

## 2.650 TEMPORARY DETENTION

### 2.650.02 Temporary Detention – Generally

(71.1.1, 71.2.1, 71.4.1, 71.4.3)

- A. The agency has a secure temporary detention and processing area that is used exclusively to maintain safe and secure custody and control over detainees during processing, interrogation, etc. before their release, initial appearances before court commissioners or while awaiting release or transfer to other authorities.
- B. The commander responsible for the Logistics function is responsible for ensuring that:
  - 1. Safety, sanitation, and security systems are in place and properly maintained;
  - 2. Procedures are established that enable detainees to receive necessary medical services;
  - 3. Lighting and air circulation is consistent with controlling standards;
  - 4. Detainees have access to water and toilets and that meals and bedding materials are available to detainees held over eight hours; and
  - 5. Administrative reviews of the temporary detention area and related directives are conducted at least once every three years.
- C. The officer responsible for the training function, hereafter “training supervisor,” will ensure that all officers, aides, and PCOs receive initial training on the use of the temporary detention area and retraining at least once every three years.

### 2.650.04 Maintenance & Safety

(71.3.3.c, 71.3.3.d, 71.5.1.d)

- A. Employees who observe or become aware of situations that immediately threaten the safety or security of the processing facility or any person therein will:
  - 1. Notify a supervisor or commander;
  - 2. Take corrective actions or make appropriate notifications as necessary;
  - 3. Complete appropriate reports; and
  - 4. Ensure their respective commander is notified during regular business hours or the Duty Officer during non-business hours.

- B. Safety, security, and maintenance situations that do not immediately threaten the safety of the facility or persons therein will be forwarded in writing or email through employees’ chain of command to the commander responsible for the Logistics function.
- C. Maintenance work should be done in the processing facility only during normal business hours, except for emergency situations. Maintenance work will not be done when detainees are being held or processed.
- D. Situations that immediately threaten the safety of detainees or the safety or security of the processing facility or any person therein will be reviewed consistent with **1.402.02 Critical Incident Reviews**.

### 2.650.06 Fire Safety (71.4.2)

- A. As a part of the university’s overall fire safety plan, the temporary detention area is equipped with automatic heat, smoke, fire detectors, and sprinklers that are tied into the building’s fire alarm system.
- B. In addition to procedures established in the university’s Fire Emergency Policy and other related procedures issued by Environmental Health and Safety (EHS):
  - 1. Officers will use the safest route to evacuate themselves and detainees to designated safety areas;
  - 2. If safe to do so under the circumstances, detainees will be restrained by handcuffs during evacuations;
  - 3. The Baltimore County Fire Department (BCFD) will be informed that rescues are needed if officers were not able to safely evacuate detainees;
  - 5. Detainees who need first aid or transportation to medical facilities will be tended to consistent with **2.630 Sick or Injured Detainees**;
  - 6. On-duty patrol supervisors will ensure that BCPD and/or the MSP are contacted to request to temporarily use their facilities to hold detainees during facility evacuations. Detainees may be held temporarily in police vehicles until the facility is safe to reenter or detainees are relocated to an allied agency’s facility;

7. The processing facility will not be reoccupied until the on-duty patrol supervisor ensures that:
  - a. An inspection has been conducted for damage or other unsafe conditions;
  - b. Any needed corrective actions have been taken; and
  - c. A commander or the Duty Officer has approved reoccupation of the holding facility.

