from adult detainees. Females should be separated from areas where males are detained.
 - 1. Sound, for the purpose of this standard is defined as normal/loud conversation and does not include deliberate yelling or screaming. Yelling and screaming shall be controlled by persons supervising detainees.

- B.** Except for the below listed additional requirements and procedures, all of the rules for the handling of male prisoners also apply to female prisoners.
- 1.** Female in car w/female prisoner
 - 2.** Female to do all female searches
 - 3.** Female w/female prisoner at booking area
- C.** When the booking officer is ready, the prisoner will be handcuffed to the rail at the booking desk. **See Section 17 for Prisoner Booking.**
- D.** The booking officer should make an attempt to prioritize the booking by making an effort to book the female prisoners first, thereby removing these prisoners from the common booking area. When there are females and males to be booked, first the males shall be searched, their property will be removed, and they will be placed in a cell(s) until the female(s) have been booked. At the completion of the female booking they will be placed in a female cell(s). Only when this is completed shall males then be booked.
- E.** During booking, the purpose of screening is to determine whether medical attention is required. Female detainee screening should take into account the special needs of women (e.g. are they currently menstruating? Pregnant?).
- F.** Once the prisoner is booked, transporting officers shall advise the dispatcher and the House Officer to activate the cellblock cameras. The cellblock camera is to be locked on and monitored by the dispatcher, House Officer and the Commanding Officer. The dispatcher is to advise the transporting officer(s) when the camera is activated.

XII. TRANSGENDER PRISONERS:

When processing a transgender individual after arrest, officers shall treat all transgender detainees with the same degree of care and custody precautions as they would with any other arrestee, and ensure that all standards of the police lockup facility are maintained.

- A.** The Booking Officer will process transgender prisoners, including persons held in protective custody and juveniles held in custody, according to normal booking procedures as outlined within the applicable policies.
- B.** When booking a transgender prisoner, the Booking Officer will include the prisoner's preferred name (i.e., name that the individual uses in self-reference) in the booking, either as the primary name or as the alias name.
- C.** If no identification is available, then the Booking Officer will use the preferred name for booking purposes, either as the primary or the alias name. The prisoner's birth name will be used only if it is the prisoner's legal name or it is

required by a legitimate law enforcement purpose, including but not limited to, a prior arrest record.

- D. **Searches:** All searches of the transgender prisoner will be conducted by an officer of the gender requested by the transgender prisoner. If the prisoner does not specify a preference as to his/her sexual identity, then the search will be conducted by officers of the same gender as the transgender prisoner's gender expression (e.g., a female-to-male prisoner expressing no preference should be searched by a male officer). All searches will be performed in accordance with the prescribed procedures.
- E. **Refusal to Search:** An officer will not refuse to search a transgender arrestee based upon the arrestee identifying him/herself as a transgender.
- F. **Holding Cell:** When detaining a transgender arrestee, the Booking Officer will confer with the Shift Commander as to which cell the arrestee will be placed. Because there is sufficient isolation between the cells, a transgender arrestee will be given the preference as to whether he/she will be placed in either a male or female cell, unless there are extenuating circumstances for selecting one type of cell over the other. This is particularly true, if in the opinion the arresting officer the arrestee should be placed in an isolation cell for the protection of the detainee against self-harm or when a detainee has a positive Q-5.
- G. Whenever officers of the opposite sex interact with a transgender individual while the individual is being held, two officers will attend to the individual. This precaution is for the protection of the arrestee and the officers involved.

XIII. JUVENILE LOCKUP LAWS & PROCEDURES

- A. **No status offender can be placed in secure lockup for any amount of time.**

Status Offender = **CRA**, runaway, truant, stubborn child and habitual school offender. A minor in possession of alcohol under age 18 is considered a status offender under federal regulations. A child in protective custody, a non-offense, shall be accorded the same treatment as a status offender.

Securely Detained = Securely detained is defined as physically detained or confined in a locked room (**the booking area is a Securely Detained area under this definition**), set of rooms, or a cell that is designated, set aside, or used for the purpose of securely detaining persons who are in law enforcement custody. Secure detention can result either from being placed in such a room or enclosure and/or being physically secured to a stationary object such as a cuffing rail. **Note: Under this rule juvenile under 14 years of age and Status Offenders can be booked in our booking area; however, these juveniles cannot be kept inside this area while waiting to be booked nor, can they be kept inside this area after they have been booked.**

Non-Secure Custody = A condition under which a juvenile's freedom of movement is controlled by members of the Brookline Police Department and, during such time, the juvenile:

1. Status offenders are held in an unlocked, multi-purpose room that is in no way designed for residential use: Guardroom, Main Lobby, Interview Room. Monitored and under the supervision of a patrol officer.
2. Is not handcuffed to any stationary object:
3. Is held only long enough to complete identification, investigation and processing and then released to a parent or guardian or transferred to a juvenile facility or the court; and
4. Is under continuous supervision until released.

B. No Juvenile under the age of 14 may be held in a police lockup.

NOTE: When it is time to book a juvenile under 14, the juvenile can be brought into the booking area to be booked and if necessary, fingerprinted and photographed, and then must immediately be removed from the area. They **CANNOT** be held inside the area waiting to be booked; this would constitute a violation of the Laws & Procedures.

