

FREDERICK POLICE DEPARTMENT GENERAL ORDER

Section 7: Force, Detention and Arrest
Topic: TEMPORARY DETENTION FACILITY
Approved: 01/04/18
Review: Annually in January by Patrol Commander
Supersedes: G.O. 780 dated 02/01/12

Order Number: 780
Issued by: Chief of Police

.01 PURPOSE:

To provide guidelines and procedures regarding the temporary detention of prisoners at the Headquarters building.

.02 CROSS-REF:

G.O. [770](#), "Prisoner Transport"
G.O. [773](#), "Sick or Injured Prisoners"
G.O. [760](#), "Arrests Without a Warrant"
G.O. [775](#), "Searching of Prisoners"
CALEA STANDARDS: 71.1.1, 71.2.1, 71.3.1, 71.3.3, 71.4.1, 71.4.2, 71.4.3
Form OSB-160 [Juvenile Arrest Record / Cell Check Form](#)
Form PD-011 [Detention Area Inspection](#)
Form FA-003 [Medical Waiver](#)
Form [RS-001 PROPERTY RECORD](#)

.03 DISCUSSION:

Normally, prisoners will be transported directly to Central Booking. There are, however, occasions when an arrestee must be temporarily detained at Headquarters pending further questioning, investigation, testing, processing, etc. The Department's holding facilities will be used for that purpose as outlined in this order. The detention facility is not intended to be used for extended, non-supervised detention nor as a jail facility.

.04 POLICY:

The Frederick Police Department will establish standards and procedures to maintain adequate facilities for the temporary detention of subjects and to ensure their safety and security while in custody.

.05 DEFINITIONS:

"JUVENILE ARREST RECORD/ CELL CHECK FORM" - (referred to as the "Log" in this order) is a form (OSB-160) which documents the individual checks made of prisoners; any unusual actions or occurrences; and also lists an inventory of the property which is returned to the arrestee when they are released from the detention cell.

.10 TEMPORARY DETENTION FACILITY CONDITIONS:

1. The temporary detention facility consists of the detention cells, processing room and locked corridor area.
2. The detention facility will provide the following minimum conditions for prisoners:
 - A. Adequate lighting;
 - B. Circulation of fresh or purified air and a seasonally adjusted heating and cooling

system;

- C. Prisoner access to a wash basin, toilet, and fresh drinking water (*upon request and in a timely manner*); and
- D. Will be clean and sanitary.

.12 FIRE PREVENTION, EVACUATION, AND SUPPRESSION:

- 1. The detention facility will be equipped with a fire detection sprinkler system. A fire extinguisher will be readily available in the corridor.
- 2. Smoking is forbidden in the entire facility.
- 3. All lighters and matches will be confiscated from prisoners prior to placement in the cell.
- 4. In the event of fire, the fire department will be notified immediately.
 - A. Attempts may be made to extinguish small, confined fires with the available fire extinguisher (if practical).
 - B. Evacuation plans will be clearly posted for view and followed.
 - C. In the event of fire or other emergency, personnel may utilize the phone, emergency signal on their radio, or regular radio transmission to notify Communications of the need for appropriate assistance.
 - D. All arrestees will be evacuated to the sally port and/or transferred to secure holding facilities located at Central Booking, Frederick County Sheriff's Office, Maryland State Police, or to police vehicles if more appropriate, and held temporarily until the supervisor develops an alternative detention plan appropriate for the situation (i.e., the number of prisoners, age and sex of the prisoners, estimated length of time for the emergency situation, etc.)

.14 INSPECTIONS OF DETENTION FACILITY:

- 1. The Commander, Patrol Division will cause an inspection of the detention facility on a weekly basis for the following items/areas which will be documented on Form PD-011 entitled "Detention Area Inspection" and he will take immediate steps to correct any deficiency noted. A copy of each inspection will be forwarded to the Supervisor of Records and Agency Accreditation and filed in the Patrol Division for a period of one (1) year:
 - A. Fire extinguisher (charged) and evacuation route posted,
 - B. Cleanliness and sanitation of area, (Note - If there are any signs of vermin or pests, arrangements will be made for professional exterminators and pest control.)
 - C. Functional operation of toilets and sinks,
 - D. Thorough search for contraband, potential weapons, and hazardous conditions; and
 - E. First Aid Kit and replenishment of supplies when necessary.

2. Any deficiencies will be corrected immediately and the individual cell(s) will be marked to prevent usage until such time as repairs are made.
3. The Patrol Commander will conduct an administrative review of temporary detention facility areas and procedures every three years. This review will evaluate arrangements for detention and whether better practices or facilities should be utilized.