#### **2.650.08 Inspections (71.4.3)**

- A. Arresting officers will ensure that a **Processing Facility Review (UPO.135.D)** is used to document security inspections of the processing facility and cells immediately before and after the area and/or cells are used to process detainees.
  1. Deficiencies will be promptly brought to the attention of the on-duty patrol supervisor who will determine the best course of action to take under the circumstances.
  2. Detainees will not be brought into the area unless necessary corrective actions are taken.
  3. Notifications will be made consistent with **2.650.04** and the **Critical Incident Review** process will be initiated consistent with **1.402.02** if inspections reveal weapons, contraband, or it is determined that the processing facility cannot be used safely or appropriately.
  4. Completed Processing Facility Reviews will be submitted to the commander responsible for managing the agency's facilities with a copy submitted to the patrol commander.
- B. Consistent with **SOP PS-02 Line Inspections**, the Logistics Officer is responsible for conducting weekly documented inspections of the processing facility and ensuring corrective actions are taken or requested. Items to be inspected include, but are not limited to:
  1. Cleanliness and general state of repair for the furniture and equipment;
  2. Security – including weapons lockers, doors, locks, walls, CCTV, and panic alarm; and
  3. Supplies – including reasonable supplies of forms and other items regularly used in detainee processing and report writing.

#### **2.650.10 Facility Access & Security**

*(71.3.1.b, 71.3.3.a – .d, 71.5.1.a, 71.5.1.b)*

- A. **Firearms are prohibited at all times in the facility, regardless if detainees are or are not present.**
  1. Officers who need to enter the facility will lock their handguns in one of the lockers found by each access door to the facility; and
  2. Employees may wear issued less-lethal weapons such as OC spray and impact weapons in the facility.
- B. Detainees will be brought into the facility:
  1. After being transported to Headquarters and brought in through the sally port; or
  2. Upon being arrested at Headquarters and escorted into the facility by arresting officers.
- C. The sally port roll-up door is controlled by Communications.
  1. Officers will notify Communications by radio or A/V phone to raise or lower the door.
  2. The door can also be controlled manually from inside the sally port.
- D. The routine transportation of compliant detainees should require only individual transporting officers to escort detainees into or out of the facility. Other officers may be present to expedite detainee movement.
- E. All officers in the sally port must lock their handguns in the weapons lockers before detainees are taken from vehicles into the facility. Any rifles will stay locked in vehicle trunks.
- F. At least two officers are required to escort detainees from anywhere in headquarters to the facility. Escorting officers will:
  1. Ensure Communications and the on-duty patrol supervisor are told about escorts before they occur;
  2. Attempt to minimize the number of other employees encountered during escorts; and
  3. Take turns locking their handguns in the hallway mounted weapons lockers before taking detainees into the facility.
- G. The only persons who are allowed to be present in the facility when detainees are present are:
  1. Detainees;
  2. Essential personnel as required in the performance of their duties;

3. Fire and EMS personnel necessary to provide related emergency services; and
  4. Attorney's consistent with **2.650.32**.
- H. Evidence will not be brought into the facility unless there are clearly articulable, exigent circumstances.
- I. Officers processing, interrogating, etc. detainees will ensure the red detainee warning light is turned on when detainees are in the facility and turned off when detainees are no longer present.
- J. All doors to and inside the facility are swipe card enabled for all officers and for other employees on an as needed basis.
1. Only the Chief or designee may grant key access.
  2. Access doors close and lock automatically.
  3. The access control system allows only one access door to be open at a time.
  4. Access doors will not be propped open unless janitorial, repair or maintenance activities are being performed.
  5. Cell doors lock, but do not close automatically.
- K. Cell doors will remain closed and locked at all times except when:
1. Detainees are being placed into or taken out of the cells;
  2. Employees, fire, or EMS personnel are providing necessary or reasonable and prudent assistance to detainees;
  3. Officers are quelling disturbances between detainees;
  4. Inspections, janitorial, repair or maintenance activities are being conducted;
  5. Employees are escorting citizens during facility tours; or
  6. Officers must enter cells to conduct strip searches consistent with **2.602.04**.
- L. It is preferred to have cooperative detainees walk into or out of cells upon the direction of officers. Unless needed to prevent the death or serious bodily injury to detainees, officers will wait for additional officers to arrive when it is necessary to enter cells to:
1. Move combative or resisting detainees into or out of the cells;
  2. Provide necessary or reasonable and prudent assistance to detainees; or
  3. Quell disturbances between detainees.

