



Town of Lexington

Police Department

Subject: Booking Procedures	
Referenced: 1.2.5(b)(c); 1.2.8; 72.1.3; 72.4.1; 72.4.5; 72.5.1; 72.5.2; 72.5.5; 72.5.6; 72.6.3; 72.7.1; 82.3.6	
Effective Date: 09-01-2011	Review Date: Annually
By Order of: Mark J. Corr, Chief of Police	

Policy & Procedure

72A

The Municipal Police Institute, Inc. (MPI) is a private, nonprofit charitable affiliate of the Massachusetts Chief's of Police Association. MPI provides training and model policies and procedures for police agencies. This policy is an edited version of MPI Policy 3.03 "Detainee Processing."

GENERAL CONSIDERATIONS AND GUIDELINES

This policy addresses processing of detainees from their arrival at the police station to transfer or release. The actual detainment is addressed in the policy **72B-Detainment of Prisoners**.

During this stage the detainee is searched, advised of rights, photographed, may be fingerprinted, and the custody is documented. In addition, the presence or lack of injuries is documented, true identity may be validated, and the appropriateness and timing of their release is determined. For those charged with a crime, a Master Name entry is created for each arrest.

Processing of detainees is a critical step in the custody process. It is during this stage that officers processing the detainee must take steps to ensure that the rights of the detainee are advised and honored. An omission of this responsibility may result in damage to the ability to prosecute the case, complaints against employees, or civil liability against employees, supervisors and the municipality.

It is the policy of the Lexington Police Department to protect the constitutional rights of detainees while protecting the safety of Department employees and detainees.

PROCEDURES

A. Definitions

1. **Arrestee:** A person who is seized or held under the authority of law or detained in legal custody.
2. **Detainee:** A person held in custody or confinement (includes non arrest situations including individuals held in protective custody).
3. **Body Cavity Search:** A search involving an internal physical examination of body cavities including the anal and genital areas.
4. **Search:** After the arrestee claims to have removed all personal effects from his/her person, [s]he will be subject to a pat frisk search of his/her person by an officer of the same sex. Any personal effects brought into the booking area will be examined only to the extent necessary to check the person's identity, ensure his/her physical safety, ensure the removal of items dangerous to cell administration, and to protect the Department from charges of theft. Inventory of items will be taken and documented on the appropriate form(s). Any further search of the detainee's property other than for the purposes of identification may be conducted only upon obtaining either the arrestee's consent, preferably in writing or recorded, by search warrant, or as authorized by law.
3. **Strip Search:** An inspection of a naked individual, or the movement or removal of clothing to expose for inspection the buttocks, pubic area, or female breast area, without any scrutiny of the body cavities.
4. **Visual Body Cavity Search:** A visual inspection of the anal and genital areas.

B. Arrival at Police Station

1. Notifications
 - a. When officers transporting a detainee arrive at the police station, the transporting officers shall:
 - i. Determine if entry to the cell block should be via garage or side door near the radio tower (if activity in the garage creates potential difficulties or issues).
 - ii. Request that the garage door be opened.
 - iii. Notify the dispatcher, using the police radio, of their arrival and the odometer reading of their vehicle (if transporting subject of the opposite sex).
 - b. Once inside, the garage door should be closed.

72A Booking Procedures

- c. Officers should be aware of possible items that could be used as weapons and take precautions to limit risk. Two officers should be involved in this transfer to the cell block.
2. Police Firearms [72.4.1]
 - a. The officers shall remove and secure their firearms before removing a detainee from handcuffs and before being secured to the booking desk bar.
 - b. All persons, including but not limited to: assisting officers, booking officers, detectives, and supervisors shall secure their firearms, and other equipment such as utility knives that are visible, prior to entering the booking area. A gun safe in the Commanding Officer's room or outside the locker room should be used for staff entering the Booking Area so that it is not necessary to travel through the secure area with weapons.
 - c. No firearms are allowed in the booking room or holding facility during the processing of detainees. Only in exigent circumstances (i.e.: officer needing assistance, medical situation) where timely response is critical should officers enter the booking and cell block areas without first removing and locking their firearm. As soon as possible thereafter, firearms should be secured or armed officers should leave the booking / cell area. Officers making cell checks do not need to remove firearms if prisoners are locked in a cell.
3. Storing other items while dealing with detainees: Officers should be aware of other items that should be stored during arrival at the booking area or processing of subjects:
 - a. Cruiser keys: storing these with the firearm will insure that officers are re-equipped properly when responding to subsequent calls for service, especially if they need to leave quickly.
 - b. Utility tools: Such as knives and OC spray should be treated the same as the firearm and kept out of sight and safe.
 - c. Portable radios may be kept by officers during booking **unless** a breath test is to be conducted. All radios should be removed from the booking area during breath tests to avoid allegations that the radios "interfered" with the testing.
4. Doors: All doors to the booking area will be secured during the entire booking process.
5. Booking Room Access: Only authorized personnel are allowed in the booking area during processing. The Commanding Officer will be responsible for monitoring who is in the booking area.