.15 WEAPONS IN THE DETENTION FACILITY:

1. Prior to entering, all officers will **remove and secure all firearms and tasers from their person and deposit them into the lockers provided.**
 - A. This procedure applies to *any* officer, regardless of agency or department.
 - B. No employee will permit entry into the detention facility of *any* person possessing any weapon on their person at any time except those outlined in para. C. of this section.
 - C. Police Department issued OC spray and collapsible baton secured in their holders on the duty belt will be permitted in the detention facility. Any edged weapons must be holstered or hidden from view.
2. Exceptions to the detention facility weapons policy may be made in emergency situations, such as, but not limited to: escapes, officer in trouble, or hostage situations.
3. Evidentiary weapons will be rendered safe and packaged in the appropriate container in accordance with General Order 831, while in the workroom. Once safely packaged, they will be secured in the property lockers located in the detention facility.

.20 USE OF TEMPORARY DETENTION FACILITIES:

A prisoner, adult or juvenile, cannot be left in a cell for more than two (2) consecutive hours without some actual processing taking place. They can then be returned to the cell with checks being maintained, as long as he is removed at least every two (2) hours. The detention cell must be inspected each time an arrestee is removed from the cell. This prevents an arrestee from being placed in a cell for an unreasonable amount of time without any action being taken.

1. A subject who is not under arrest and who is free to leave the building will not be placed in a detention cell.
2. Juvenile, male, and female prisoners will be separated by sight and sound, so that a normal conversation cannot be overheard.
3. Normally, prisoners will be placed one (1) per cell. When all available cells have single prisoners, then additional persons may be placed in each cell as long as it does not violate section .20.2 or become a safety concern.
4. Civilian personnel will not enter the temporary detention area except for a specified work-related matter such as retrieving property, taking photographs, or cleaning.

.22 JUVENILES IN THE DETENTION FACILITY:

Juveniles will be handled in the following manner:

1. An accused delinquent offender may be held securely in an adult jail or detention cell for

up to six hours for the purposes of processing, release or transfer to a juvenile facility. In addition, **an accused delinquent offender may also be held securely in an adult jail or detention cell for up to six hours before a court appearance and up to an additional six hours after a court appearance. Merely removing a delinquent offender from the cell does not reset the six hour clock. The officer will note the location the juvenile was primarily held on the Juvenile Arrest Record / Cell Check Form (OSB-160).**

2. Juvenile status offenders and juvenile non-offenders, such as children in need of supervision (CINS) or a child in need of assistance (CINA), will **NOT** be placed in any locked room or handcuffed to any stationary object. When deemed necessary for officer safety officers may handcuff a delinquent offender, but must remain in the arrestees presence at all times

.25 CONTROL OF HOLDING KEYS:

1. One key fits both cell doors. This key will be kept hanging on a doorknob within the secured hallway. Spare keys are kept in the key cabinet in the Records Section, to be used in the event of an emergency.
2. Any missing key(s) will be reported immediately, via chain of command, to the Commander of the Patrol Division.

.30 DETENTION FACILITY DOOR SECURITY:

1. Corridor door(s)
 - A. The door(s) leading into the detention facility will remain closed at all times.
 - B. Personnel must utilize their card key in order to leave the detention area.
2. Detention cell door(s)
 - A. Doors to vacant cells will be kept open until utilized.
 - B. Soiled, contaminated and/or damaged cells will have their doors closed and secured to prevent use with a sign to indicate the need of attention by maintenance staff.

.40 DETENTION CELL SECURITY CHECK:

1. Any officer, prior to placing a prisoner into a detention cell, will make a thorough security check of the cell to check for contraband, weapons, and/or any cell damage. The search will be made by the officer placing the prisoner in the cell, regardless of who the arresting officer may be.
2. Prior to releasing a prisoner from the cell, the officer removing the prisoner will make an additional security check of the cell.
 - A. If cell damage or contraband is found, the officer will document the discovery and take any further action as necessary.
 - B. Officer(s) performing this security check will proceed with due caution and not allow the efforts of the check to distract them from the actions and demeanor of the prisoner.

- C. The prisoner will be handcuffed or monitored by additional officer(s) during the search of the cell.
- 3. Video cameras will be located within the general detention cell area and will be monitored by Communications personnel at the duty desk 24 hours a day. Toilets will not be visible. Video surveillance supplements personal supervision. It is not to be used in place of personal inspection.
- 4. Civilian employees will not supervise arrestees if such supervision requires the civilian employee to come into personal contact with arrestees.

