



## Lunenburg Police Department

<b>Policy Number:</b> <b>3.02</b>	<b>Subject:</b> <b>Holding Facility</b>
<b>Issue Date:</b> <b>7/2/2021</b> <b>Revision Date(s):</b> <b>11/23/2021; 2/3/2022</b> <b>Effective Date:</b> <b>7/2/2021</b>	<b>Massachusetts Police Accreditation Standards Referenced:</b> <b>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; 72.4.11; 72.5.3; 72.6.2</b>
<b>Issuing Authority:</b>  <i>Chief Thomas L. Gammel</i>	

### I. 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>1</sup> A keeper of the lockup must be appointed.<sup>2</sup>

“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>3</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 special 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>4</sup> In addition, detailed statutory requirements exist concerning suicide prevention.<sup>5</sup> Department of Public Health regulations at 105 CMR 470 provide detailed requirements for the maintenance and construction of lockup facilities.

<sup>1</sup> M.G.L. c. 40, §34

<sup>2</sup> M.G.L. c. 40, §35

<sup>3</sup> M.G.L. c. 147, §18

<sup>4</sup> M.G.L. c. 40, §34

<sup>5</sup> M.G.L. c. 40, §36A-C

## II. POLICY

It is the policy of the Lunenburg Police Department to:

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

## III. DEFINITIONS

- A. 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.
- B. Cell Block: The area(s) within the lockup facility designed for the custody of male, female or juvenile detainees.
- C. 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.

## IV. PROCEDURES

### A. 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 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; 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.
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>6</sup>

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<sup>6</sup> 105 CMR 470.800 (A)

B. Training [72.1.1]

1. *Initial Training*

- a. Initial training, as indicated below, shall be provided when new employees are hired, consistent with each employee's duties and responsibilities.
- b. Suicide prevention: Any employee assigned to the position of desk officer, sworn officers and all matrons, whether full-time or part-time, shall be trained in accordance with the Municipal Police Training Committee guidelines for preventing suicide of detainees in the lockup.<sup>7</sup>

c. *Training*

- i. Sworn police employees shall be trained in:
  - 1) Holding facility operations, including policies, rules and procedures relative to the holding facility;
  - 2) Application of physical restraints;
  - 3) Search of detainees;
  - 4) Emergency and fire suppression equipment and procedures;
  - 5) Holding facility equipment:
    - Cell check recorder;
    - Cell Cameras;
    - Cell Audio; and
  - 6) Suicide prevention.<sup>8</sup>
- ii. All employees charged with physical supervision of detainees shall be trained in:
  - 1) Holding facility operations, including policies, rules and procedures relative to the holding facility;
  - 2) Application of physical restraints;
  - 3) Search of detainees;
  - 4) Emergency and fire suppression equipment and procedures;
  - 5) Holding facility equipment:
    - Cell check recorder;
    - Cell Cameras;
    - Cell Audio.
- iii. Initial training shall be conducted as part of the Field Training Officer (FTO) program. In-service training will be conducted on a semi-annual basis.
- iv. Any officer that receives a promotion within the Department shall receive Training in Suicide Detection, Intervention, and Prevention, in accordance with G.L. c 40 § 36C.

C. Access to Cell Block [72.1.2]

1. *Limitation to Access*: Nonessential persons, including department employees, shall not be allowed unescorted access to the cell block at any time without the permission of the

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<sup>7</sup> M.G.L. c. 40, §36C

<sup>8</sup> M.G.L. c. 40, §36A-C

officer-in-charge. This includes maintenance personnel, the press and tour groups. See department policy on ***Detaining Prisoners***.

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 of detainees may be made at the discretion of a supervisor, so long as they do not interfere with the operation of the Department. For further information, see the Department policy on ***Detaining Prisoners***.