- C. Youth charged with delinquency offenses shall not be held in a police lockup or otherwise securely detained for any longer than six (6) hours.

These juveniles can be booked and held in cells only for the purposes related to identification, processing, and/or holding until the offender is released to his/her parent(s)/guardian(s) or transported to court or an appropriate alternative lockup program.

NOTE: M.G.L.c.119 s34 states that children will not be transported in a patrol wagon. You must use a suitable vehicle.

XIV. JUVENILE PRISONERS

- A. Juvenile prisoners shall be processed in the same manner as adult prisoners with regard to searches. However, officers shall take into account the age and sensitivity of the juvenile prisoner. **See section 9: handling of male prisoners and see section 16 on prisoner booking.**
- B. If juvenile males or females are required to be detained at the same time, their holding areas shall be separated from each other by sight and sound. The booking officer should make an attempt to prioritize the booking by making an effort to book the female prisoners first, thereby removing these prisoners from the

common booking area. When there are females and males to be booked, first the males shall be searched, their property will be removed, and they will be placed in a cell(s) until the female(s) have been booked. At the completion of the female booking they will be placed in a female cell(s). Only when this is completed shall males then be booked. Juveniles should not be processed in the presence of adult violators and should be held in areas away from adult detainees.

NOTE: Sound, for the purpose of this standard is defined as normal/loud conversation and does not include deliberate yelling or screaming. Yelling and screaming shall be controlled by persons supervising detainees.

XV. MULTIPLE ARRESTS OF JUVENILE OFFENDERS PRESENTS SERIOUS PROBLEMS

- A.** Any juveniles under the age of 14 can only be brought into the booking area for the time necessary to book, fingerprint, and photograph and then they must immediately be removed. They **CANNOT** be held in the lockup area waiting to be booked; this is violation of the law.
- B.** Youths charged with delinquency offenses shall not be held in a police lockup or otherwise securely detained for any longer than six (6) hours.
- C.** The Six-Hour clock begins when the juvenile is placed in Secure Detention (a juvenile cell, locked room, or cuffed to a stationary object). If a juvenile is held longer than six (6) hours, it is a violation of the law and it can bring with it serious repercussions. **NO ONE HAS THE AUTHORITY TO SUPERSEDE** the six-hour jail removal mandate.

We are required to report all violations of Juvenile Lockup Laws and Procedures to the Massachusetts Executive Office of Public Safety.

- 1.** When the booking officer is ready, the prisoner will be handcuffed to the rail at the booking desk. **See Section 16 for Prisoner Booking.**
- 2.** Once the prisoner is booked, transporting officers shall advise the dispatcher to activate the cellblock camera. The cellblock camera is to be locked on and monitored by the dispatcher, House Officer and the Commanding Officer. The dispatcher is to advise the transporting officer(s) when the camera is activated.
- 3.** After making any juvenile arrest the Commanding Officer shall contact the District Court's Probation Office.
- 4.** Probation will recommend a release to a parent or guardian or hold for court.

5. If the probation recommends holding for court and the arrest was either for:
 - a. CRA warrant;
 - b. Runaway/Missing Person;
 - c. Other status offense.

6. The Commanding Officer – Platoon on Duty will contact the juvenile facilities, posted in the C.O.'s office by the juvenile officer, for an alternative lock up facility. Transportation to the alternate lockup facility will be provided by this Police Department. The alternate facility will arrange for transportation to court for arraignment.

7. Juveniles charged with violent criminal offenses may be held in a Department of Youth Services facility.

XVI. STRIP SEARCHES:

In cases where the officer has probable cause that weapons, contraband or other evidence are concealed under the prisoners clothing, and the items cannot be retrieved through normal procedures, then a strip search may be conducted. The strip search is a procedure where the prisoner is required to remove all clothing and the clothing is searched while a **VISUAL** inspection of the prisoner's body is conducted. A search warrant is not required for a strip/visual body cavity search.

STRIP SEARCH.

Defined: Generally refers to an inspection of a naked individual, without any scrutiny of his/her body cavities.

Standard of conduct: Probable cause.

VISUAL BODY CAVITY SEARCH.

Defined: Visual inspection of anal and genital areas.

Standard of conduct: Probable cause.

MANUAL BODY CAVITY SEARCH.

Defined: Involves touching and probing of body cavities.

Standard of conduct: Something more than probable cause. **Must obtain a search warrant signed by a judge.** A "strong showing particularized need supported by a high degree of probable cause." *Id.* At 408, citing *Rodrigues v. Furtado*, 410 Mass.878 (1991).

THE MERE FACT THAT A PERSON IS UNDER ARREST DOES NOT BY ITSELF PERMIT ANY OFFICER TO CONDUCT A STRIP SEARCH.