.50 ARRESTEE RESPONSIBILITY AND MONITORING:

- 1. The arresting officer will be responsible for the arrestee. A supervisor may designate another officer based on operational conditions or other circumstances.
 - A. A "Juvenile Arrest Record/ Cell Check Form (OSB-160)" or Form PD-10 "Detention Cell Check Log (hereafter referred to as "Log" in this order) which documents prisoner checks, as well as prisoner property inventory, will be completed by the member responsible for the prisoner and affixed to the cell door. The form will document the reason for the detention, the date and time in and out of the facility, and meals provided, if any.
 - B. Whoever places the arrestee in the cell will be responsible for the arrestee until relieved by another officer.
- 2. Arrestees will never be left unattended by an officer when outside a detention cell.
- 3. While inside the detention cell, the supervising member must be within *reasonable proximity* of the detention cell - (i.e., in the workroom, processing room, supervisor's office, etc.)
- 4. Prior to placing an arrestee in a detention cell, the responsible officer will:
 - A. Determine any need for emergency medical treatment;
 - B. Determine any physical conditions which warrant special attention such as sight impairment, deafness, disabled, suicidal, under severe influence of drugs/alcohol, etc.;
 - C. Thoroughly search and remove all items which are unnecessary and which could be used by the arrestee to harm himself or others, or cause damage. These items are specified in G.O. [775](#) entitled "Searching of Prisoners."
 - (1) Property belonging to a prisoner will be inventoried in front of the arrestee, (unless the person is violent, unconscious, or otherwise incapable of attending the inventory process), and locked in a prisoner property locker. The "Log" will be utilized for documentation and recording of items on the side entitled "Prisoner Property Inventory". (Note - Since this property accompanies the prisoner, it does not get logged on property form RS-001.) Keys for prisoner property lockers will be kept with the prisoner property locks.
 - a. The arrestee will sign that the inventory list is correct. If he

refuses, it will be noted on the Log.

- b. If unable to have the prisoner present for reasons above, a second officer will witness the inventory.
 - c. Any discrepancies should be noted in writing by the prisoner, witnessed by the officer, and presented to the supervisor prior to the release of the prisoner.
- (2) Evidence or contraband is to be inventoried separately in accordance with department evidence procedures.
 - (3) When the arrestee is released, all property taken, other than evidence or contraband, will be returned to the prisoner. The prisoner will sign the log indicating receipt. If the prisoner is transported to Central Booking, personal property will be given to detention personnel per their procedures;
5. Personally inspect the arrestee **at least once every thirty (30) minutes** while they are in the cell and note the time of the inspection on the Log.
- A. Disabled, suicidal or arrestees exhibiting unusual behaviors **will be checked at a minimum every fifteen (15) minutes**. An "Emergency Evaluation Petition" will be initiated if appropriate.
 - (1) The arresting officer will determine whether it is safe and necessary to return mobility devices to arrestees. If mobility devices are kept from the arrestee, it will be noted on the Log.
 - (2) The supervisor will be notified immediately of any safety/welfare concerns.
 - B. The first time noted on the Log will be when entry is made into the cell and the last notation will be when the arrestee is removed. All times noted must be as the event occurs.
 - C. Turn the Log in to the Supervisor with other arrest paperwork.
6. Any medication in the possession of a prisoner will be withheld until verification of its proper use is obtained. This verification will be made as soon as possible but within the time interval specified for administration of the medication on the prescription container. Once medication prescribed by a physician and brought in with a prisoner is verified, it may be administered with the express approval of the on-duty supervisor. Family members may also be contacted to bring the medication in, if it can be done in a *timely* fashion.
- A. A waiver for prescribed medication (Form FA-003) must be signed **prior** to the administration of the medication.
 - (1) The original is submitted with the paperwork.
 - (2) A copy will accompany the arrestee to Central Booking or be given to him if released.

- B. Any time medication is dispensed, it will be noted on the Log.
 - C. If in doubt as to condition, or the prisoner refuses to sign the waiver, the prisoner may be transported to the hospital, if appropriate, after consultation with the supervisor.
 - D. Under no circumstances will any member offer any arrestee any "over the counter" medication such as aspirin, cough drops, etc.
7. Complete all processing as soon as possible for release or transport to Central Booking.
 8. Continue custodial care if the arrestee has to return to the detention cell for any reason.
 9. The officer responsible for the arrestee will notify any relief officer or Central Booking of the arrestee's actions prior to relinquishing control.

