

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 Kalamazoo Department of Public Safety 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*.

900.1.1 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.

Temporary custody - The period an adult is in custody for processing/booking with the Kalamazoo Department of Public Safety prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Kalamazoo Department of Public Safety 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. [The KDPS booking room is not considered to be a holding facility, however the booking room is used to process arrests that will be bonding out, require chemical tests for OWI arrests, or other situations as approved by the Shift Commander.](#)

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than three hours unless approved by a command officer. Adults in temporary custody should be monitored at all times and must not be left unattended.

The booking facility should contain a Livescan fingerprint station, Datamaster, computer console, camera and any other items necessary to process an arrestee.

Temporary Custody of Adults

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 Kalamazoo Department of Public Safety, 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, which 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 *Civil Commitments Policy*).
 - 1. If the public safety officer taking custody of an individual believes that he/she may be a suicide risk, the public safety 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.

Public 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.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

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

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

Temporary Custody of Adults

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 Commander.

900.4 INITIATING TEMPORARY CUSTODY

The public safety 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 public safety officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent. **If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.**

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

900.4.1 SCREENING AND PLACEMENT

The public safety officer responsible for an individual in custody **who needs to utilize one of the holding rooms during the booking process** shall do the following:

- (a) Advise the Shift 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.
 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.

Temporary Custody of Adults

- (c) 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 Division Commander 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.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:
 - (a) Notify the Country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the Country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

It is the responsibility of the transporting officer that any time an individual is in temporary custody with the Kalamazoo Department of Public Safety, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.

Temporary Custody of Adults

- (c) Any charges for which the individual is in temporary custody and any case number.

The Shift Commander or supervisor should initial the log to approve the temporary custody. Any extraordinary circumstances involving any arrest shall be documented in the Shift Commander's DAR.

It is the responsibility of the transporting officer that an arrest module is completed in I/Leads for any individuals in temporary custody in a timely manner, but at no time later than the end of their shift.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) A maximum of three (3) prisoners shall be in the booking room at any given time.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This 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) 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.
- (g) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (h) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 EMERGENCY PROCEDURE

a) Response

In the event of an emergency with individual(s) in temporary custody in the booking facility, the officer should advise KCCDA the nature of the emergency and the resources being requested. Upon the request for officers to assist, any patrol officers inside the building should respond to assist first, followed by nearby officers if necessary.

b) Medical

- 1) 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.

Temporary Custody of Adults

- 2) 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, he/she will be accompanied by a public safety officer.
- 3) Medication: For immediate needs, contact the KCSD nurse or LIFE ambulance. Officers shall attempt to obtain medications for arrestee's prior to transporting to KCSD. Only prescription medications with the arrestees name on the medication bottle shall be taken to KCSD.

c) Evacuation

In the event of a fire, chemical or other hazardous situation, sudden evacuation may be necessary. Arrestees will be handcuffed, escorted from the building using the safest and most direct posted exit. Medical treatment will be provided if necessary.

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 Commander 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.
 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the *Child and Dependent Adult Safety Policy*).
- (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.

Temporary Custody of Adults

- (d) Phone calls for prisoners may only be denied with command approval and only in situations that would compromise the integrity of an active investigation or officer safety. The command officer authorizing the “no phone” period shall provide the Kalamazoo County Jail Staff with a time that the “no phone” period expires. The authorizing command officer shall note the details in their DAR.

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 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.

900.5.7 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. 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*. 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 Kalamazoo Department of Public Safety unless the person presents a heightened risk, and only in compliance with the *Handcuffing and Restraints Policy*.

Individuals in temporary custody generally should not be handcuffed to stationary objects unless the person presents a heightened risk. In such cases, officers should give consideration for safety and supervision prior to restraining individuals to a stationary object. Individuals should only be restrained to the provided ring bolt anchors affixed to the booking room benches.

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

Temporary Custody of Adults

900.6.1 PREGNANT ADULTS

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

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody shall be turned over to deputies at the Kalamazoo County Jail. KDPS personnel shall secure all personal property they remove from an individual they have arrested provided in the *Custodial Searches Policy*, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. Release of the property should be documented in any related arrest report or recorded on the officers mobile video camera or body worn video camera

KCSD will only accept basic personal property (i.e. no suitcases, shopping bags, carts containing property, boxes, etc.). Officer should deliver excess property elsewhere and document such action or tag the property as "Safekeeping". KCSD will not accept perishable items. KDPS officers shall dispose of any perishable items prior to placing excess property into Safekeeping.

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

900.8 HOLDING CELLS

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

The following requirements shall apply:

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

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Operations Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Kalamazoo Department of Public Safety. The procedures should include:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Commander, Chief of Public Safety and Criminal Investigations Division Commander and the Office of Professional Standards.
- (c) Notification of the spouse, next of kin or other appropriate person.

Temporary Custody of Adults

- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Medical Examiner.
- (g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

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

- (a) 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, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Kalamazoo Department of Public Safety 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, and the documentation transported with the individual if he/she is being sent to another facility.
 - 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, public safety 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.

900.11 INTERIM BOND AND BOND PROCEDURES

The Interim Bond Statute (MCL 780.581) applies to persons arrested for a misdemeanor or ordinance violation punishable by one (1) – year or less in jail. The Interim bond shall not exceed the maximum fine. The Shift Commander is responsible for ensuring that all bondable offenses are given an interim bond. Should the arrestee not be able to post bond, that person shall be lodged at KCSD. The following procedures highlight the Bond Procedures found in the Public Safety Procedures Manual:

[Kalamazoo Department of Public Safety Procedures Manual: 217.2.1 PROBABLE CAUSE ARRESTS](#)

Temporary Custody of Adults

[Kalamazoo Department of Public Safety Procedures Manual: 217.2.2 WARRANT ARRESTS](#)

[Kalamazoo Department of Public Safety Procedures Manual: 217.2.3 WARRANT PROCESSING FEE](#)

[Kalamazoo Department of Public Safety Procedures Manual: 217.2.4 BOND ENVELOPES/PAPERWORK](#)

900.12 ASSIGNED ADMINISTRATOR

The Operations Division Commander 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 and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

900.13 TRAINING

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