



ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Transportation and Detention of Detainees		
POLICY & PROCEDURE # 3.07	DATE OF ISSUE: 1/29/2024	EFFECTIVE DATE: 2/9/2024
SUBJECT: DETAINEE VISITORS	ISSUING AUTHORITY: Chief James Cogan	
REFERENCE(S): Massachusetts Police Accreditation Commission # 72.7.1; 72.8.4; 72.8.5	<input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS	

I. POLICY

It is the policy of the Acton Police Department to allow detainee visitation at the discretion of the patrol shift supervisor.

II. PROCEDURE

A. Detainee Visitors [72.8.5(1)]

1. DETAINEE VISITS

a. Generally

- 1) Persons held in police holding facilities do not have a right to visits.
- 2) Visits to detainees are discouraged.
- 3) No visits shall occur unless authorized by the patrol shift supervisor.
[72.8.5(1)(2)]

b. Approved Visitors [70.3.2(3D)]

- 1) Parents or guardians of juveniles may be approved.
- 2) An attorney representing the detainee may be approved.
- 3) Consular officials (foreign nationals) may be approved. See the department policy on Consular Notifications (3.06).
- 4) Immediate family members may be approved.
- 5) Relatives who are not immediate family or friends of the detainee do not have visitation rights. It will be the decision of the patrol shift supervisor regarding any special or extenuating circumstances that might justify such individuals being allowed to visit the detainee.

c. Visitor Security **[70.3.2(3D)]**

- 1) Visitors must show positive picture identification, preferably a driver's license;
- 2) Visitors must be notified, prior to gaining access to the cell block area, that [s]he and his/her belongings are subject to a search and, at the discretion of the patrol shift supervisor. **[72.8.5(2B)]**
- 3) If the detainee is at the hospital, visitors must be notified, before gaining access to the hospital room, that [s]he and his/her belongings are subject to a search. **[72.8.5(B)(D)]**
- 4) Visitor's information, including his/her name, address, phone number, and relationship to the detainee, shall be logged through the Communications Center in the records management system (RMS). **[72.8.5(C)]**
- 5) The time the visitor enters and leaves the cell block or hospital room is recorded. **[72.8.5(D)]**
- 6) An officer shall be in the cell block or hospital room area during a visit. **[72.8.5(D)]**
- 7) See the Access to Counsel section in this policy for more information on attorney meetings with detainees.
- 8) No personal belongings of visitors (including pocketbooks and backpacks) are allowed into the cell block. **[72.8.4(D)]**

2. RECEIVING PERSONAL ITEMS

- a. Friends and family members may be requested by a detainee to leave a change of clothing for court, medications, and other personal items.
- b. Any mail, packages, or other items to be given to a detainee shall be examined thoroughly by a police officer before being given to the detainee. **[72.8.4(B)(C)]**
- c. The patrol shift supervisor shall have full authority to prohibit mail, a package, or any item in a package from being delivered. The following list of items is authorized: **[72.8.4(B)(C)(D)]**
 - 1) Clothing and shoes for court;
 - 2) Medications;
 - 3) Identification;
 - 4) Factory-sealed beverages in plastic containers, no metal;
 - 5) Food (see meals, Detaining Detainees – 3.04); and
 - 6) Reading material at the discretion of the patrol shift supervisor.

- d. A record shall be made of all items received by the detainee in his/her property record. No items will be given to a detainee without the approval of the patrol shift supervisor. **[72.8.4(D)(E)]**
- e. Items not specifically authorized under this policy, or allowed by the patrol shift supervisor, may not be left for or provided to detainees. **[72.8.4(D)]**
- f. Distribution of items: **[72.8.4(F)]**
 - 1) Clothing may be exchanged for clothing worn by the detainee. The detainee shall not have extra clothing in the cell.
 - 2) Food items may be given to the detainee.
 - 3) Medication may be given to the detainee in accordance with the Medication section of the department policy Detaining Detainees (3.04).
 - 4) Other items shall be stored with the detainee's property unless otherwise directed by the patrol shift supervisor.

3. ACCESS TO COUNSEL **[70.3.2(2E)]**

- a. Attorneys may have access to a detainee: **[72.7.1(C)]**
 - 1) If approved by a patrol shift supervisor;
 - 2) If the detainee wants to meet with the attorney;
 - 3) If the operation of the Acton Police Department will not be unduly disrupted; and
 - 4) If staffing allows.
- b. Attorneys shall comply with visitor security rules, or they will not be admitted.
- c. An attorney may meet with a detainee in the detainee's cell, hospital room, or an interview room, provided: **[72.7.1(C)] [72.8.5(D)]**
 - 1) Audio monitoring shall not be utilized during attorney visits in respect to the attorney-client privilege;
 - 2) An officer remains in the general vicinity of the cell or room, out of hearing, but within sight if possible; and
 - 3) At the Public Safety Facility, the visit is monitored via video by a department employee for the safety of the attorney.

DETAINEE VISITORS INFORMATION

History: Manual I, Section III.