



# POLICY AND PROCEDURE NO. 700

## Instructions for Handling Prisoners

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### Purpose:

The policy and procedure statement contains instructions and guidance relating to the obligations of police personnel in the transportation, handling and all other processing of prisoners that come into our official custody.

### Policy:

It is the policy of the Worcester Police Department that prisoners and detainees that come into our care be handled professionally, treated humanely and be efficiently and effectively processed. Of paramount importance is the safety and well-being of prisoners and detainees as well as that of the police personnel that interact with these prisoners and detainees in the detention facility. Additionally, the rights of these prisoners and detainees will be strictly observed. Physical or verbal abuse of any prisoner or detainee is not tolerated.

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**I. Service Division & Cell Room Command Structure:**

A. Unit Operation:

Due the sensitive nature of processing and handling arrested persons and assuming complete responsibility for the well-being of these individuals, a heightened level of supervision must be maintained. The need for strong supervision is further necessitated as jailing and prisoner transportation operations tend to present special challenges to police departments insofar as maintaining a safe and secure environment, handling prisoner's assaultive and/or suicidal behavior, mental and physical health conditions, substance abuse withdrawal, or poor adaptation to confinement. Accordingly, it is necessary that the cell room facility operates in strict accordance to established procedures.

The Service Division's three reliefs are to be under the command of a police captain serving as Unit Commander (UC). Optimally, each of the three Service Division reliefs will have a police lieutenant and two or more police sergeants.

It is the responsibility of the Service Division officials' cadre to oversee the day-to-day operation of the cell room, "Precinct-One" administrative office, CJIS, and wagon service. Because of the importance of proper prisoner management coupled with the obligations placed on police officials pursuant to MGL Chapter 276§33, it is imperative that a police official be physically present in the cell room whenever prisoners are booked, released or otherwise processed. It is the obligation of the cell room supervisor to insure the efficacy and quality of all prisoner processing and handling. The cell room sergeant shall personally observe and supervise the bookings, property returns and releases of all prisoners. In the event there is only one sergeant on duty in the Service Division, that sergeant is to be posted in the cell room supervising bookings, property

returns and releases. Should that singular sergeant be needed elsewhere in the Service Division, bookings and other processing are to cease.

#### B. Staffing Contingency Procedures:

In the event the Service Division staffing is such that there is no police official on duty for a particular shift, Service Division personnel shall notify the ranking official in the Operations Division of this fact. Record of this notification shall be made on the Services Division Electronic Journal indicating who was notified, by whom and at what time. An email notification shall be made forthwith to the Service Division Unit Commander and the Deputy Chief of Support Services advising them that there is no Service Division official on duty for that particular shift.

That ranking Operations Division official shall, in turn, identify a police official under his command who shall be charged with the responsibility to handle matters in the Service Division that require the authority or judgement of a police official. Any reporting that becomes necessary mandated by MGL Chapter 276 § 33 or standard WPD procedure are to be prepared and submitted by a Service Division police official of the next shift.

#### C. Operational Audit:

In order to insure that bookings, property returns and prisoner releases are being conducted in accordance with established procedures, the Unit Commander (UC) of the Service Division and the UC of the Bureau of Professional Standards shall, each calendar month, review a sampling of the videos of booking, property returns or releases for the foregoing month. Should deficiencies be detected, these Unit Commanders shall immediately undertake measures to correct these issues. A written report shall be submitted by both the UC of the Service Division and the UC of the Bureau of Professional Standards to the Chief of Police detailing the findings of their monthly audit identifying any deficiencies detected and the corrective measures initiated.. These reports shall identify the bookings reviewed and the findings of that commander.

## II. Facility and Operational Safety Measures in Handling Prisoners:

### A. Fundamental Prisoner Safety & Security:

It is imperative that when an individual is taken into police custody pursuant to an arrest or other lawful seizure of custody, that individual is to be **secured** so as to prevent the prisoner's escape, from launching an attack unto the officer or others, from harming himself or to engage in the destruction of evidence. Handcuffs and/or leg shackles shall be applied as soon as practicable and in accordance with training and established procedure.

It is equally essential that each prisoner taken into our custody be **searched** to the extent permitted by law so as to locate and seize any weapons the individual may have on or about

his person and to locate and retrieve any evidence that the arrestee may dispose of or destroy.

When the custody of a prisoner is conveyed to any member of this department; whether from another member of the Worcester Police Department or from another law enforcement agency, that prisoner shall be searched by the receiving officer immediately or if exigent circumstances dictate, as soon as possible thereafter. If any doubt exists as to whether a person was searched, an additional search shall be launched immediately.

#### **B. Firearms in the Cell Room:**

No firearm is to be left unsecured in the cell room.

In the cell room facility, only those officers and officials who are assigned to operate the patrol wagon, booking officers or other personnel as specifically authorized by a Service Division supervisor, are permitted to carry firearms on their person. The aforementioned booking, transport or designated officers assigned to the cell room must carry these weapons in an authorized, department-issued retention holster on their full duty belt. When personnel assigned to other divisions request access to the cell room as stipulated in Section XIII, their firearms must be secured in the lock box provided prior to entering the cell room. The firearms of all other cell room personnel who are not authorized to carry firearms on their person in the cell room, (searching officer, cell room support, *etc.*) must secure their weapons in lockers secured by adequate locks in the locker room.

The routine carrying of a firearm by an officer in violation of this subsection or Section XIII will be required to submit an Intra-Departmental Correspondence through their chain of command to their respective Deputy Chief for review and possible discipline.

#### **C. Prisoner Inventories and Searches Generally:**

When an individual is taken into custody following an arrest, that individual is subject to several processes to include police examination of the belongings on his person and those in close proximity to him. The first process **is search incident to arrest** and is generally conducted at the time and place of arrest although prisoner relocation and later search may be permitted under this concept in certain cases. The objective of this search is to (1) search for weapons which could be used to resist or escape and (2) locate and seize evidence related to the arrest. Areas in close proximity to the arrestee such as “lunging areas”, vehicle passenger compartments and containers, and area protective sweeps may be conducted consistent with law. The scope and intensity of a search incident to arrest is limited by MGL Chapter 276§1 and by the evidence or weapons sought. If during the course of such a proper search for weapons or evidence of the crime for which the arrest is made and other evidence is discovered, it may be seized.

The second process occurs anytime an individual is taken into police custody following an arrest or protective seizure. Police are required to conduct an **inventory** of that person’s belongings for the following purposes:

1. To preserve his property while he is incarcerated.
2. To prevent escape, self-injury or harm to others.
3. To protect police from disputes over lost or stolen property, or whether the property was returned.
4. To keep dangerous items out of jail.

The inventory process is not considered a search; rather it is a process that is permitted to fulfill the aforementioned objectives. If during the course of the inventory process other evidence is discovered, it may be seized.

Anything the prisoner may be carrying, *i.e.*, backpacks, handbags, shopping bags, etc., may be searched. Details as to the intensity and scope of this search and processing are detailed later in this policy and procedure document.

#### **D. Searches of Prisoners by Officers of a Different Sex or Gender Expression**

Prisoners will be searched by a police officer or police matron of the same sex. However, under conditions of *imminent threat* from a weapon that may be used to launch an attack onto police or others or facilitate an escape, any officer may, under these *emergent conditions*, conduct a search of any prisoner for that weapon.

Some prisoners who come into our custody may have, in one or more ways, changed their **gender** by medical operation or other physical or physiological modification since birth. A prisoner's **gender expression** (*the prisoner's current self-identification and expression of being either masculine or feminine notwithstanding their sex at birth*) may differ from their sex at birth even without medical or other physiological modification. In these cases, where practical, that prisoner shall be searched by an officer who is of the same gender as whom the detainee now *outwardly identifies*.

In cases where the **gender expression** of a prisoner is unclear and unknown to processing officers it is reasonable to ask the individual, in a tactful and respectful manner, as to their gender identification. Personnel shall not inquire about intimate details of an individual's anatomy or surgical status to determine an individual's sex or gender expression. A search or frisk shall not be performed for the sole purpose of determining an individual's anatomical gender. Thereafter, that individual shall be addressed using proper titles and pronouns should the need arise.

Requests to remove appearance-related items such as prosthetics, clothing that conveys gender identity, wigs or cosmetics shall be consistent with requirements for the removal of similar items for non-transgender individuals. In the event that the aforementioned appearance-related items play a potential role for the subsequent identification or the arrestee by a victim or witness, the Service Division police supervisor may exercise his or her discretion insofar as how the prisoner is photographed. In no case shall the prisoner be subjected to undue embarrassment in the course of prisoner processing.

