Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

(a) This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the St. Mary's County Sheriff's Office for processing prior to being released or transferred to a housing or other type of facility.

(b) Temporary custody/detention of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

(c) Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Office.

Safety checks - Direct, visual observation by a member of this office performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody

Temporary custody - The time period an adult is in custody at the St. Mary's County Sheriff's Office prior to being released or transported to a housing or other type of facility.

Temporary Detention Area - The Temporary Detention Area includes all detention/processing/ testing/interview areas between the outer entry doors and the inner entry doors to the detention area of each facility.

900.2 POLICY

The St. Mary's County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Office. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the St. Mary's County Sheriff's Office, but should be transported to a detention facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

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(b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are suspected of suicide risk (see the Mental Health Evaluation Policy).

1. If the deputy taking custody of an individual believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Office unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

(a) An authorized office member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

(b) No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

For procedures related to Supervision in Temporary Custody, see the St. Mary's County Sheriff's Office LE Procedures Manual: Prisoner Safety

900.3.3 ENTRY RESTRICTIONS

(a) Internal and external entry to temporary detention areas is restricted by agency key card access. Access is managed by the Systems Administrator. Entry into any location where a person is held in custody should be restricted to:

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1. Authorized members entering for official business purposes.
2. Emergency fire and medical personnel when necessary.
3. Any other person authorized by the responsible supervisor or duty officer.

(b) When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions. Tours of headquarters will not include the detention area when there is a detainee in custody.

(c) At all times firearms, knives, and impact weapons will be secured before or immediately upon entry to the temporary detention area. The only exception to this policy is an emergency where time is of the essence for the safety of either the detainee or the officer. Weapon lockboxes are available at each entry.

For procedures related to Entry Restrictions, see the St. Mary's County Sheriff's Office LE Procedures Manual: Emergencies

900.4 INITIATING TEMPORARY CUSTODY

(a) The deputy responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The deputy should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

(b) If there is any suspicion that the individual may be suicidal, he/she shall be transported to MedStar St. Mary's Hospital for a mental health evaluation.

(c) The deputy should promptly notify the Shift Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

For procedures related to Initiating Temporary Custody, see the St. Mary's County Sheriff's Office LE Procedures Manual: Detainee Security

900.4.1 SCREENING AND PLACEMENT

(a) The deputy responsible for an individual in custody shall:

1. Advise the responsible supervisor and if not available, the Duty Officer of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
2. Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a cell:
    (a) Ensure individuals are separated according to severity of the crime (e.g. felony or misdemeanor).
    (b) Ensure males and females are separated by sight and sound when in cells.

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(c) Ensure restrained individuals are not placed in cells with unrestrained individuals.

(b) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

For procedures related to Screening and Placement, see the St. Mary's County Sheriff's Office LE Procedures Manual: Traffic Offenses Involving Alcohol and Drugs - Disposition of Offender

900.4.2 CONSULAR NOTIFICATION

(a) Consular notification may be mandatory when certain foreign nationals are arrested. The Special Operations Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to office members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

(b) Office members assigned to process a foreign national shall:

1. Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.

(a) If the country is on the mandatory notification list, then:

1. Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

2. Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

3. Forward any communication from the individual to his/her consular officers without delay.

4. Document all notifications to the embassy or consulate and retain the faxed notification and any faxed confirmation for the individual's file.

(b) If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

1. Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

2. Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

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900.5.1 TEMPORARY CUSTODY LOGS

(a) Any time an individual is in temporary custody at the St. Mary's County Sheriff's Office, the custody shall be promptly and properly documented by completing an Adult Temporary Detention Intake/Status log (SMCSO Form 139) and logging them on the Adult Temporary Detention Master log (SMCSO Form 139A), including:

1. Identifying information about the individual, including his/her name.
2. Date and time of arrival at the Office.
3. Primary charge for which the individual is in temporary custody and associated case number.
4. Time of all face-to-face observation checks.
5. Any medical information to include injury or illness and medications.
6. Any emergency situations or unusual incidents.
7. Any other information that may be required by the form.
8. Date and time of release from the St. Mary's County Sheriff's Office.

(b) The Duty Officer should make periodic checks to ensure all log entries and safety and security checks are made on time.

(c) In the exceptional circumstance, where another member is transporting the detainee on behalf of the arresting officer, the transporting member has the same responsibility to search and properly place the detainee into the temporary detention area. The transporting member is required to initiate the logs and indicate his/her activities, paying particular attention to entry details that only he/she would be familiar with until the arresting officer is available to take over the process.

(d) The individual detention area logs shall be submitted with arrest report or other documentation for review by supervisors. Critical review of these logs by supervisors is essential to the implementation of the process. Supervisors shall ensure the logs are fully completed, and required time thresholds are met and documented in the activity section of the log. These logs will be maintained in dedicated files for three (3) years in the Records Section. The information required includes but is not limited to the reason, date and time in and out of the facility, and meals (if any) provided during the detention. A Temporary Detention Intake/Status Log Activity Continuation form (SMCSO Form 141) is available if extended entries are required.

