

PRISONERS

Directive: **6.10**

A. Apprehension of Prisoner/Detainee

1. All prisoners taken into custody will be thoroughly frisked at the place of arrest by the arresting officer(s). This search is intended to detect any weapons the prisoner might have in his possession. This frisk search should include the prisoner's body, clothing and personal effects. If it becomes necessary to go beyond the frisk search of a prisoner at the scene of arrest, disposable gloves, which are provided by the Department, will be used.

a. This frisk should include the use of hand pressure against the outside of all outer articles of clothing underneath of which a weapon could be concealed. The pressure will be applied to all parts of the body to ensure that no weapons are concealed.

b. [REDACTED]

[REDACTED]

[Redacted text block]

c.

[Redacted text block]

[Redacted text block]

[REDACTED]

2. All Prisoners will be securely handcuffed being the back and will remain handcuffed during transport. To preclude the possibility of escape or added danger potential, all officers should ensure that handcuffs are properly positioned [REDACTED]. Officers should exercise discretion regarding this policy, particularly in cases involving obvious physical infirmity, advanced age or other extenuating circumstances.

All unruly or disruptive persons will be appropriately restrained regardless of their physical condition.

1. Restraint during transport:

- (1) Each officer is issued [REDACTED] of metal handcuffs which shall be used as the primary restraint device.
 - (1) [REDACTED] available from the **House** Sergeant for supplemental restraint and normal restraint during multiple arrests.
- (2) Supplemental restraint shall include:
 - (1) securing ankle areas
 - (2) securing cuffed hands and ankle together
- (3) Supplemental restraint shall be utilized as needed to minimize:
 - (1) the risk of self-inflicted injury to the prisoner,
 - (2) the risk of injury to the officer (s),
 - (3) the risk of prisoner escape,
 - (4) the risk of damage to property
- (4) Practice to be avoided when using handcuffs during transport:

- (1) Do not handcuff yourself to the prisoner,
- (2) Do not handcuff the prisoner to a fixed object, (door post, headrest, etc.),
- (3) Do not use the handcuffs as a "come along"

b. Long distance transport

- (1) Each officer should utilize the means of long distance transport which will maximize safety.
 - (a) Certain types of restraint may not be feasible in all transport modes.
 - (b) Officers will utilize any of the approved restraint devices while considering prisoner comfort and officer safety.

3. Non-Arrested Persons

- a. No non-arrested person will be frisked unless the searching officer has reasonable suspicion to believe that the person to be searched has committed, is committing, or is about to commit a crime and the officer reasonably believes that the person may be armed and presently dangerous. Certain precautions need to be followed in the search of female prisoners.
- b. No non-arrested person will be subjected to a strip search, a visual body cavity search, or a body cavity probe unless a search warrant specifically authorizes such a search.

B. Transportation

1. Whenever possible, prisoners will be transported [REDACTED] [REDACTED] It is the responsibility of every officer(s) in possession of a vehicle, regardless of their assignment (i.e. **Uniformed Services**, Detectives, etc.), to thoroughly **examine** their vehicle for contraband or similar items. This must be done prior to and after each transport of any prisoner. It would be a good practice to search the vehicle after any type of transport, (victim, public service, etc.).

It is also the responsibility of any officer(s) transporting prisoners to **examine** the transporting vehicle, prior to use, to ensure that the vehicle is safe

and equipped with appropriate items. In all cases where a prisoner is transported by a unit other than that of the arresting officer(s), the transporting officer(s) will again frisk the prisoner for weapons before placing him in their police vehicle.

2. Any prisoner transported in a police vehicle, **without a separating device**, will be placed in the [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
3. Officers, while transporting prisoners, are to be alert for any attempt by the prisoner to escape or dispose of any contraband material that could be used as evidence against him. Officers, while transporting prisoners, are to have at least [REDACTED] keep sight of the prisoner at all times. Safety aspects of the transport function requires that no prisoner will communicate with anyone during the period that the prisoner is being transported.
4. While transporting a prisoner, officer(s) will only be allowed to stop and respond to the need for law enforcement services when the risk to third parties is both clear and grave and the risk to the prisoner is minimal.
5. In the event that an escape occurs during transportation, the transporting officer(s) will immediately notify WILCOM and begin conducting an area search for the prisoner. The officer(s) will broadcast the appropriate information to assisting units and inform WILCOM to notify a street supervisor immediately. If the escape occurs in another jurisdiction, the officer(s) will request WILCOM notify the appropriate agency for assistance. At the conclusion of the event, the appropriate reports will be completed by the transporting officers (s).
6. When transporting a prisoner to another facility, officer(s) will, when available to them, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

██████████ The transporting officers will deliver all appropriate documentation to the receiving officer and will also have the receiving officer sign any appropriate form(s) prior to leaving the facility. When transporting a prisoner from another facility officers are to ensure that positive identification of the prisoner has been made by the facility and that the appropriate paperwork accompanies the prisoner.

