A. Purpose

To describe procedures for the detention of prisoners.

B. Policy

Officers will follow all applicable laws and statutes when detaining prisoners.

C. Procedures

1. Incarceration at a Local Jail or Detention Facility

   a. Any person in the custody of the TPD may be incarcerated in the local jail or other detention facility at the request of a TPD police employee prior to the time that a statement of charges is completed or a warrant is issued.

   b. An officer may request incarceration at a detention facility when:

      a. a person is arrested in one county on charges pending in another county, and it is not immediately possible to transport the prisoner to the county where the charges are pending.

      b. a person is detained for questioning or investigation when there is probable cause or a court order for the detention. When such detention is permitted, the officer is authorized to incarcerate this person at a jail or detention facility.

      c. a person is arrested by an officer without a warrant and the arrested person can be held there until the warrant is obtained.

      c. When a warrant has been issued and the person has been delivered to the jail in the county where the offense is alleged to have been committed, all provisions of Pub. Safety §2-310, become inoperative; and detention thereafter is in accordance with the warrant.
d. Every person incarcerated by an officer is deemed to be in custody of the TPD and must remain in custody until:

(1) a warrant charging a criminal offense or other process, such as a bail order, has been issued for him by a court of competent jurisdiction; or

(2) the prisoner can be returned to the county claiming jurisdiction in the case.

e. Until one of the above procedures has been complied with, any person so confined may be released only to, and upon the written order of, a TPD police employee.

2. Prisoner Care

a. Mistreatment of any prisoner will result in disciplinary action.

b. Officers will take all precautions to prevent a prisoner from escaping and injuring anyone while attempting to escape.

c. If a prisoner escapes because of an officer’s negligence or carelessness, it will be considered a violation of policy and disciplinary action will result.

d. Sick or injured prisoners will be cared for as outlined below.

e. Prisoners will be given sufficient opportunity to communicate with relatives, counsel, bondsmen or friends, and facilities will be made available for such communication.

(1) If the investigating officer deems this contact will be detrimental to an investigation, denial of communications must be given by the prosecutor.

f. Officers may not:

a. talk to prisoners unnecessarily or use obscene or profane language to address the prisoner, or

b. use unnecessary force when handling a prisoner.

g. If a prisoner’s behavior is unusual or if the duty officer suspects they have a medical issue, the officer will observe the prisoner closely and get medical help if needed.

h. If possible, no more than one prisoner will be confined in a cell or detention room at one time.

i. If a prisoner is detained for an extended period of time, they will be given meals and drinks which will be noted in the appropriate location in the RMS.

j. The cost of the food will be treated as emergency expenditures under the working fund procedure.

k. If there is not a toilet in the location where the prisoner is detained, they will be given access to restrooms when needed.
3. Detention Procedures

a. Officers accepting a prisoner from another law enforcement agency will verify that the person who has the prisoner in custody has the authority to make the detention.

b. Prisoners are detained for safekeeping, not punishment.

c. Detention is only for the period of time it takes to complete the paperwork necessary to have a prisoner appear before a commissioner, transferred to another facility, or for interrogation.

d. A prisoner will not be detained for the sake of convenience, such as to give an officer time to complete ancillary paperwork not associated with the charging documents and processing.

e. The personal property of prisoners will be removed from their control and each item will be recorded in the appropriate location in the RMS.

   (1) Each item will be logged including exact dollar amounts if the prisoner has cash.

   (2) This form will be placed in the case file.

f. Prisoners will remain in a holding cell if at all possible when in the office.

g. If the prisoner is not in a cell, he will be handcuffed to a permanent fixture designed to secure prisoners in the officer's room or the processing room.

   (1) A prisoner will never be left alone in a room (other than a cell), even if handcuffed to a permanent fixture.

   (2) Officers dealing with any prisoner in the office will not be armed with any firearm or knife.