- A. Strip searches must be authorized by a superior officer with the rank of sergeant or above and conducted under supervised conditions. Only officers of the same sex as the sex of the prisoner shall be utilized.
- B. Strip searches shall only be conducted in the booking area. The video camera shall be turned on in order to record the entire procedure.
- C. Strip searches will be conducted with a minimum of two (2) officers present during the procedure.
- D. Prisoners, prior to being instructed to remove all clothing, will be searched with the electronic metal detector wand.
- E. All clothing shall be carefully inspected and returned to the prisoner after a visual search of the prisoner is conducted.
- F. The results of the strip search as well as the knowledge that led to the search being conducted shall be reflected in the report submitted by the superior officer authorizing the strip search. This information shall also be included in the arrest report.
- G. **BODY CAVITY** searches will not be permitted without authorization of the Commanding Officer – Platoon on Duty. Manual body cavity searches shall not be conducted without a search warrant signed by a judge. A Commanding Officer shall approve the application for the search warrant. The following procedures apply to manual body cavity searches.
 - 1. Medical personnel, in a private and hygienic setting and in a medically approved manner, shall conduct manual body cavity searches; and
 - 2. The investigating Police Officer shall document the probable cause and the results of the search in the arrest report.

XVII. PRISONER BOOKING:

Note: “Receiving-Screening” Information must be obtained and recorded when prisoners are admitted to the facility. Receiving-Screening should include an inquiry into:

- **Current health of detainee;**
- **Medications taken by detainee;**
- **Behavior including state of consciousness and mental status; and**
- **Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.**

NOTE: The purpose of the screening is to determine whether medical attention is required. Female detainee screening should take into account the special needs of women (e.g Menstruation, pregnancy, etc.)

- A.** In addition, a record should be kept of all treatment and medication administered to a detainee, including circumstances or events necessitating such treatment.

Prisoners are permitted to take any prescription or over the counter medications necessary, provided that the administration of the drug is requested by the prisoner, and consistent with the prescription (if any).

1. Any medications brought in by a prisoner, or given to him or her in the course of any treatment he or she may require while in department custody, shall be retained with the prisoner's property.
 2. If there is any question concerning the administration of medications, the officer-in-charge may either confer by telephone with a qualified medical physician before administering the medication, or the prisoner may be transported to the hospital and the medication administered there.
 3. A written record of any medications administered to a prisoner shall be maintained in the notes section of the detainee's booking record. Information recorded should include, at minimum, the date, time and method of administration as well as the medication given, the dosage and the identification of the officers present during administration.
 4. Medications will be administered only after confirmation that the correct medications, in correct dosages, are given to the correct patients, as prescribed.
 5. When appropriate, officers administering medications should consult with a local pharmacist to confirm that medication is being properly administered, and that pills are properly identified as marked.
- B.** The Police Department has a video recording system to record the audio and visual procedures of all persons brought to the station for formal booking.
 - C.** Prior to the prisoners being handcuffed to the rail at the booking desk, the officer in charge will turn on the recording device.
 - D.** An officer must establish what hand the prisoner writes with and handcuff the other hand to the bar in front of the booking desk.
 - E.** The prisoner shall be informed at the time of booking that he or she is being videotaped and voice recorded

- F.** The booking officer shall state, for the recording, his or her name, the date, and time and then give the person his/her Miranda Warnings from the form and inform them of their right to use the telephone and the charges against them.
- G.** All property shall be removed from the prisoner, inventoried and recorded by the booking officer. All items and containers in possession of the prisoner shall be opened, inventoried and recorded by the booking officer. Any locked container for which the arrested has a key among their other personal belongings shall be opened and its contents inventoried. Any locked container for which the arrestee does not have a key among their other personal belongings shall be opened only if the police have reasonable suspicion to believe that the container contains any item posing a threat to the safety and security of the station or its personnel. The rule set forth in this paragraph applies equally to any container within any other container searched. No matches or smoking material are allowed to be kept by the prisoner nor are they to be given to them while they are under our custody. The property removed includes belts, strings, ropes or other items used to secure clothing that a prisoner may use to harm himself. Shoes and/or shoelaces are to be removed from the prisoner prior to their being placed in the cell. All property removed from the prisoner is to be placed in the appropriate property locker coinciding with their cell placement. The key to the property locker shall be secured in the Commanding Officer – Platoon on Duty office with the booking paperwork until the prisoner is released from custody.
- H.** At the completion of the booking, the handcuff should be removed and the prisoner taken to be fingerprinted, photographed, including tattoos and body art, and placed in the appropriate cell.
- I.** When the prisoner leaves the booking area, the booking officer shall shut off the video machine.

NOTE: If the arrest is for operating under the influence the following should be done:

- Inform the prisoner of his or her right to the intoxilyzer test.
- At the conclusion of all tests, if the prisoner is to be held, take the prisoner for fingerprinting and photographing and then place in an appropriate cell.
- When the prisoner leaves the booking area, the Booking Officer shall shut off the video recorder.

NOTE: The previous section does not limit the discretion of the Commanding Officer to utilize restraining devices when dealing with assaultive, combative, or unstable prisoners when it is apparent that the physical safety of the officers and/or prisoners is at risk.

