



ACTON POLICE DEPARTMENT

	DEPARTMENT MANUAL; P&P: Transportation and Detention of Detainees	
POLICY & PROCEDURE # 3.02	DATE OF ISSUE: 8/24/2020	EFFECTIVE DATE: 8/28/2020
SUBJECT: HOLDING FACILITY	ISSUING AUTHORITY: Chief James Cogan	
REFERENCE(S): Massachusetts Police Accreditation Commission #72.1.1; 72.1.2; 72.2.1; 72.3.1; 72.3.2; 72.4.1; 72.4.2; 72.4.3; 72.4.4; 72.4.6; 72.4.7; 72.4.8; 72.4.9; 72.4.11; 72.5.3; 72.5.6; 72.6.2; 72.6.3; 72.6.4	____NEW __X__AMENDS ____RESCINDS	

I. PURPOSE

This policy addresses the operation of the Acton Public Safety Facility police holding facility.

The authority to operate a holding facility by a municipality is rooted in Massachusetts General Law: “Each community containing more than five thousand inhabitants shall, and any town may maintain a holding facility.”

A keeper of the holding facility must be appointed.

“Cities with a population over thirty thousand shall, and any other city may, designate one or more police stations for the detention of females and one or two matrons shall be appointed to each designated station.”

The proper operation of the police holding facility is critically important to the safety of police personnel and the well-being of detainees. A special relationship exists between the Acton Police Department and a person occupying a cell in its holding facility.

By statute, the obligation to maintain a holding facility includes the provision of any prescribed medication and nutritionally adequate meals. In addition, detailed statutory requirements exist concerning suicide prevention. Department of Public Health regulations at 105 CMR 470 provide detailed requirements for the maintenance and construction of holding facilities.

II. POLICY

It is the policy of the Acton Police Department to:

- A.** Operate a safe and sanitary holding facility in compliance with state and local codes and regulations;
- B.** Care for detainees, being attentive to their security and medical needs; and
- C.** Provide special care for juveniles, separate from adults and only in approved facilities.

III. DEFINITIONS

- A. *Cell*:** Any room within a holding facility used or intended to be used by a police officer for forced detention of an adult for longer than eight hours until such time as [s]he is released, bailed, or arraigned. The *cell* shall also mean juvenile detention room.
- B. *Cell Block*:** The area(s) within the holding facility designed for the custody of male, female, or juvenile detainees.
- C. *Holding Facility*:** Lockup; those facilities, or parts of facilities, within the Public Safety Facility that are used for forced detention of individuals. The lockup area includes holding cells and common hallways to which the cells open.

IV. PROCEDURES

A. Management and Administration

1. **HOLDING FACILITY MANAGER:** The Chief of Police or his designee shall be responsible for the management and administration of the Holding Facility. The Holding Facility Manager shall be responsible for:
 - a. Periodic inspection of the facility to ensure compliance with this policy, applicable laws, and Codes of Massachusetts Regulations;
 - b. Complying with changes to law or regulation regarding the operation of the holding facility;
 - c. Reviewing and publishing the evacuation plan;
 - d. Coordinating corrections to any deficiencies; and
 - e. Reporting to the Chief of Police any deficiencies to the facility or security issues that the Holding Facility Manager does not have the authority or resources to address.
2. **HOLDING FACILITY RENOVATIONS:** No holding facility shall be built or renovated until the Department of Public Health has approved, in writing, the plan

of lighting, heating, ventilation, and plumbing; the dimensions and form of construction; and the location of the cells.

B. Training

1. INITIAL TRAINING

- a. Initial training, as indicated below, shall be provided when new employees are hired, consistent with each employee's duties and responsibilities.

[72.1.1(1)]

- b. Suicide prevention: Any employee assigned to the position of dispatcher, sworn officers, and all matrons, whether full-time or part-time, shall be trained in accordance with the Municipal Police Training Committee guidelines for preventing suicide of detainees in the holding facility.

[72.1.1(13)]

The FTO Program is a good vehicle for delivering initial training on the Acton Police Department's holding facility to new officers. Training topics listed below will be included in FTO documentation to demonstrate compliance. Training will be provided by the department for communications personnel and all other employees listed in those sections below as well.

- 1) Sworn police employees shall be trained in: **[72.1.1(2)(4)]**

- a) Holding facility operations, including policies, rules, and procedures relative to the holding facility; **[72.1.1(6)]**
- b) Application of physical restraints;
- c) Search of detainees;
- d) Emergency and fire suppression equipment and procedures; **[72.1.1(7)]**
- e) Suicide prevention; **[72.1.1(13)]** and
- f) Holding facility equipment: **[72.1.1(8)]**

- i. Cell check recorder;
- ii. PBTs and BAC machine;
- iii. Cell cameras; and
- iv. Cell audio.

