



# BRAINTREE POLICE DEPARTMENT

## Policy and Procedure

### Detainee Booking and Processing

#### 2019-77

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Chief Mark Dubois

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Accreditation Standards: **72.5.5; 72.5.6; 82.3.6**

Optional Accreditation Standards:

Receiving  
Detainees  
70.1.6 a, b  
72.4.1

All Detainees will be transported to the station as soon as practicable. Entry should be through the wagon bay area. Once the Officer is safely inside, the wagon bay door shall be secured. The Shift Commander should be made aware of all detainee transports.

Officers' firearms shall be secured in the gun lockers located in the wagon bay prior to removing detainees from vehicles. **[70.1.6 a] [72.4.1]**

Detainees should be brought into the booking room for processing. If there are multiple detainees, they may either be secured to the Murphy bar or placed into cells after being searched. **[70.1.6 b]**

Firearms are not allowed in the Booking/Cell Areas. Officers who enter from the interior of the building shall secure their firearms in the gun lockers located in the hallway outside the cell block door. **[72.4.1]**

Search of  
Detainees  
72.5.1a

Once handcuffs are removed from a detainee they should be instructed to remove all articles or items of personal property from their person including anything that may pose a safety concern such as belts, drawstrings etc.. Prior to being secured in a cell, a search shall be performed to include removing socks and turning them inside out. **[72.5.1 a]**

Whenever practicable, detainees shall be searched by department personnel of the same sex prior to being placed in a cell. The Booking Supervisor may request the services of an officer or matron of the same sex from another law enforcement agency to assist with said search. In the event that either an officer or matron, from this

department or another law enforcement agency, is not available to conduct said search a pat search by personnel of the opposite sex should be made.

Inspection by a hand held metal detector may always be conducted without regard for detainee's gender as such inspection does not involve any physical touching.

Strip Search or  
Body Cavity  
Search  
1.2.8 a-c

Strip Searches and or visual body cavity searches shall not be conducted as a routine part of the booking procedure. They may be defined as;

**Strip Search/Visual Body Cavity Search** - Any search which requires the removal or re-arrangement of any clothing so as to expose or permit the visual observation of a person's buttocks, anus, genitalia or breast area. This generally refers to an inspection of a naked individual, without any scrutiny of his body cavities.

**Body Cavity Search** – Any search involving not only visual inspection of skin surfaces but that also includes the internal physical examination of body cavities including the anal and genital areas.

No detainee held in custody shall be subjected to a strip search or visual body cavity search unless an Officer has determined that there is probable cause, based upon specific and articulable facts, to believe such person is concealing evidence, a weapon, contraband, or fruits or instrumentalities of the crime that he/she could not reasonably expect to discover without forcing the detainee to discard all or some of his/her clothing.

No strip search shall be conducted without prior approval from the Booking Supervisor. The time, date, and place of the search, the name and gender of the person conducting the search and a statement of the results of the search shall be recorded in the incident report. This shall be retained in the records central files and made available to the detainee or other authorized representative upon request and pursuant to the public records laws. **[1.2.8 a, c]**

Detainees may be requested to manipulate their own body parts. Police officers may not touch or prod any body part during a strip search. In the event that the strip search and/or visual body cavity search is not accomplished, due to a lack of cooperation on the part of the detained person, the Booking Supervisor will determine whether or not the detained person is placed in a cell or kept under guard.

Strip Searches should be conducted under sanitary conditions and in an area of privacy so that persons not participating in the search cannot observe the search. **[1.2.8 b]**

Unless conducted by a physician or other licensed medical personnel, the Officer(s) conducting the strip search or present during visual body cavity search shall be of the same gender as the person being searched. **[1.2.8 b]**

Whenever possible, a second Officer of the same gender should also be present during the search, for security and as a witness to the finding of evidence. The Officer conducting a strip search or present during visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched.

Nothing in this policy section shall prohibit the otherwise lawful collection of trace evidence based on a valid exigency, consent or a search warrant.