#### D. Lockup Facility [72.2.1]

1. *Holding Facility Conditions:* The holding facility shall provide the following minimum conditions for detainees:<sup>9</sup>
  - a. Adequate lighting;<sup>10</sup>
  - b. Circulation of fresh or purified air;<sup>11</sup>
  - c. Access to drinking water;<sup>12</sup>
  - d. Access to a flushing toilet;<sup>13</sup>
  - e. Access to a wash basin or shower for detainees held in excess of eight hours;<sup>14</sup>
  - f. Hot water within a range of 110 to 130 degrees Fahrenheit;<sup>15</sup> and
  - g. A bed and access to sufficient blankets to maintain warmth for each detainee held in excess of eight hours.<sup>16</sup>
2. *Audio and Video Monitoring*
  - a. Holding cells shall be equipped with video and audio surveillance, which is viewable in the Prisoner watch area.
  - b. Cell video is captured on a digital video recorder and is preserved until it is overwritten by the recorder.
  - c. Audio and video monitoring must be ON while detainees are in the holding facility. [72.4.9]
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.

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<sup>9</sup> 105 CMR 470.

<sup>10</sup> 105 CMR 470.375

<sup>11</sup> 105 CMR 470.350

<sup>12</sup> 105 CMR 470.310

<sup>13</sup> 105 CMR 470.302

<sup>14</sup> 105 CMR 470.303; 304(C.)

<sup>15</sup> 105 CMR 470.305

<sup>16</sup> 105 CMR 470.102

- b. The kit shall be inspected as part of the weekly inspection and restocked as necessary by the person conducting such inspection.
- 4. *Fire Prevention/Detection/Suppression* [72.3.1]
  - a. *Fire Detection*: The lockup shall be equipped with functional automatic smoke detectors in compliance with 780 CMR Chapter 9, Fire Protection Systems, Massachusetts Building Code.<sup>17</sup>
  - b. *Fire Suppression*: The lockup shall be equipped with a functional fire suppression system in compliance with 780 CMR Chapter 9, Fire Protection Systems, Massachusetts Building Code.
  - 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 fire of fire-resistant construction.<sup>18</sup>
    - iii. The lockup shall be equipped with functional fire suppression equipment.
    - iv. A Fire extinguisher is attached to booking counter next to sink.
- 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 shall be responsible for ensuring periodic inspections of the holding facility:
    - i. *Weekly Inspection*: The weekly security inspection of the lockup shall be conducted by the Lieutenant or his/her designee.
    - ii. *Semi-Annual Inspection*: The Lockup Facility Manager shall conduct a facility inspection of the lockup.
    - d. Periodic inspections are done by the Department of Public Health.
      - i. Such inspections are mandated to be done at least once per year.<sup>19</sup>
      - ii. Noted deficiencies shall be reported to the Chief of Police.<sup>20</sup>
      - iii. The Holding Facility Manager shall:
        - 1) Coordinate corrections to any noted deficiencies;
        - 2) Report to the Chief any deficiencies that are not within the manager's authority to correct; and

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<sup>17</sup> 105 CMR 470.430

<sup>18</sup> 105 CMR 470.102

<sup>19</sup> 105 CMR 470.500

<sup>20</sup> 105 CMR 470.510

- 3) 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>21</sup>
- e. Fire Protection System
  - i. Smoke detector/alarm system shall be inspected/tested once a year. [72.3.1]
  - ii. Fire suppression equipment shall be inspected/tested once per year. [72.3.1]
  - iii. All inspection documents shall be filed at the Fire Dept.