In the event that an officer of the same sex/gender expression is not available at the scene, a search of the arrested person will be conducted by any officer under the following circumstances:

- In order to discover and confiscate any weapons, that might be used to effect an escape, harm an officer, or harm the person him/herself.
- When a strong likelihood is present that evidence secreted on the person may be lost or destroyed.

Such a search will be conducted in the presence of another officer if one is available and will be conducted with proper decorum. When possible, and not detrimental to public and officer safety, the back of the hand, rather than the palm, should be used when searching a prisoner of the opposite gender. Anything the prisoner may be carrying, *i.e.*, backpacks, handbags, shopping bags, etc., may be searched.

#### **E. Initial Prisoner Examination:**

Upon arrival at the Cell Room, the prisoner shall be examined under the supervision of a Service Division official for sickness, cuts, bruises or other injuries. The requirement that the prisoner be examined for injuries shall not be deemed to compel the removal of clothing. If medical attention is necessary it shall be provided.

Mass General Law Chapter 276 § 33, relative to the examination of persons arrested for injuries, is as follows and must be adhered to:

MGL Chapter 276 § 33: *Whenever a person is arrested for a crime and is taken to or confined in a jail, police station or lockup, the officer in charge thereof shall immediately examine the prisoner, and if he finds any bruises, cuts or other injuries shall forthwith make a written report thereof to the chief of police of the town concerned, or in Boston to the police commissioner, and in towns where there is no chief of police to the selectmen. The requirement that the prisoner be examined shall not be deemed to compel the removal of clothing. When a person is transferred from one place of confinement to another prior to his arraignment in court or to his release, the requirement that he shall be examined shall apply only to the place to which he is first taken after his arrest. Whoever violates this section shall be punished by a fine of not more than ten dollars.*

#### **F. Intoxicated Prisoners:**

If, in the opinion of the officer in charge, a detainee exhibits intoxication to the level of semi-consciousness prior to entering the holding tank, or if onset occurs within our facility, they shall be taken to the hospital by E.A. for medical care prior to their booking. At a minimum, the prisoner must be ambulatory and be able to communicate.

### **G. Medical Treatment:**

Whenever a prisoner requires medical care for a serious illness, condition or injury while in police custody, he may be either transported to any Worcester acute care hospital either by ambulance or by patrol wagon. The decision as to which mode of transportation is used and which hospital lies with the cell room supervisor dependent on the patient, his or her condition and the severity thereof. In the event that the prisoner is transported via ambulance, an armed cell room officer is to travel in the ambulance along with the prisoner and remain with him until properly relieved by Operations Division personnel. If the prisoner is violent or considered a high flight risk, a marked WPD cruiser is to follow the ambulance to the medical facility. Where indicated, prisoners may be treated in the cell room facility by EMS personnel.

### **H. Prisoner Monitoring:**

**Prisoner Cell Checks, 15-Minute Intervals, Recording:** A visual check of each prisoner shall be made every 15 minutes. Any unusual condition of the prisoner shall be called to the attention of a Service Division Official. Officers making these checks shall have in their possession the keys to the cells in the event an immediate entry is required.

Every cell check shall be recorded by activating the electronic recording system (*Watchtour Monitor*). Any malfunction or defective operation will immediately be brought to the attention of a Service Division Official who will notify the Commanding Officer and make the necessary communications and arrangements to correct the malfunction by contacting the servicing alarm company. An item noting the malfunction shall be placed on the Service Division Electronic Journal.

In addition, when the *Watchtour Monitoring System* is not recording appropriately, the officer making the visual check will contact Service Division personnel who shall record the officer making the checks by video similarly as when a prisoner is brought back to his cell from the booking area. The 15 minute visual checks shall also be recorded on the Cell Room Check Sheet used for that purpose and will be initialed by the officer and the matron assigned to conduct the cell checks after completing each check for their respective genders. When no further prisoners are left, the time of the last prisoner departure is to be inserted. At the end of the tour of duty, the supervising cell room official will sign the Cell Room Check Sheet. The Check Sheet will be forwarded to a Services Division commander for review.

**Cell Checks Cell Room Supervising Sergeant:** It is the obligation of the Supervising Cell Room Sergeant to personally conduct periodic checks anytime prisoners are present in the facility. These checks are to occur at the beginning the sergeant's shift, at the end and on two distinct occasions mid-shift.

### **III. Transportation of Prisoners**

#### **A. Operation of the Prisoner Transport Vehicle**

**Pre-load Compartment Search:** Prior to placing a prisoner or detainee into any a compartment of the prisoner transport vehicle, the patrol wagon operator shall examine the passenger area to ensure that no weapons or contraband are within.

**Prisoner Assist, Grab Bar:** Since prisoners are generally secured with handcuffs and/or leg cuffs, their balance and agility may be compromised. Accordingly, it is necessary that prisoners be assisted into and out of the wagon. This assistance is the responsibility of the wagon operator and other assisting officers. When placing the prisoner into the transport vehicle the operator shall advise the prisoner of the location of the grab bar that is provided for their safety and that they should utilize it while being transported.

**Patrol Wagon Operation:** The prisoner transport vehicle shall be operated in a safe and reasonable manner by proceeding at a speed having due regard for traffic, the use of the way, and the safety of the public and passengers within the prisoner transport vehicle in accordance with General Laws of the Commonwealth. In an emergency and while in the performance of public duty, the prisoner transport vehicle may be operated at a speed in excess of the applicable speed limit if the operator exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he or she first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection. The driver of any such emergency vehicle shall comply with general laws when approaching a school bus which has stopped to allow passengers to alight or board from the same whose red lamps are flashing. The safety of passengers within the prisoner transport vehicle must be considered when operating, particularly when bringing the vehicle to a stop or when proceeding from a stationary position.

#### **B. Sick or Injured Prisoners, Wagon Door Inquiry, Pre-booking Medical Treatment**

Prior to placing prisoners into the patrol wagon, the wagon operator shall verbally inquire with the prisoner or detainee as to any sickness or injury he or she may have. If the prisoner or detainee claims to be suffering from a **serious** sickness or injury or is visibly sick or injured from a serious condition/injury, notwithstanding a verbal claim or denial thereof, the patrol wagon operator should summon an ambulance for the prisoner/detainee. In instances where the scene is volatile, the prisoner/detainee is extraordinarily violent, public safety or that of the prisoner/detainee requires or where the response of EMS personnel is delayed or not possible given the scene conditions, the prisoner /detainee should be directly transported to medical facility via wagon.

Consistent with this section, an unconscious or semi-conscious person or one who objectively requires immediate medical attention shall not be placed in the prisoner

transport vehicle. An emergency ambulance (E.A.) shall be called to the scene to revive and provide proper care for the subject.

Should any question or conflict arise whether the prisoner's illness, condition or injury warrants the immediate services of an ambulance, a Service Division supervisor should be contacted at once for resolution. The supervisor's decision is to be made known to the police dispatcher via radio who will record same into the dispatcher remarks section of the call record.

### **C. Searching of Prisoners/Detainees Prior to Transport**

Prisoners will be searched by either the arresting or detaining officer upon arrest/detainment, and then, by the prisoner transport vehicle operator, before being placed into the transport vehicle or any other conveyance used to transport arrested or detained persons. Any items on the detainee which objectively could be used to harm another or themselves (*i.e.* pocket knife, pen, cell-phone, contraband, etc.) shall be placed into a plastic inventory bag, and put in the driver's cab of the transport vehicle, although currency should be maintained by the prisoner until booking. Pocketbooks, backpacks, and other like items of the arrestee or detainee should be placed in the driver's cab of the transport vehicle.

If the arresting officer transports his own prisoner via a cruiser, he or she shall search the prisoner prior to transport. Bags, parcels or other items in the prisoner's possession at the time of arrest shall be held apart from the arrestee. Delivery of the prisoner must come via the Salle Port unless the prisoner is to be interviewed in an investigative unit pre-booking.

Upon receipt of the prisoner, the cell room personnel accepting this prisoner shall again search this person prior to taking custody of them from the arresting or transporting officer. Any such prisoner transports via cruiser must first be approved by the arresting officer's supervisor and safety measures to include the use of seatbelts must be observed. In the course of these transports via cruiser, beginning and ending mileage must be reported to the dispatcher via F1 or F2.

