

 <b>Lexington Police Department</b>	<u>Subject:</u> <b>Holding Facility</b>					<u>Policy Number:</u> <b>72E</b>	
	<u>Accreditation Standards:</u> <u>Reference:</u> : 72.1.1; 72.1.2; 72.2.1; 72.3.1; 72.3.2; 72.4.3; 72.4.4; 72.4.6; 72.4.7; 72.4.8; 72.4.9; 72.5.3; 72.5.6; 72.4.11; 72.5.3; 72.6.2; 72.6.4					<u>Effective Date:</u> 1/1/13	
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	<u>Revision Dates:</u>	1/24/19	5/31/20				
<u>By Order of:</u> Mark J. Corr, Chief of Police							

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## GENERAL CONSIDERATIONS AND GUIDELINES

This policy addresses the operation of the police lockup facility. The authority to operate a lockup facility by a municipality is rooted in Massachusetts General Law: "Each community containing more than five thousand inhabitants shall, and any town may, maintain a lockup facility."<sup>i</sup> A Keeper of the Lockup must be appointed<sup>ii</sup> and the Chief of Police is appointed each year by the Board of Selectmen. "Cities with a population over thirty thousand shall, and any other city may, designate one or more police stations for the detention of females and one or two matrons shall be appointed to each designated station."<sup>iii</sup>

The proper operation of the police lockup is critically important to the safety of police personnel and the well-being of prisoners or detainees. A unique relationship exists between a police department and a person occupying a cell in its holding facility.

By statute, the obligation to maintain a lockup includes the provision of any prescribed medication and nutritionally adequate meals.<sup>iv</sup> In addition, detailed statutory requirements exist concerning suicide prevention.<sup>v</sup> Department of Public Health regulations at 105 CMR 470 provide detailed requirements for the maintenance and construction of lockup facilities.

It is the policy of The Lexington Police Department to:

- Operate a safe and sanitary lockup facility in compliance with state and local codes and regulations;
- Care for detainees, being attentive to their security and medical needs; and
- Provide special care for juveniles, separate from adults and only in approved facilities.

## PROCEDURES

### A. Definitions

1. **Cell:** Any room within a lockup used or intended to be used by a police officer for forced detention of an adult for longer than eight hours until such time as [s]he is released, bailed, or arraigned. Cell shall also mean a juvenile detention room.
2. **Cell Block:** The area(s) within the lockup facility designed for the custody of male, female or juvenile detainees.
3. **Holding Facility:** Lockup; those facilities, or parts of facilities, within police station houses that are used for forced detention of individuals. The lock-up area includes holding cells and common hallways to which the cells open.

### B. Management and Administration

1. Holding Facility Manager: The Chief of Police shall designate an officer to be responsible for the management and administration of the Lock-Up and Holding Facility. The Administrative Lieutenant has been selected to carry out this assignment. The Holding Facility Manager shall be responsible for:
  - a. Periodic inspection of the facility to ensure compliance with this policy, applicable laws, and Codes of Massachusetts Regulations;
  - b. Complying with changes to law or regulation regarding the operation of the holding facility;
  - c. Reviewing and publishing the evacuation plan;
  - d. Coordinating corrections to any deficiencies with the Town's Department of Public Facilities; and
  - e. Reporting to the Chief of Police any deficiencies to the facility or security issues that the Holding Facility Manager does not have the authority or resources to address.
  - f. Making sure that conditions set forth in this policy regarding maintenance, cell block access and equipment storage are known by those employees, and that shift supervisors are aware of these so that they can be adhered to on all shifts.
2. Holding Facility Renovations: No lockup shall be built or renovated until the Department of Public Health has approved, in writing, the plan of lighting, heating, ventilation and plumbing; the dimensions and form of construction; and the location of the cells.<sup>vi</sup>

### C. Training [72.1.1]

1. Suicide prevention: Newly sworn personnel, recently promoted sworn personnel and all employees charged with physical supervision of detainees (clerks or dispatchers who participate in matron duties, matrons, etc.) shall be trained in suicide prevention in accordance with the Municipal Police Training Committee guidelines for preventing suicide of detainees in the lockup.<sup>vii</sup>

2. Cell Block Detention Training

a. Sworn police employees shall be trained in:

- i. Holding facility operations, including policies, rules and procedures relative to the holding facility;
- ii. Application of physical restraints;
- iii. Search of detainees;
- iv. Emergency and fire suppression equipment and procedures; and [\[72.3.1\]](#)
- v. Holding facility equipment:
  - (a) Cell check recorder;
  - (b) Cell Cameras;
  - (c) Cell Audio

b. Communications personnel shall be trained in:

- i. Holding facility operations, including policies, rules and procedures relative to the holding facility; and
- ii. Holding facility equipment:
  - (a) Cell Cameras; and
  - (b) Cell Audio

c. All employees charged with physical supervision of detainees (clerks or dispatchers who participate in matron duties, matrons, etc.) shall be trained in:

