

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 Louisville Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Louisville Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Louisville Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

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

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 Louisville Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

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1. Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
2. Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.
3. Any individual who is seriously injured.
4. Individuals who are a suspected suicide risk (see the Civil Commitments Policy).
 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
5. Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
6. 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.
7. Any individual who has exhibited extremely violent or continuously violent behavior.
8. Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
9. Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision (6 CCR 1010-13:18.0). 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.

At least one female department member should be present when a female adult is in temporary custody whenever possible.

In the event of exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex alone. When possible, a member of the same sex should be present.

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

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

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- a. Authorized members entering for official business purposes.
- b. Emergency medical personnel when necessary.
- c. Any other person authorized by the Shift Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The 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 (6 CCR 1010-13:14.0). The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the jail or other appropriate facility.

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

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

1. Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
2. 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 any 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.

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3. Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
4. 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. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

1. 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.
2. 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:
 1. Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 2. Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 3. Forward any communication from the individual to his/her consular officers without delay.
 4. 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:
 1. Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 2. 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

Any time an individual is in temporary custody at the Louisville Police Department, the custody shall be promptly and properly documented in a custody log, including:

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

The Shift Supervisor should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

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

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

1. Safety checks and significant incidents/activities are noted on the log.
2. 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.
3. There is reasonable access to toilets and wash basins (6 CCR 1010-13:10.0).
4. There is reasonable access to a drinking fountain or water (6 CCR 1010-13:10.0).
5. There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
6. There is privacy during attorney visits.
7. 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.
 1. Personal clothing taken shall be cleaned, disinfected or stored so as to control communicable diseases (6 CCR 1010-13:12.0).
8. Clean blankets are provided as reasonably necessary to ensure the comfort of an individual (6 CCR 1010-13:12.0).
9. The supervisor should ensure that there is an adequate supply of clean blankets.
10. Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
11. Adequate furnishings are available, including suitable chairs or benches (6 CCR 1010-13:8.0).

900.5.3 MEDICAL CARE

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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 (6 CCR 1010-13:14.0).

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 an officer.

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

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 Supervisor 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 (CRS § 16-3-402).

1. 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).
2. 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.
3. Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

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

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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.

900.5.8 ATTORNEYS

The Shift Supervisor is responsible to ensure the following:

1. Any attorney or the attorney's authorized representative in this state shall be permitted to see and consult with a person in custody, alone, and in private (CRS § 16-3-404):
 1. Upon the demand of the person in custody.
 2. Upon demand of a friend, relative, spouse, or attorney of the person in custody, if the person expressly consents to see or to consult with the attorney or the attorney's authorized representative.
2. A person in custody shall be allowed to consult with an attorney or the attorney's authorized representative as many times and for as long as reasonable (CRS § 16-3-403).

900.5.9 VISITATION

Visitation of individuals in temporary custody is based on space availability, department staffing levels and whether an emergency or other condition justifies a limitation in visitation privileges. The Operations Division Commander will establish visitation rules that shall be followed by visitors and individuals in custody.

The Department should provide adequate facilities for visiting that include appropriate space for the screening and searching of persons in custody and visitors and storage of visitors' personal belongings that are not allowed in the visiting area. Visitors with disabilities who request special accommodations shall be referred to a supervisor.

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Visitor logs shall be developed and maintained in accordance with established records retention schedules. All visitors must register and produce valid government identification. An official visitor shall present proof of professional capacity (e.g., attorney license/Colorado Bar card, police identification, business card/letterhead of business with the visitor's name). Failure or refusal to provide valid government identification is reason to deny a visit.

Visitors who enter the facility are subject to search if there is reasonable cause to believe the visitor has violated the law, is wanted by a law enforcement agency or is attempting to bring contraband into the facility. All searches shall be made in accordance with current legal statutes, case law and the Search and Seizure Policy.