4. Security and Control for Temporary Holding Cells

a. All prisoners will be searched in the presence of a supervisor prior to being placed in a holding cell.

b. An officer will be unarmed when processing a prisoner or entering a holding cell occupied by a prisoner; if necessary, a second unarmed officer will remain outside of the cell.

c. A holding cell door will be locked at all times and the key must be immediately accessible to the duty officer.

d. The officer will inspect the holding cell, prior to a prisoner being placed in a cell, and immediately following the removal of a prisoner.

e. The officer must go into the cell area at least once every 30 minutes to check on the prisoner and note this check in the appropriate location in the RMS.
f. An unconscious prisoner will never be placed, or allowed to remain, in a cell without medical treatment even if the prisoner's condition may have been caused by intoxicants.

5. Visitors

a. Prisoners being held at TPD are generally not allowed to have visitors because of the inherent safety issue.

   (1) Attorneys representing a prisoner may be permitted in a holding cell but an officer or supervisor must stand by to respond immediately when summoned.

b. All visitors will be logged in the RMS in the appropriate location.

6. Release of Prisoners

a. Once release has been determined, the officer will make the appropriate notation in the RMS.

7. Prisoners Requiring Medical Care

a. General

   (1) When a prisoner is sick or injured, the arresting officer will immediately call for assistance and arrange for appropriate medical treatment.

   (a) The officer may request an ambulance or transport the person himself if appropriate.

   (2) If a prisoner is transported to a medical facility:

   (a) No prisoner may be transported in a prone position while restrained.

   (b) Officers will ensure that special accommodations that may be needed for certain medical conditions are made and any needed items are transported with the prisoner.

   (c) The supervisor will be responsible for notifying the prisoner’s family, if appropriate.

   (d) An officer will ride in the back of ambulance with the prisoner to maintain security of the prisoner while in transit unless riding in the ambulance is impractical or impossible.

   (i) If an officer does not ride in the ambulance, the prisoner will be physically secured in the ambulance and the officer will follow the ambulance to the hospital.
(e) the supervisor should contact the hospital’s security office to notify them of the transport and, if available, provide the prisoner’s name, any special security or health concerns and the contact information for the supervisor.

b. Restraining Devices During Transport

(1) The officer will ensure that a prisoner is restrained by at least one restraining device (e.g., handcuffs, leg irons).

(a) Flex-cuffs will be used only when other devices are unavailable or when medical personnel request their use.

(b) Restraining devices will only be used to prevent escape.

(2) If the officer believes that it will be safe to do so, the prisoner may be handcuffed to the ambulance stretcher if requested by EMS personnel.

(3) The officer will decide which type of restraints to use with input from EMS providers and consideration of the situation and the extent of injuries or nature of the illness.

c. Security of Admitted Prisoner

(1) When a prisoner in TPD custody is admitted to a hospital, the arresting officer will immediately notify the supervisor of the prisoner’s room number.

(2) During emergency room assessment and treatment, at least two officers will be assigned to guard a prisoner; this requirement may be modified by the Chief. This may include assistance from allied agencies.

(a) When the prisoner has been hospitalized and assigned a room, the Chief will be responsible for assigning at least two officers to guard the prisoner at all times unless this requirement has been modified.

(b) One of the two officers will be the same sex as the arrested person if possible.

(c) Officers will be in uniform and have their TPD identification cards available.

(3) As soon as possible after hospitalization, the Chief will contact the State’s Attorney’s Office to determine whether the prisoner should be considered for bond reduction or release if being held on an active warrant.

(4) If a prisoner is detained on pending criminal charges, the Chief will contact the District Court commissioner’s office to arrange for an off-site Initial Appearance Hearing.

d. Hospital Procedures
(1) Prisoners will be supervised and secured with proper restraints at all times in any area of the hospital.

   (a) Leg irons and handcuffs will be used to restrain a prisoner unless the attending physician requests other devices be used which will not interfere with patient care.

   (b) Flex cuffs may be required in certain areas (e.g., radiology) where the use of metal restraints could conflict with patient care.

   (c) All prisoners, regardless of security status, will be secured to the bed by at least one arm and one leg unless prohibited in writing by the physician.

(2) Officers will contact hospital security upon arrival and request the use of a hospital radio while guarding the prisoner in that facility.

(3) Officers will search the hospital room and the prisoner before and after all room changes, movements within the hospital facility and during shift changes.