#### **2.650.14 Security Monitoring & Panic Alarm** (71.3.3.b, 71.3.3.d, 71.3.3.f, 71.5.1.c)

- A. All areas of the processing facility and the sally port are CCTV monitored.
1. The CCTV feed for the facility must be closely observed by PCOs when detainees are present.
  2. Cameras in the cells:
    - a. Are positioned and controlled to reduce unnecessary invasion of a detainee's personal privacy; and
    - b. Must be turned off during strip or body cavity searches.
  3. Audio and video recording will be enabled when interrogations are being conducted in the interrogation room. See also **2.308.06 Interrogations**.
- B. The A/V phones or panic switch mounted under the workstation desktop can be activated to summons help in emergencies.
- C. At least one officer involved in detainee processing is required to be equipped with an activated portable radio that can be used as an alert or panic alarm to summons help during emergencies.
- D. PCOs will:
1. Closely monitor the CCTV system while detainees are in the facility;
  2. Quickly evaluate conditions observed through the CCTV system; and
  3. Dispatch assistance and coordinate appropriate responses.

#### **2.650.16 Detainee Security** (71.3.1.d, 71.3.2, 71.3.3.d, 71.5.1.a, 71.5.1.d)

- A. Employees will exercise due care and diligence with detainees at all times to prevent escapes.
- B. Detainees will routinely be restrained at all times when in agency custody unless they are:
1. Being searched;
  2. Being photographed, fingerprinted, or completing other processing components that reasonably rules out being restrained;
  3. In a locked cell; or
  4. Unrestrained because of physical, medical, or mobility conditions that rules out using regular restraints.

- C. Detainees seated on the bench in the common area will routinely be cuffed to one of the fixed loops unless they are completing other processing activities that reasonably rules out being restrained.
- D. Detainees will not be routinely handcuffed or otherwise restrained while in a cell.
  - 1. Detainees will ordinarily be allowed to wear only essential clothing.
  - 2. Officers may handcuff or use additional or enhanced restraints on detainees in cells when articulable reasons exist to do so based on detainees':
    - a. Probability of causing harm to self or others; or
    - b. Escape potential.
  - 3. Detainees will not be handcuffed or otherwise restrained in a hog-tying position or other position that is reasonably known to contribute to positional asphyxia.
- E. Officers may use additional or enhanced restraints on detainees outside cells only as necessary:
  - 1. For the protection of self or others;
  - 2. For physical, medical, or mobility reasons that rule out using other restraints; or
  - 3. On detainees who are violent, self-destructive, suicidal, or escape risks.
- F. Authorized additional or enhanced restraints are:
  - 1. Leg irons;
  - 2. Waist chains with handcuffs; and
  - 3. Flex-cuffs or other similar single use, disposable restraints.
- G. Detainees will be handcuffed and escorted by at least one officer when they are outside the facility.
- H. Facts and circumstances that rule out using restraints or that lead to increased or enhanced restraint use will be included in related incident reports.

**2.650.18 Escapes** (71.3.3.d, 71.5.1.d)

- A. Officers who have detainees escape from their custody will:
  - 1. Immediately notify Communications and the patrol supervisor and provide information that includes, but is not limited to:
    - a. Location of escape;
    - b. Complete description of the detainee;