### **D. Searches of Detainees by Officers of a Different Sex or Gender Expression**

Prisoners will be searched by a police officer or police matron of the same sex. However, under conditions of *imminent threat* from a weapon that may be used to launch an attack unto police or others or facilitate an escape, any officer may, under these *emergent conditions*, conduct a search of any prisoner for that weapon.

Some prisoners who come into our custody may have, in one or more ways, changed their **gender** by medical operation or other physical or physiological modification since birth. A prisoner's **gender expression** (*the prisoner's current self-identification and expression of being either masculine or feminine notwithstanding their sex at birth*) may differ from their sex at birth even without medical or other physiological modification. In these cases, where practical, that prisoner shall be searched by an officer who is of the same gender as whom the detainee now *outwardly identifies*.

In cases where the **gender expression** of a prisoner is unclear and unknown to processing officers it is reasonable to ask the individual, in a tactful and respectful manner, as to their gender identification. Personnel shall not inquire about intimate details of an individual's anatomy or surgical status to determine and individual's sex or gender expression. A search or frisk shall not be performed for the sole purpose of determining an individual's anatomical gender. Thereafter, that individual shall be address using proper titles and pronouns should the need arise.

Requests to remove appearance-related items such as prosthetics, clothing that conveys gender identity, wigs or cosmetics, shall be consistent with requirements for the removal of similar items for non-transgender individuals. In no case shall the prisoner be subjected to undue embarrassment in the course of prisoner processing.

In the event that an officer of the same sex/gender expression is not available at the scene, a search of the arrested person will be conducted by any officer under the following circumstances:

- In order to discover and confiscate any weapons, that might be used to effect an escape, harm an officer, or harm the person him/herself.
- When a strong likelihood is present that evidence secreted on the person may be lost or destroyed.

Such a search will be conducted in the presence of another officer if one is available and will be conducted with proper decorum. When possible, and not detrimental to public and officer safety, the back of the hand, rather than the palm, should be used when searching a prisoner of the opposite gender. Anything the prisoner may be carrying, *i.e.*, backpacks, handbags, shopping bags, etc., may be searched.

#### **E. Transporting Prisoners of Opposite Sex or Gender Expression, Time & Mileage:**

When the patrol wagon operator transports any prisoner or detainee of the opposite sex or gender expression<sup>1</sup> of that operator, the patrol wagon operator shall give the dispatcher the starting and ending mileage on the odometer. In return, the dispatcher should state and log the starting and ending times to correlate to the odometer readings. The wagon operator, when transporting such prisoners or detainees of the opposite sex or gender expression, shall take the most expeditious route from the prisoner/detainee pickup site to the next pickup location and/or to police headquarters.

#### **F. Interruption of Prisoner Transport**

The primary duty of the transporting officer is the safe delivery of the detained person in their care. Only when the risk to a third party is both clear and grave, and the risk to the prisoner is minimal should the transporting officer stop and render assistance. Communications should be notified by the transporting officer prior to any intervention so that nearby officers may secure the transport vehicle and maintain the safety and security of the detainee.

### **G. Transportation Issues Involving Sex, Gender Identity, Age, or Disability**

Prisoners of differing sexes or gender identities may not be transported together unless they are segregated into separated holding units within the patrol wagon.

Juveniles (those under 18 years of age) shall not be transported in the Prisoner Transport Vehicle to the police station unless they are arrested for a **crime and are combative** despite being detained in handcuffs. Children under 14 who are arrested for a crime, even though they exhibit combativeness, shall not be transported in the prisoner transport vehicle unless during extreme circumstances and with the approval of a Service Division or on-scene Police Official. All subsequent transportation of a juvenile from the police station to any other facility or institution (*i.e.* Court, KEY Program, Hospital, etc.) shall be conveyed by a motor vehicle other than the patrol wagon<sup>ii</sup>.

Juveniles taken into custody pursuant to the Child Requiring Assistance (CRA) statutes may not be transported in a wagon. Moreover, CRA detainees may not be brought to the cell room.

Children under 18 shall never accompany an adult in the prisoner transport vehicle.

Transporting physically or mentally challenged prisoners must be given special care and attention when necessary. It is up to the Prisoner Transport Vehicle Operator as to the type of restraints to be used on these detainees. It is recommended that if prudent, a cruiser or ambulance may be used for transport after consultation and approval of a Services Division or on-scene police official. Persons in wheelchairs may never be transported in while seated in their wheelchair.

### **G. Special Issues Involving Handcuffing**

All prisoners will be handcuffed before being brought to the Cell Room unless a physical debility, such as an amputee, a person with prosthesis, or a person with a serious injury precludes such restraining. If this is the case, other reasonable measures shall be utilized to maintain the safety of the officer and the public while reducing the likelihood of escape or resistance by the arrestee. When receiving a prisoner in the cell room, their handcuffs should be examined and if determined that they had inadvertently tightened during transportation, they should be loosened to prevent any injury. However, the handcuffs should not be removed completely. Handcuffs provide their maximum security and safety to the prisoner and others when placed with the arrestee's hands behind their back, palms outward. Accordingly, unless extenuating circumstances are present, all prisoners shall be handcuffed with their hands to their back with palms facing outward. Where warranted, a Services Division official may direct that a prisoner may be handcuffed in the front after their arrival to the cell room.

#### IV. Receiving Prisoners into the Cell Room Area

- A. **Cell Room Ingress:** The overhead cell room door leading to the area commonly referred to as the Salle Port, is to be used for the entrance for prisoners, those transporting them, and cell room personnel only. It is not to be used by any others as an entrance or exit to the building. The automatic sliding blue door is to be used for all entry and exiting to the Salle Port for prisoners or personnel permitted into the cell room. Access to the cell room locker room is to be limited to Service Division personnel only.
- B. **Salle Port Doors:** When prisoners are being removed from the wagon or cruiser and custody conveyed to cell room personnel, the overhead salle port door is to be shut so as to prevent escape by that prisoner(s), injury to the prisoner from running while handcuffed, and injury to officers giving chase. In circumstances where the call load for the wagon is such that it must quickly return to the field, the salle port door requirement may be dispensed with provided that the wagon operator and no less than two other cell room officers are present to remove prisoners from the wagon.
- C. **Prisoner Reception:** All transported prisoners are to be brought to the cell room entrance where they will be acknowledged **and searched** by cell room personnel. In order to comport with MGL Chapter 276 § 33<sup>iii</sup>, at this time, an inquiry shall be made as to any sickness or injury to the detainee. If the prisoner or detainee claims to be suffering from a **serious** sickness or injury or is visibly sick or injured from a **serious** condition/injury, notwithstanding a verbal claim or denial thereof, an ambulance should be summonsed to treat the prisoner at once. Prisoners experiencing minor sicknesses or injuries requiring treatment may be transported to a medical facility via wagon. Cell room personnel shall report any sickness or injury to the supervising cell room official immediately. *Cell room personnel must always be cognizant of the fact that prisoners in our custody have been denied their personal liberty and are under our exclusive care. Accordingly, it is our responsibility to see to it that their medical needs are attended to at a level not less than what the prisoner would do had he or she been at the liberty to do so.*
- D. **Other Police Agency Prisoners:** Prisoners from other police agencies who indicate or demonstrate a sickness or injury are to be refused by cell room personnel and the delivering officer must transport the prisoner to a facility for medical treatment. If the prisoner has been discharged post-treatment and there is documentation to prove this treatment, the prisoner may be admitted provided he or she has no new sickness or injury.
- E. **Positive Determination of Prisoner's Age:** If there is any question by the cell room staff as to the prisoner's age, the prisoner should be asked his or her age to insure that the individual is properly handled and processed, (*i.e.* adult vs. juvenile). At this point, information regarding the place of arrest, charges, and the names of the arresting officers will be given to cell room personnel.

- F. **Prisoner Segregation:** Prisoners should be grouped prior to booking in the Holding Tank or Interview Rooms A and B. Segregation should take place based upon gender, age (Juvenile vs. Adult), combativeness and other tendencies towards violence.