XVIII. USE OF THE TELEPHONE/COURT/BAIL:

- A. The prisoner shall be allowed to make his or her telephone call from the booking desk within one (1) hour from the time of arrest. Two officers shall be present at this time.
- B. When a prisoner is being held for a crime involving **domestic violence** the Commanding Officer – Platoon on Duty is to determine whether or not to allow the prisoner to have a telephone call beyond the one he or she is entitled to by law. This telephone call will be in the presence of two officers who shall monitor the conversation.
- C. If the Court is in session when the booking process and all related arrest reports are completed, it shall be the responsibility of the Commanding Officer – Platoon on Duty to ensure that the prisoner is transported to the Court without delay.
- D. 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 the bail cannot be arranged, until the next session of the court.
- E. It shall be the responsibility of the Shift Commander to ensure that an arrestee's opportunity to make bail is not impeded.

XIX. PLACEMENT INTO CELLS:

- A. At the completion of the booking process the prisoner is to be placed in the appropriate cell. At least two officers are to accompany the prisoner until he/she is secured in a cell. A security check, including a check for weapons and contraband should be made by those officers who secure the prisoner in a cell. The cell door should be tested for vulnerability after the prisoner is secured. Any unusual conditions found or observed should be reported immediately in writing to the Commanding Officer – Platoon on Duty.
- B. All important prisoner information such as medical and or medication use, suicide watch, universal precautions or telephone use shall be written on the cellblock data board.
- C. The dispatcher, House Officer and the Commanding Officer – Platoon on Duty shall be notified of the cell number that the prisoner has been placed into and then activate the camera for that cell.

NOTE: *At no time will any officer of this Department leave a detainee unattended outside the confines of the holding facility. Whenever a detainee is held in any room, space or area outside the confines of the holding facility, he/she is to be under the continual, direct, personal supervision of an officer who can immediately intervene on behalf of the agency or detainee.*

XX. KEY SECURITY AND DOOR CONTROL:

- A. The spare/manual key to the holding facility cells is to be kept in the Commanding Officer – Platoon on Duty's office. The key may only be taken with the Commanding Officer's knowledge and permission. The key may be removed from the Commanding Officer – Platoon on Duty's office only when the automated door system is inoperable and an officer needs to gain entry to a locked cell to release a prisoner or some other essential reason.
- B. Emergency keys which will fit the interior doors to the facility are located in the Watch Box. The electronic panel that controls the doors and cell locks is located at the booking desk.
- C. The key to the food pass through door is to be kept at the booking desk in The booking room. Prisoners shall be served all meals through the food door.
- D. All doors to unoccupied cells should be left locked when not in use.
- E. In the interest of proper security, when a prisoner is being processed, the entry doors from the main building, the entry door from the garage/sallyport area, will be closed during the entire process. In addition, no one will be allowed into the booking area who is not needed to assist in the process.
- F. The storage room in the cell block hallway, male corridor, shall be kept locked at all times.
- G. All doors should be checked for vulnerability after they have been secured.

XXI. PRISONER CHECKS:

Chapter 40: Section 36B; Cells and electronic security devices.

The law states the following on physical or visible checks: Each occupied cell within such a lockup facility should be physically or visibly checked by a law enforcement officer or other lockup personnel as often as is required by a reasonable standard of care of detainees.

It further states the following regarding the use of an electronic security device (Proximity Card) to record these checks: Every lockup facility shall have installed within the cell area an electronic security device which will record the date and time of day of each cell check made by a law enforcement officer or other lockup personnel. All checks made shall be recorded on such electronic security device.

A. The Commanding Officer – Platoon on Duty is responsible for ensuring these checks are carried out in compliance with Police Department Policy. The use of electronic security checks will be monitored by the Office of Professional Responsibility.

B. Each cellblock will be equipped with a two-way intercom system for communication between detainee and dispatch. This communication will be video and voice recorded. The Commanding Officer – Platoon on Duty has the ability to monitor this communication. The

Technology Division shall be responsible for checking the tapes twice a week and saving for 90 days at which time they will be burnt to a DVD and stored in the Technology Division.

C. Prisoner Checks By Any Officer

The Commanding Officer – Platoon on Duty, when necessary, shall use street officers to make physical checks of prisoners. When an officer makes a physical check of any prisoner, the check shall be recorded by the use of a proximity card. Placing a prisoner in a cell, giving a prisoner food or water, or allowing use of the telephone, constitutes a physical check and requires the use of a proximity card to record it. Anytime an officer can physically see a prisoner unaided by television, this is a physical check and it must be recorded by the use of a proximity card. All three proximity card readers P-1, P-2, and P-3 need to be swiped to constitute a physical check. The swipe readers are clearly marked. An officer may only enter an occupied cell when accompanied by at least one other officer, or when releasing a prisoner from custody.

D. Prisoner Checks by the House Officer

The House Officer shall conduct all designated duties relating to the control of persons held in the holding facility in accordance with department policies and procedures, including monitoring prisoners. When the House Officer makes a physical check of a prisoner(s), the check shall be recorded by the use of a proximity card. At the beginning of his/her shift, the House Officer shall make a security check of the cellblock and holding area as well as a face to face count of the detainee population.