- c. Direction of travel;
    - d. The reason for which the escapee was initially detained; and
    - e. If the escapee poses an imminent threat or danger to self, officers, or the community;
  - 2. Make every practical attempt to apprehend the detainee by cooperating with responding supervisory personnel and other units; and
  - 3. Complete required reports of the incidents.
- B. Supervisors will:
  - 1. Be the initial incident commander and coordinate all practical attempts to apprehend on-campus escapees;
  - 2. Ensure an on-duty commander or the Duty Officer is notified;
  - 3. Ensure that comprehensive departmental reports are completed; and
  - 4. Initiate the Critical Incident Review process consistent with **1.402 Administrative Reporting System**.
- C. Communications will:
  - 1. Broadcast lookouts;
  - 2. Notify the BCPD, the MSP, and any other agency as appropriate;
  - 3. Send wanted/escape messages via METERS;
  - 4. Notify an on-duty commander or the Duty Officer; and
  - 5. Make cancellation notifications when escapees are recaptured.
- D. Recaptured detainees will be charged with second degree escape consistent with **CL § 9-405** in addition to the initial charges leading to their arrests.

**2.650.20 Detainee Segregation**

(71.3.1.e, 71.3.3.c)

- A. Detainees who are combative, violent, self-destructive, or suicidal will be placed in a cell by themselves.
- B. Sight and sound separation must be maintained in the facility between males and females and adult and juvenile detainees.
  - 1. Male detainees must be held in different cells than female detainees.

2. Adult detainees must be held in different cells than juvenile detainees unless juveniles are being charged as adults with felonies.
  3. Detainees of one age/sex demographic may be in the common area of the facility so long as detainees of other age/sex demographics are behind locked cell doors with closed viewing ports.
- C. Cell door viewing ports will be closed at all times the cells are occupied unless required visual observations of detainees are being made.
- D. No more than three detainees of the same age/sex demographic may occupy a single cell at any time.

#### **2.650.22 Juvenile Non-Offenders**

*(71.3.1.e, 71.5.1.a)*

- A. Juvenile non-offenders, such as children in need of assistance or juvenile status offenders are not allowed in the processing facility.
- B. They must be taken to and processed in non-secured settings such as the public interview room where:
1. Sight and sound separation is maintained between juveniles and adults;
  2. They are not handcuffed unless necessary for the safety and security of the juvenile and involved officers, such as with an uncooperative run-away; and
  3. They are under continuous and direct visual supervision by at least one officer.

#### **2.650.24 Juvenile Secure Detention**

- A. Juveniles arrested for delinquent acts may be placed in secure detention (cells) for up to a maximum of six hours. Sight and sound separation from adults must be maintained consistent with **2.650.20**.
- B. The six hour period begins when juveniles are held within secure perimeters or physically secured to cuffing loops or other objects designed for that purpose.
- C. Detention orders issued by DJS intake officers do not negate or lengthen the six hour time limit.

#### **2.650.26 Alternative Processing & Detention Areas** *(71.1.1, 71.3.3.c, 71.5.1.a-d)*

- A. When the number of arrests exceeds the capacity of the temporary detention facility, officers will notify a commander or the Duty Officer. Solutions may include, but are not limited to:
1. Processing detainees in the sally port or other headquarters space;
  2. Calling the BCPD, Precinct #6 to request permission to process detainees in Precinct #6 facilities;
  3. Calling the BC Sheriff's Office to request permission to use their mass arrest facility in the Towson courthouse; or
  4. Calling the MSP to request permission to process detainees at the closest available barrack.
- B. In order to process detainees in the other areas of headquarters, officers must:
1. Obtain permission from a supervisor or commander;
  2. Ensure sight and sound separation is maintained between detainees consistent with **2.650.20**;
  3. Ensure detainees are searched consistent with **2.602 Searching Detainees**;
  4. Ensure that detainees do not have access to weapons;
  5. Ensure detainees are handcuffed or are restrained as appropriate;
  6. Ensure detainees are not handcuffed or restrained to objects not designed and intended for such use;
  7. Ensure continuous, personal supervision and control of detainees is established and maintained;
  8. Ensure that at least one officer processing or supervising detainees have an activated portable radio to use in case of emergencies;
  9. Ensure non-essential personnel do not enter processing areas;
  10. Exercise due care in the supervision, processing, and observation of detainees in order to prevent escapes;
  11. Conduct security checks for conditions that pose threats to employees or detainees prior to and immediately following each use of facilities used for processing.