- i. Holding facility operations, including policies, rules and procedures relative to the holding facility;
- ii. Application of physical restraints if tasked with this;
- iii. Search of detainees;
- iv. Emergency and fire suppression equipment and procedures; and
- v. Holding facility equipment:
  - (a) Cell check recorder;
  - (b) Cell Cameras; and
  - (c) Cell Audio

3. Re-Training (In-Service) Training

a. Employees shall be re-trained as needed, applicable to their duties in the lockup, in the following areas:

- i. Holding facility operations including policies, rules and procedures relative to the holding facility;
- ii. Application of physical restraints;

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- iii. Search of detainees;
- iv. Emergency and fire suppression equipment and procedures;
- v. Holding facility equipment:
  - (a) Cell check recorder;
  - (b) Cell Cameras; and
  - (c) Cell Audio
- vi. Suicide prevention.<sup>viii</sup>

- b. Completion of a refresher seminar in suicide prevention shall be a condition of promotion for all police officers.
- c. All positions which require initial training shall receive retraining at least once every (3) three years. Training documentation shall be filed in the employees' training folders. [72.1.1]

### D. Access to Cell Block [72.1.2]

1. Limitation to Access: The Commanding Officer shall limit nonessential persons, including Department employees, maintenance personnel, and visitors from having unescorted access to the cell block at any time without prior authorization. See Department policy **72B - Detainment of Prisoners, including Bail Procedures**.
2. Sanitation and Maintenance Employees
  - a. Sanitation and maintenance employees shall not enter the detainee holding area unescorted when a detainee occupies any holding cell.
  - b. No maintenance or cleaning shall be conducted in any occupied cell.
3. Visitors: Due to the short term that detainees are held in custody, visitors are discouraged. Visits to detainees may be made at the discretion of a supervisor, so long as they do not interfere with the operation of the department. For complete information on visiting detainees, see also Department policy **72B - Detainment of Prisoners, including Bail Procedures**.

### E. Lockup Facility [72.2.1] [72.5.6]

1. Holding Facility Conditions: The holding facility shall provide the following minimum conditions for detainees:<sup>ix</sup>
  - a. Adequate lighting;<sup>x</sup>
  - b. Circulation of fresh or purified air;<sup>xi</sup>
  - c. Access to drinking water;<sup>xii</sup>
  - d. Access to a flushing toilet;<sup>xiii</sup>
  - e. Access to a wash basin or shower for detainees held in excess of eight hours;<sup>xiv</sup>
  - f. Hot water within a range of 110 to 130 degrees Fahrenheit;<sup>xv</sup> and
  - g. A bed and access to sufficient blankets to maintain warmth for each detainee held in excess of eight hours.<sup>xvi</sup>

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- h. Meals will be provided for detainees held for an extended period of time. See Department policy **72B - Detainment of Prisoners, including Bail Procedures** for full explanation of meal distribution to detainees.

### 2. Audio and Video Monitoring

- a. Holding cells and the holding facility shall be equipped with video and audio surveillance that is monitored in the Communications Center. All detainees will be monitored by Dispatch personnel and the Commanding Officer while in the holding facility. While any detainee is in the holding facility / cell, the audio system shall be activated so it is clearly audible.
- b. Cell audio and video is captured on a digital video recorder and is preserved until it is overwritten by the recorder.
- c. Detainees shall be informed during booking processing that cells are video and audio monitored and if they need assistance, speak loudly and they will heard. [72.4.8]

### 3. First Aid Kit [72.6.2]

- a. A first aid kit shall be maintained in a prominent location within the holding facility and shall contain material necessary for light emergency medical treatment.
  - i. This first aid kit will be kept under the booking desk.
  - ii. A more substantial “first-in” medical bag is present at the front desk of the station in the event more advanced materials or supplemental medical materials are needed.
- b. A documented weekly inspection of the first aid kit in the holding facility will be completed by the Holding Facility Manager or his/her designee.
  - i. First aid kit Inspection sheets will be turned in to the Holding Facility Manager and filed for compliance with certification standards.
  - ii. Sheets should be copied and passed onto the Accreditation manager for filing purposes.
- c. The Holding Facility Manager or his/her designee will replenish the first aid kit supplies as needed.

### 4. Fire Prevention / Detection / Suppression [72.3.1]

- a. Fire Detection: The lockup shall be equipped with functional automatic smoke detectors and carbon monoxide detectors in

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compliance with 780 CMR Chapter 9, Fire Protection Systems, Massachusetts Building Code.<sup>xvii</sup>

- b. Fire Suppression: In the event that Lexington undertakes any significant renovation to the lockup, Lexington shall equip the facility with a functional fire suppression system in compliance with 780 CMR Chapter 9, Fire Protection Systems, and Massachusetts Building Code. Lexington is not presently required to have this equipment.