#### V. Injured or Sick Prisoners /Medical Attention /Medication /Reporting

Mass General Law Chapter 276 § 33, relative to the examination of persons arrested for injuries, is as follows and must be adhered to:

MGL Chapter 276 § 33: *Whenever a person is arrested for a crime and is taken to or confined in a jail, police station or lockup, the officer in charge thereof shall immediately examine the prisoner, and if he finds any bruises, cuts or other injuries shall forthwith make a written report thereof to the chief of police of the town concerned, or in Boston to the police commissioner, and in towns where there is no chief of police to the selectmen. The requirement that the prisoner be examined shall not be deemed to compel the removal of clothing. When a person is transferred from one place of confinement to another prior to his arraignment in court or to his release, the requirement that he shall be examined shall apply only to the place to which he is first taken after his arrest. Whoever violates this section shall be punished by a fine of not more than ten dollars.*

- A. **Initial Prisoner Examination:** Upon arrival at the Cell Room, the prisoner or detainee shall be examined under the supervision of a Service Division officer in charge for cuts, bruises or other injuries. The requirement that the prisoner be examined for injuries shall not be deemed to compel the removal of clothing. If medical attention is necessary it shall be provided.
- B. **Initial Reporting:** The cell room officer in charge (*i.e.* Supervising Official or Booking Officer) shall forthwith notify the on-duty Services Division Official of the prisoner's injury. The Services Division Official shall make a written report thereof to the Chief of Police (see reporting requirements, below). If, during the course of his or her booking, an arrestee reports the he or she was the target of excessive force or police misconduct, a written record of this fact should be made in the Police Server ARC and a police official is to be notified of this fact.
- C. **Intoxicated Prisoners:** If, in the opinion of the officer in charge, a detainee exhibits intoxication to the level of semi-consciousness prior to entering the holding tank, or if onset occurs in the holding tank, they shall be taken to the hospital by E.A. for medical care prior to their booking.
- D. **Medical Treatment:** Whenever a prisoner requires medical care while in police custody, he may be either transported to any Worcester acute care hospital either by ambulance or by patrol wagon. The decision as to which mode of transportation is used and which hospital lies with the cell room supervisor dependent on the patient, his or her condition and the severity thereof. In the event that the prisoner is transported via ambulance, an armed cell room officer is to travel in the ambulance along with the prisoner and remain with him until properly relieved.

- E. **Journal Entry:** In all cases where a prisoner is brought to a medical facility or where a prisoner is examined on the cell room facility by EMS personnel, a written entry is to be made on the Services Division Electronic Journal indicating the medical problem requiring treatment; time prisoner is sent to the hospital; time prisoner is returned to the cell room; treatment received; and by whom. The Service Division journal is electronically forwarded to the Chief's office daily for review. Where possible, a copy of the medical discharge and instructions form is to be retained so that continued medical care, if ordered, can be provided.
- F. **Refusal of Treatment:** A competent person, who is sick or injured, will not forfeit their right to refuse treatment to cell room personnel. If it appears that their injury, incapacitation, or a mental deficiency is influencing their decision to refuse without objectivity or being in their best interest, an ambulance may be summoned for treatment or alternatively the patient may be transferred to the hospital. In addition to the preceding, an entry will be made on the Service Division Electronic Journal and the corresponding arresting or custody officer's journal.
- G. **Prisoner Injury of Outside Agency Prisoners:** If a prisoner alleges injury by another agency, the on duty supervisor of that agency shall be immediately notified by a Service Division Official and a record made on the Service Division Electronic Journal.

Prisoners brought for jailing at the WPD cell room by LE officers not employed by the Worcester Police Department will not be lodged if the prisoner reports that they are sick or injured and have not been medically treated and cleared. If a prisoner whom has been brought to our cell room by another LE agency requires medical attention at any point during their jailing at the WPD, the arresting agency will be contacted to guard their own prisoner at the *bona fide* medical facility. Prisoners arrested by another LE agency on a Worcester Police warrant and who are processed and held at the Worcester Police Department, will be guarded by a member of the Worcester Police Department if it is necessary that the arrestee receive subsequent medical attention.

- H. **Prisoner Guard Guidelines:** Injured or ill prisoners taken to a medical facility for treatment or medication should be handcuffed and leg-shackled by a police officer, whether they are transported in a police vehicle or ambulance, unless one of the physical debilities noted in Section I are present. If it is obvious that the person has difficulty walking due to injury, intoxication, or other medical condition the use of shackles should be evaluated to prevent loss of balance, fall likelihood, and potential injury. Consistent with the policies of most local hospitals, prisoners who are wearing leg shackles are to be moved within the medical facility via wheelchair.

Guarding officers must have with them a standard handcuff key to remove handcuffs and or shackles should that removal become medically necessary. If the prisoner is secured using flexi-cuffs, the guarding officer must have a cutter available to him. The removal of cuffs or shackles is only to occur when necessary to facilitate medical treatment. Prior to any such removal, measures to prevent escape or physical attack of or by the prisoner shall be put into place where possible; *i.e.* cuffing of other hand, shackling of other foot, cuffing to bed/gurney, etc.).

The police officer assigned to guard the prisoner or detainee will remain with them at all times, when possible, during treatment. If it is medically necessary for an officer to leave a prisoner's immediate presence, *i.e.* to allow an x-ray, the officer shall first ensure that all avenues of escape are secured and that there are no items accessible to the prisoner that might be used as weapons.

Prior to or at the outset of the prisoner's transport to a medical facility, an Operations Division Official shall be notified to make arrangements for a guarding and relief. This notification shall include necessary information to Communications to ensure knowledge of the location of the prisoner should the Clerk of Courts or Judge need to go to their location for bail or arraignment. In order to maintain the safety of officers and the public, no telephonic communications shall be allowed by the prisoner with others while at the hospital with the exception to notify a parent to obtain consent for medical attention to their child.

When the prisoner is admitted to the hospital or is there for a prolonged period, a request by the officer guarding the prisoner should be made to hospital personnel to 'block' the prisoner's name, which would prevent the switchboard operator from re-routing a call to the prisoner from a friend or family member or allowing others to know the prisoner's location. Before returning the prisoner to the cell room or the court a search of their person shall be conducted to ensure that no weapon or contraband was secretly concealed while in the hospital.

- I. **Prisoner Medications:** Properly prescribed medicines found to be in the prisoner's possession shall be taken into custody. If the person in custody so requests, the Services Division Official shall allow a proper dosage, as prescribed on the medicine label, to be given to the prisoner. Dosages and their frequency of ingestion shall not exceed the limitations set forth on the medicine container. Each dose of medication issued shall be recorded on the Service Division Electronic Journal to include the name of medication, time distributed, and who authorized its distribution.

In cases where a prisoner is to be held in police custody overnight or for a prolonged period, they may have their medications dropped to the Service Division by family members. These medications are subject to search and verification and may only be administered in accordance with the provisions of the foregoing paragraph. These medications must be in their original prescription bottle with the prisoner's name clearly affixed on the prescription container sticker.

Whenever concerns regarding the authenticity of medicines found in the custody of or delivered to the detainee arise, verification should be made with paramedics, the emergency room personnel of a *bona fide* medical facility, or a pharmacist at the issuing pharmacy prior to distribution. An Intra-Departmental Correspondence shall be submitted through channels to the Deputy Chief overseeing Service Division showing the steps taken to determine authentication.

When a detainee requires medication to be administered through injection, they shall be transported to a *bona fide* medical facility and be under the direction of proper medical staff.

Prisoners who can verify that they are patients of Spectrum or some other recognized methadone dispensing organization and that they demonstrate satisfactorily that they require a periodic dose of methadone, may be transported to that clinic at no more than once per each 24-hour period.