72A Booking Procedures

6. Violent or Uncontrollable Detainees
 - a. Detainees who are violent, intoxicated, or uncontrollable may be placed directly into a holding cell until such time as they are calm enough to process.
 - b. Officers shall not remove restraints if the behavior of the detainee poses a significant risk of injury to officers or the detainee.
 - c. If the subject is placed into a cell because it is deemed that they cannot be processed upon arrival, and the subject does not calm down enough to process, the Commanding Officer may consider having a booking sheet completed without the detainee at the booking desk. Factors to consider include, but are not limited to:
 - i. Information already known about the detainee or in a previous Master Name entry and the ability to update their entry.
 - ii. The need for fingerprints, photos, or a breath test from the subject. Note: prints and photos can be delayed up to the moment of release.
- C. M.G.L. Chapter 276 § 33, Examination by Officer in Charge: Upon the arrival of a person in custody, the Commanding Officer shall:
 1. Examine the detainee for injuries and note any medical complaints.
 2. If any injuries do exist, inquire as to whether these injuries were sustained during or prior to the arrest.
 3. Instruct the Booking Officer to make a notation of the injuries on the Booking Sheet.
 - a. If the injury can be seen in pictures the Booking Officer should take and include these as well.
 4. Report to the Chief of Police, in writing, any cuts, bruises or injuries found that were sustained after the subject was placed in custody.
 5. If a detainee complains of any medical problems, the Commanding Officer should follow the Department's procedure on detaining prisoners, see Department policy **72B – Detainment of Prisoners including Bail Procedures**.
- D. Booking
 1. At least two officers will conduct detainee booking.

72A Booking Procedures

2. The audio video system should be turned on as soon as possible after the detainee enters the booking area. The Booking Officer is responsible for recording the booking and, when needed, burning a copy of the booking to a CD to accompany the booking material.
3. Detainee Search for Weapons
 - a. Prior to the removal of handcuffs, a full and thorough search shall be conducted of the detainee's person for weapons.
 - b. An officer of the same sex as the detainee shall conduct the search whenever possible. If necessary, a trained Department employee or an officer from another police agency of the same sex as the detainee may conduct the search.
 - c. If no officer or trained employee of the same sex is available, an officer of the opposite sex may conduct a search for weapons.
 - i. Depending upon the circumstances, a search may be able to be conducted without actually touching the detainee.
 - a) It may be possible at times to see the outline of a weapon through clothing.
 - b) Pockets may be turned inside out.
 - c) The waistband may be exposed and rolled outward to expose the body side.
 - d) A hand-held metal scanner may detect the presence of metal items (if available).
 - d. At no time will the safety of employees, other detainees, or the detainee, be placed in jeopardy by a detainee suspected of concealing a weapon.
 - i. The detainee may continue to be restrained until an officer of the detainee's same sex can be located to conduct a search.
 - ii. If necessary, a search for weapons or dangerous contraband will be done and the search should be witnessed by another employee on the booking camera, whenever possible. The Commanding Officer will thoroughly document the search as to how, by whom, and when the search was executed.
4. Handcuffs
 - a. The transportation handcuffs shall remain on detainees until the booking officer instructs that they be removed.
 - b. Detainees shall generally be handcuffed to the cuffing bar, which is specifically designated for that purpose. Handcuffs may be removed:

72A Booking Procedures

- i. For the purpose of conducting a booking inventory;
 - ii. For the purpose of fingerprinting;
 - iii. In order to take the breath test; or
 - iv. At the discretion of the Commanding Officer or booking officer.
 - c. In making the decision to remove handcuffs from a detainee, the booking officer should consider the conduct of the arrestee, the offense for which the arrest has been made, the recommendations of the arresting and/or transporting officers, and any history of interaction with law enforcement (specifically regarding attempted escape if known).
 - d. **Officers should be aware of restrictions and exceptions in the laws regarding the handcuffing of status offenders.**
5. Booking Inventory
 - a. An inventory of the detainee's property shall be conducted.
[72.5.1(a)]
 - i. When the handcuffs are removed, the detainee shall be directed to remove all articles or items of personal property that [s]he is carrying on his/her person. This will include:
 - a) All items in all pockets;
 - b) Items secreted on the detainee's person;
 - c) Belts; and
 - d) Jewelry / piercings note: In the event a piece of jewelry or a piercing cannot be removed without damaging it, or easily because of location, the item may remain with the detainee.
 - e) Money should be counted out loud on the video and other potentially valuable items should be identified on the audio tape as well.
 - ii. If the detainee is expected to be placed in a holding cell or taken directly to court after booking, the following items shall also be removed and placed with the detainee's property:
 - a) Shoe laces;
 - b) Draw strings;
 - c) Glasses; and
 - d) Other similar items.

Note: If drawstrings or laces are needed during transport to hold pants up or provide more secure footing, these can be kept with the subject who will then be closely monitored.

72A Booking Procedures

- iii. After the arrestee claims to have removed all personal effects from his/her person, [s]he will be subject to a full search of his/her person by an officer of the same sex. If such an officer is not available:
 - a) A trained Department employee or an officer from another police agency, of the same sex as the detainee, may conduct the inventory search, if necessary.
 - b) If no officer or trained employee of the same sex is available, as a last resort an inventory search may be conducted by having the person:
 - i) Turn pockets inside out, if possible.
 - ii) Lift the shirt off of the waistband and roll the waistband.
 - iii) Expose the interior of cuffs.
- iv. The following items should be searched as part of the inventory:
 - a) All outer clothing worn by the arrestee;
 - b) Wallets;
 - c) Purses; and
 - d) Packs, bags, or other containers brought in as personal property.
- v. Any container or article found on the detainee's person or carried by the detainee shall be opened and its contents inventoried.
- vi. Papers, documents or other writings found on the detainee's person may be examined only to the extent necessary to check the person's identity, ensure his/her physical safety, ensure the removal of items dangerous to cell administration, and protect the Department from charges of theft. Any search of a detainee's papers or other possessions for investigative purposes may be conducted only upon obtaining either the arrestee's consent, preferably in writing or on video, with a search warrant, or as otherwise permitted by law.
- vii. The officer conducting the inventory shall list the inventoried items under the detainee property section of the booking program. The items should be exposed to the view of the booking video camera if possible. [72.5.2(b)]

72A Booking Procedures

- b. Storage
 - i. All items removed from the detainee shall be marked with the detainee's identification and placed in a property locker. [72.5.1(c)]
 - ii. Large, bulky items which do not fit in a property locker shall be placed in a large plastic bag, tied shut and tagged with the detainee's identification. The bag shall be placed in proximity of the detainee property storage area within the area monitored by video cameras for safekeeping.
- c. Return of Property [72.5.1(d)]
 - i. Items removed from the detainee which are not taken as evidence shall be:
 - a) Returned to the detainee upon release from the facility; or
 - b) Transported to court or to the receiving agency and turned over to the custody of the receiving officials.

Note: Bulky items, which will not be accepted by the court, shall be turned over to the property officer for safekeeping.

- ii. The inventory of property shall be viewed with and signed by the arrestee and witnessed. If the arrestee refuses to sign the inventory form, the officer releasing the property should insert "REFUSED" on the signature line.
6. Strip Search/Visual Body Cavity Searches
- a. A strip search or visual body cavity search of an arrestee is warranted only if officers have probable cause to believe that the arrestee is concealing contraband or weapons on his/her body (Comm. v. Thomas 1999).ⁱⁱ
 - b. All strip searches and visual body cavity searches must be approved by the Commanding Officer. [1.2.8(a)]
 - c. Strip searches shall be conducted in a professional manner so as not to humiliate the detainee.
 - d. All strip searches and visual body cavity searches shall be conducted by an officer/employee of the same sex as the detainee and out of the public view. Only the individual(s) conducting or witnessing the search should be able to see the person being searched. For safety purposes, additional employees may also witness the search in the event that it appears that the detainee may become violent.

