


## Temporary Custody of Adults

### 900.1 POLICY HEADER

<b>Original Effective Date:</b>	<b>Revised Date:</b>
September 1, 2021	January 4, 2023
<p>Authorization:</p>  <p>Jason Haberman Chief of Police</p>	

### 900.2 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Mt. Lebanon 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. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

#### 900.2.1 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 period an adult is in custody at the Mt. Lebanon Police Department prior to being released or transported to a housing or other type of facility.

**Temporary holding areas** - Those areas that are authorized to be used for the temporary custody of individuals being questioned, processed, or tested by department members.

### 900.3 POLICY

The Mt. Lebanon 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

# Mt. Lebanon Police Department

## Policy Manual

### *Temporary Custody of Adults*

---

Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

#### **900.4 GENERAL CRITERIA AND SUPERVISION**

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

##### **900.4.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY**

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Mt. Lebanon 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.
- (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 a suspected suicide risk (see the Involuntary Commitments Policy).
  - 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.
- (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 should notify a supervisor of the situation. These individuals should 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.

##### **900.4.2 SUPERVISION IN TEMPORARY CUSTODY**

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in

# Mt. Lebanon Police Department

## Policy Manual

### *Temporary Custody of Adults*

---

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.

When practicable, at least one female department member should be present when a female adult is in temporary custody.

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, without an additional member present.

#### **900.4.3 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 Watch 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.

#### **900.5 INITIATING TEMPORARY CUSTODY**

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, 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 the individual for obvious signs or indications of suicidal intent.

The 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 Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released or transported to jail or another facility.

#### **900.5.1 SCREENING AND PLACEMENT**

The officer responsible for an individual in custody shall:

- (a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) 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.

# Mt. Lebanon Police Department

## Policy Manual

### *Temporary Custody of Adults*

---

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

#### **900.6 SAFETY, HEALTH AND OTHER PROVISIONS**

##### **900.6.1 PRISONER TRANSPORT AND DETENTIONS REPORTS**

Any time an individual is in temporary custody at the Mt. Lebanon Police Department, the custody shall be promptly and properly documented on the [Prisoner Monitoring Log](#) , including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.
- (e) Any medical and other screening requested and completed.
- (f) Any other information that may be required by other authorities, such as compliance inspectors.
- (g) Date and time of release from the Mt. Lebanon Police Department.

The Watch Commander should 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 Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

##### **900.6.2 TEMPORARY CUSTODY REQUIREMENTS**

Members monitoring or processing anyone in temporary custody shall ensure:

# Mt. Lebanon Police Department

## Policy Manual

### *Temporary Custody of Adults*

---

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

#### 900.6.3 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 should be on-duty at all times.

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

Those who require medication while in temporary custody should not be at the Mt. Lebanon Police Department. They should be released or transferred to another facility as appropriate.

#### 900.6.4 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

# Mt. Lebanon Police Department

## Policy Manual

### *Temporary Custody of Adults*

---

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 Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

#### 900.6.5 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 responsible 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.

#### 900.6.6 FIREARMS AND OTHER SECURITY MEASURES

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

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.

Panic and duress alarms shall be available at various locations in the temporary holding area.

Officers working in a temporary holding area shall be equipped with a portable radio.

#### 900.6.7 MANDATORY FINGERPRINTS

Fingerprints shall be taken by the Allegheny County Bureau of Criminal Identification (BCI) when (18 Pa.C.S § 9112):

- (a) The person is arrested by this department for a felony, misdemeanor or summary offense that becomes a misdemeanor on a second arrest after conviction of that summary offense.
- (b) The court has ordered the person to submit for fingerprinting when private complaints for a felony or misdemeanor result in a conviction, and this department has jurisdiction where the offense was allegedly committed.
- (c) The person is ordered by the court to submit for fingerprinting when the person was under summons for a crime allegedly committed in the jurisdiction of this department.

# Mt. Lebanon Police Department

## Policy Manual

### *Temporary Custody of Adults*

---

Within 48 hours of obtaining any such mandatory fingerprints, the fingerprints shall be forwarded to, and in the manner required by, the central repository.

#### **900.7 USE OF RESTRAINT DEVICES**

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

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

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

When a detainee is to be secured to an immovable object, it will be designed and intended for such use, and its use will be limited to no longer than two hours.

##### **900.7.1 PREGNANT ADULTS**

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

#### **900.8 PERSONAL PROPERTY**

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

Upon release of an individual from temporary custody, the items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding property. The Watch Commander shall investigate the claim and notify the Duty Officer.

#### **900.9 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 the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy) and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.

# Mt. Lebanon Police Department

## Policy Manual

### *Temporary Custody of Adults*

---

- (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 30 minutes.
  - 1. Safety checks should be at varying times.
  - 2. All safety checks shall be logged.
  - 3. The safety check should involve questioning the individual as to the individual's well-being.
  - 4. Individuals who are sleeping or apparently sleeping should be awakened.
  - 5. Requests or concerns of the individual should be logged.
- (f) If the individual is visibly under the influence of alcohol, drugs, or is violent or self-destructive the Safety Checks must be done more frequently. These Safety Checks are to be done at irregular intervals not to exceed 10 minutes and can be done by physical or electronic observation. All Safety Checks shall be documented on the [Prisoner Monitoring Log](#).

#### 900.9.1 HOLDING CELL EQUIPMENT CONTROL

Culinary devices (e.g., utensils, plates, glassware) should not be permitted in cells where individuals are in custody. Meals, if provided, should be of the type that are consumable without needing culinary devices.