No person detained shall be subjected to a physical body cavity search without a search warrant signed by a judge. A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the detainee or authorized representative pursuant to the public records laws. **[1.2.8 a, c]**

Only a physician or nurse practitioner may conduct a physical body cavity search.

Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, is the same as the strip search standard. **[1.2.8 b]**

Detainee  
Booking  
72.5.1 a b  
72.5.2

Prior to placing a detainee in a cell, the Booking Supervisor should complete an itemized inventory of property to include any confiscated property on every person booked. **[72.5.1 a, b] [72.5.2]** This includes persons taken into custody by the Department, or brought to this facility to be housed by any other law enforcement agency.

Any and all applicable forms should be accurately and completely filled out. It is most important to obtain and document as much personal information as is available to ensure a positive identification of the person held and for Officer safety.

This will include Miranda Warnings prior to any questioning designed to elicit an incriminating response, even if the Miranda Warnings were provided to the detainee prior to arriving at the station.

Detainee ID  
Numbers  
And Criminal  
History File  
1.2.5 a-c  
72.5.2 a b  
82.3.6

Every detainee will be assigned a unique identification number when arrested. This number will be automatically generated by the department's computer software when an arrest number is assigned. The detainee's identification number (OBTN) will be displayed on the booking sheet. **[82.3.6]**

Every person arrested by the Braintree Police shall comply with and will have a criminal history file specific to them to include a booking report, property inventory, medical screening questions, photograph, arrest report (nature of offense), BOP, Q-5 (suicide), QH (III) SX (Sex Offender), WMS and any other state or federal documents including fingerprint report and record search results. Detainees arrested on a warrant should have a copy of the warrant made available to them for view. Officers shall sign the warrant to be returned to the court (copy in arrest file) and locate the warrant and include the documentation in the arrest folder if appropriate. **[1.2.5 a-c] [72.5.2 a, b]**

A person held under the Protective Custody statute, shall be considered non-criminal and not be fingerprinted. Personal information concerning Protective Custody, as well as Mental Health or Abuse of Alcohol/Drug Statute M.G.L. c 123 §12 or § 35 shall not be a part of public information log.

Completed reports shall be forwarded to the Records Clerk for processing and storage in central files.

Detainee  
Screening  
72.6.1  
72.6.3 a-d  
72.7.1 d e

The Booking Supervisor shall document on the appropriate forms the detainee's current health, medications taken, consciousness, mental status, and injuries, any obvious body deformities, trauma markings, bruises, lesions, jaundice, ease of movement or observable mobility issues, etc. If fresh injuries do exist, inquire as to how the injuries occurred. All injuries shall be noted on the booking sheet, photographed and properly documented in a written report to the Chief through the Deputy Chief of Operations pursuant to M.G.L. c. 276 § 33. Screening information shall be completed prior to the release of the detainee or transfer of the detainee to another facility. **[72.6.3 a-d]**

Medical treatment shall be provided to or arranged for any detainee in need of medical treatment. No department employee shall be allowed to go beyond the scope of his/her training in administering to the emergency or special medical needs of any person held in the custody of this department. This scope is determined by the level of emergency medical training of the individual members of the department. All sworn officers may only act under the scope of First

Responder, regardless of EMT or Paramedic status. Any activity of care, whether first aid or transport, shall be documented in dispatcher notes and/or the incident report and retained in central files. Review policy: ***Holding Facility and Booking Area.*** [72.6.1]

A detainee shall be informed of the charges to be lodged against him/her and advised upon arrival of his/her right to use the telephone to make a phone call. The detainee must also be notified that their telephone conversation will be recorded. [72.7.1 d, e]

**Note:** Supervisors and or Officers should utilize the language line service emergencies 1-800-523-1786 agency ID# 926078 when a language barrier occurs.