## **VI. Processing of Injured Prisoner Reports**

The report to the Chief of Police detailing a prisoner's injury, shall be prepared and submitted by a Service Division official no later than the end of that official's shift and shall contain the following information at minimum if applicable:

1. Prisoner name, DOB, address, SS#, phone number
  2. Arrest specifics: time, date place, location of arrest, arresting officer, incident #
  3. An account of how the injury occurred, to include before/during/after arrest and whether the injury was caused by a police action.
  4. Arresting officer's C/O
  5. Narrative explanation of supervisor's observations of the prisoner, whether prisoner was transported to a medical facility, which medical facility and what treatment was rendered.
  6. If applicable, details of the prisoners refusal of treatment.
- A. **Prisoner Injury Reporting, Notification:** If the injured prisoner asserts that his or her injury was caused by a police action; before, during, or after the arrest, the Service Division official, shall notify the arresting/involved officer's supervisor via radio, telephone or e-mail; whichever mode more rapidly and effectively conveys the notification. That supervisor, in turn, must inform the arresting and/or involved officer that there was a complaint of injury by the arrestee or allegation of abuse and that supervisor must then direct the arresting/involved officer to prepare and submit an incident (arrest) report that details the prisoner's injuries (if any) and the source/cause of these injuries and/or response to the prisoner's allegation of abuse. This provision does not excuse an arresting or involved officer from preparing and submitting "Use of Force" reports as mandated by Policy & Procedure #400 *et seq.*
- B. **Service Division Report to Chief of Injured Prisoners:** The Deputy Chief of the Service Division, on behalf of and as delegated by the Chief of Police, shall review all reports of prisoner injury and allegations of abuse submitted by the Service Division official. That Deputy Chief shall review the reports relative to this arrest to determine whether the cause of the injury was identified and documented. If the injury cause was documented and there exists no suspicion as to officer misconduct in this arrest, the report shall be forwarded to the Bureau of Professional Standards for review, collection and filing.
- C. **Subsequent Officer Injured Prisoner Report Requests:** If, in the opinion of the Deputy Chief of the Service Division, the cause of the injury is not identified nor

attributed to a lawful police action, the arresting and/or involved officer will be directed to prepare and submit a subsequent Injured Prisoner Report in the Police Server Record Management System (RMS) detailing the injury and how the prisoner incurred it. The reporting officer is to direct a copy of this follow-up report is to the Deputy Chief in charge of the Service Division. That Deputy Chief will then review the reports. If this review of the subsequent Injured Prisoner Report(s) determines that the cause of the injury was identified and documented and there exists no suspicion as to officer misconduct in this arrest, the report shall be forwarded to the Bureau of Professional Standards for review, collection and filing.

If, after the review of these documents by the Deputy Chief there remains suspicion as to whether the arresting officer or other involved officer engaged in questionable conduct, the matter is to be brought before the Chief of Police. At the Chief's discretion, the matter is to be brought to the Bureau of Professional Standards for further investigation.

## **VII. Prisoners Alleging Physical Abuse or Misconduct by Police**

If, during the course of his custody, the prisoner alleges police misconduct and/or that he or she was physically abused by police, the supervisor in charge of the cell room is to be notified. That supervisor shall then personally inquire of the prisoner the specifics of his or her allegation. That supervisor shall then prepare a report detailing the allegation, that supervisor's observations of the prisoner and any other pertinent details and submit same to the Deputy Chief in charge of the Service Division. The cell room supervisor shall also notify the supervisor of the accused officer at the earliest possible opportunity.

Upon receipt, the Deputy Chief of the Service Division shall review the allegation of abuse report to determine whether the allegation has merit. If, after this review, there remains suspicion as to whether the arresting officer or other involved officer engaged in questionable conduct, the matter is to be brought before the Chief of Police. At the Chief's discretion, the matter is to be brought to the Bureau of Professional Standards for further investigation.

Prisoners who allege that he or she was physically abused by police shall be given a WPD Citizen Complaint Form upon their release from custody or have one placed into their property.

## **VIII. Escape of Prisoners**

In the event of a prisoner escaping from any location while in our custody the following information shall be immediately transmitted to Communications and the respective Sector Sergeant from Operations notified:

- Location from where escaped
- Physical description and clothing
- Direction of travel
- Time elapsed since escape

- Mode of transportation if known
- Medical or mental concerns
- Access to weapon(s)

At this time the Sector Sergeant shall immediately establish a perimeter and direct a search for the person using all available resources. When the escapee has been recaptured applicable charges shall be added to the criminal complaint and notifications to Service Division and Communications shall be made. The officer who suffered escape shall submit through channels to the Office of the Chief a complete and detailed Intra-Departmental Correspondence outlining the chain of events. A copy shall also be forwarded by that officer to the Service Division Commander.

## **IX. Booking Procedures**

**Supervision:** The cell room Supervising Sergeant shall be designated as the person in charge of and responsible for the orderly operation of the cell room facility. In the absence of this sergeant, the officer designated as “Booking Officer” shall be the Officer-In-Charge for the cell room for that specific tour of duty or period notwithstanding seniority or date of appointment. The Supervising Sergeant and Booking Officer must set the tone through professionalism, remaining positive and firm to enable the booking process to proceed with a timely, safe, and accurate completion. It is the obligation of each cell room staff, both sworn and civilian, to conduct themselves in a professional manner. They shall be tactful in the performance of their duties and shall exercise patience and discretion even in the face of provocation.

**Booking Guidelines:** The predominant objective of the cell room operation is to effectively and efficiently process and maintain custody of persons arrested by the Worcester Police Department while insuring that the safety and well-being of personnel and persons in our custody are maintained at all times.

The following procedures are to be adhered to:

- A. **Video Monitoring:** Prior to removing the prisoner from the holding tank for the booking procedure, the booking officer shall notify Service Division personnel to activate the video to record the booking. The video must continue recording until the prisoner or detainee being booked is either placed in a cell, an interview room, brought to the Service Division (*i.e.* juveniles being released), or in the case of an uncooperative person, returned to the holding cell. The video log in the Service Division office shall correspond to the digital/tape count and/or time.
- B. **Hostile, Combative, Recalcitrant Prisoners:** When prisoners exhibit signs of hostility, combativeness or those who fail to follow the directions of cell room personnel, the booking video should be started to memorialize the prisoner’s behavior, his demeanor, and staff’s attempts to book the individual. The prisoner should be verbally advised that his booking cannot proceed unless he cooperates with the process and demonstrates a diminished level of aggression. If it can be done safely, an attempt should be made to have the person exit the holding tank and

proceed to the booking desk. If the prisoner is cooperative, the booking process may proceed. If not, the prisoner should be returned to the holding tank temporarily. An electronic journal entry shall be made detailing each and every attempt to book a hostile prisoner. This will alleviate allegations regarding a violation of prompt bail review and right to a telephone call within one hour. The booking officer should enter what prisoner information is available in the booking forms, *i.e.* prisoner name if known, arresting officer, charges, prisoner height, weight, color of hair, skin, etc. This booking sheet will be completed when the person is calm and ready to answer the remaining questions to complete the booking.

- C. **Verbal Communication with Prisoner:** No extraneous conversation between the prisoner and other officers or matrons while the booking officer is obtaining answers to the booking questions is permitted. It is important that the booking officer be the primary person speaking with and directing the prisoner being booked. Other cell room staff interacting with the prisoner may have conversation with the prisoner to the extent necessary to carry out processing however, in the interest of expediency and accuracy; the prisoner's attention should be focused on his or her exchange with the booking officer.
- D. **Cooperative Prisoners:** Once the booking video is recording, the non-hostile detainee is to be brought to the front of the booking desk and remain handcuffed. If a prisoner displays objective signs of intoxication to a level of semi-consciousness, that prisoner shall be transported to the hospital by E.A. for medical treatment. Any of their property, which may have been removed prior to entering the transport vehicle and is contained within an Inventory Bag, shall be placed on the Inventory Tray for video recording.
- E. **Mandatory Prisoner Discourse and Observation:** During the booking procedure, the booking officer is responsible to record the applicable biographical and identification information from the prisoner. If the prisoner has a master card on file with this department, the information on that record to include address, phone number and workplace must be updated where necessary.

Additionally, the booking officer shall complete the following "Booking Officer Questions" section of the booking process:

1. *You have a right to telephone call. Do you wish to use the telephone?*
2. *Are you sick? If so, what is wrong?*
3. *Are you injured? And if so, when and how were your injured?*
4. *Is prisoner visibly injured? If so, describe in detail.*
5. *If the prisoner complained of injury or if there is visible injury, was cell room supervisor notified? If so, identify which official.*
6. *Did the prisoner allege the use of excessive force or misconduct on the part of police? If yes, describe in detail.*
7. *If excessive force or misconduct was alleged, was cell room supervisor notified? If so, identify which official.*

It is necessary that the booking officer make entries into the computer system memorializing the prisoner's responses to each of the aforementioned questions.

- F. **Prisoner Inventory Procedure:** Once the Booking Officer has completed the information collection portion of the booking procedure, the Searching Officer or Detention Attendant will then conduct a thorough pat down and search of the prisoner to ensure that no weapons, contraband, or other dangerous items are secreted on his person.

This inventory will be conducted by either a male police officers or female police officer or Detention Attendant consistent with Section II, C&D above (*Prisoner Searches and Inventories and Searches of Prisoners by Officers of a Different Sex or Gender Expression*). This provision notwithstanding, in cases where an exigent circumstance involving a weapon or dangerous item presents itself, any officer or detention attendant may intervene.