7. When transporting a prisoner to a ██████████, the prisoner will be at all times handcuffed and double locked. At least ██████████ will remain with the prisoner **at all times** upon arrival at the ██████████. The officer(s) will report to the appropriate admissions area with the prisoner and follow the directions of the ██████████ personnel. Once admitted, a physician will examine the prisoner. If possible, the officer(s) will

██████████
██████████
██████████
██████████

██████████ Upon completion of treatment and discharge, all necessary paperwork will be retained by the officers and returned to **Central** with the prisoner and given to the **House Sergeant**. **The House Sergeant will forward the treatment and discharge papers to the Support Services Division.**

8. In the event a prisoner **who is** considered to be a security hazard is transported to any court facility, it is the responsibility of the transporting officers **(s)**, to notify the appropriate court personnel or Judge upon arrival of the circumstances.
9. Whenever any prisoner is transported that has a potential for escape, suicide or other personal traits of a security nature, written documentation (copy of police reports) shall accompany the prisoner. Transporting officers shall be made aware of the potential security problem and they shall in turn notify any agency or facility where the prisoner is transported.
10. When transporting a prisoner, either locally or during an extradition, officer(s) will not stop for any meal breaks for either the prisoner or the officer(s).
11. Due to the short staying time of prisoners within our holding facility, no prisoner will be transported to

attend to personal business, i.e. funerals, hospital visitations, **visitations to critically ill persons**, or attending the reading of will, etc...

C. Special Transport Situations

1. [REDACTED]
[REDACTED] No male escort officer will be permitted to transport a female prisoner alone, except in an extreme emergency. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2. The transportation of physically or mentally handicapped prisoners requires special care and attention. For example, the type of vehicle used should be considered when transporting non-ambulatory prisoners, or those requiring wheelchairs, crutches, or prosthetic devices.

In such cases a supervisor should be notified and if possible, the police wagon utilized.

It may be necessary to transport medicine, insulin, or other special items for certain prisoners, however, any medicine must be administered by licensed medical personnel only. The only exception would be a life-threatening situation where the prisoner request their medicine, it can be self administered by the prisoner and if not administered immediately, would result in the death of the prisoner. An example would be a heart patient requesting a nitroglycerin pill and it is obvious they are under extreme duress.

While transporting a physically or mentally handicapped prisoner it should not be assumed that restraining devices are not required. Officers are to use their own discretion whether to apply restraining devices. Officers should take into account such criteria as the demeanor of the prisoner, the **severity** of the handicap either physical or mental, the officers' safety, the safety of the public, and the safety of the prisoner.

3. All prisoners who complain of sickness or who are obviously injured prior to transport into **Central**, must be taken to an appropriate medical facility. In the event the prisoner changes their mind during transport, the transporting officer(s) should continue on to the

complete search of the prisoner and his effects for weapons and/or contraband. The arresting officer will then, in the presence of the prisoner, turn over the arrestee's property to the **Turnkey**. The Detainee Assessment/Property Receipt Form will be completed in the **Turnkey's Office**, sealed and initialed by both the **Turnkey** and the arresting officer. The form will include the following information:

- a. arrest information
- b. apparent physical condition
- c. property inventory and disposition (i.e. held as evidence, to be returned)
- d. signature of detainee acknowledging return receipt

When the defendant **departs from this facility**, whether released or transferred to another facility, the property will be inventoried by the **Turnkey**, transporting officer and the prisoner to ensure all property is accounted for.

The prisoner will sign the form acknowledging receipt of the property. He will then receive the duplicate copy of the receipt, and the original will be forwarded via intra-departmental mail to the Support Services Division, where it will be filed. ~~with the original report.~~ Should any discrepancies be detected when returning the property to the detainee, the **House** Sergeant will be responsible for submitting an incident report and initiating an investigation.

All prisoners/detainees will be logged into either the juvenile or adult prisoner book upon arrival into the cell block.