Dispensing  
Medication  
72.6.5

Detainees are permitted to take only FDA approved prescription medication, specifically prescribed to them, in writing by a licensed medical provider. *Medical Marijuana is not FDA approved.* Medication will be allowed under the following procedures: [72.6.5] If a detainee possesses over-the-counter medication(s) at the time of booking, they may, provided that the medication is in its original packaging and individually sealed, at the discretion of the Watch Commander, be provided to detainees in strict accordance with the dosing instructions. All over-the-counter medications given to detainees shall be documented in the dispatcher notes within CAD. [72.6.5]

Only the quantity of medication specified by the prescribing practitioner shall be given to the detainee.

Any medications brought in by a detainee, dropped off, or given to him/her in the course of any treatment he/she may require while in department custody, should be retained with the detainee's property.

If there is any question concerning the allowance or access of medications, the Shift Commander or his/her designee may either confer by telephone with a qualified medical physician or pharmacist before allowing or accessing the medication or the detainee may be transported to the hospital and the medication administered there.  
<http://drugs.com/>

The Shift Commander or his/her designee shall provide the detainee only the quantity of medication specified by the prescribing practitioner. The Shift Commander or his/her designee should witness the consumption of the medication as directed by the prescription. A written record of any medications provided to a detainee shall be documented in the dispatcher notes within CAD.

**Note:** G.L. c. 94C, § 9 prohibits the administration of a controlled

substance by non-licensed persons. This policy simply affords a detainee the opportunity to self-administer prescribed medicine in accordance with label directions.

At no time will a detainee be allowed to self-medicate with a hypodermic syringe as in the case of diabetes without being monitored in a safe environment (booking area). Detainees requiring such medication can also be transported to the nearest hospital.

Containers  
and  
Property  
Inventory  
72.5.1c d  
72.5.2 b

Any container found or carried by the detainee shall be opened and the contents inventoried. Any container that is locked or otherwise secured shall be opened with a key or by any other manner that will result in the least amount of damage possible under the circumstances. If a container cannot be opened without causing significant permanent damage, the container will not be inventoried and appropriate notations should be made on the property report. Papers, documents or other writings found on the detainee's person may be examined only to the extent necessary to check his/her identity, ensure his/her physical safety, ensure the removal of items dangerous to cell administration, and protect the department from charges of theft. Any search of a detainee's papers or other possessions for investigative purposes may be affected as a search incident to arrest, or upon obtaining either the detainee's consent, preferably in writing, or with a search warrant.

Any seized property shall be noted on the property form and submitted to the Evidence Officer. **[72.5.2 b]**

After a complete inventory search is conducted, all items removed from the detainee should be placed into a detainee property bag if possible. The property bag should be secured in a detainee locker. The detainee's outer clothing and footwear should also be placed in the locker. Items that are too large to fit into a locker will be temporarily secured in Cell 5 until removed and secured in the trailer located in the garage by the evidence officer. **[72.5.1c]**

All items should be carefully itemized on the inventory sheet. **[72.5.2]** They may also be noted on the booking sheet. The Booking Supervisor should place inventoried property in the property locker that coincides with the cell number the detainee is housed in. Detainees should be requested to sign their inventory sheet during

intake and upon release; in cases where the detainee refuses to sign; the releasing Officer should note the refusal in the detainee's signature space. Property should be signed for and returned to the detainee upon release. **[72.5.1 d]**

Any item considered high value such as money and jewelry should be counted and documented in the presence of the detainee and Booking Supervisor and signed and witnessed by both parties.

Suicidal  
Detainees  
72.6.1

Whenever a detainee threatens suicide or attempts suicide while detained by this Department, a record shall be submitted to the criminal history systems board Q-5 system. The record shall contain the name, address, and age of the detainee, reason for detention, and the date, time and nature of the attempt or threat. The Booking Supervisor will ensure that the CHSB Q-5 report and Department reports are complete before the end of shift. A copy of all reports shall be stored in the arrest report in the central file and filed with the Chief of Police through the Deputy Chief of Operations.