**Note:** Cell Block inspections shall be done annually by the Fire Prevention Officer at the Lexington Fire Department. Maintenance records are kept on file in the Chief of Police's office.

- c. Fire Prevention Practices
  - i. Detainees shall not have smoking materials, lighters, matches or other sources of flame while in the lockup.
  - ii. Detainee bedding and blankets shall be made of fire-resistant material.<sup>xviii</sup>
  - iii. The lockup shall be equipped with functional fire suppression equipment (as per building codes if required when constructed or retrofitted).
  - iv. Fire extinguishers are located at multiple positions adjacent to the lockup area within quick access (hallway near female locker room, across from Mechanic's office).
  - v. Fire alert pull station is located on wall adjacent to lockup area next to stairs leading to middle floor.

### 5. Inspections [72.4.6]

- a. Any employee who places a detainee in a holding cell shall visually inspect the cell for weapons, contraband, and any security deficiencies.
- b. Deficient cells shall be taken out of service until the deficiency is corrected. Security deficiencies include:
  - i. Inoperative lighting;
  - ii. Inoperative locks;
  - iii. Inoperative video; and
  - iv. Broken windows or handcuffing ports.
- c. The Holding Facility Manager (Administrative Lieutenant) shall be responsible for documenting weekly inspections of the holding facility and its First Aid Kit. The inspection shall also include searching for weapons and contraband. Any maintenance issues shall be documented and forwarded to the Lexington Department of Public Facilities.

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- d. Periodic inspections are also done by the Department of Public Health.
  - i. Such inspections are mandated at least once per year.<sup>xix</sup>
  - ii. Noted deficiencies are to be reported to the Chief of Police<sup>xx</sup> with copies of this report sent to the Board of Health and Board of Selectmen.
  - iii. The Holding Facility Manager (Administrative Lieutenant) shall:
    - (a) Coordinate corrections to any noted deficiencies;
    - (b) Report to the Chief any deficiencies that are not within the manager's authority to correct; and
    - (c) Forward a plan of action to the Department of Public Health within twenty-one (21) days of the receipt of the notice of non-compliance.<sup>xxi</sup>
  
- e. Fire Protection System
  - i. Smoke detector/alarm system shall be inspected/tested Quarterly.<sup>xxii</sup> [\[72.3.1\]](#)
  - ii. Fire suppression equipment shall be inspected/tested quarterly (if retrofitted or built in future)<sup>xxiii</sup> [\[72.3.1\]](#)
  - iii. All inspection documents shall be filed with the Department of Public Facilities for the Town of Lexington.
  - iv. **All inspections shall be done in compliance 780 CMR of the Massachusetts state building code. [\[72.3.1\]](#)**

### 6. Security

- a. Keys [\[72.4.3\]](#)
  - i. See Department policy **17C - Agency Property** for more information on the issue and control of manual and electronic keys.
  - ii. Holding Cell Keys:
    - (a) Individual employees shall not be issued keys to holding cells.
    - (b) Holding cell keys shall be kept with the Commanding Officer while not being used.
    - (c) Spare holding cell keys are secured in the key cabinet of the Dispatch Center.
  
- b. Doors [\[72.4.4\]](#)
  - i. All unoccupied cell doors shall be left unlocked and open so as to facilitate the confining of a detainee after booking.

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- ii. The outer door(s) into the holding facility shall be kept locked at all times during processing of prisoners and cell occupancy.
- c. Supplies and Equipment [72.4.7]
- i. Supplies and equipment not specifically needed to operate the holding facility may not be kept or stored accessible to a detainee in the holding facility.
  - ii. No tools are allowed in the cellblock area, except with the specific authorization of the Commanding Officer.
    - (a) All tools and equipment used for cleaning and maintenance shall be removed from the cell block when not under the direct control of cleaning or maintenance personnel.
    - (b) After sanitation or maintenance personnel have left the cell area, the officer-in-charge will ensure that the cellblock is inspected for tools or other items that may have been left behind. [72.4.7]
- d. Threats [72.4.11]
- i. Any threat, indicated or perceived, against the structure of the police facility or departmental personnel, which an officer considers to be serious in intent, shall be reported immediately to the Commanding Officer.
  - ii. Upon being notified of the threat, the Commanding Officer shall take whatever action [s]he deems necessary to negate the effect or consequences of the threat and shall file a written report of the incident to the Chief of Police.
  - iii. Alerting Control Point: The holding area shall be equipped with a system so that a detainee may alert the dispatcher in the event of an emergency. [72.4.8] this is currently made possible by microphones in each cell and at each controlled access door to the cellblock.
    - (a) Obtaining Medical Attention: Procedures for gaining access to medical services shall be posted at the holding facility (booking desk) in English. Other languages are available using a flip-chart or the language line via phone. [72.6.4]
    - (b) Detainees shall be informed during processing that if they need anything they will be monitored and can be heard if they speak loudly.
    - (c) Panic Alarms [72.4.9]: The holding facility shall be equipped with an “alert” or “panic alarm” system. The “alert” or “panic alarm” button is located on the wall near



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each entrance/exit of the cell block. This system is directly linked to the communications center for continual monitoring.