(e) On a monthly basis, the Patrol Division Commander or designee shall complete a review of the custody logs to ensure accurate completion. A summary report of the review shall be submitted to the Assistant Sheriff, through the chain of command, due no later than the 10th of the following month.

(f) Annual administrative review will be accomplished and documented in January of each year by the Patrol Division Commander or designee. The review will:

1. Ensure agency policy and procedures governing temporary detention are being followed, including report and training requirements;
2. Assess the adequacy of all detention areas for current agency needs;

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3. Include a summary of monthly review findings.

For procedures related to Temporary Custody Logs, see the St. Mary's County Sheriff's Office LE Procedures Manual: Detention Area Logs

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

2. This prohibition does not apply to surreptitious and legally obtained recorded interrogations

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE AND INITIAL HEARINGS

(a) First-aid equipment and basic medical supplies should be available to members. At least one member who has a current certification in basic first aid and CPR should be on-duty at all times.

(b) Should a person in custody be injured or become ill, appropriate medical assistance shall be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by a deputy.

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(c) Those who require medication while in temporary custody should not be at the office. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

(a) Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

(b) Whenever a prosthetic or orthopedic appliance is removed, the responsible supervisor or Duty Officer shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 RELIGIOUS ACCOMMODATION

(a) Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

(b) Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

(c) Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.6 FIREARMS AND OTHER SECURITY MEASURES

(a) Firearms and knives shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

(b) All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.6 USE OF RESTRAINT DEVICES

(a) Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

(b) The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the St. Mary's County Sheriff's Office unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

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(c) Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS
Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

(a) The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy.

(b) Commencing with the time of the arrest, the arresting deputy sheriff is responsible for the security of the prisoner's personal property.

(c) The Duty Officer shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Duty Officer or Unit Supervisor shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual's initial placement into and removal from a locked enclosure shall be logged.

(d) Safety checks by office members shall occur no less than every 30 minutes.

    (a) Safety checks should be at varying times.

    (b) All safety checks shall be logged. (SMCSO Form 139)

    (c) The safety check should involve questioning the individual as to his/her well-being.

    (d) Individuals who are sleeping or apparently sleeping should be awakened.

    (e) Requests or concerns of the individual should be logged.

(e) If the individual is suspected of being suicidal, mentally ill or demonstrating unusual or bizzare behavior, the safety checks will occur at least every 15 minutes.

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For procedures related to Holding Cells, see the St. Mary's County Sheriff's Office LE Procedures Manual: Cells

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division - Community Services Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the St. Mary's County Sheriff's Office. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Unit Supervisor, Duty Officer, Sheriff and Criminal Investigations Commander.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the County Attorney.

(f) Notification of the Medical Examiner.

(g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) Each prisoner being transported between detention facilities shall be positively identified by the deputy sheriff prior to transport. This includes prisoners being transported within the state as well as extradited from other states. The transporting deputy sheriff shall examine the prisoner's booking records and associated court documents in the detention facility and confirm the prisoner as the person named in the records. Methods used to positively identify a prisoner will include:

    (a) Photographic Identification:

        (a) Driver's license;

        (b) Military identification;

        (c) Prior booking photograph;

        (d) Other recognized government photo identification.

    (b) Personal knowledge of the prisoner's identity by law enforcement or corrections officials.

(b) All proper reports, forms and logs have been completed prior to release.

(c) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

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(e) The individual is not permitted in any non-public areas of the St. Mary's County Sheriff's Office unless escorted by a member of the Office.

(f) Any known threat or danger the individual may pose (escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

  (a) The office member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(g) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, deputies should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

For procedures related to Release and/or Transfer, see the St. Mary's County Sheriff's Office LE Procedures Manual: Transportation of Prisoners

900.11 ASSIGNED ADMINISTRATOR

The Patrol Division Commander or designee will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

(a) General security

(b) Key control

(c) Sanitation and maintenance St. Mary's County Sheriff's Office LE Procedures Manual: Temporary Detention Area Maintenance

(d) Emergency medical treatment

(e) Escapes St. Mary's County Sheriff's Office LE Procedures Manual: Detainee Escape

(f) Evacuation plans

(g) Fire and life safety St. Mary's County Sheriff's Office LE Procedures Manual: Fire Prevention

(h) Disaster plans

(i) Building and safety code compliance

900.12 TRAINING

(a) Office members should be trained and familiar with this policy and any supplemental procedures.

(b) The Patrol Division Commander or designee will ensure training is provided to all deputy sheriffs on temporary detention area operations. Retraining will occur once every three (3) years and will be documented in Blue Team.

  1. All new deputy sheriffs and correctional officers receive instruction from an MPCTC certified or accepted entrance level academy regarding the safe handling of arrested persons. This training is consistent with the safe and efficient operation of the temporary detention areas.

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2. In addition to the instruction provided at the academy, new deputy sheriffs and correctional officers receive specific training in the handling of arrested persons through the Field Training Officer (FTO) program and In-Service training.
3. Training for other members of the Agency will include, at a minimum, familiarization with the detention area and instruction in their specific role, if any.

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