72A Booking Procedures

- e. A private room shall be used when available. Video cameras and recorders, if active in the search area, shall be set so as not to display or record the search. Audio recordings are authorized. [1.2.8(b)]
- f. The officer/employee conducting the strip/visual body cavity search shall not touch or prod any body part.
- g. A suspect need not be completely naked to conduct a strip search. The removal of clothing and search of the upper body may be followed by the suspect's replacing the clothing, and the process then followed for the lower body.
- h. A report shall be made of all incidents where a strip search is conducted, identifying: [1.2.8(c)]
 - i. The probable cause for the search;
 - ii. The supervisor giving authority for the search;
 - iii. The officer conducting the search and assisting officers;
 - iv. The location where the search was conducted; and
 - v. The results of the search.

7. Manual Body Cavity Search

- a. A body cavity search of an arrestee is warranted only if officers have probable cause to believe that the arrestee is concealing contraband or weapons in his/her body.ⁱⁱⁱ
- b. Body cavity searches shall not be conducted without the express approval of the Commanding Officer and a search warrant signed by a judge (not a Magistrate or Assistant Clerk Magistrate).^{iv} [1.2.8(a)] The Captain of Operations, or in his absence, the Chief of Police will be notified if a body cavity search warrant is being requested.
- c. Manual body cavity searches shall be conducted by medical personnel, in a private and hygienic setting such as a hospital, clinic, or doctor's office, and is done in a medically approved manner.^v [1.2.8(b)]
- d. A report shall be made of all incidents where a body cavity search is conducted identifying: [1.2.8(c)]
 - i. The probable cause for the search: this may be accomplished by referencing the search warrant;
 - ii. The supervisor giving authority to request the search warrant;
 - iii. The names of medical staff conducting the search;
 - iv. The location where the search was conducted; and
 - v. The results of the search.

72A Booking Procedures

8. Detainee Rights

During the booking process, the booking officer shall:

- a. Inform the detainee of his/her rights pursuant to Miranda by reading the Miranda Warning from a printed card or form.
- b. The detainee shall be advised of his/her right to use the telephone and afforded the use of a telephone within one hour of being brought into the police station in custody.
 - i. [S]he shall be allowed to exercise his/her right in order to contact family or friends, to arrange for bail, or to contact an attorney.^{vi}
 - iii. This may be accomplished by them using their own cell phone if that aids in looking up phone numbers or in paying for the call.
- c. Toll calls will be made at the detainee's expense.
- d. Officers shall allow calls of a type, number and duration that are reasonable and practical, including access to an attorney.
[72.7.1(c)]
- e. If a detainee is provided a monitored or recorded telephone, [s]he shall be informed of the monitoring (unless by court order), and if their primary language is not English, arrangements to do this via translator or language line shall be made, unless they are recorded or monitored. [72.7.1(e)]
- f. When arrested on a warrant, the arrestee shall, upon request, be provided with a printed copy of the warrant contained in the warrant management system within six hours of the request.^{vii}
- g. OUI Arrest Rights: Any person arrested and held in custody for operating a motor vehicle while under the influence of intoxicating liquor shall be afforded all applicable rights (M.G.L. Ch. 263 sec. 5A)

9. Criminal Justice Information System (CJIS) Checks

- a. A computer "wanted" check shall be run on all persons arrested or held in protective custody. The printed query sheet produced will be attached to the intake form.
- b. A Board of Probation check and an Interstate Identification Index (III) check shall be run on all persons arrested by this Department to view prior court activity in Massachusetts (BOP) and all other states (III). The hard copy produced will be clipped to the booking packet.
- c. A suicide check (Q5) query shall be run on every person to be detained in the Department's holding facility, and the hard copy produced shall also be attached to the booking form.

72A Booking Procedures

10. Identification: Any detainee who is unknown to the personnel on duty at the station should be positively identified. Identification may be determined through:
 - a. A government photo identification;
 - b. An investigative identification (name check, booking or RMV photo, etc.); or
 - c. Fingerprint-based criminal history.