- C. Officers processing detainees in the facilities of allied agencies will follow the security protocols of those agencies so long as they are not in conflict with this agency's directives.

### 2.650.28 Supervising Detainees

(71.3.1.a, 71.3.1.c, 71.3.3.c, 71.3.3.e, 71.5.1.a)  
{Revised: 08/11/15}

- A. At least one officer must be in the TEMPORARY DETENTION facility any time detainees ARE PRESENT.
- B. OFFICERS who supervise detainees:
1. Will ensure face-to-face observations are made and documented at least every 30 minutes or as otherwise specified consistent with **2.610.14 Detainee Screening & Property Record**;
  2. May make documented detainee observations through cell door viewing ports rather than opening cell doors except when direct, continuous supervision of detainees is necessary and they are cuffed to the bench in the common area;
  3. Of the opposite sex will, prior to making observations, ask detainees if they are undressed or using the toilet facilities. Visual observations will be delayed until detainees are no longer using the toilet facilities. However, opposite sex observations will not be delayed if OFFICERS have reasonable belief that exigent or emergency conditions exist that necessitate immediately accessing or observing detainees;
  4. Will ensure that at least two officers are used to open cell doors and check on detainees who attempt to avoid visual observations by hiding at the base of the cell wall, underneath the cell bench, etc.; and
  5. Should be, if permitted by on-duty staffing, of the same sex as detainees.
    - a. Officers may supervise detainees of the opposite sex so long as any periods of direct contact are monitored through the CCTV system.
    - b. Officers will not enter the cells of opposite sex detainees unless:
      - (1) At least one additional officer is present; or
      - (2) Emergencies exist that immediately threaten detainees' health or safety.

- D. There cannot be any physical barriers, such as closed doors, between officers and detainees when direct, continuous supervision is necessary. This can be accomplished by having the detainee seated on the bench in the common area and handcuffed to one of the loops on the bench.

### 2.650.30 Naked, Indecently Attired, etc. Detainees

- A. Detainees who are naked, indecently attired, whose clothing is significantly stained with biohazards or posing unhealthy or unhygienic conditions will be provided single use, disposable coveralls to wear.
- B. Officers providing coveralls to detainees will document the facts and circumstances of the matter in related reports and ensure the Logistics officer is notified of the need to restock the supply.
- C. See also **2.406 Bloodborne Pathogens, Exposure & Control**.

### 2.650.32 Attorney-Detainee Contacts

(71.3.3.c)

- A. Detainees may meet with their attorneys only at the request of detainees.
- B. When detainees meet with their attorneys:
1. Attorneys:
    - a. Must be positively identified by photo ID and Bar Association membership card;
    - b. Must remove from their person items such as metal, cell phones, keys, wallets, cash and coins, tobacco products, lighters, and other items that may be considered contraband;
    - c. Will be wand-scanned by officers and patted down if indicated as necessary from scans;
    - d. May take only a notepad and writing instrument into meetings; and
    - e. May meet with detainees only for reasonable lengths of time in the interrogation room.
  2. The CCTV for the interrogation room will be deactivated, but the CCTV for the common area will remain active;
  3. An officer will be stationed inside the common area; and

4. Officers will record in related reports information such as the personal information of attorneys, and times and duration of the meetings.

**2.650.34 Telephone Use** (71.3.3.c)

- A. Detainees will be permitted to make a reasonable number of phone calls using a non-recorded phone line in the facility so long as the calls do not unduly interfere with processing activities or compromise on-going investigations. Phone calls should not last longer than five minutes each.
- B. Processing officers will:
  1. Place calls on behalf of detainees;
  2. Stay in the immediate area to ensure the calls do not unduly interfere with processing activities or compromise on-going investigations; and
  3. Include related information, including phone numbers, persons called, and nature of the conversations in related reports.

