

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the University of Maryland, Baltimore Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy 901. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy 902.

900.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

Temporary custody - The time period an adult is in custody at the University of Maryland, Baltimore Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The University of Maryland, Baltimore Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the University of Maryland, Baltimore Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

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

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- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are suspected suicide risk (see Mental Health Evaluation Policy 409).
 - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy 415.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

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

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

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

If available, at least one female department member should be present when a female adult is in temporary custody. This is also applicable to transgender individuals who identify themselves as female.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present. This is also applicable to transgender individuals who identify themselves with a specific gender.

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

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900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Supervisor or Shift Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions. Any area where a person is detained shall be searched before and after, and shall be recorded on the officer's body worn camera.

900.4 INITIATING TEMPORARY CUSTODY

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

The Shift Supervisor or other receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the appropriate mental health facility.

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

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide an individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.

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- (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
- 3. Ensure individuals are separated according to severity of the crime (e.g. felony or misdemeanor).
- 4. Ensure males and females are separated by sight and sound when in cells.
- 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

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

Department members assigned to process a foreign national shall:

- (a) All foreign nationals have a right to notify their consular officials, without delay, after being arrested or detained. In some instances it's mandatory that the arresting or detaining officer make the notification on behalf of the foreign national. A list of telephone numbers is maintained in Communications. A Mandatory Notification List is provided (See Appendix 6.2.1). In cases of mandatory notification, the arresting officer shall complete Appendix 6.2.4 "Statement to Arrested or Detained Foreign Nationals - Mandatory Notification" and Appendix 6.2.2 "Notification of Arrest or Detention of a National of your Country". Appendix 6.2.2 shall be faxed to the appropriate Consulate.
- (b) Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by their government exist in some mandatory notification cases. The notification should still be honored, but it is possible to take precautions regarding the disclosure of information, i.e., it may not be necessary to provide information about why a foreign national was arrested.
- (c) Under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government.
- (d) Foreign nationals have the same rights to consular assistance as do legal foreign nationals. There is no reason for purposes of consular notification to inquire into a person's legal status in the United States. If there is reason to question whether the

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person arrested or detained is a U.S. citizen, the officer should inquire further about nationality so as to determine whether any consular notification obligations apply, not their legal status.

- (e) In cases where notification to the Consulate of the foreign national is not mandatory, the officer will complete Appendix 6.2.3, "Statements to Arrested or Detained Foreign Nationals - Non-Mandatory" offering the option to have the Consulate notified for the prisoners (arrestees). If the arrestee requests notification to be made, Appendix 6.2.2 shall be completed and faxed to the arrestee's Consulate. Regardless of the prisoners (arrestees') decision, the officer will obtain a signature on the form and include the form with the incident report,
- (f) If the foreign national wants consular notification to be made, the officer will do the following:
 - 1. Contact the appropriate and nearest consulate;
 - 2. Note the date and time notification was made;
 - 3. Note the last name of the person to whom you gave notification; and
 - 4. Have the foreign national sign the form.
- (g) If the foreign national waives consular notification, the officer will do the following:
 - 1. Note the date and time of the refusal; and
 - 2. Have the foreign national sign the form.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the University of Maryland, Baltimore Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name, date of birth, gender and race.
- (b) Date and time of arrival at the Department.
- (c) Any charges/offenses for which the individual is in temporary custody and any case number.
- (d) Any other information pertaining to injuries or medical emergencies.
- (e) Date and time of release from the University of Maryland, Baltimore Police Department.

The Shift Supervisor shall initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Supervisor shall make periodic checks to ensure all log entries and safety and security checks are made on time.

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900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log and UMBPD Form 20-001 (Detainee/Arrestee Custody Form).
- (b) Individuals in custody shall be informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This prohibition does not apply to surreptitious and legally obtained recorded interrogations
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain, water and other needs.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

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

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

Those who require medication while in temporary custody shall not be at the University of Maryland, Baltimore Police Department. They shall be released or transferred to another facility as appropriate.

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900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

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

Whenever a prosthetic or orthopedic appliance is removed, the Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
 - (a) The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see Child and Dependent Adult Safety Policy 336).
 - (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

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

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

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

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900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. Contact should be made with the Shift Supervisor to secure the firearm in the designated area. An exception may occur only during emergencies, upon approval of a supervisor.

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

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy 302. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the University of Maryland, Baltimore Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy 302.

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

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy 302.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy 902, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return on the UMBPD Form 20-001 (Detainee/Arrest Custody Form). If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt on the UMBPD Form 20-001. The Department shall maintain a copy of the property receipt.

The Shift Supervisor or Shift Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor or Shift Commander shall attempt to prove or disprove the claim.