- G. **Indicia of Special Medical Conditions:** Special attention shall be given to the presence of any 'Medic-Alert' jewelry. If one is inventoried from the detainee the information contained thereon shall be entered onto the Service Division Electronic Journal.
- H. **Handcuff Removal:** Once the Searching Officer or Detention Attendant is of the opinion that none of the above items remain accessible to the person, the handcuffs are then removed by a police officer only and the person is instructed to place all his or her property on the Property Inventory Tray for video recording. A complete search of the prisoner shall be made to insure proper identification by examining driver's licenses, social security cards, letters, etc. If a person has a driver's license or other identification it shall be placed on the Inventory Tray so that it may be recorded on the video.
- I. **Prisoner Safety Issues:** Any such item that cell room personnel perceive that may be used by a prisoner to harm himself shall be taken from him at this time and held in his or her property. Unless an officer assigned to the cell room believes that it would create a hazard: the following items may be retained by a prisoner in the cell; wedding ring, eye glasses, hearing aids, and prosthesis. Footwear and belts for all prisoners shall be removed prior to placement of the prisoner in a cell. Strip Searches shall be conducted in accordance with Worcester Police Department Policy and Procedure #720
- J. **Prisoner Inventory Search Objectives, Search Scope:** The legitimate purposes of an inventory procedure are: to safeguard the detainee's property, the protection of police personnel from charges of theft, to ascertain or verify the identity of a detainee, and to keep out of the cells anything dangerous to the prisoner, other prisoners, visitors, and police officers. While conducting an inventory procedure, police personnel shall open all closed containers the prisoner had in their possession at the time of arrest and examine its contents solely to meet the legitimate purposes of inventory previously stated. Documents or other records may be read or

otherwise examined only to the extent necessary for such inventory purposes, including identity verification and ensuring the detainee's physical well being.

- K. **Valuables:** The prisoner's money will be counted and other valuables are to be counted and/or identified while recorded by video, by the Property Inventory Officer, in the presence of the Booking Officer, the prisoner, and the supervising cell room official.

All money and other valuables in the detainee's possession shall be inventoried. When the counts agree, the money and/or other valuables or property such as watches, rings, chains, earrings, cigarettes, matches etc. shall be sealed in a plastic bag, listing the contents on the bag together with the name, date of birth and the number of the cell in which the prisoner is to be placed. A summary of the prisoner property shall be entered in the computer booking system in the "Detainee Property" field.

The police officer assigned as the Property Inventory Officer shall fill out all paperwork, place the property in the appropriate heat sealed bag, and then place it in the corresponding locker of the detainee.

If, at the discretion of a Service Division official, property *i.e.* items of extreme value or sensitivity, may be brought to the Service Division office and held in the unit safe for heightened safekeeping. If this occurs, the transfer of the property to the unit safe shall be indicated on the Service Division electronic journal. Similarly, the return of these item(s) to the prisoner must be demonstrated on video and the return noted on the electronic journal.

- L. **Confiscation of Prisoner Property:** Any property, including but not limited to money, keys, *etc.*, confiscated from a prisoner at or after booking as evidence of criminal activity, must be reported into Police Server by the confiscating officer and only after authorization is granted by a Service Division official. Additionally, an entry into the Service Division Journal must be made detailing prisoner name, what property was confiscated and what officer effected that confiscation. The handling of that confiscated evidence must be in accordance with procedures delineated in established evidence handling procedures.
- M. **Magnetometer Use:** The Searching Officer or Detention Attendant shall then direct the detainee to proceed through the metal detector. If the detector is signaled, a more thorough search is required until the Searching Officer is satisfied that no weapons, contraband, or other dangerous items remain in possession of the prisoner or detainee.
- N. **Photographs & Fingerprints:** The prisoner shall then be escorted to the adjacent photographic/fingerprint room where an image and fingerprints of the prisoner will be taken. In the case of a female detainee, the Detention Attendant shall accompany the female prisoner to the photograph and fingerprinting room and remain in close proximity until that function is completed.

- O. **Cell Escort:** Once these processes are completed, a minimum of two officers shall escort the detainee to their appropriate cell. In the case of a female detainee, two officers shall accompany the Detention Attendant until the detainee is secured in her cell.
  
- P. **Cell Pre-Inspection:** Prior to placing the prisoner in the cell, the cell should be checked for weapons and/or contraband both prior to and after removing the detainee from the cell. An unconscious or semi-conscious person shall **NEVER** be placed or remain in a cell, but will instead be transported to the hospital by E.A. for treatment.
  
- Q. **Phone Call:** Pursuant to Massachusetts General Law Chapter 276§33A: *The police official in charge of the station or other place of detention having a telephone wherein a person is held in custody, shall permit the use of the telephone, at the expense of the arrested person, for the purpose of allowing the arrested person to communicate with his family or friends, or to arrange for release on bail, or to engage the services of an attorney. Any such person shall be informed forthwith upon his arrival at such station or place of detention, of his right to so use the telephone, and such use shall be permitted within one hour thereafter.* Accordingly, every effort shall be made to book permit the prisoner to make use of the phones that are installed in each individual cell with in the appropriate time frame.

Prisoners who have been brought to our lock-up facility by federal officers for federal charges, do not have guaranteed phone rights that state prisoners do. Upon booking, the cell room supervisor is to consult with the arresting federal officer(s) and inquire whether a phone call by the prisoner would jeopardize an ongoing case. If the case or investigation would not be compromised by allowing the prisoner call privileges in his or her cell, then those phone access should be permitted.

- R. **Meals:** Prisoners shall be fed once per shift. Only food or beverage supplied by the Department will be given to a prisoner. A change of clothing will be allowed if it is searched thoroughly before being left with the prisoner.
  
- S. **Cell Post-Inspection:** Whenever a prisoner is no longer confined to a cell, the cell shall be closely examined for any articles that may have been left behind; including such items as razor blades, needles, contraband, etc., and the interior shall be examined for any damage that may have occurred. Such checks shall be done as soon as possible after the removal of the prisoner and prior to the occupancy by another prisoner.

## **X. Booking of Deaf or Hearing Impaired Persons**

Massachusetts General Law Chapter 221§92A refers to the arrest, interrogation of, warning, notification of rights, or taking of a statement of a deaf or hearing impaired person. All of our bookings of deaf or hearing impaired persons must comport with these provisions. In pertinent part, the statute reads:

*Whenever a deaf or hearing-impaired person is **arrested** for an alleged violation of a criminal law, including a local ordinance, the arresting officer shall procure and arrange payment for a qualified interpreter to assist such person regarding any interrogation, warning, notification of rights, or taking of a statement. No answer, statement, or admission, written or oral, made by a deaf or hearing-impaired person in response to any question by a law enforcement officer or any prosecutor, in his official capacity, in any criminal proceeding may be used against such deaf or hearing-impaired person unless such statement was made or elicited through a qualified interpreter and was made knowingly, voluntarily and intelligently or, in the case of waiver of interpreter, unless the court makes a special finding that any statement made by such deaf or hearing-impaired person was made knowingly, voluntarily and intelligently.*

For the purposes of booking a deaf or hearing impaired prisoner (versus advising the deaf or hearing impaired prisoner of rights, interrogating, questioning, or other legal proceeding), officers may communicate with the person being booked through written communications, verbal communications (if possible), a companion of the suspect acting as an interpreter, a non-certified interpreter; or a certified interpreter. Please be aware that some deaf and hearing-impaired persons have limited written language skills, particularly involving difficult matters such as legal warnings and admonitions.

Insofar as the advisory and waiver of Rights: An officer must advise a deaf or hearing-impaired person of his or her rights through a qualified interpreter in order for a waiver of such rights to be valid.

When interrogating or questioning and deaf or hearing impaired person, officers must be aware that any statements made by a deaf or hearing-impaired person, which are elicited without the use of a qualified interpreter, may not be admissible as evidence against the defendant.

## **XI. Care and Safety of Prisoners in Cells**

The care and safety of all those held in custody is of paramount importance to this Department. With this in mind, the following safeguards are to be followed:

**Q5:**As soon as reasonably possible after the booking of each prisoner or detainee, a member of the Services Division shall make an electronic query through the Criminal Justice Information System (CJIS) to determine if the person had made any threats of or had attempted suicide in the past. Prisoners who have a positive “Q5” history shall be subjected to enhanced supervision and restraint to include but not be limited to the following:

- Verbal inquiry with the prisoner as to harmful intent
- Monitored cell
- Denial of blanketing
- Consideration of removal of clothing that may be used to harm oneself
- Handcuffs
- Helmet use
- Section 12 or in-cell clinical assessment
- Consideration of heightened personal observation

When all cells with visual monitoring capabilities are occupied, the on-duty Service Division official shall assess and prioritize all persons in custody who are classified as presenting a risk of committing suicide and are in need of visual/electronic observation. Priority will be given to acute and recent suicidal manifestations. Under no conditions shall two suicidal prisoners occupy the same cell together.