E. Visual Monitoring of Prisoners and How Often Physical Checks Must be Made:

Prisoners in cells shall be constantly monitored visually through the use of the television monitors located in the three areas: the Dispatch Office, the Commanding Officer – Platoon on Duty’s office and the House Officer’s Desk. In addition to the constant monitoring of each cell through the use of the cell video cameras, direct physical checks of all occupied cells should be made at least every thirty minutes and depending on the prisoner’s demeanor, behavior, and history; these factors may require more frequent and constant physical checks. Physical checks require direct visual observation in the cell block area. Video equipment may be used to supplement observation, but may not be used in place of direct physical checks. The television video monitors installed in the cell block areas shall be turned on whenever a person is placed into one of the cells, holding cell, or holding area of the booking room/holding facility and shall be left on as long any one is being detained there.

1. It is the responsibility of the Dispatcher’s, Commanding Officer – Platoon on Duty, and House Officer to monitor, at all times, all persons held in the Booking Room/Holding Facility.

2. There is no attempt in this procedure to violate the personal privacy rights of individuals held in our facility. When a prisoner is using the toilet facility, the video monitor will be turned off unless the prisoner is an identified Q5 risk.
3. The surveillance devices are never to be used for covert purposes, unless such action is essential to the safety or well being of the general public or individual.
- i. 4. The halls of the cellblock and booking area are equipped with motion sensors. If a sensor detects motion, a visual alert highlight will frame the viewing window of the camera dedicated to that area. If any unauthorized individuals are observed, the Commanding Officer-Platoon on Duty, Dispatch, and the House Officer should be notified immediately.

Officers will not enter a holding cell of a prisoner of the opposite sex Without another officer present. This shall not apply in emergencies.
6. An officer, when accompanied by another officer, may only enter the cell of a prisoner to provide emergency care or to extract the prisoner from the cell.

XXII. PRISONER FOOD:

- A. The Police Department shall be the sole provider of food for prisoners while in the custody of the Brookline Police Department. Three meals will be served on a daily basis to prisoners detained over twelve hours. No more than fourteen hours shall elapse between any meal, including evening meal and breakfast.
- B. When the prisoner is to be fed, the food access portions of the cell doors are to be utilized.
- C. No glass or metal containers, including beverage containers, will be allowed in a cell.

XXIII. TOOLS / CULINARY EQUIPMENT:

- A. No tools or culinary equipment will be allowed in the cell block area, except with the specific authorization of the Commanding Officer – Platoon on Duty.
- B. Any tools brought in for use in routine maintenance by personnel shall be checked in and out by the Commanding Officer – Platoon on Duty, who shall indicate in the department's computer system, the names of all persons bringing tools into the cell block area, the company they work for, the nature of the work being performed, the types of tools being used and who authorized the work to be done.

- C. At the completion of the work, the Commanding Officer – Platoon on Duty shall inspect the cell block area to ensure that no tools have been left in the cell block, and shall enter the time the work was completed in the department's computer system.
- D. No metal or glass culinary equipment, cans, or bottles shall be allowed in the cell block area. Prisoners may use only plastic and/or paper plates, cups, utensils.

XXIV. PRISONER VISITORS:

- A. Holding facilities are not equipped to handle visitors. Visits should be denied until detainees arrive at the appropriate correctional institution where visitations can be appropriately managed. Holding facility security is paramount.
- B. If the request for visitation is made by an attorney in order to meet with a prisoner/client, unless the prisoner is to be questioned then the attorney's request shall be denied. Fifth Amendment rights only apply to the questioning of prisoners. Further, Sixth Amendment rights also are not applicable since they do not attach until a prisoner/defendant is actually arraigned.
- C. If a prisoner is to be questioned and he/she has requested counsel, then this privilege is sacrosanct and in this situation every effort shall be made to allow the attorney to meet with his or her client in a confidential setting.
- D. Non-essential persons shall not be granted access to the cellblock area.

XXV. RECEIVING OF MAIL OR PACKAGES

- A. Prisoners shall not receive packages or mail while held in custody in the Brookline Police Department holding facility.
- B. If cash is brought in for a prisoners bail it should be inspected and recorded in the property or notes section of the booking system and stored with the prisoners other property.

XXVI. PRISONER RELEASE:

- A. Commanding Officer –Platoon on Duty must check the message log on the Live Scan fingerprint machine to determine if the subject's response has come back prior to releasing any prisoner. Positive identification should be confirmed Before a detainee is released from custody.
- B. When a prisoner is to be released from custody, two officers are to enter the cellblock area to facilitate this release.

- C. Property that was removed from the prisoner at booking is to be returned to him/her, or their representative, and they are to sign the form indicating that they have received their property.
- D. Prisoners that are being transported to the Court House cell block shall not be escorted over until the Court House security has been notified prior to leaving the police cell block. Prisoner property bags will be turned over to the Court Officer or official taking custody of the prisoner after an audit of the property in the presence of the prisoner. The Officer or Official who is taking custody of the prisoner shall sign the booking sheet, and the property shall be turned over to him or her and becomes his/her responsibility.
- E. A security check, including a check for weapons and contraband should be made by those officers who release a prisoner from a cell. Any unusual conditions found or observed should be reported immediately in writing to the commanding officer.

XXVII. PRISONERS UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS OR SICK OR INJURED:

- A. Any officer who encounters a subject either incidental to an arrest or at the police department holding facility, who is believed to be under the influence of an intoxicating liquor or drugs or sick or injured, is to make a determination as to whether or not the EMS system should be activated. As part of this evaluation, the officer shall inquire from the subject if they have any past medical history.