11. Booking [72.5.2(a)]
 - a. All persons taken into custody under arrest or in protective custody by members of this Department shall be booked using the internal booking software.
 - b. The booking process creates a criminal history and custodial history of each person arrested. A Master Name number and Case number will be created for internal records and offense base tracking number (OBTN) are created for each arrest. [82.3.6]
 - c. The booking program gathers the following information:
 - i. Biographical data on the arrestee, including name, address, social security number, telephone number(s), date and place of birth, age, marital status, and names of parents and spouse. Any refusal to answer any of these questions shall be noted on the form.
 - ii. Information about the crime, including the offense(s) with which the individual is charged and the arresting officer's name(s).
 - iii. Physical description of the arrestee, including sex, race, height, weight, color of hair and eyes, complexion, build, scars, marks, tattoos, and physical condition, e.g., body deformities, trauma markings, bruises, lesions, and ease of movement.
 - iv. Property inventory and disposition. [72.5.2]
 - v. Criminal Justice Information System query results.
 - d. All bookings shall be printed and the records shall be kept in The Master Name file in the Central Records, a secure area with access limited to authorized persons. These forms shall serve as the permanent arrest/detention record of the individual arrested/detained. [72.1.3].

12. Fingerprinting
 - a. All persons arrested by this Department shall be fingerprinted in accordance with these guidelines; [1.2.5(b)]
 1. Felony – 2 state cards
 2. At the Commanding Officer's discretion, print cards may be taken for Misdemeanors, outside warrant arrests, and protective custody cases.
 3. Juvenile offenders will not generally be printed and **will not be printed** for status offenses.
 4. Full Case prints – should be done for all B&E arrests and major crimes
 - b. The FBI and State 8"x 8" cards will be used.
13. Photographing: All persons arrested by this Department shall be photographed each and every time they are arrested [1.2.5(c)]. Photographs should be taken of scars, marks, and tattoos being noted on the booking sheet if possible, and also stored in the subject's Master Name entry in Crimetrack.
14. Suicide Risk Evaluations
 - a. All detainees shall be monitored for what a reasonable person would consider to be suicidal tendencies or attempts to self inflict serious bodily injury.
 - b. A detainee shall be placed on suicide watch if:
 - i. The detainee exhibits signs or symptoms that a reasonable person would identify as that of suicidal behavior;
 - ii. The detainee threatens to commit suicide;
 - iii. The detainee attempts to commit suicide;
 - iv. The detainee's name appears on the Q5, Suicide Risk File; or
 - v. The detainee is brought to a hospital for a mental health evaluation, released, and returned to the police holding facility.
 - c. The Commanding Officer shall consider the detainee's charges, mental state, behavior and other factors and determine if the detainee should be transported to the hospital for a mental health evaluation (Section 12). See the Department policy **410 - Handling the Mentally III**.

72A Booking Procedures

- d. If a detainee attempts or threatens suicide this should be entered into the Criminal Justice Information System database Suicide file ("Q5' screen).
- e. For further information, see the Department policy **72B – Detainment of Prisoners including Bail Procedures**.

E. Holding Cells

1. Removal to Cell: Prior to placing a detainee in a cell within the holding facility, the booking officer shall conduct a security search of the cell, including a search for weapons and contraband. [72.4.5]
 - a. If any weapons or contraband are found, the detainee should be placed in another cell and the supervisor notified.
 - b. The officer finding the item shall submit a report regarding the item found.
 - c. The commanding officer shall place the item into evidence and conduct an investigation into the matter.
2. Placing in Cell: Whenever an officer closes a cell door to incarcerate a detainee, [s]he shall test the door to be sure it is securely locked. Any problems in securing a cell door shall be reported to the Commanding Officer, who may take the cell out of service and report the problem to the Captain of Administration.

F. Medical Screening and Treatment Procedures

1. Intake Screening: The prisoner shall, upon arrival at the station and before transfer to another facility, be received and screened by the booking officer. This screening shall consist a brief inquiry into:
 - a. The current health of the detainee; [72.6.3(a)]
 - b. Any medications being taken; [72.6.3(b)]
 - c. Behavioral observations, including consciousness and mental status (also see **Suicide Risk Evaluation** in this policy D.13, pp12-13); and [72.6.3(c)]
 - d. A notation of any obvious body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, or other conditions if relevant to the detention. [72.6.3(d)]
Note: These observations shall be noted on the Booking form and officer's report.
2. Treatment
 - a. Medical treatment shall be arranged for any detainee in need of medical treatment. See Department policy **72B – Detainment of Prisoners including Bail Procedures**.
 - b. No employee shall be allowed to go beyond the scope of his/her training in administering to the emergency or special medical

72A Booking Procedures

needs of any person held in the custody of this Department. This scope is determined by the level of emergency medical training of the individual members of the Department (i.e., CPR, First Responder, EMT, etc.).