In those instances where an attempt is made by causing self-inflicted injury, the Town contracted Ambulance Company will be notified and requested to respond to the station to examine the detainee. The detainee will be transported by ambulance, accompanied by an Officer, to a medical facility for treatment. Medical personnel will be advised of the circumstances of the attempt, and will be requested to examine and evaluate the detainee. **[72.6.1]**

In case of an attempt or threat of suicide, personnel may remove any clothing or other object that may be used to cause harm.

State law requires the continuous audio/video monitoring of suicidal detainees. Physical checks will be conducted at 15-minute intervals, unless extenuating circumstances exist. This will be recorded by the FOB sensor.

If the detainee is to be remanded to another agency or location, information will be provided to receiving personnel.

Violent,  
Intoxicated,  
Self-  
Destructive  
Detainees  
72.5.4

If a detainee is uncooperative or uncontrolled due to the influence of alcohol, drugs or violent behavior, he/she may be searched and placed in an appropriate cell prior to the completion of the booking process. **[72.5.4]**

Booking will be completed when the detainee becomes cooperative. If

the detainee's behavior becomes disruptive to the safe operation of the Department or may instigate other detainees to become unruly; the detainee may be isolated in a female or juvenile cell as long as no other detainees are housed in those locations. Under no circumstances shall this type of detainee be placed in a cell occupied by another person. **[72.5.4]**

If the detainee exhibits any self-destructive tendencies or causes damage to the cell, the restraint chair may be used to protect the detainee from harm or cell damage. The Booking Supervisor may take such action as authorized to take such action as is legal, safe and effective to restrain the detainee from future harm or destruction. **[72.5.4]** A Holding Cell is the preferred location to house a detainee while the restraint chair is being used. The detainee should be continuously video monitored. The Station Officer should complete a physical cell check every 15 minutes or less unless extenuating circumstances exist. See policy on **Safety Restraint Chair**.

The arrest report should include all the facts and circumstances to include applicable criminal charges and photographs of damage and or injury. If deemed necessary or appropriate by the Booking Supervisor, or requested by the detainee, the Town contracted Ambulance Company will be called to provide medical treatment.

Juvenile  
Custody  
44.2.2

The Shift Commander should ensure that the detention of juveniles is consistent with M.G.L. c.119 § 39H and c.199 § 67, and Federal Regulations. See policy on **Juveniles**.

**Holding Juveniles:** All juveniles detained by the department should be informed by the booking officer of the procedures regarding custody, release, and transportation to another facility or court, as applicable. **[44.2.2 d]** Before a juvenile is released by the department, the appropriated **Juvenile Release Form** is to be completed.

**Youthful Offenders:** Juveniles between ages fourteen (14) and eighteen (18) accused of delinquent or youthful offender offenses may be held in secure custody for no longer than six (6) hours for the purpose of identifying and processing the juvenile.

The requirement not to release a defendant for six (6) hours when arrested for a violation of M.G.L. c. 209a or M.G.L. c. 265 §§ 13M (Domestic Assault or Domestic Assault and Battery) or 15D (Strangulation) **does not** apply to juveniles.

The six (6) hour clock is to start when the juvenile is placed in police custody and ends when custody is: (a) transferred to the juvenile

court, (b) the juvenile is released to his or her parent / guardian / custodian or (c) custody is transferred to the Overnight Arrest Program.

When a juvenile has been charged with a delinquency or youthful offender offense and (going to be held longer than six (6) hours) is unable to make bail or is unable to be released (non-bailable arrest warrant) and court is closed, police must contact the Department of Youth Services (DYS) Central Referral Line at 617-474-8150 or 617-474-8179. DYS will then provide the location of the Overnight Arrest program in which the juvenile will be held at. Officers must specify bail amount and fill out the **Statewide Awaiting Arraignment/Overnight Arrest Referral Form**.

If a parent, guardian or custodian refuses to take custody of a juvenile who is otherwise eligible to be released, the officer shall file a 51a and notify DCF via the Hotline for placement. DYS has no authority to hold juveniles in their custody that have no bail.