- 2) Communications Personnel shall be trained in: **[72.1.1(2)(4)]**

- a) Holding facility operations, including policies, rules, and procedures relative to the holding facility; [72.1.1(6)]
 - b) Emergency and fire suppression equipment and procedures; [72.1.1(7)]
 - c) Suicide prevention; [72.1.1(13)] and
 - d) Holding facility equipment: [72.1.1(8)]
 - i. Cell check recorder;
 - ii. Cell cameras; and
 - iii. Cell audio.
- 3) All employees charged with physical supervision of detainees (clerks or dispatchers who participate in matron duties, matrons, etc.) shall be trained in: [72.1.1(2)(4)]
- a) Holding facility operations, including policies, rules, and procedures relative to the holding facility; [72.1.1(6)]
 - b) Application of physical restraints;
 - c) Search of detainees;
 - d) Emergency and fire suppression equipment and procedures; [72.1.1(7)]
 - e) Suicide prevention; [72.1.1(13)] and
 - f) Holding facility equipment: [72.1.1(8)]
 - i. Cell check recorder;
 - ii. Cell Cameras;
 - iii. Cell Audio.

2. IN-SERVICE TRAINING

- a. Employees shall be re-trained at least once every three (3) years, as applicable to their duties in the holding facility in the following areas: [72.1.1(11)]
 - 1) Holding facility operations including policies, rules, and procedures relative to the holding facility;
 - 2) Application of physical restraints;
 - 3) Search of detainees;
 - 4) Emergency and fire suppression equipment and procedures;

- 5) Suicide prevention; and
- 6) Holding facility equipment:
 - i. Cell check recorder;
 - ii. Cell cameras; and
 - iii. Cell audio.

- b. Completion of a refresher seminar in suicide prevention shall be a condition of promotion for all police officers. **[72.1.1(13)]**

3.DOCUMENTATION: Training documentation shall be filed in the employee's personnel and training folders.

C. Access to Cell Block [72.1.2]

1. LIMITATION TO ACCESS: Nonessential persons, including department employees, shall not be allowed unescorted access to the cell block at any time without the permission of the patrol shift supervisor. This includes maintenance personnel, the press, and tour groups.

2. SANITATION AND MAINTENANCE EMPLOYEES

- a. Sanitation and maintenance employees shall not enter the detainee holding area unescorted when a detainee occupies any holding cell.
- b. No maintenance or cleaning shall be conducted in any occupied cell.

3. VISITORS: See Detainee Visitor Policy (3.07).

D. Holding Facility

1. HOLDING FACILITY CONDITIONS: Annual inspections will be conducted to ensure the holding facility is maintained in compliance with the Massachusetts Department of Public Health regulations for holding facilities. The holding facility shall provide the following minimum conditions for detainees:

- a. Adequate lighting;
- b. Circulation of fresh or purified air;
- c. Access to drinking water; **[72.2.1(3B)] [72.5.6(4C)]**
- d. Access to a flushing toilet; **[72.2.1(3A)] [72.5.6(4C)]**

- e. Access to a wash basin or shower for detainees held in excess of eight hours; **[72.2.1(3C)]**
- f. Access to a handwashing sink with hot water within a range of 110 to 130 degrees Fahrenheit, and
- g. A bed and access to sufficient blankets (fire retardant) to maintain warmth for each detainee held in excess of eight hours. **[72.2.1(3D)(3E)]**

2. AUDIO AND VIDEO RECORDING

- a. Holding cells and the holding facility shall be equipped with video and audio surveillance which is viewable in the Communications Center.
- b. Holding facility cell audio and video is captured on a digital video recorder and preserved for a minimum of 30 days.
- c. The holding facility shall have signage on the wall with the following warning, “YOU ARE BEING AUDIO AND VIDEO RECORDED.”

3. FIRST AID KIT AND DEFIBRILLATOR **[72.6.2]**

- a. A defibrillator and first aid kit shall be maintained in a prominent location within the holding facility. The first aid kit shall contain the material necessary for light emergency medical treatment.
- b. The defibrillator and first aid kit shall be inspected by the Patrol Division Commander, or his or her designee, as part of the weekly inspection. The inspection shall be recorded on the proper department inspection form, and the first aid kit shall be restocked as necessary by the Patrol Division Commander, or his or her designee.

4. FIRE PREVENTION / DETECTION/ SUPPRESSION **[72.3.1]**

- a. Fire Prevention Practices
 - 1) Detainees shall not have smoking materials, lighters, matches, or other sources of flame while in the holding facility.
 - 2) Detainee bedding and blankets shall be made of fire-resistant material.
 - 3) The holding facility shall be equipped with functional fire suppression equipment.