- (d) Portable radios should be kept with officers during booking.

### 7. Emergency Evacuation of Holding Facility [72.3.2]

- a. The lockup shall have a written evacuation plan that specifies the route of evacuation to a hazard-free area, and subsequent disposition and housing of detainees.<sup>xxiv</sup>
- b. An evacuation route shall be posted in the holding facility, and evacuation route signs or emergency exit signs shall also be posted.
- c. In the event of a fire or other emergency that requires the lockup to be evacuated:
  - i. Upon discovery of such a condition, the reporting party shall immediately notify the Communications Center.
  - ii. The dispatcher shall:
    - (a) Request a fire department response if appropriate;
    - (b) Notify the Commanding Officer;
    - (c) Notify all police patrols; and
    - (e) When necessary, use the emergency release for all cells. The use of the emergency release button located in the Communications Center will only be used upon approval of the Commanding Officer.
  - iii. The Commanding Officer will ensure that safety of the detainees comes first.
  - iv. If time permits, officers will be present in the cell area to assist detainees to a safe area and be secured.
  - v. Police personnel shall immediately begin an evacuation of the lockup to a hazard-free area. The primary goal shall be the preservation of life.
    - (a) Detainees shall be escorted to the evacuation destination points, whenever possible.
    - (b) If available, detainees shall be placed securely in a cruiser for a reasonable amount of time.
    - (c) High security detainees, high-risk detainees, and detainees who are believed to have started the fire shall be handcuffed and escorted, if possible.
    - (d) When all detainees have been removed from the holding area, the Commanding Officer shall account for the detainees.
    - (e) Detainees may be disbursed or relocated by the following options:

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- (i) Make arrangements with other holding facilities to hold the detainees.
  - (ii) Bail all eligible detainees eligible. This may require the Police Department to pay the Bail Commissioner's fee. The Department will not, however, post bail.
  - (iii) Relocate detainees to an unaffected area of the police facility.
- (f) Warrants will be sought for detainees who are unaccounted for.

### 8. Separation of Detainees [72.5.3] [72.5.6]

#### a. Juveniles

- i.* Lockup and other detention facilities shall be such as to prevent juveniles who are detained from coming in contact with adult detainees.
- ii.* Juveniles shall be separated by sight and sound from adult detainees.
- iii.* The facility must be approved in writing by the Commissioner of Youth Services. See Department policy **44B - Handling Youthful Offenders**.

#### b. Females

- i.* Female detainees shall be separated by sight and sound from male detainees.<sup>xxv</sup>
- ii.* A Matron shall be called whenever a female prisoner is to be searched and placed in the holding facility, unless a female employee (who is a qualified matron) is working and able to cover short periods of time (such as when the Bail Commissioner will be arriving without delay).

[Note: In any city required under M.G.L. c. 147, §18 to designate a station for the detention of females and appoint matrons, a matron shall be called in a timely manner and shall remain constantly at the station so long as any female is detained and shall have the entire care and charge of all females.]<sup>xxvi</sup>

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<sup>i</sup> M.G.L. c. 40, §34.

<sup>ii</sup> M.G.L. c. 40, §35.

<sup>iii</sup> M.G.L. c. 147, §18.

<sup>iv</sup> M.G.L. c. 40, §34.

<sup>v</sup> M.G.L. c. 40, §36A-C.

- vi 105 CMR 470.800 (A).
- vii M.G.L. c. 40, §36C.
- viii M.G.L. c. 40, §36A-C.
- ix 105 CMR 470.
- x 105 CMR 470.375.
- xi 105 CMR 470.350.
- xii 105 CMR 470.310.
- xiii 105 CMR 470.302.
- xiv 105 CMR 470.303; 304(C.)
- xv 105 CMR 470.305.
- xvi 105 CMR 470.102.
- xvii 105 CMR 470.430.
- xviii 105 CMR 470.102.
- xix 105 CMR 470.500.
- xx 105 CMR 470.510.
- xxi 105 CMR 470.520.
- xxii As specified in 780 CMR Chapter 9, Fire Protection Systems, Massachusetts Building Code.
- xxiii As specified in 780 CMR Chapter 9, Fire Protection Systems, Massachusetts Building Code.
- xxiv 105 CMR 470.440.
- xxv 105 CMR 470.402.
- xxvi M.G.L. c. 134, §19.