If repairs are necessary to any part of the cell area:

- (a) Individuals in temporary custody shall not be present in the immediate area of such work.
- (b) Maintenance employees or contract workers shall not enter the cell area without authorization from a supervisor.
- (c) A department member shall monitor the use of any tools and equipment in the area for the duration of the work.
- (d) The supervising department member shall ensure that workers have removed all tools and equipment, and conduct a documented security inspection of the cell area upon completion of the work.

#### 900.10 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Operations Deputy Chief of Police shall ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Mt. Lebanon Police Department. The procedures should include:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Watch Commander, who shall then notify the Duty Officer.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of outside agency investigators (if applicable).



# Mt. Lebanon Police Department

## Policy Manual

### *Temporary Custody of Adults*

---

- (e) Notification of the Medical Examiner.
- (f) Evidence preservation.

#### 900.10.1 DEATH IN CUSTODY REPORTING ACT

The Department shall comply with the federal Death in Custody Reporting Act (DCRA) of 2013 that requires agencies to report, within 15 days after the end of each quarter, to the Pennsylvania Commission on Crime and Delinquency the death of any person who is detained, under arrest, or is in the process of being arrested; is en route to be incarcerated; or is incarcerated at a municipal or county jail, state prison, state-run boot camp prison, boot camp prison that is contracted out by the state, any state or local contract facility, or other local or state correctional facility (including any juvenile facility):

- (a) The name, gender, race, ethnicity, and age of the deceased.
- (b) The date, time, and location of death.
- (c) The law enforcement agency that detained, arrested, or was in the process of arresting the deceased.
- (d) A brief description of the circumstances surrounding the death.

#### 900.11 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 returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Mt. Lebanon Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., 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.

# Mt. Lebanon Police Department

## Policy Manual

### *Temporary Custody of Adults*

---

- (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.

#### **900.11.1 ESCAPE DURING TRANSPORT**

The Deputy Chief of Police or the authorized designee will ensure procedures are in place to address any escape of an individual during transport by the Mt. Lebanon Police Department. The procedures should include:

- (a) Actions to be taken by the officers conducting the transport.
- (b) Supervisor responsibilities.
- (c) Re-capture planning.
- (d) Notifications of the escape.
- (e) Written reports by the officers conducting the transport.

#### **900.12 ASSIGNED ADMINISTRATOR**

The Operations Deputy Chief of Police will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
  - 1. Areas used for temporary custody, including temporary holding areas and any cell areas, should be inspected for safety hazards and contraband on a daily basis.
- (b) Mass arrests
  - 1. Mutual aid or other agreements with appropriate agencies should be employed if mass arrests exceed the department's transportation capabilities or temporary holding area/cell space arrangements.
- (c) Key control
- (d) Sanitation and maintenance
- (e) Emergency medical treatment
  - 1. First-aid equipment shall be inspected weekly and replenished when necessary.
- (f) Distribution of medically prescribed medication
- (g) Escapes
- (h) Evacuation plans
  - 1. Emergency evacuation plans with observable exit diagrams shall be posted in the cell area and temporary holding areas designating emergency exits and directing the evacuation of individuals to a hazard-free area.
- (i) Fire and life-safety

# Mt. Lebanon Police Department

## Policy Manual

### *Temporary Custody of Adults*

---

1. The cell area shall have an automatic fire alarm, smoke detection system, and firefighting equipment approved by local fire officials. Fire prevention practices and procedures shall include:
  - (a) A daily visual inspection of the automatic fire detection devices and alarm systems.
  - (b) A weekly documented visual inspection of the firefighting equipment.
  - (c) An annual documented testing of firefighting equipment.
  - (d) Required documented testing of the automatic fire detection devices and alarm systems annually or in accordance with the law and local fire code regulations.
2. There shall be a plan for fire prevention, fire evacuation, and fire suppression for the temporary holding area.
3. In the event of an emergency involving an individual in a cell, there is an immediate response, including a maximum time limit until arrival with a back-up system in case of non-availability.
  - (j) Disaster plans
  - (k) Building and safety code compliance
  - (l) Alarm and alert systems
    1. A system shall be in place for alerting the designated control center of an emergency in the cell area and shall include a method of access for responding members.

#### **900.13 TRAINING**

Department members should be trained and familiar with this policy and any supplemental procedures.

## Attachments

## **Form 43 - Prisoner Monitoring Log.pdf**



# Mt. Lebanon Police Department

## Prisoner Monitoring Log



JAIL LOG					
COMPLAINT #		DATE			
DEFENDANT'S NAME				DOB	
CELL #	CELL SEARCHED:	BEFORE: <input type="checkbox"/> YES <input type="checkbox"/> NO	AFTER: <input type="checkbox"/> YES <input type="checkbox"/> NO		
PRISONER SEARCHED BEFORE LODGING: <input type="checkbox"/> YES <input type="checkbox"/> NO			CAMERA ACTIVATED: <input type="checkbox"/> YES <input type="checkbox"/> NO		
TIME PRISONER PLACED IN CELL:		HRS	TIME PRISONER REMOVED FROM CELL:		HRS
MONITORING LOG					
DEPARTMENT PERSONNEL WILL CHECK SUSPECT EVERY 30 MINUTES AND INITIAL APPROPRIATE TIME BLOCK					
DETAINEES WHO ARE VISIBLY UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR WHO ARE VIOLENT OR SELF DESTRUCTIVE WILL BE CHECKED EVERY <b>10 MINUTES</b> .					
TIME	OFC.	COMMENTS	TIME	OFC.	COMMENTS
REPORTING OFFICER:			REVIEWING SUPERVISOR:		



# Mt. Lebanon Police Department

## Prisoner Monitoring Log