.60 PHYSICAL RESTRAINTS:

1. Generally, prisoners will be placed into the detention cell without handcuffs.
2. Whenever there is a concern that the prisoner will harm himself or others or destroy/damage property, the officer in charge of the arrestee will:
 - A. Notify a supervisor of the arrestee's actions;
 - B. Determine if medical treatment or emergency commitment is necessary;
 - C. Place the arrestee in a cell separate from all other prisoners whenever available;
 - D. Use physical restraints such as handcuffs or leg irons to restrain the prisoner, or handcuff the prisoner to the ring located on the bench inside the cell which was designed and intended for prisoner restraint.
 - E. **Not** handcuff the arrestee to any other immovable object except for the bench ring noted above.
 - F. Make more frequent inspection checks than the regular thirty (30) minute checks of the prisoner when appropriate.
3. Whenever restraints have to be placed on a prisoner inside the detention cell, a notation detailing date/time as well as the purpose for applying the restraints will be placed on the Log.

.70 MULTIPLE ARRESTS:

1. In the event there are multiple arrests, the patrol supervisor may designate one officer to conduct the required prisoner security inspections so that other personnel may resume their duties.
2. Whenever members of other divisions need support to assist with prisoner security checks, processing, or transport, coordination will occur between the arresting member and his supervisor (or patrol supervisor if he is absent) to make arrangements for the relief as soon as conditions permit.

.80 PRISONER ESCAPES:

Employees will exercise due care and diligence in order to prevent arrestee escapes. In the event of escape from custody by a prisoner held in the detention facility, immediate efforts will be made for apprehension. The following steps will be taken by personnel, though not necessarily in the given order:

1. The employee discovering the escape will notify Communications and the supervisor.
2. The discovering employee will determine if anyone was injured and summon emergency medical assistance if necessary.
3. The person discovering the escape will immediately secure all doors under their control.
4. Sufficient personnel will be dispatched to secure the detention facility and/or entire police facility if necessary. A complete search will be made of the premises including ceilings and closets.
5. Descriptions, identities, and offenses for which the escapee was incarcerated will be dispatched to all surrounding agencies and personnel, along with any other pertinent information to aid in the capture of the escapee. Appropriate computer entries will be made.
6. Once the detention facility is secure, sworn officers will check to see that all corridor doors and cell doors are functioning properly.
7. A check of all remaining prisoners will be made.
8. A complete report will be made by the officer in charge of the escapee, as well as the supervisor, via chain of command, to the Chief documenting all facts pertinent to the incident and any action which can be taken to prevent a reoccurrence.

.90 PRISONER RIGHTS:

1. Decisions concerning arrestees, such as release or transport to Central Booking, will be made without unnecessary delay.
2. Prisoners will be permitted to make at least two (2) local or collect long distance telephone calls while in a temporary detention area *absent articulable exigent circumstances*. Calls should generally be limited to five (5) minutes. It is the responsibility of the arresting officer to ensure that the prisoner is given the opportunity to make the telephone calls, unless the calls would jeopardize an ongoing investigation or other circumstances exist which renders the calls inappropriate or unsafe. The officer will document in the incident report any reason why phone calls were denied.
3. Attorneys will be permitted direct contact with their clients when they respond to the client's request. The attorney is subject to a pat-down prior to contact with the prisoner. A private area within the detention facility will be provided for the attorney/client contact. The area utilized must have a window in the door or nearby so the officer can view the prisoner at all times. Officers may not listen to their conversation.
4. Visitors will **NOT** be permitted unless authorized by the supervisor and then only in emergency situations. If approved, the visitors and their property will be searched prior to any contact and will meet with the prisoner in a room inside the detention facility. The prisoner will remain handcuffed. No physical contact will be allowed between arrestees

and visitors. The supervising officer will remain with the prisoner during the visit.

5. Both attorneys and visitors will be documented on the Log with name, date, and the time(s) they were present.
6. Arrangements will be made to feed prisoners who are held for at least eight (8) hours by contacting Central Booking.
7. Prisoners required to surrender clothing or footwear to the Department for evidence will be given replacement items from the storage cabinet in the detention facility or from Frederick County Detention Center if they cannot get their own replacements within a reasonable period of time.

.100 TRAINING:

1. All sworn personnel, during the Academy and subsequent field training, will receive training on the contents of this order, including the location and proper use of fire suppression equipment.
2. The Training Commander will ensure that retraining on the contents of this order and the use of the temporary detention facility is conducted at least every three years and such training is documented.
3. Supervisors will ensure remedial training upon any observations or knowledge of violations of this general order.