G. Group Arrests and Overflow Situations [72.5.6]

1. Detainee Intake

- a. In the event of a group arrest, detainees arriving at the station will be placed in a holding cell, with multiple detainees in a single cell if necessary, or otherwise secured as directed by the Commanding Officer.
 - b. If, as the result of a group arrest, or at any other time, the Commanding Officer determines that the number of persons to be detained in the holding facility will exceed the number for which the facility was designed, [s]he may authorize the overcrowding on a temporary basis.
 - i. Non-violent, low security risk detainees may be held as a group, if from the same incident or by sex and age in separate locations as determined by the Commanding Officer.
 - ii. The temporary overcrowding of this / these area(s) is permitted under these circumstances until such time as the overcrowding situation can reasonably be relieved, typically through the transfer or release of persons being held.
 - iii. In order to accomplish this, the Commanding Officer shall examine the list of detainees and attempt to expedite the bail or release of the less serious offenders.
 - iv. If release of a sufficient number of detainees to relieve the overcrowding of the holding facility is not possible, the Commanding Officer may request the use of a neighboring police department's holding facilities, with the use of Lexington personnel to maintain security and control, if requested by the other Department.
 - c. The Commanding Officer is authorized to call in such additional personnel as may be necessary to satisfy the staffing requirements of the overflow situation. At least one person will remain in the cell block area to monitor over crowded areas.
2. Detainee Processing: Each detainee will be brought to a booking area to be booked and fully processed.

H. Handling Juveniles and Females

1. Detainee Processing

- a. When a child between the ages of seven (7) and seventeen (17) is arrested with or without a warrant, the Department policy and procedure **44B Handling Youthful Offenders** shall be followed. Persons age seventeen (17) and older are considered adults under the Massachusetts General Laws.
- b. Juveniles shall not be booked at the same time as adult arrestees.
- c. Females shall not be booked at the same time as male arrestees.

2. Detainee Holding: See the Department policy **72E - Holding Facility**.

I. Bail and Arraignment

1. Court Business Hours: If the court is in session when the booking process and all related arrest reports are completed, it shall be the responsibility of the Commanding Officer to ensure that the arrestee is transported to the court without delay.^{viii} [72.7.1(a)]

2. Court not in Session: If the court is not in session when the booking process and all related reports are completed, the arrestee shall be confined in the holding facility until bail can be arranged, or if bail cannot be arranged, until the next session of the court.^{ix}

3. Bail

- a. Arrestees shall be informed of the right to bail and afforded the opportunity for bail.^x
- b. It shall be the responsibility of the Commanding Officer to ensure that an arrestee's opportunity to make bail is not impeded.
- c. Bail shall be determined by the bail clerk.
- d. Requesting Bail:
 - i. Prior to contacting the bail clerk, officers should have the following information available:
 - a) Identity of the person to be bailed. If the identity is in question, the bail clerk shall be so advised.
 - b) Residence of the person.
 - c) Age of the person.
 - d) Offenses charged.
 - e) Criminal history (Board Of Probation record check, BOP).
 - f) History of court defaults (BOP)
 - g) Issues relating to dangerousness, if appropriate.
 - h) Detainee funds and whether or not the detainee wishes to be bailed.

72A Booking Procedures

- ii. The detainee shall be advised of his/her bail status. If the detainee has funds and wishes to be bailed, the bail clerk should be so advised.
- iii. If the detainee does not have funds and wishes to be bailed, the detainee may attempt to call others for funds.
- iv. When the bail money is at the police station, the bail clerk shall be called by the Commanding Officer and so advised.
 - a) It is preferred that police employees not take bail money from persons wishing to bail the detainee. Encourage them to wait with the funds for the arrival of the bail clerk.
 - b) If it appears the detainee's family or friends will not stay for the bail clerk, then the commanding officer may place this money into the detainee's personal property and document the transaction.
 - c) The bail clerk shall be provided with the booking paperwork, application for complaint, criminal citation, or served warrant.
 - d) The detainee's cell shall be inspected for contraband and fresh damage caused by the detainee. The detainee shall be escorted to the bail clerk from the holding cell by a police officer or officers (preferred / if necessary) to be processed for bail.
 - e) Detainees under arrest that are also in protective custody may be returned to custody after being bailed until such time as they may be released. See the Department policy **72C - Protective Custody**.