(4) Officers assigned to the prisoner detail will remain in the prisoner’s room at all times unless the treating physician requests that the officers exit the room (e.g., for an examination).

(5) If officers must leave the room, they will remain immediately outside the doorway of the prisoner’s room.

(6) Officers will not use any device that will distract them from the constant monitoring of the prisoner and will remain alert at all times.

(7) The officer and prisoner will comply with the hospital rules unless those regulations interfere with securing the prisoner.

   (a) If hospital orders interfere with appropriate security measures, the officer will contact his supervisor immediately.

   (b) The supervisor will resolve the conflict after consulting with the hospital staff and its security office.

(8) If the prisoner needs additional care in another area of the hospital, officers will accompany the hospital staff on all movements and notify hospital security prior to any movement.

   (a) During prisoner movements within the hospital, the prisoner will be secured with leg irons and handcuffs.

   (2) The restraints will not be concealed under sheets, towels, etc. unless directed by medical staff for a specific medical reason.

(9) Officers will not leave a post until a hospital security officer arrives to relieve one of the officers and the officer’s absence will be kept to a minimum.

(10) Hospital security officers will never be left as sole persons guarding a prisoner.
(11) If a prisoner becomes violent or disruptive, officers will use the appropriate amount of force consistent with TPD policy.

(12) OC should generally not be used as it may contaminate the medical facility.

e. Restraints During Medical Procedures

(1) Prisoners in pre-op will be restrained with flex cuffs in a manner consistent with the operating room procedures.
   
   (a) Flex cuffs may be applied in a fashion that does not interfere with the procedure.
   
   (b) The flex cuffs will be applied prior to the removal of metal restraints.
   
   (c) Coverage by sight will be maintained in the operating room or other areas.
   
   (d) Hospital staff will instruct officers where to stand to observe the prisoner.

(2) Officers will reestablish restraints as listed above before removing the flex cuffs.

f. Prisoner Restroom Usage

(1) Officers may escort prisoner, who is restrained with at least leg shackles, to a restroom if the officer believes it may be done safely.

g. Telephone Use

(1) Officers will request that hospital phone service to a prisoners’ room is disconnected.

(2) If the phone cannot be removed or disconnected, the officers will answer all incoming telephone calls.

(3) Cell phones in the possession of the prisoner will be taken by the officer, turned off and stored in accordance with TPD policy; prisoners may not retain or use personal cell phones while in the hospital.

(4). The prisoner will not be allowed to receive any calls unless authorized by the commander.

h. Visitors & Visiting Procedures

(1) Other than the prisoner’s attorney, prisoners will not be permitted to have visitors except in extraordinary circumstances.
(2) The Chief may approve a visit after consultation with hospital staff.

(a) Nursing staff and hospital security will be advised of all approved visits.

(b) Visits will be consistent with hospital policy and procedure and will not be extended unless authorized by the Chief.

(c) Visits will be limited to one adult visitor at a time.

(d) Visitors will provide photo identification and will submit to a wanted check and search of their person and belongings prior to entering the prisoner’s room.

i. Release of Prisoner from the Hospital

(1) When a prisoner is released from a hospital, hospital security will be contacted prior to the removal of restraints.

(2) The Chief will be contacted prior to the transport of a prisoner to the appropriate booking or detention facility.

(3) If a prisoner’s custody status should change while inside the hospital, (e.g., released on bond or on own recognizance) the officers guarding the prisoner must first notify the nursing staff treating the prisoner and hospital security prior to removing the prisoner’s restraints and before leaving the hospital.

j. Financial Responsibilities

(1) The TPD does not assume financial responsibility for medical treatment of prisoners.

(2) Pursuant to state law obligations incurred for medical services of persons in custody are assumed either by the patient or the county having jurisdiction.

k. Firearms

(1) Properly identified officers are permitted by state law to wear a firearm while guarding patients in a hospital or medical treatment facility.

(2) An officer will be mindful of officer safety and gun retention at all times.

(3) An officer entering a secure psychiatric unit will secure his firearm in a weapon locker at the facility or secure his firearm in his vehicle prior to entering the secure area of the facility.