XXVIII. HANDLING VIOLENT, INTOXICATED, ETC. PERSONS:

1. Any detainee who is uncontrollable due to the influence of alcohol or narcotic drugs, or is violent or otherwise self-destructive, shall, if transportation or removal to a hospital, detoxification or other mental health facility is not feasible, be isolated as deemed appropriate by the Commanding Officer – Platoon on Duty.
2. Under no circumstances shall this type of detainee be placed in a cell occupied by another person. If segregation of the detainee into a single occupancy cell is not deemed or found to be sufficient for protection of the detainee or the facility, the Commanding Officer – Platoon on Duty shall take such action as is legal, safe, and effective to restrain any actions by the detainee that would be detrimental to himself/herself, other occupants, the police officers on duty, and/or the facility. In cases where the detainee's actions pose a definite threat to the security of the holding facility, the Commanding Officer – Platoon on Duty shall attempt to make arrangements with corrections officials for immediate transfer to their custody.

3. Segregation shall not involve any other penalty other than the segregation itself. There shall be no abridgement of rights or privileges that would normally be granted to any other detainee.
4. All actions of segregation shall be reported to current department procedures.
5. There shall be continuous monitoring of this type of individual through video and/or monitors or continuous personal observation.

XXIX. PRISONERS AT HOSPITALS AND INSTITUTIONS:

- A. When a person in custody is in need of medical attention due to sickness or injury, the EMS system is to be activated. EMTs will provide transportation to a hospital if necessary. If transported, the dispatcher or another officer will call the Emergency Health Care Contact Person by contacting the hospital security department. In some instances a pre-designated location will be utilized to meet with security.
- B. In the event that a prisoner transported to a hospital or other medical facility is to be held in the emergency room or admitted, the Commanding Officer shall determine the number of police personnel to be used. This decision should be made after consultation with the patrol supervisor in attendance and based upon the nature of the crime and the prisoner's disposition.
 1. If two officers are to be used, they are to remain in close proximity to the prisoner at all times.
 2. The prisoner shall be restrained by using handcuffs, or, if necessary, restraints provided by the hospitals, unless either would be inappropriate for medical reasons and the foregoing of restraints is approved of by the sergeant or the Commanding Officer – Platoon on Duty. Whenever one officer leaves the area, the patient must be restrained until the second officer returns.
 3. If there is only one officer and he/she is in need of a relief, they should notify the Commanding Officer of the Police Station or the patrol supervisor of need for a relief.
 4. At no time, when an officer is assigned to guard a prisoner, shall said prisoner be left unguarded.
- C. When a prisoner is transported to the hospital prior to booking, this prisoner's property shall be inventoried and held by the hospital. If transported after booking, the prisoner's property will remain with the Police Department. Officers shall retain custody of any evidence removed from the prisoner.

1. Contraband and evidence shall be handled in accordance with existing Departmental rules and regulations.

- D.** Visitors will be designated as non-essential personnel and will not be allowed. Authorized persons will be designated as essential personnel and a list will be provided by the nursing staff/security. If a prisoner has retained counsel they shall be allowed to consult with their attorney in a secure area within the sight of, but if possible, not within the hearing distance of the police officer.
- E.** In the event a patient is disruptive, uncooperative, or escapes, no attempt to hold the patient will be made by nursing staff or security. However, the police department and the health care contact person shall be notified immediately. If the prisoner escapes under any circumstances, the Commanding Officer – Platoon on Duty is to be notified immediately and the appropriate measures taken to search for and locate the prisoner.
- F.** In the event that a prisoner is brought to a hospital or medical facility and the Commanding Officer – Platoon on Duty decides to leave the prisoner without supervision, the health care contact person will notify the police department of the discharge date and time. The Commanding Officer will send the two officer transport vehicle to return the prisoner to the police station.
- G.** In certain circumstances as determined by the officer -in- charge and /or court, a prisoner may be booked, arraigned, or released on bail at the hospital. Bookings at a hospital shall include the pertinent booking forms (Miranda warnings, phone rights).

XXX. PROCEDURE FOR PRE-ARRIGNMENT PSYCHIATRIC EVALUATIONS:

Where a person arrested and thereafter detained in police lock-up prior to arraignment, but is in need of inpatient psychiatric hospitalization, the following procedures shall be followed:

There should be a probable cause determination.

- A.** The prisoner should be taken to an emergency room for evaluation by a Department of Mental Health emergency team or hospital psychiatrist.
- B.** If the DMH emergency team or psychiatrist does not recommend inpatient psychiatric evaluation, the prisoner should be medically discharged and returned to police custody.
- C.** If the DMH emergency team recommends inpatient psychiatric evaluation, the emergency team will locate an appropriate locked inpatient placement and have an inpatient bed held for the prisoner.