4. Probable Cause Hearing

- a. Detainees who are not released on bail within twenty-four hours following an arrest on charges for which probable cause has not been determined by a judge or magistrate are entitled to a probable cause hearing ("Jenkins Hearing" Jenkins vs. Chief Justice of District Court 1993).^{xi}
- b. The Commanding Officer shall report the facts, orally or in writing, to a neutral magistrate (usually the Clerk of Courts).
- c. The probable cause review must take place within twenty-four hours. The Commanding Officer will document with the arrest documentation the results of the Jenkins Hearing.
- d. In the event that the review cannot take place due to extraordinary circumstances, the hearing should take place as soon as possible and the reason for the delay documented.

5. Violent or Uncontrollable Detainees: See the Department policy **72B – Detainment of Prisoners including Bail Procedures**.

J. Release of a Detainee

1. Return of Property

- a. All items of property shall be compared to the items listed on the inventory report and the individual shall be requested to sign the form indicating that [s]he has received the property. A refusal to sign shall be noted in writing on the inventory report.
- b. Any items which were held for evidence or as contraband shall be indicated on the inventory report.

2. Change of Medical Condition: The medical screening information shall be rechecked, and any changes from the condition at entry shall be noted on the intake form. An inquiry shall be made as to the origin of any changes in condition, and the answers shall be documented on the intake form.

3. Holding Cell Inspection: The cell shall be searched for weapons, contraband and/or damage, and the detainee criminally charged for any damage caused by him or her. Any unusual conditions shall be reported to the Chief of Police or his/her designee.

K. Receiving Persons from Outside Agencies [72.5.5]

1. Intake of Detainee

- a. Upon receiving a detainee from another law enforcement agency, the booking officer shall:
 - i. Positively identify the officer who is transferring custody to Lexington. If the officer is not known to Lexington, review (and if necessary photocopy) the appropriate government identification card or document.
 - ii. Verify the authority and lawfulness of the detention. The following persons may request that this Department accept their prisoner:
 - a) A law enforcement officer;
 - b) A corrections officer;
 - c) A deputy sheriff authorized to serve criminal process; and
 - d) A constable, provided that the detainee is charged with a criminal offense.
 - iii. Obtain detainee information from the delivering officer. The information should include:
 - a) A copy of any booking sheet;
 - b) Any court documents if the detainee is to be bailed; and

72A Booking Procedures

- c) A point of contact and telephone number where a responsible member of the delivering agency can be reached at any time during the day or night.
- iv. The detainee shall be screened for medical issues. See **Medical Screening and Treatment Procedure** (in this policy F.13.1.2 pp13-14).
2. If hospitalization, a suicide watch, or other special handling is necessary, the delivering agency will provide the necessary personnel to manage these situations.
3. Property will be managed consistent with this policy.
4. Bail: Detainees may be bailed from custody if bail is set by the bail clerk in the jurisdiction of the delivering agency.

ⁱ M.G.L. c. 276, §33.

ⁱⁱ *Com. v. Thomas*, 429 Mass. 403, 708 N.E.2d 669 (1999); *Swain v. Spinney*, 117 F.3d (1st Cir. Mass 1997).

ⁱⁱⁱ *Com. v. Thomas*, 429 Mass. 403, 708 N.E.2d 669 (1999); *Swain v. Spinney*, 117 F.3d (1st Cir. Mass 1997).

^{iv} *Rodrigues v. Furtado*, 410 Mass. 878, 575 N.E.2d 1124 (1991).

^v *Rodrigues v. Furtado*, 950 F.2d 805 (1st Cir. Mass. 1991).

^{vi} M.G.L. c. 276, §33A.

^{vii} M.G.L. c. 248, §26.

^{viii} M.G.L. c. 276, §58.

^{ix} M.G.L. c. 276, §58; *Com. v. Finelli*, 422 Mass. 860, 666 N.E.2d 144 (1996).

^x M.G.L. c. 276, §42.

^{xi} *Jenkins v. Chief Justice of Dist. Court Dept.* 416 Mass. 221, 619 N.E.2d 324 (1993).