3. [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] the **Turnkey** will conduct the above-mentioned search and remove the arrestee's handcuffs. [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

4. [REDACTED]
[REDACTED] Any officer **assigned** to transport prisoners will follow the below procedure:

█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
█ [REDACTED]

E. Conducting a Search of Prisoners/Detainees

For each search, the officer must balance the need for the particular search against the invasion of personal rights that it entails. The greater the intrusion, the greater must be the justification for initiating the search based on such factors as the nature of the offense, the detainee's prior arrest record, the detainee's contact with other detainee's, and whether these and other factors lead the officer to have reasonable, articulable suspicion that the detainee has concealed contraband or weapons. Strip searches, visual body cavity searches and body cavity probes involve forcibly exposing the nude body to strangers, and are greatly intrusive on a person's privacy. Officers thus should carefully follow the policies set forth herein to determine whether such a search is justified, and to properly execute such a search when it is found to be justified.

1. Definitions

- a. Frisk: A search of the outer clothing of a person(s) in an attempt to discover weapons. The search will include the use of hand pressure against the outside of all articles of outer clothing underneath of which a weapon could be concealed. The pressure will be applied to all parts of the body to ensure that no weapons are concealed.

- b. Strip Search: Visual inspection of the naked body of the person searched and his clothing. This visual inspection does not include a visual examination of the anal or genital areas of the person searched or the breast area of the person searched if the person is a female, but does include the clothing of the person searched.

- c. Visual Body Cavity Search: a search including a visual examination of the anal and genital areas of the person searched.
- d. Body Cavity Probe: Any touches, probes, or other bodily intrusions of the mouth, nose, rectal, or vaginal areas.
- 5. Custodial Search at [REDACTED]: A complete **search, excluding** strip or visual body cavity searches or a body cavity probe, search of an arrested person who is to be detained [REDACTED]. This search includes a frisk, and inventorying and removal of personal items of the prisoner, and the scanning of the detainee by a metal detector.

2. Procedure

- a. During all searches of prisoners or their property, disposable rubber gloves will be worn to safeguard the officer from communicable diseases.
- b. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- c. Visual body cavity search and body cavity probe. No arrested person shall be subjected to a visual body cavity search or a body cavity probe unless the searching officer has Probable Cause to believe that the searched person has weapons or contraband on his person. The scope of the search will be limited to the parts of the body which the searching officer has probable cause to believe are concealing contraband or weapons. Body cavity searches and body cavity probes should be limited to situations in which no other less intrusive means exist to dispel the conclusion that the searched person is concealing weapons or contraband in a body cavity. No visual body cavity search or body cavity probe will be conducted unless it is approved by the searching officer's supervisor. Unless emergency circumstances exist, the officer will secure a search warrant prior to any visual body cavity

search or body cavity probe.

- d. Strip Search. No arrested person will be subjected to a strip search unless the searching officer has reasonable suspicion to believe that the searched person has weapons or contraband in his clothing. No strip search will be conducted unless it is approved by the searching officer's supervisor. The scope of the search will be limited to the items of clothing for which the officer has reasonable suspicion to believe **there is** concealed contraband or weapons. Unless emergency circumstances exist, any strip searches, visual body cavity searches, or body cavity probes will be performed by an officer of the same sex as the searched person. [REDACTED]

[REDACTED]

Prior to conducting any strip searches, visual body cavity searches, or body cavity probes, the searching officer will ask the person to be searched

[REDACTED]

[REDACTED] Unless emergency circumstances exist, the searching officer will wear surgical gloves in performing any strip searches, visual body cavity searches, or body cavity probes. A person being searched will never be asked to probe himself or herself in connection with any search.

Any time a prisoner is taken from the [REDACTED] [REDACTED] for court attendance, questioning, hospital treatment, etc., he is to be frisked for weapons and handcuffed. Upon his return to the [REDACTED] [REDACTED], the prisoner will again be thoroughly frisked. Also, prisoners received from or relinquished to the Department of Corrections or other agencies are to be searched upon receipt and again before custody is transferred.

- e. Consent. Unless emergency circumstances exist, in all cases involving strip searches, visual body cavity searches, and body cavity probes, the searching officer will first determine whether the searched person voluntarily will consent to such a

search. Even if the person to be searched does not consent, an officer may still **conduct a** strip search, **a** visual body cavity search, or **a** body cavity probe **of** the person if appropriate requirements of Sections 2b and 2c are satisfied. The consent **will be documented utilizing the "Consent To Search Form"**.