- D.** Once an inpatient bed has been located, the judicial response system judge on call should be contacted by the Commanding Officer. The C.O. will provide the judge with the following information:
- 1.** The current charges on which the prisoner is being held;
 - 2.** The current condition of the prisoner, including the recommendations and findings of the DMH emergency team (the evaluating clinician should be available to speak with the judge if requested);
 - 3.** A listing of any defaults, warrants, or other pertinent information regarding the prisoner.
- E.** The on call judge, after conferring with police and with the evaluating clinician, may issue a order committing the prisoner to a specified locked inpatient facility pursuant to M.G.L. c. 123 s12(e). The order shall include the following provision:
- 1.** On (DATE), the Superintendent of the facility shall return custody of the prisoner to the police department that made the arrest, and said police shall appear at the facility at (time) on said date to receive the prisoner into their custody. Release at any time of the prisoner from the inpatient psychiatric facility on the above date, or any other date, shall be made only to the custody of the police.
- F.** On the designated court day, the prisoner will be returned to court by the police, at which time they will be arraigned and the court will address any outstanding warrants.

XXXI. PRISONERS AT RISK:

Any prisoner, who attempts, threatens or is a positive Q5 through the CJIS computer, will be handled in the following manner:

- A.** Booking officers shall make certain that the proper computer queries (Q5) are made through the LEAPS/CJIS terminal to determine if the person being booked has previously attempted or threatened suicide while being held in a lockup facility within Massachusetts. If a query indicates a previous attempted or threatened suicide, the Emergency Telecommunications Dispatcher who ran the query shall stamp the cover of the arrest/booking packet in red indicating that the prisoner is a suicide risk.
- B.** Upon receipt of an arrest/ booking packet indicating that a prisoner has previously attempted or threatened suicide the Commanding Officer shall make certain that appropriate actions are initiated to ensure the safety of the prisoner. Such actions may include an evaluation by medical personnel, transport to a medical facility, or heightened supervision while in custody.

- C. The Commanding Officer shall fill out a suicide evaluation form. This form is to be attached to the booking sheet.
- D. The Commanding Officer or designee shall physically check the prisoner as often as is required by a reasonable standard of care.
- E. The Commanding Officer may also include in the suicide watch the following but are not limited to:
 - 1. Remove **ALL** clothing from the prisoners and any blanket from the cell. A hospital johnny will be provided.
 - 2. Assigning an officer to the cellblock area.
 - 3. The final decision on what action to take during the suicide watch of a prisoner will rest with the Commanding Officer – Platoon on Duty.
- F. The Commanding Officer – Platoon on Duty is responsible for informing the Commanding Officer – Platoon on Duty of the following shift of any prisoners in custody who are a suicide risk and of what actions have been taken to ensure their safety.

XXXII. REPORTING OF THREATENED OR ATTEMPTED SUICIDES:

The Commanding Officer – Platoon on Duty shall ensure that attempted and threatened suicides by prisoners are reported to the Executive Office of Public Safety, pursuant to M.G.L.c. 40 s36A. The following reporting procedure will be followed when a prisoner attempts or threatens to commit suicide or shows indication that he/she may attempt to commit suicide (e.g. extreme depression, anxiety, etc.)

- A. The Commanding Officer – Platoon on Duty shall fill out a suicide evaluation form if a threat of suicide or in the opinion of the officer, the prisoner is exhibiting symptoms of possibility committing suicide if placed in a cell. This form is to be attached to the booking sheet.
- B. The Commanding Officer – Platoon on Duty shall request appropriate medical personnel to the scene to make an evaluation as to whether medical treatment is required or whether the prisoner should be hospitalized. If the prisoner is transported to the hospital a police officer will accompany the ambulance to the hospital where a determination can be made as to whether the prisoner is suicidal.
- C. The Commanding Officer – Platoon on Duty shall initiate a suicide watch (**see Prisoners At Risk**) if the person is not hospitalized and is returned to the cellblock.

- D. The Commanding Officer– Platoon on Duty shall submit a report to the Deputy Superintendent of the Patrol Division, listing the name, address, date of birth of such person, the charge or reason of detention and the nature, date and time of said attempt or threat.
- E. The Commanding Officer– Platoon on Duty shall cause the subjects name and related information to be entered into LEAPS/CJIS under the suicide system.
- F. Whenever a prisoner is transferred to another lockup facility, the Commanding Officer– Platoon on Duty shall notify in writing the receiving lockup facility of the exact nature of the attempt or threat. The Commanding Officer is to comply with this procedure when a prisoner who has attempted or threatened suicide is turned over to another police department, taken to the court lockup, or any other lockup facility. The Commanding Officer shall fill out the notification form along with the suicide evaluation form and will give a copy to the person receiving the prisoner with the originals being attached to the booking sheet.

XXXIII. NOTIFICATION TO RELIEVING SHIFT:

- A. The Commanding Officer– Platoon on Duty are to fully inform the relieving shift commanders of threatened or attempted suicides. If a transfer is made the Commanding Officer at the time of the transfer shall be responsible for making notification as noted in the above section.

XXXIV. DEATH OF A PRISONER:

- A. Immediately activate the EMS system.
- B. The Commanding Officer – Platoon on Duty is to be notified and will complete an incident report as required by M.G.L. c.40 s36A.
- C. The scene is to be secured and treated as a homicide.
- D. The Chief of Police, Superintendent, Deputy Superintendent- Patrol Division, Deputy Superintendent- Detective Division and the Office of Professional Responsibility shall be notified.
- E. The Medical Examiner must be contacted.
- F. Norfolk County District Attorneys office is to be notified.