E. Security

1. *Keys* [72.4.3]
  - a. See the department policy on Uniforms and Equipment for more information on the issue and control of manual and electronic keys.
  - b. Employees who are issued keys or electronic access cards or key fobs to the holding facility may use them for authorized access purposes only. Such keys may be issued to:
    - i. Sworn officers;
    - ii. Prisoner watch personnel; and
    - iii. Maintenance and cleaning personnel.
  - c. *Holding Cell Keys*:
    - i. Individual employees shall not be issued keys to holding cells.
    - ii. Holding cell keys shall be stored at the booking desk while not being used.
    - iii. Spare holding cell key is located in the OIC office.
2. *Doors*: [72.4.4]
  - a. All unoccupied cell doors shall be left unlocked and open so as to facilitate the confining of a detainee after booking.
  - b. The outer door(s) into the holding facility shall be kept locked at all times.
3. *Supplies and Equipment* [72.4.7]
  - a. Supplies and equipment not specifically needed to operate the holding facility may not be kept or stored in the holding facility.
  - b. No tools are allowed in the cell block area, except with the specific authorization of the officer-in-charge.
    - i. 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.
    - ii. After sanitation or maintenance personnel have left the cell area, the officer-in-charge will ensure that the cell block is inspected for tools or other items that may have been left behind. [72.4.7]
  - c. Detainees shall not have access to metal eating utensils.
    - i. All eating utensils, if any, shall be of flexible, disposable plastic.
    - ii. All eating utensils, if any, shall be discarded immediately following the finishing of a meal.

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<sup>21</sup> 105 CMR 470.520

4. *Threats* [72.4.11]

- a. 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 officer-in-charge.
- b. Upon being notified of the threat, the officer-in-charge 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.
- c. *Alerting Control Point:* The holding area shall be equipped with a system so that a detainee may alert the prisoner watch officer in the event of an emergency. [72.4.8] Audible monitoring system shall remain activated.

5. *Panic Alarms* [72.4.9]: The holding facility shall have a security alarm system for officers/employees, linked to the dispatch area or other central control point.

6. *Portable Radio* [72.4.9]: Officers will be equipped with a portable radio when in the holding facility. A portable radio will be stationed in a conspicuous place in the holding facility, readily available to officers if needed.

**NOTE:** All portable radios are equipped with a panic button.

F. Emergency Evacuation of Holding Facility [72.3.2]

1. The lockup shall have a written evacuation plan which specifies the route of evacuation to a hazard-free area, and subsequent disposition and housing of detainees.<sup>22</sup>
2. An evacuation route shall be posted in the holding facility, and evacuation route signs or emergency exit signs shall also be posted.
3. In the event of a fire or other emergency that requires the lockup to be evacuated:
  - a. Upon discover of such a condition, the reporting party shall immediately notify Dispatch.
  - b. The prisoner watch officer shall instruct the dispatcher to:
    - i. Request a fire response if appropriate;
    - ii. Notify the shift supervisor; and
    - iii. Notify all police patrols.
  - c. Police personnel shall immediately begin an evacuation of the lockup to a hazard-free area. The primary goal shall be the preservation of life.
    - i. Detainees shall be escorted to the evacuation destination points whenever possible.
    - ii. When staffing does not permit detainees to be escorted, they shall be directed to the evacuation destination and may proceed on their own, unescorted.
    - iii. High security detainees, high risk detainees, and detainees who are believed to have started the fire shall be handcuffed and escorted, if possible.
    - iv. When all detainees have been removed from the holding area, the officer in charge of the evacuation shall account for the detainees.
    - v. Detainees may be disbursed or relocated by the following options:
      - 1) Make arrangements with other holding facilities to hold the detainees.

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<sup>22</sup> 105 CMR 470.440

- 2) Bail all bail-able detainees. This may necessitate the police department's paying the bail commissioner's fee. The police department will not, however, post bail.
- 3) Relocate detainees to an unaffected area of the police facility.

vi. Warrants will be sought for detainees who are unaccounted for.

G. Separation of Detainees [72.5.3]

1. *Juveniles*
  - a. Lockup and other detention facilities shall be such as to prevent juveniles who are detained from coming in contact with adult detainees.
  - b. Juveniles shall be separated by sight and sound from adult detainees.
  - c. The facility must be approved in writing by the Commissioner of Youth Services. See Department Policies & Procedures **1.15 Handling Juveniles**.
2. *Females*
  - a. Female detainees shall be separated by sight and sound from male detainees.<sup>23</sup>
  - b. A Matron or female officer shall be called whenever a female prisoner is to be searched and placed in the holding facility.

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<sup>23</sup> 105 CMR 470.402