- 4) Sprinkler System in the booking area, and a fire extinguisher in the dispatch hallway.
- b. Fire Detection: The holding facility shall be equipped with functional automatic smoke detectors in compliance with 780 CMR Chapter 9, Fire Protection Systems, Massachusetts Building Code.
- c. Fire Suppression: The holding facility shall be equipped with a functional fire suppression system in compliance with 780 CMR Chapter 9, Fire Protection Systems, Massachusetts Building Code.

5. INSPECTIONS

- a. Any employee who places a detainee in a holding cell shall visually inspect the cell for weapons, contraband, and any security deficiencies.
- b. Deficient cells shall be taken out of service until the deficiency is corrected. Security deficiencies include:
 - 1) Inoperative lighting;
 - 2) Inoperative locks;
 - 3) Inoperative video; and/or
 - 4) Inoperative audio.
- c. The Patrol Division Commander shall be responsible for ensuring weekly inspections of the holding facility. The weekly inspection of the holding facility shall be conducted on Sunday day shifts if practicable, by the Patrol Shift Supervisor or his/her designee. The inspection and findings shall be documented on the Weekly Holding Facility Inspection form and filed in the appropriate binder. The inspection shall also be logged in the electronic records management system. The inspection shall be logged under the incident type "Holding Facility Inspection". If any issues, comments shall be added as to the inspection of the following items:
[72.4.6(A)(C)]
 - 1) Cells and cell doors;
 - 2) All locks and security devices;
 - 3) Drains and drain covers;
 - 4) Light fixtures;
 - 5) Toilets; and
 - 6) Audio and visual equipment.

- d. Any issues regarding the holding facility inspection should be reported to the Patrol Division Commander and noted in the daily log.
- e. Semi-Annual Inspection: The Lockup Facility Manager shall conduct a facility inspection of the lockup in the months of July and January. The inspections shall be noted in the daily log.
- f. Periodic Inspections are done by the Department of Public Health.
 - 1) Such inspections are mandated to be done at least once per year.
 - 2) Noted deficiencies are reported to the Chief of Police.
 - 3) The Holding Facility Manager shall:
 - a) Coordinate corrections to any noted deficiencies;
 - b) Report to the Chief any deficiencies that are not within the manager's authority to correct; and
 - c) Forward a plan of action to the Department of Public Health within twenty-one (21) days of the receipt of the notice of non-compliance.
- g. Fire Protection System
 - 1) Smoke detectors/alarm systems shall be inspected/tested through visual inspection daily, and tested once annually per local fire code. **[72.3.1]**
 - 2) Fire suppression equipment shall be inspected/tested weekly through visual inspection and tested semiannually. **[72.3.1]**
 - 3) All inspection documents shall be filed Holding Facility Manager

E. Security

1. WEAPONS SECURITY

- a. Upon entering the garage, and before removing the handcuffed detainee from the police cruiser, officers shall secure their firearm and the keys to the cruiser in a weapons locker located in the garage. After securing their weapon and keys, officers shall take the corresponding locker key. **[72.4.1(1)]**

- b. Officers entering the holding facility through the interior hallway shall secure their firearm in the weapons locker and take the corresponding key, whenever a detainee is present. **[72.4.1(1)]**
- c. **Exceptions:** Officers shall be allowed to bring a firearm into the holding facility in an officer-in-trouble situation. **[72.4.1(2)]**

2. ENTERING CELLS **[72.4.2]**

Officers may enter an occupied cell when:

- a. At least one other officer is present; or
- b. To provide emergency medical care; or
- c. When there is a safety issue; or
- d. To extract a detainee.

3. KEYS

- a. See the department policy on Uniforms and Equipment for more information on the issue and control of manual and electronic keys.
- b. Employees who are issued manual keys, electronic access cards, or key fobs to the holding facility may use them for authorized access purposes only. Such keys may be issued to: **[72.4.3(5A)]**
 - 1) Sworn officers;
 - 2) Dispatchers; and
 - 3) Maintenance and cleaning personnel.
- c. Holding Cell Keys: **[72.4.3(1)]**
 - 1) Individual employees shall not be issued keys to holding cells.
 - 2) Holding cell keys shall be stored in an easily accessible locked box in the booking area while not being used. **[72.4.3(2)]**
 - 3) Spare holding cell key(s) are located in the patrol sergeant's office. **[72.4.3(4)]**

4. DOORS **[72.4.4]**

- a. The booking cell, if unoccupied, may be left unlocked so as to ease the confining of a detainee brought into the holding facility for booking. Once

the booking cell is occupied by a detainee, the booking cell door shall be closed and locked.

- b. All unoccupied holding cells, shall be left unlocked and in fully open positions so as to ease the confining of detainees after booking, unless such cell is deemed “out of service”.
- c. The outer door(s) into the holding facility shall be closed and locked at all times.