NOTE: M.G.L. c.40 s36A states: Whenever a person in police custody commits suicide, dies or inflicts self-injury while in custody which subsequently results in his/her death, a report of such incident, identify of the deceased and describing the circumstances of such death, shall be sent within seven (7) days of such death together with a copy of any incident reports pertaining thereto, to the Medical Examiner’s office.

XXXV. INCIDENTS/CONDITIONS THREATENING THE HOLDING FACILITY OR OCCUPANTS: All members of the department shall report all incidents or conditions that pose a threat to the safety and/or security of the holding facility, prisoners, or staff.

- A. VERBAL NOTIFICATION:** An officer who has knowledge of such threatening condition or situation shall immediately report this information to the Commanding Officer - Platoon on Duty.
- B. WRITTEN REPORT:** After notifying the Commanding Officer - Platoon on Duty, the officer shall submit a written report regarding the matter.
- C. INVESTIGATION BY COMMANDING OFFICER - PLATOON ON DUTY:** The Commanding Officer - Platoon on Duty shall immediately investigate all such reports made to him or her and take corrective action at once if necessary. He or She shall report his or her actions and/or recommendations in writing to the Commanding Officer - Patrol Division.
- D. ADMINISTRATIVE REVIEW:** The Commanding Officer - Patrol Division shall review all reports of this nature and take appropriate action.

XXXVI. PRISONER ESCAPE:

- A.** If a prisoner escapes during arrest, transportation, or booking, the officers will notify the Dispatch Center (via radio if not at the station) giving as much information as possible, including the following:
 - 1. Prisoner's name, if known;
 - 2. Description, including clothing;
 - 3. Area where escape occurred;
 - 4. Direction of flight;
 - 5. Probable destination, if known; and
 - 6. Any other pertinent information available.
- B.** The officers will begin an area search and attempt to regain custody of the prisoner.
- C.** The Dispatch Center will immediately notify the Commanding Officer – Platoon on Duty of the prisoner escape and they will deploy additional officers as necessary. Dispatch personnel will notify all patrol units and provide with a complete description and direction of flight. A CAD entry shall be created and filled in its entirety.

- D. Submitting Reports – All officers shall promptly and accurately complete and submit all reports and forms as required by departmental procedures.
- E. The officer responsible for the prisoner who escaped shall, before the end of the shift, submit a written report detailing the events leading to the escape to the Commanding Officer – Platoon on Duty.
- F. The Commanding Officer – Platoon on Duty will submit a written report concerning the events leading to the escape, the actions taken to regain custody, and any recommendation concerning possible corrective measures or department disciplinary proceedings.
- G. Upon the Commanding Officer – Platoon on Duty’s direction, Dispatch personnel will notify surrounding police departments of the escape and provide them with a complete detail of information available.
- H. Notification should be made to any victims, family members, witnesses, or others who may be at the risk of danger from a prisoner escape.

XXXVII. RECEIVING PRISONERS FROM AN OUTSIDE AGENCY:

- A. It shall be the policy of the Brookline Police Department that before a prisoner 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, preferably an identification card with a picture, that certify his or her authority to make the arrest and commitment.
- B. If they deem it necessary, the Commanding Officer – Platoon on Duty may call the agency that the person represents to confirm his or her identity and authority.
- C. Only when the Commanding Officer – Platoon on Duty is satisfied that the arrest and confinement are legitimate shall the prisoner be received into the Brookline Police holding facility.

XXXVIII. GROUP ARRESTS AND OVERFLOW SITUATIONS:

- A. In the event of a group arrest, prisoners arriving at the station will be placed in the holding cell or secured to the wall-mounted bar adjacent to the holding cell at the direction of the booking officer.
- B. Prisoners will be brought to the booking desk one at a time, as directed by the booking officer, to be booked and processed.

C. If, as the result of a group arrest, or at any other time, the Commanding Officer – Platoon on Duty determines that the number of persons to be detained in the Holding Facility will exceed the number for which the facility was designed:

1. The temporary overcrowding of this area is permitted under these circumstances until such time as the overcrowding situation can be relieved by either the transfer or release of persons being held.
2. In order to accomplish this, the Commanding Officer – Platoon on Duty shall examine the list of prisoners and attempt to expedite the bail of the less serious offenders.
3. If release of a sufficient number of prisoners to relieve the overcrowding of the Holding Facility is not possible, the Commanding Officer – Platoon on Duty may request the aid of neighboring police departments in detaining prisoners in their holding facilities, with the use of Brookline Police Department personnel to maintain security and control.

D. The Commanding Officer – Platoon on Duty is authorized to call in such additional personnel as may be necessary to satisfy the additional requirements of the overflow situation.

If male, female, and juvenile prisoners are to be held at the same time, their holding areas shall be separated from each other by sight and sound.

E. All prisoners shall have access to restrooms, water and food.

XXXIX. The Commanding Officer – Platoon on Duty shall fill out a booking sheet on every person taken into custody by this Department. All booking records shall be kept in a secure file located in the Service Division with access limited to authorized persons. All files are password protected by computer access. These forms shall serve as the permanent arrest/detention record of the individual arrested/detained.