**2.650.36 Meals** {Revised: 09/03/14}

- A. Meals will be provided to detainees held in excess of eight hours.
  1. Meals may be provided at any time for humanitarian and/or medical reasons.
  2. Food that requires the use of eating utensils is discouraged. Plastic eating utensils will be used only when absolutely necessary.
  3. Officers who are supervising detainees are responsible for collecting any eating utensils and trash after detainees finish eating.
- B. Special meals prescribed by licensed primary health care providers to address medical conditions or meals that permit detainees to abide by religious or cultural dietary rules may be approved by an on-duty commander or the Duty Officer so long as the meals are paid for by the requesting detainees.
- C. Meals can be obtained through the university's catering service during their business hours or by signing out a fast food gift card that is kept in the processing area.
  1. Arresting/processing officers are responsible for:

- a. Reasonably anticipating the need to feed detainees and taking into account the operational hours of the fast-food restaurant;
  - b. Documenting any meals provided in police reports related to related arrest situations; and
  - c. Obtaining receipts for meal purchases and submitting the receipts to the Logistics Officer.
2. The commander responsible for the logistics function is responsible for ensuring:
    - a. The logistics officer maintains a minimum balance available on the gift card; and
    - b. At least quarterly, written accountings of gift card activities are conducted consistent with **1.403.15 Accounting & Auditing**.

**2.650.38 Bedding**

- A. Detainees will have access to bedding materials if conditions exist that extend detention periods in excess of eight hours.
- B. The Logistics Officer will ensure at least two single use disposable sets of bedding materials are kept in the facility's supply cabinets.

**2.650.40 Visitation** (71.3.3.c)

- A. Detainees are not allowed to have visitors unless approved by a commander or the Duty Officer for exceptional reasons.
- B. Visits must take place only in the facility common area.
  1. Detainees will be handcuffed.
  2. At least one officer will be stationed inside the facility.
  3. Physical contact between detainees and visitors is not permitted.
  4. Detainees and visitors will be searched before and after visits.
- C. Information relating to visits, including the personal information of visitors, reasons for visits, and duration of visits, will be recorded in related agency reports.

#### **2.650.42 Packages, etc.**

- A. Detainees are not allowed to receive packages or other items in all but the most exigent of circumstances for humanitarian reasons such as:
  - 1. Cash or negotiable instruments for bail or bonding purposes;
  - 2. Essential medications; or
  - 3. Personal identification documents.
- B. A commander or the Duty Officer must be contacted for approval of any items intended for detainees.
- C. Any items received for detainees will be inspected and searched by the officers supervising the detainees.
  - 1. Contraband, evidentiary, or other unapproved items will be impounded and recorded on property receipts.
  - 2. Items actually accepted on behalf of detainees will be recorded and distributed consistent with **2.610.14 Detainee Screening & Property Record.**

#### **2.650.44 Medications**

- A. Employees will not dispense medications to, or allow self-medication by, detainees unless the medications are in proper containers and are:
  - 1. Prescribed with current prescription labels attached; or
  - 2. Over-the-counter with instructions for use.

- B. Detainees who need prescription medications that are not currently in their possession will be given the opportunity to, with approval of a commander, be taken to a hospital so they can be, at their own expense, examined, prescribed appropriate medications, and have the prescription filled at a pharmacy consistent with **2.630 Sick or Injured Arrestees.**
- C. Pharmacists and/or licensed prescribing health care practitioners will be contacted for verification purposes if there are any doubts to the authenticity or purpose of any medication.
- D. Medications will be released to detainees or transferred to receiving officials as appropriate consistent with **2.610.14 Detainee Screening & Property Record.**
- E. Related reports must contain details explaining the facts, circumstances, and actions taken in addressing any of parts **A.** through **D.** of this section. This includes names of medications, prescription information, intended uses of the medications, instructions for use, names and contact information of prescribing and/or contacted care practitioners, and dosages dispensed / taken.