F. Female Prisoners

1. Since the frisk of a female by a male officer is somewhat limited, it is most important to handcuff the arrestee securely. Handcuffs should always be [REDACTED]. Whenever possible, female prisoners are to be transported by a [REDACTED] following the above procedures.
2. Officers arresting females will remove handbags, umbrellas, and other packages for examination. (If the prisoner is wearing a coat, the officer should remove it and thoroughly search the pockets and lining. The coat, along with the purse and any other articles being carried, should be placed in a secured location before searching the prisoner. In cold weather, the coat may be returned to the prisoner as soon as the search is completed.) The officer may have the suspect empty her pockets and draw her skirt, trousers, or blouse tight against her body to reveal any weapons that may be concealed. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
3. In addition, officers transporting a female prisoner shall advise the Communication Center that they are transporting a female and provide the Center with their odometer reading. Once they arrive at [REDACTED], **they** will advise Communications of their ending mileage.
4. The female prisoner will be taken from the [REDACTED] [REDACTED] to the [REDACTED] or a [REDACTED] by [REDACTED]. The female prisoner will be searched by a female officer. [REDACTED] of the officers will remain close, but not in front of the door of the room where the search is to take place, should the searching officer require assistance. When it is necessary to place the female in a cell, the officers will escort the

prisoner to the appropriate cell and remain until the cell is properly locked.

5. If no female police officer is working when the search of a female becomes necessary, the below order will be followed to have a female report to Central in order to perform the search:

- a. A female officer assigned to **the Uniformed Services Division** is the first to be called. If the female officer assigned to **the Uniformed Services Division** cannot be contacted, any other female police officer is to be called.

G. Unruly Prisoners

When transporting any prisoner [REDACTED] who is behaving in an unruly manner, the officer(s) involved will notify [REDACTED] and request assistance [REDACTED] [REDACTED]. The unruly prisoner will be escorted to the [REDACTED] by police personnel. Officers will not leave the prisoner until he is completely **placed** under control.

Prisoners who display unruliness and arrive at [REDACTED] handcuffed will be placed in a holding cell (alone), immediately, with the handcuffs on until such a time as the unruliness subsides. This does not apply to female prisoners. Female prisoners will be taken directly to the female detention area and the arresting officer(s) will remain until she has been processed and/or placed in a cell. The arresting officer standing by does not apply to the routine identification processing performed by the Identification Unit.

The **House** Sergeant or his designee shall be responsible for informing other police agencies who bring prisoners to the Wilmington Department of Police for temporary detention to remain with their prisoner until they have been processed and placed in a cell.

H. Injured Prisoners

Officer's will notify the **House** Sergeant of any known injury, illness, or other medical condition suffered by any person arrested. The **House** Sergeant will ensure that the prisoner receives the necessary medical attention. In addition, if an

injury was incurred as a result of any Use of Force, the **House Sergeant** will employ the "Use of Force" **reporting procedures**.

NOTE: Prisoner refusal of medical treatment MUST be done at the hospital.

I. Custodial Checks

1. The **House Sergeant** shall never permit an unconscious prisoner to be confined in a cell.
2. At the beginning of each shift, the **House Sergeant** will check the **Turnkey Officer's** prisoner sheet for the number of prisoners in custody, check the prisoners' physical condition and ensure the number of prisoners in custody coincides with the number listed on the **Turnkey Officer's** sheet. The **House Sergeant** will then sign his name, date and time in the appropriate slot for his shift and platoon.
3. The on-duty **Turnkey Officer** and **House Sergeant** will check the physical condition of all the prisoners within their custody at least every [REDACTED]. Prisoners will be supervised by the **House Sergeant** and/or **Turnkey Officer** twenty-four hours a day. The **Turnkey Officer** and **House Sergeant** will sign their name and time checked on the Custodial Check List in the appropriate area. The **Turnkey Officer** will sign the sheet, the **House Sergeant** will initial next to the **Turnkey Officer's** signature. Custodial checks will always be done by [REDACTED], there will be no exceptions.
4. At the end of each shift, the **House Sergeant** will check and certify the Custodial Check List Form.
5. A [REDACTED] check is not necessary when there are no prisoners in custody, however, the absence of prisoners shall be so noted on the sheet (e.g., 0001 to 0437 hours - No Prisoners).
6. At [REDACTED] each day the **Turnkey Officer** will begin a new custodial check list which will indicate the date, time and **squad** working. The Custodial Checklist Form will be maintained in the House Sergeants Office for a period of sixty (60) days. After sixty (60) days, the sheets will be destroyed.

J. Feeding of Prisoners

1. The prisoners will be fed three times daily. The morning meal will begin at [REDACTED] and conclude no later than [REDACTED]. The noon meal will begin at [REDACTED] and conclude no later than [REDACTED]. The evening meal will begin at [REDACTED] and conclude no later than [REDACTED].
2. All prisoners, male and female, who are in custody at the designated meal times, will be fed unless a refusal to eat has been brought to the attention of the **Turnkey**. The **Turnkey** will prepare the morning meal and will order the noon and evening meals according to current **Departmental** standards. It shall be the responsibility of the **Turnkey** on duty during the designated meal times to distribute and retrieve the food service articles given to the prisoners. The **House** Sergeant or his designee will accompany the **Turnkey** during the dispensing of the prisoners food.
3. At no time will any officer consume food designated for prisoners.