A. **Prisoner Psychiatric Concerns, Suicide Threats:** Prisoners who may have acute psychiatric issues, threaten or actually attempt suicide or self-harm, are experiencing emotional crisis, appear depressed or overly withdrawn, have profound adaptive issues with respect to being in a jail facility, or otherwise present themselves in such a way to cause cell room staff to have concerns for the mental well-being should be brought to EMH pursuant to MGL Ch. 123 §12 if their behavior rises to that level.

MGL Chapter 123 § 12 (*in pertinent part*):

*...a police officer, who believes that failure to hospitalize a person would create a likelihood of serious harm by reason of mental illness may restrain such person and apply for the hospitalization of such person for a 3-day period at a public facility or a private facility authorized for such purpose by the department. An application for hospitalization shall state the reasons for the restraint of such person and any other relevant information which may assist the admitting physician or physicians.*

If the prisoner is physically injured in any way, the prisoner shall be brought to UMass Memorial Medical Center where he or she can be treated for both the physical injury as well as the emotional crisis.

Alternatively, if the prisoner's behavior does not rise to the level of a commitment application under that Chapter 123 § 12, yet there still exists concern by cell room staff that the prisoner is experiencing a psychiatric crisis, he or she is to be assessed by a mental health clinician from Community Health Link or other contracted mental health services provider. This assessment should occur in the cell room in a cell room-based interview room. Once assessed, the clinician can advise cell room staff as to the best handling procedures to be followed vis-à-vis this prisoner.

Transportation to UMass Medical Center may be made by the patrol wagon, cruiser or E.A., whichever appears in the best interest of safety for the prisoner at the time.

If the prisoner is released to police custody post-evaluation, that prisoner is to be assigned to a monitored cell for the balance of their stay at the WPD facility and all recommendations of the clinician must be followed to the extent that is practicable.

Record of a suicide attempt or threat must be entered into the CJIS (Q5 report) and the Service Division journal and posting it to Court Liaison's journal prior to the end of shift and a WPD Suicide Candidate Form shall be filed with the original remaining in Service Division and a copy forwarded to the next facility of confinement according to MGL Ch. 40 § 36A<sup>iv</sup>.

- B. Investigation of Suicides/Attempts Causing Serious Injury:** In the event of a suicide or an attempted suicide involving significant injury or hospitalization which is the result of said injury, the Detective Bureau will be notified to conduct an investigation and shall have primary responsibility for the investigation. Reports on the incident shall be made by Service Division personnel and shall be made a part of the Detective Bureau's investigation. The senior on-duty Service Division official shall report ALL attempts of suicide through their chain of command all well as posting an electronic journal item regarding the incident to all divisions. The Service Division shift commander, Captain, and respective Deputy Chief shall be notified immediately of any suicide that occurs.

In the event of an attempted suicide where no injury occurs a Service Division Official shall conduct an investigation and remedial action shall be taken to reduce the possibility of a repeated attempt. This shall be delineated in an Intra-Departmental Correspondence to the Service Division commander

- C. Prisoner Cell Checks, 15-Minute Intervals, Recording:** Periodic visual checks of prisoners in their cells shall be conducted in accordance with paragraph H of Section II above.
- D. Prisoners Restrained in Cells:** If, at any time, where a prisoner, as a matter of self-protection, is restrained while in a cell restraints, they **MUST BE EXAMINED EVERY FIFTEEN MINUTES BY A POLICE OFFICIAL**. This will be logged on the Prisoner Check Sheet. This examination will be made with the intent of removing restraints if the prisoner no longer presents this threat. The Police Official making these examinations will check the prisoner for any injury which may be caused by the use of applied restraints. A report will be made regarding any injury and the action taken.

## **XII. Insufficient Number of Holding Cells for Prisoners**

Whenever there are more prisoners than individual cells safety and security continues to remain of great importance. If possible, the bail commissioner should be summoned to make an additional visit to release whatever prisoners are ready for bail. If this has already occurred or is not feasible, a priority system using pairs of prisoners arrested for the least violent crimes should be utilized to share a cell. At no time should more than 3 people be placed into a cell together. When possible, intoxicated persons should remain separate.

Detainees listed as 'Q5' must be prioritized and separated as stated previously in Section XII.

### **XIII. Interviewing or Visiting of Prisoners**

Police officers not assigned to Service Division are permitted in the cell room only for the following or other reasonable needs:

- In the case of persons arrested for OUI Alcohol or OUI Drugs, the arresting officer may be allowed in the Cell Room to complete the necessary investigation and preliminary reports.
- To confiscate money or evidence of a crime and to conduct additional testing or to observe and record testimonial evidence.
- To retrieve a prisoner for an interview or interrogation. Pictures or interrogation should be conducted in the appropriate areas. With the exception of release, no prisoner should be taken from the Cell Room without prior permission of a Service Division Official.

**Prior to entering the Cell Room, any officer not listed in Section II Subsection B, must secure their firearm in the lock box provided outside of the Cell room.**

**The retrieval of personal handcuffs in the cell room or other non-essential presence is PROHIBITED.**

Visitors will be permitted to visit at the discretion of a Service Division official, however this practice is discouraged.

Clergy or Attorneys will be allowed to visit penitents/clients who are in custody in the Cell Room with approval of a Service Division Official. Such visits shall be limited to a secured area, within the sight of, but not within the hearing of, an officer assigned for that purpose.

All visitors shall be required to show a photo ID, sign in and out with corresponding times, and submit to a search prior to and at the completion of any interaction with a prisoner.

Except in the case of police officers, all visitor interactions with a detainee shall be non-contact and shall be closely monitored and controlled to avoid transfer of weapons or contraband. No visit may last beyond 15 minutes.

### **XIV. Release of Prisoners /Transportation to Court or Other Venue**

Whenever a person is arrested and it is subsequently determined that the arrested person should be released for lack of probable cause the following procedure is to be followed.

- The person is to be immediately released with authorization of a Service Division Official or when a bail commissioner advises that probable cause to detain does not exist.

- No attempt is to be made to negotiate any agreement with the person being released.
- An IDC submitted through channels by a Service Division Official shall state the reasons for release with a copy forwarded to the arresting officer's commander.

When prisoners are being prepared to be bailed, they shall be video recorded receiving their property and shall acknowledge the receipt of their property. This property sheet will then be left on file in Service Division indicating the property was returned.

Prisoners that are to be released are then to be brought upstairs will only be transported in the side elevator, unless out of service. In the event that the side elevator is disabled another unoccupied elevator may be used with the approval of a Service Division Official. The use of the stairs with prisoners should be used as a last resort. Prisoners shall be released separately by gender and age (*i.e.* Juvenile vs. Adult). At least two officers shall remain with the prisoner(s) until they are completed with the bail commissioner. The matron shall accompany any female prisoners and at least two police officers shall be present.

When a prisoner remains in our custody overnight, they shall be transported to District Court at the next open session. All prisoners will be handcuffed by a police officer before being brought to the court unless a physical debility, such as an amputee, a person with prosthesis, or a person with a serious injury which has already been treated, precludes such restraining. If this is the case, other reasonable measures shall be utilized to maintain the safety of the officer and the public while reducing the likelihood of escape or resistance by the arrestee.

These prisoners shall be segregated by gender for transport.

All juveniles held at the Key program will be transported by cruiser to the Juvenile Court Division. In accordance with MGL the prisoner transport vehicle shall not be used to transport juveniles to this location.

When applicable, information should be transferred to the receiving agency regarding any medical conditions or Q5 status of the detainee.

All prisoner property held should be given to the prisoner transport operator to arrive at the courthouse with their respective owner's as opposed to at separate times.

Whenever a prisoner is charged with an offense indicating attempted deception or disguising of true identify (*i.e.* Refusal to Obey a Police Officer Chap. 90 §25, False Name or False Information to a Police Officer after Arrest, Chap. 268 §34a, etc.) or were arrested under a warrant with numerous alias's, incorporate into the complaint package a copy of FBI fingerprints provided through the booking process and *Cross Match* system. Also, if it is determined during or after the booking process that an arrestee has provided false or inaccurate information a supplemental report shall be completed by the Booking Officer and added to the complaint package.

