

GENERAL ORDER XXV

SUBJECT: DETENTION

EFFECTIVE DATE 03-09-05

REVIEW DATE: 01-13-12

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

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I. PURPOSE

Officers of the West Plains Police Department take persons into custody for crimes committed, offenses against public order or for many other emergency, legal or humanitarian reasons. Employees in the facility must be aware of potential mental, emotional or physical problems and frequently must handle arrestees as patients as well as prisoners.

There are two basically incompatible responsibilities, care and custody and simultaneously, detention of arrestees. They are prisoners and must be secured from possible escape; but they are in custodial care of the police department, so you must provide for their needs and protect their individual rights.

The West Plains Police Department is attentive to the proper safety, health and sustenance of arrestees in custody and care. The Department safeguards individual rights and maintains the safety of all persons.

II. DETENTION OF ARRESTEES

All arrestees placed in the detention area will be thoroughly searched prior to intake. Arrest reports, jail cards, medication logs and check sheets and all other related forms are to be filled out completely.

III. ARRESTEE INTAKE

Do not intake an arrestee under any of the following conditions:

1. Injury or illness- Do not intake arrestees before proper medical personnel treat and release them if there may be an injury or illness where a person;
  - A. Is unconscious or apparently injured

- B. Has obvious health problems.
- C. Mental illness- When officers bring prisoners with mental problems to detention you may temporarily secure them for a limited time while officers make necessary arrangements for commitment of transportation to a mental health facility.

NOTE: A supervisor is to be contacted if they complain of health problems or request medical aid prior to intake.

#### IV. ARRESTEE CLASSIFICATION

- 1. Sex of arrestee: Hold male and female arrestees in separate cells or holding areas.
- 2. Juveniles: Do not hold juveniles in the detention facility.
- 3. Arrestee under the influence: Try to find a treatment facility for arrestees who are greatly impaired due to the influence of drugs or alcohol. If possible arrestee may be released to an immediate family member, with a supervisor's approval. If such arrestees must be detained in this facility, keep them under close observation to prevent injury to themselves and others.

#### V. PROPERTY

- 1. Property Security: Never leave an arrestee's property unsecured. Immediately report any discrepancy about arrestee's property to your immediate supervisor.
- 2. Logging Arrestee's Property: Place arrestee's property in property envelope. Larger items must be tagged with property tags. Completely fill out property form on back of jail card. Have arrestee acknowledge property taken by signature. A signature is needed on return of property also. Note any refusal to sign or acknowledge property.
- 3. Contraband Property: List contraband items taken from arrestee during booking process with personal property, although officers will confiscate the items and enter it into property/evidence room.

#### VI. CONTROL

- 1. Inspecting Cells: Make a thorough search for contraband and weapons before placing arrestees in a cell and then again after the cell is vacated.

2. Forbidden Items: Do not allow arrestees to have obscene material, tools, culinary equipment or any electrical devices in their cell. Upon receiving approval from a supervisor, arrestees may be allowed writing instruments.

NOTE: Knives, forks and spoons should be counted every meal.

## VII. KEYS AND DOORS

1. Keys: Keep keys and copies under strict control. If a key is lost or misplaced, notify a supervisor as soon as possible.
2. Doors: Check doors frequently to ensure they are locked.

## VIII. SUPERVISING ARRESTEES

1. Employees of the West Plains Police Department will supervise arrestees around the clock.
2. Visual Observation: Make a visual check of occupied cells every thirty (30) minutes. Problem or risk prisoners will be placed in the front cell and monitored every fifteen (15) minutes
  - A. Make occasional unexpected checks
  - B. Observe security risk prisoners more frequently

Note: Security risk prisoners are those classified as violent, suicidal, mentally ill or those demonstrating unusual or bizarre behavior.

3. Opposite Sex: Place visual equipment so it does not intentionally violate the prisoners rights to expected privacy during personal cleanliness activities when monitored by employees of the sex opposite that of the prisoners.

## IX. TELEPHONE

1. Using the Telephone: When requested, allow arrestees to make calls to attorneys or other legal representatives as soon as reasonably possible.
2. Incoming Emergency Calls: Get the emergency nature, name of calling party and telephone number and verify the situation. Allow the prisoner to call back for legitimate emergencies.
3. Prisoners shall make long distance calls at their own expense.

## X. MAIL OR DELIVERIES

1. Incoming Mail or Deliveries: Open incoming mail or packages and examine them for money or contraband. It's best to have another employee present during this examination process.
2. Removing Items From Deliveries: Make a written report whenever any item is removed from incoming mail or deliveries. This report is to be sent to the Chief of Police. Included shall be prisoner's name, description of items, disposition of items and officer's signature.

## XI. VISITATION

1. Allowed Visitation: Allow each prisoner two (2) visits per week. Do not allow any more than four (4) visitors at any given time.
2. Stopping and Suspending Visits: You may end a visit or suspend a visitor from returning if you learn a visitor:
  - A. Is under the influence of drug or alcohol
  - B. Refuses to obey directions
  - C. Violates visiting rules

## XII. ARRESTEES RIGHTS

1. Access to the Court: Arrestees shall have every access to the court as provided by law.
2. Access to Attorneys: Allow arrestees to consult with attorneys in private if they request such services. Do not:
  - A. Act as an attorney
  - B. Recommend an attorney
  - C. Aid in solicitation of an attorney
  - D. Allow advertising of an attorney in the detention area
3. Time Limits: Be aware of the charge and the status of each arrestee in custody and do not hold any person longer than time limits prescribed by law.

### XIII. BAIL BONDSMAN

1. Allow arrestee to consult with a bail bondsman if they request such services. Do not hinder or unnecessarily delay this requested right. Do not:
  - A. Act as a bail bondsman
  - B. Recommend a bail bondsman
  - C. Aid in solicitation of a bail bondsman

### XIV. EVACUATION

1. Should the need arise for prisoners to be evacuated, they will be escorted from the holding area to the north fenced area furthest point.

### XV. DISCIPLINE AND GRIEVANCE PROCEDURES

See General Order XXVI (External Complaints)

### AUTHORITY

- A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

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Charles Brotherton, Jr., Chief of Police