5. SUPPLIES AND EQUIPMENT

- a. Supplies and equipment not specifically needed to operate the holding facility may not be kept or stored in the holding facility.
- b. No tools are allowed in the cell block area, except with the specific authorization of the patrol shift supervisor. **[72.4.7(1A)]**
 - 1) All tools and equipment used for cleaning and maintenance shall be removed from the cell block and booking area when not under the direct control of cleaning or maintenance personnel. **[72.4.7(1A)]**
 - 2) After sanitation or maintenance personnel have left the cell block and booking area, the patrol shift supervisor will ensure that the cell block and booking area is visually inspected for tools or other items that may have been left behind.
- c. Detainees shall not have access to metal eating utensils.
 - 1) All eating utensils, if any, shall be of flexible, disposable plastic.
 - 2) All eating utensils, if any, shall be discarded immediately following the finishing of a meal. **[72.4.7(1B)]**

6. THREATS **[72.4.11]**

- a. Any threat, indicated or perceived, against the structure of the police facility or any person therein, which an officer considers to be serious in intent, shall be reported immediately to the patrol shift supervisor.
- b. Upon being notified of the threat, the patrol shift supervisor shall take whatever action [s]he deems necessary to negate the effect or

consequences of the threat and shall file a written report of the incident to the Chief of Police.

- c. ALERTING CONTROL POINT: The holding area shall be equipped with a system so that a detainee may alert the dispatcher in the event of an emergency. **[72.4.8]** Audio and video systems will be on and monitored by the dispatch center whenever a detainee is held in custody.
- d. OBTAINING MEDICAL ATTENTION: Procedures for gaining access to medical services shall be posted in the holding facility in English and Spanish. **[72.6.3]**
- e. DURESS ALARMS **[72.4.9]**: The holding facility shall be equipped with an “alert” or “Duress alarm” system or a means of two-way communication. Officers will wear their portable radios in the on position whenever detainees are in the Holding Facility. A test of this duress alarm shall be done weekly and documented on the Holding Facility Inspection Form.

F. Emergency Evacuation of Holding Facility

1. The holding facility shall have a written evacuation plan that specifies the route of evacuation to a hazard-free area and subsequent disposition and housing of detainees.
2. An evacuation route shall be posted in the holding facility, and evacuation route signs or emergency exit signs shall also be posted.
3. In the event of a fire or other emergency that requires the holding facility to be evacuated:
 - a. Upon discovery of such a condition, the reporting party shall immediately notify Dispatch.
 - b. The dispatcher shall:
 - 1) Request a fire response if appropriate;
 - 2) Notify the patrol shift supervisor; and
 - 3) Notify all police patrols.

- c. Police personnel shall immediately begin an evacuation of the holding facility. Officers will escort or direct detainees through the sally port area and will be escorted or directed out of the building into the rear cruiser parking lot. In the event there is a fire or other emergency in the sally port area, officers will escort or direct detainees into the hallway adjacent to the dispatch center and exit into the rear cruiser parking lot. To secure detainees, officers may place detainees into cruisers or suitable transport vehicles and/or transport them to other local area police departments. Detainees shall remain guarded except under extreme circumstances when personnel is limited. The primary goal shall be the preservation of life.

[72.3.2(D)]

- 1) Detainees shall be escorted to the evacuation destination points whenever possible.
- 2) When staffing does not permit detainees to be escorted, they shall be directed to the evacuation destination and may proceed on their own, unescorted.
- 3) High-security detainees, high-risk detainees, and detainees who are believed to have started the fire shall be handcuffed and escorted, if possible.
- 4) When all detainees have been removed from the holding facility, the officer in charge of the evacuation shall account for the detainees.
- 5) Detainees may be disbursed or relocated by the following options:
 - a) Make arrangements with other holding facilities to hold the detainees.
 - b) Bail all bailable detainees. This may necessitate the Acton Police Department's paying the bail commissioner's fee. The Acton Police Department will not, however, post bail.
 - c) Relocate detainees to an unaffected area of the police facility.
- 6) Warrants will be sought for detainees who are unaccounted for.

G. Separation of Detainees [72.5.3]

1. JUVENILES

- a. Lockup and other detention facilities shall be such as to prevent juveniles who are detained from coming in contact with adult detainees.

- b. Juveniles shall be separated by sight and sound from adult detainees.
[72.5.6(7)]
- c. The facility must be approved in writing by the Commissioner of Youth Services. See department policy on Handling Juveniles (1.15).

2. FEMALES

- a. Female detainees shall be separated by sight and sound from male detainees. [72.5.6(7)]
- b. A Matron or female officer shall be called whenever a female detainee is to be searched and placed in the holding facility. If there is not a matron or female officer available to search a female detainee then the search will be conducted with a minimum of two male officers present and only in the booking area which is under video surveillance.

HOLDING FACILITY INFORMATION

History: **Manual I, Section III**
Policy 3.02 Holding Facility