If the juvenile is suffering from any medical conditions(s), (such as under the influence of drugs and/or alcohol, suicidal thoughts, pepper sprayed) he/she must be medically cleared prior to placement.

Police are responsible for obtaining any current medications for the juvenile. If unable to obtain medications said juvenile should be taken to the hospital to be medically cleared and/or obtain medication.

Police must provide a copy of the Booking sheet prior to placement and the police department is responsible to transport the juvenile to the Overnight Arrest Program as well as the transport to juvenile court.

If a juvenile is arrested without a warrant held in custody (to include while being held at the Overnight Arrest Program), for more than twenty-four (24) hours, he/she is entitled to a Jenkins Hearing to determine whether or not there was probable cause to make the arrest and to continue to hold the juvenile.<sup>1</sup> The bail magistrate/bail commissioner that set bail on the juvenile cannot be the same magistrate/commissioner who conducts the Jenkins Hearing.

In accordance with M.G.L. c. 119 § 67, a juvenile age twelve (12) or (13) who has been arrested without a warrant is prevented from being admitted to bail and therefore must be released to a parent, guardian or custodian.

Records shall be kept that specify:

1. The time the juvenile entered secure detention and the duration

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<sup>1</sup> Jenkins v. Chief Justice of the District court, 416 Mass. 221, 223 (1983).

of each period of secure detention will be recorded in booking and on the **Juvenile Detention Log Sheet** by the Shift Commander's desk.

2. The name of the police officer or custodial officer responsible for visual supervision and the schedule of visual supervision will be recorded by the FOB during cell checks.
3. A statement of the need for secure detention will be justified in the incident report.

**Note:** Juveniles accused of first or second degree murder or who will be tried in adult court as a youthful offender are not subject to the six hour detention limit as they are automatically tried in adult court.

No child between the ages of fourteen (14) and eighteen (18) shall be detained in a police station or town lockup unless the detention facilities for children have received the written approval of the Commissioner of Youth Services.

Lockup and other detention facilities shall be such as prevent juveniles who are detained from coming in sight and sound contact with adult prisoners. **[72.5.3]**

No child under age fourteen (14) shall be placed in a cell or otherwise securely detained for any reason. Such child may be held in a safe environment pending suitable disposition.

### **Status Offenders and Protective Custody**

Status offenders and juveniles held for protective custody shall not be held in secure custody. They will be under the direct control and supervision of department personnel until released. Monitoring of status offenders prior to release shall be in unsecured room, such as the officer report room, by an officer or matron. **[44.2.2 a]**

Status offenders may only be held long enough to complete identification, investigation and processing and then must be released to parents, guardians or other responsible adults or transferred to an alternative juvenile facility or court.

A child under the age of eighteen (18) may be taken into protective custody, for a period not exceeding four (4) hours, if an officer:

1. Finds the child at a place where the officer reasonably believes there is a controlled substance of Class A, B or C and;
2. Reasonably believes the child to be under age eighteen; and
3. Reasonably believes the child knew of the presence of the controlled substance.

**Note:** The Shift Commander will make every reasonable effort to notify the juvenile's parent or guardian or other person having lawful custody.

A juvenile placed in Protective Custody, for ALCOHOL, CANNOT BE SECURELY DETAINED for any amount of time.

A juvenile placed in Protective Custody, for Controlled Substances/Toxic Vapors, MUST be transported to an appropriate emergency medical treatment facility.

Receiving  
Detainees  
From Outside  
Agency  
72.5.5

Whenever detainees are brought to this Department under arrest and the arrest has been made by an outside agency, the Booking Supervisor, before accepting the detainee, shall verify the identity of the Officer(s) presenting the detainee by checking their official identification or making a phone call if the officer (s) is unknown, this is to also include verification of the officers authority to make the commitment. **[72.5.5]** The detainee should be processed as any other department detainee is.