An individual in custody may refuse to visit with a particular individual. Visitation may be denied or terminated by a supervisor if the visitor poses a danger to the security of the facility or there is other good cause (e.g., visitor appears to be under the influence of drugs and/or alcoholic beverages, refuses to submit to being searched, violates facility or visitation rules). Any visitation that is denied or terminated early shall have the actions and reasons documented. Copies of the documentation will be provided to the Operations Division Commander and placed into the file of the individual in custody.

900.5.10 BAIL OR PRETRIAL RELEASE

Individuals in custody should be allowed to consult with the pretrial release agency or with a bail bondsman as soon as practicable after admission to the facility.

900.5.11 MEDIA ACCESS

Media access to temporary holding facilities and areas shall comply with the Media Relations Policy and facility policies. Access by the media may be prohibited during emergencies and at no time shall:

- a. Violate the privacy of individuals who are in custody.
- b. Impede facility operations.
- c. Interfere with criminal investigations.

900.5.12 FOOD SERVICE

Food provided will be purchased from a retail or commercial food provider (6 CCR 1010-13:13.0).

900.5.13 COORDINATING IMMIGRATION INTERVIEWS

Members may coordinate telephone or video interviews between federal immigration authorities and an individual held in custody only after the individual has been advised in writing, and in the individual's language of choice, of the following (CRS § 24-76.6-102):

1. The interview is being sought by federal immigration authorities.
2. The individual has the right to decline the interview and remain silent.
3. The individual has the right to speak to an attorney before submitting to the interview.

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4. Anything the individual says may be used against him/her in subsequent proceedings, including immigration court.

Members will provide a copy of the written advisement to the individual when he/she is released from custody.

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 Louisville Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

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

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 should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

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

900.8 HOLDING CELLS

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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 (6 CCR 1010-13:18.0). 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:

1. 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.
2. The individual shall constantly be monitored by a video system during the entire custody.
3. The individual shall have constant auditory access to department members.
4. The individual's initial placement into and removal from a locked enclosure shall be logged.
5. Safety checks by department members shall occur no less than every 15 minutes.
 1. Safety checks should be at varying times.
 2. All safety checks shall be logged.
 3. The safety check should involve questioning the individual as to his/her well-being.
 4. Individuals who are sleeping or apparently sleeping should be awakened.
 5. Requests or concerns of the individual should be logged.

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 Louisville Police Department. The procedures should include the following:

- a. Immediate request for emergency medical assistance if appropriate
- b. Immediate notification of the Shift Supervisor, Chief of Police, Deputy Chief and Detectives Division Commander
- c. Notification of the spouse, next of kin or other appropriate person
- d. Notification of the appropriate prosecutor
- e. Notification of the City Attorney
- f. Notification of the Coroner
- 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:

1. All proper reports, forms, and logs have been completed prior to release.
2. A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
3. It has been confirmed that the correct individual is being released or transported.

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4. All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
5. All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of property, warrant copies).
6. The individual is not permitted in any nonpublic areas of the Louisville Police Department unless escorted by a member of the Department.
7. 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 the individual is being sent to another facility.
8. 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 the person's personal needs as reasonable.

900.11 ASSIGNED ADMINISTRATOR

The Operations Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

1. General security
2. Key control
3. Sanitation and maintenance (6 CCR 1010-13:18.0)
4. Emergency medical treatment including (6 CCR 1010-13:14.0)
 1. Procedures for emergency evacuation of the inmate from the facility
 2. A designated emergency on-call physician and dental services provider
 3. A designated hospital emergency room or other appropriate health care facilities
5. Escapes
6. Evacuation plans (6 CCR 1010-13:14.0)
7. Fire- and life-safety (6 CCR 1010-13:16.0)
8. Disaster plans
9. Building and safety code compliance (6 CCR 1010-13:3.0)
10. Insect and rodent control (6 CCR 1010-13:7.0)
11. Storage, collection, transportation and disposal of garbage, refuse and recyclable materials (6 CCR 1010-13:6.0)
12. Poisonous, toxic or hazardous substance use and storage (6 CCR 1010-13:15.0)
13. If authorized, receiving mail/packages and managing visitation for individuals in custody

900.12 TRAINING

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