All prisoners should be transferred to the court decently clothed. At a minimum, a blanket should be included to cover them.

### **XV. Emergency Evacuation of Worcester Police Department Services Division Personnel and Prisoners**

Whenever an incident occurs which requires the partial or full evacuation of the building of the Worcester Police Department, such as for a fire, bomb threat, explosion or other reason(s) where death or serious injury may occur, the following guidelines should be observed. These may be modified or abandoned based upon severity or immanency of the occurrence.

1. Notifications should be made through the chain of command of the Service Division to the Chief's Office via e-mail and/or telephone. The Court Liaison commander or supervisor should be notified to allow access to Central District Court to detain prisoners already in Worcester Police Custody and to use that location to process fresh arrests.
2. The Service Division commander, or in his absence, the shift commander or shift supervisor should direct the incident first by notifying Communications to transmit necessary information over the police radio as well as the building's public address system.
3. All civilians and non-sworn personnel, with the exception of Building engineer and maintenance, Communications, and Detention Attendants shall be advised to vacate the building.
4. The Service Division Official shall direct the incident from an area within Communications near the 'Supervisor's console', which shall be occupied by Communications personnel. This will allow ease in coordinating the incident. Appropriate agencies (*i.e.* MSP bomb squad, WFD, etc.) shall be notified of the incident. An E.A. shall also be summoned to stage near Major Taylor Blvd @ School St. An Official from Court Liaison should be notified to allow access to Central District Court if the need to transfer prisoners there is necessary.
5. Two officers from the Service Division office will assist civilians to exit the lobby and check to ensure the public restrooms are vacant. Once it is believed that the building is unoccupied by civilians and non-sworn personnel not specifically named in subsection 3 above, one shall return to the Service Division office and be available as needed while the other remains in the lobby to prevent access to the building by any civilian or other personnel not specified above.
6. As part of their duties, office personnel shall inform the cell room of a priority listing regarding prisoner detention transportation. It shall be conducted as follows:

MUST Remain in Custody	MAY Remain in Custody	RELEASE Forthwith
Arrests on Warrant or Felony		Non-violent Misdemeanors
Default Warrants	Non-Violent Misdemeanor Warrants	OUI, No Longer Incapacitated
DV Related Arrest or Warrant		94C Misdemeanors
Incapacitated Persons/OUI		
Violent Crimes		
Arrests with Q5 Status		

At this time, office personnel should alert their official if any prisoner(s) or detainee(s) is/are listed as Q5. If this is the case the official shall request a quantity of Northwest Sector or other cars to respond to the Salle Port. The number of cars should correspond to the number of Q5's in custody if possible. They shall then transport them to UMASS EMH for observation.

7. If during this time a Child Requiring Assistance (CRA) is present held in the Services Division office, only one officer should assist in the lobby. During this time, the applicable agency, whether the KEY Program, YOU Inc., the child's residence, or other location under appropriate supervision, shall be notified for immediate transportation. A Southeast Sector car should be summoned to transport the child.
8. All juveniles held in the cell room shall be transported to the Key Program. Northeast Sector cars will provide this transportation.
9. The CJIS officer shall report to the cell room to assist in the safe and secure evacuation of prisoners and detainees. Although an alternate route of evacuation is through the corridor towards the side elevator, the primary exit should be into the Salle Port.
10. Depending upon the number mandated to remain in custody as delineated in subsection 6 above, the following should be conducted in order to ensure a methodical evacuation:
  - A. Immediate release with their property of those listed as 'Release forthwith' as stated above.
  - B. Relocation of female prisoners into spare wagon. Detention attendant shall accompany spare wagon operator with their property.
  - C. Relocation of male prisoners listed as 'Must Remain in Custody' to the prisoner transport vehicle.
  - D. Relocation or release with property of those listed as 'May Remain in Custody' as stated above. If relocation occurs because of available space within the prisoner transport vehicle, they shall be placed into the prisoner transport vehicle based upon a priority due to severity of crime.

11. The prisoner transport vehicle operators shall monitor the prisoners prior to securing of the cell room.
12. The Printing and Searching Officers shall return to the cell block areas to ensure no person was overlooked. This shall include the female area. The Booking officer will compile and secure male prisoner's property into the prisoner transport vehicles. Once this is completed, the cell room door should be secured and these officers should accompany the Prisoners Transport Officers by relocating those detained to the Central District Court holding area.
13. All fresh arrests shall be transported by the arresting officer to the Central District Court – WPD Court Liaison Office for processing and holding, until the building of the Worcester Police Department is rendered safe for re-entry.
14. The Services Division Official in Charge of the incident shall make all decisions regarding partial or full evacuation of the building of the Worcester Police Department as well as re-entry unless relieved by a higher ranking official.
15. An after-action report will be submitted to the Office of the Chief of Police at the completion of a debriefing session of all those who participated in an evacuation. This debriefing shall take place within 24-48 hours after the event. The Stress Unit should be consulted when necessary.

PER:



Gary J. Gemme  
Chief of Police

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<sup>i</sup> There are subtle differences between the terms “sex” and “gender expression”. Sex refers to biological differences; male or female. Gender describes the characteristics that a society or culture delineates as masculine or feminine. “Gender expression” are one’s displays of gender identity through dress, demeanor and language. So, while a person can be biologically a male, that person can express their gender as either masculine or feminine.

<sup>ii</sup> MGL Chapter 119 Section 34: A child involved in any proceeding shall not be transported in a patrol wagon from his home or from any other place to any court or institution, but if a conveyance is necessary shall convey him in such other suitable vehicle as shall be provided or designated by the department. Violation of this section shall be punished by a fine of not less than twenty-five nor more than fifty dollars or by imprisonment for not more than three months.

<sup>iii</sup> MGL: Chapter 276 Section 33. Whenever a person is arrested for a crime and is taken to or confined in a jail, police station or lockup, the officer in charge thereof shall

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immediately examine the prisoner, and if he finds any bruises, cuts or other injuries shall forthwith make a written report thereof to the chief of police of the town concerned, or in Boston to the police commissioner, and in towns where there is no chief of police to the selectmen. The requirement that the prisoner be examined shall not be deemed to compel the removal of clothing. When a person is transferred from one place of confinement to another prior to his arraignment in court or to his release, the requirement that he shall be examined shall apply only to the place to which he is first taken after his arrest. Whoever violates this section shall be punished by a fine of not more than ten dollars.

<sup>iv</sup> Chapter 40 Section 36A. Whenever a person is in police custody and commits suicide or dies at a lockup facility established pursuant to the provisions of section thirty-four of chapter forty, or under the jurisdiction of the metropolitan police, or whenever a person in police custody inflicts self-injury at a lockup facility which subsequently results in his death, the officer in charge of the lockup facility shall make a report of such incident, identifying the deceased and describing the circumstances of such death. One copy of said report shall be sent, within seven days of such death, together with copies of any incident pertaining thereto to the medical examiner's office in the county wherein such incident occurred, and one copy of said report shall be retained in the lockup files. Said report shall be in addition to the requirement of notification pursuant to section six of chapter thirty-eight.

Upon receipt for said reports, the medical examiner may send a copy, together with a copy of each incident report, autopsy reports and medical examiner's reports, upon request, to the next of kin of the deceased person. Upon request for said reports by the next of kin of the deceased, the medical examiner shall furnish said reports within fourteen days of the request. If an autopsy is performed, the next of kin may have a physician of his own choice present. The next of kin may waive this right in writing, or, if next of kin fails to designate a physician within forty-eight hours of the death, the right will be considered waived.

Whenever a person in police custody attempts or threatens suicide at a lockup facility, the officer in charge of the lockup shall, within twenty-four hours of such incident, record in the department of criminal justice information services computer the name, address, and the age of such person, the charge or reason for such detention and the nature and date of said attempt or threat. Such information shall be made part of the criminal offender record information system. It shall be disseminated only to those agencies and offices authorized under section one hundred and seventy-two of chapter six.

Whenever a person in police custody attempts or threatens suicide at a lockup facility and said person is transferred to another lockup facility, the officer in charge shall notify in writing the receiving lockup facility of the exact nature of said attempt or threat.

\*\*\*\*Replacing policy established on **May 15, 2013**