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900.8 HOLDING CELLS

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

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy 902), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
 - (a) Safety checks should be at varying times.
 - (b) All safety checks shall be logged on UMBPD Form 20-001 (Detainee/Arrestee Custody Form).
 - (c) The safety check should involve questioning the individual as to his/her well-being.
 - (d) Individuals who are sleeping or apparently sleeping should be awakened.
 - (e) Requests or concerns of the individual should be logged on the UMBPD Form 20-001 (Detainee/Arrestee Custody Form).

The night Shift Supervisor shall, on a biweekly basis, inspect the holding cells and temporary detention area for cleanliness and unsafe conditions. This inspection shall be documented on the Shift Report in which the inspection occurred. An annual inspection of the holding cells shall be conducted by the Investigations Division. This inspection shall encompass an administrative review to ensure the department's policies and procedures governing temporary detention are being followed and that the use of the facility is adequate for the department's needs.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Operations Bureau Commander or designee will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the University of Maryland, Baltimore Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Supervisor, Shift Commander, Deputy Chief of Police, Chief of Police and Investigations Supervisor.
- (c) Notification of the spouse, next of kin or other appropriate person.

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- (d) Notification of the appropriate prosecutor.
- (e) Notification of the State's Attorney.
- (f) Notification of the BPD Homicide Unit.
- (g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

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

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been return to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any non-public areas of the University of Maryland, Baltimore Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (escape risk, suicide potential, medical condition) is documented.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable, if resources are available. The BWC and mobile data terminal shall be used to record the officer(s) interactions with the individual in custody.

900.11 PRISONER ESCAPE

- (a) Any escape shall be immediately reported to the Communications Center and Shift Supervisor with a complete description of the fugitive, mode and direction of travel, crime and propensity for violence. The Communications Center shall then request immediate assistance from the Baltimore Police Department. The Shift Supervisor shall ensure the incident is fully documented.

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- (b) The escape shall be captured in the related Incident Report and any involved officers must submit a Form 95 or memorandum that details the circumstances of the escape. All related reports must be submitted prior to the end of the officer's shift.
- (c) If apprehension cannot be immediately made, the Chief of Police shall be notified via the chain of command, and UMBPD will take steps to ensure the safety of the campus community. Depending on the circumstance involving the incident, the Chief of Police, PIO or authorized designee may disseminate an alert to notify the campus community of the escape.

900.12 ASSIGNED ADMINISTRATOR

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

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire Prevention/Suppression Plan
- (h) Disaster plans
- (i) Building and safety code compliance

900.13 INTERVIEW AND INTERROGATION ROOM

- (a) Room Locations
 1. The UMBPD has one (1) designated interview room and one (1) designated interrogation room for the use of both uniformed and non-uniformed sworn personnel and for the sole purpose of conducting safe and secure interviews and interrogations. They are located in the Annex. The interview room is #206 and is located on the 2nd floor of the Annex. The interrogation room is located within the processing area.
- (b) Safety Concerns
 1. To ensure the safety of the arresting officer and the public, no lethal or less-lethal weapons are allowed inside the interview and interrogation rooms at anytime.
 2. All weapons, including both lethal and less-lethal, will be stored in designated weapons lockers prior to entering the rooms and retrieved upon departing these rooms. No weapons may be brought into the processing area with the exceptions noted above.
 3. In the event a detective determines a prisoner/detainee who is currently in a cell shall undergo interrogation, the detective with a backup officer shall take

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responsibility for the safety and security of the prisoner/detainee until such time they are returned to the cell.

4. During the interview or interrogation, only two UMBPD detectives/officers will be present. In addition, the Shift Supervisor will be notified that an interview or Interrogation is taking place. As an added precaution, signs indicating that an interview is in progress will also be posted on the exterior of the door of Room 206.

(c) Surveillance

1. When in use, the interrogation room can be monitored by a PCO via CCTV. Surveillance cameras with recording capabilities are installed in the entire processing area and can be used to document all activity to include interrogations.

(d) Communication Systems

1. The interrogation room is equipped with a strategically placed panic alarm to assist with alerting personnel should an emergency situation develop during the interrogation.

(e) Furniture and Rest Rooms

1. Appropriate furniture will be the only items kept in the interview and interrogation rooms. The rooms will be inspected prior to each interview or interrogation to ensure that they are safe and free from unauthorized items, Prisoners/detainees will have access to restrooms, water and/or comfort breaks. Restrooms are located in the area of the interview room and in the processing area near the interrogation room.

(f) Emergency Panic Alarms

1. The processing area of Pine Street Annex is equipped with an emergency/panic alarm system. The emergency alarm system is monitored at all times by the Communication Center. In the event of an emergency, officers will push the panic alarms button, which will alert the Communications Center of an emergency in the processing area.

900.14 TRAINING

The Education and Training Section will ensure department members charged with monitoring temporarily detained individuals in the facility are provided initial training on the use of temporary detention rooms/areas and ensure in-service training is completed at least once every four years. Training can be conducted via e-learning, in-person or Roll Call training.