Mass Arrest  
72.5.3  
72.5.6

On occasions there may be more persons arrested than the facility can hold under normal use. The Booking Supervisor should determine the number of persons detained in the cell area and if it exceeds its maximum capacity determine whether there is a need for additional personnel to be called back for processing and security purposes. The Booking Supervisor may post a matron or officer in the cell block area, for continuous face to face monitoring of detainees, until the matter of overcrowding is resolved. A request should be made for a bail commissioner to report to the station to expedite the bail/release of detainees. Officers may process multiple detainees who are being held in a cell utilizing hand written booking/custody forms. The information shall be entered into the computer as time allows. Any unoccupied cell may be used and detainees may be doubled up in a cell or secured to the "Murphy Bar" until the situation is rectified. Males, Females, and Juveniles shall remain in separate secure areas. **[72.5.3]** Temporary overcrowding is permitted until such time as sufficient detainees are either transferred to another facility or released from custody. If the Booking Supervisor is concerned for detainee safety, he/she should contact police departments from the surrounding towns, State Police Milton/Middleboro and Norfolk County Sheriff's Office for additional holding cells. The booking process should be complete with a copy accompanying the detainee prior to transport to an outside agency.

The Shift Commander may designate an additional booking/processing area such as the report area or training room. Prior to utilizing that space, the assigned officers shall make a protective sweep of the area and secure or remove any items that may be a safety threat. Officers shall secure their firearms in a gun locker prior to booking/processing. Detainees shall remain in handcuffs and under the direct control by the processing officers' until placed in a cell, transferred to another facility or released. **Note:** Detainee not in a cell, when necessary, shall be escorted by officer's to a cell for water or bathroom facility use. **[72.5.6]**

Releasing  
Detainees to  
Court, Other  
Agencies, or  
Bail  
70.1.6 a-e  
72.7.1 a, b  
72.5.7

If court is in session when the booking process and all related reports are completed. The Shift Commander should ensure that the detainee is transported to court without delay. **[72.7.1 a]** Any report of Q-5, security risk, or medical concerns shall accompany the detainee upon release to court or any other agency or institution. Officers shall also verbally communicate the medical concerns or detainee risks with the receiving agency personnel. **[70.1.6 c, d]** Officers transporting detainees to court or other facility shall secure their weapons in a secure gun locker prior to removing the detainee from their cell. The detainee should be searched and handcuffed behind the back before placing the detainee in the rear of the police vehicle for transport. Officers should not remove the restraints until another agency or court personnel take legal custody of the detainee. **[70.1.6 a, b]**

If court is not in session when the booking process and all related reports are completed, the detainee may be held until bail can be arranged, or if bail cannot be arranged, until the next session of the court. The Shift Commanders should ensure that a detainee's opportunity to make bail is not unnecessarily impeded. **[72.7.1 b]** It is the detainee's responsibility to provide a positive form of identification. Any question as to the true identity of a person in custody should be addressed with the bail commissioner or court. These reasons shall be documented in the reports to include any results from a check of the registry of motor vehicles, BOP, fingerprint scan or any other known information.

**Note:** Detainees are entitled to bail hearings within 6 hours of their booking. Bail hearings shall be conducted with a Clerk Magistrate regardless of whether or not a detainee has money for bail or has been positively identified.

The Bail Commissioner is responsible for setting the appropriate bail amount. A Jenkins Hearing will guide any additional review within 24-hours.

The Shift Commander's responsibility should ensure any detainee

released, is the same individual identified on the Booking Form and that all appropriate documentation is signed by the detainee prior to release or noted as a refusal.. This would include verifying the identification through comparison of the detainee to the booking photo, signature and physical identification and finger print results. **[72.5.7]** The Shift Commander shall record the release of a detainee on bail, to court, or another agency on the detainee log and in the Detain section of the Booking in PAMET. **[70.1.6 e]**

#### Prisoner Rights Violations

Any law enforcement officer who commits an indecent assault and battery on a person in their custody or control will be charged under G.L. 265, §§ 13H½