K. Detention of Suspects -- See attachment for Section 6.10K

L. Segregation of Detainees and/or Arrestees

All prisoners (detainees, arrestees, etc) will be segregated from the others who are dangerous or convicted felons. No prisoner (detainee or arrestee) may be housed in the same cell with a person who is charged with a serious felony, or who may be violent and dangerous, nor will any prisoner be housed in a cell with a person(s) who is already convicted of a felony, who may be temporarily housed in this detention facility pending transfer to a state correctional facility.

M. Escorting Prisoners in Public Safety Complex

1. The only location for interview and/or interrogation will be within [REDACTED]. At no time will any member of the Department utilize any other room or division/unit within the Public Safety complex for interviewing/interrogating prisoners, the exception to this rule will be the interview rooms within the confines of the **Holding Facility** .
2. The transportation or escorting of the prisoner will be via [REDACTED].
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] The prisoner will be handcuffed while being escorted, and the [REDACTED] to the [REDACTED] will be utilized.
3. The transporting or escorting of the prisoner upon his return to the **House Sergeants** Office, will be the same as the above procedure.

N. Furloughed Prisoners

New procedures have been instituted by the Bureau of Adult Corrections, in regards to furlough of prisoners.

1. Any officer coming into contact with a prisoner on furlough or suspecting an individual is a furloughed prisoner, can ascertain that individual's status by requesting Data Center to check DELJIS.

2. If the prisoner is in violation of any law, criminal or traffic, he will be arrested and transported to Central where the Duty Captain of the Department of Corrections will be notified by phone any time, 24 hours a day.
3. Officers making said call will ensure that they identify themselves as members of the Department of Police and further advise the Corrections Duty Captain of the nature of the arrest.

O. Return of Furloughed Prisoner to Plummer House

Whenever a member of the Department of Police is sent to assist a Corrections Officer in taking a furloughed prisoner into custody, and an apprehension is made, the officer(s) will escort the Corrections Officer back to the Plummer House. The officer(s) will stand until the prisoner is secured within the Plummer House. This procedure is to increase the security for the Corrections Officer and the prisoner.

In the past, the Department of Police has failed to identify arrested subjects as inmates from the Plummer House. Any officer who arrests a person shall contact the Data Center [REDACTED] for a computer check, to ascertain if the arrestee is assigned to the Plummer House. If the arrestee is an inmate **so** assigned, the arresting officer will contact the Plummer House [REDACTED] and advise the staff of the arrest. When the arresting officer has completed his paperwork (arrest report, booking, etc.), the Department of Correction will respond to Central and take custody of the inmate.

P. House Arrest Program

Should personnel of this Department come in contact with participants of this program, the following procedure will be followed:

1. Any subject/participant who is stopped or taken into custody for investigation and/or interrogation, but is not arrested, will be turned loose without removal of the house arrest bracelet that will be on the subjects' ankle. A report or supplement will be written documenting the subjects name, address, time of day, reason for stop and time of release. Additionally, the Department of Probation and Parole will be contacted, [REDACTED] with information left on the recording. If possible, a copy of the Report will be sent to Probation and Parole.

2. Any subject/participant who is stopped or taken into custody for investigation and/or interrogation, and is arrested, will have the house arrest bracelet removed.

To remove the bracelet just cut the strap that encircles the ankle. The bracelet will be tagged as personal property of the Department of Probation and Parole. The arrest report will document the items listed in Section #1 and the same notifications will be made. At NO time will a subject be incarcerated (after arrest) with the ankle bracelet in place on his leg.

Q. Attorney/Client Visitation

In order to allow for an orderly progression in handling defendants arrested by members of this Department, there will come occasions when an attorney will present himself or herself and request to speak with his client (defendant). To allow for a professional response to this request the following guidelines are hereby established, for both the safety of police personnel as well as that of the attorney:

1. Defendants arrested on court writs, capiases, etc., which require normal processing, and no investigative questioning, will be handled in this manner:
 - a. The Public Safety Complex is a three story office building which houses investigative offices of the Police and Fire Departments. As such, the building does not allow for extended visitation with defendants, nor are we properly equipped for that purpose.
 - b. Attorneys requesting to speak with their clients, who have been arrested on a court writ or capias, will be advised of the above statement in a professional and courteous manner.
 - c. The attorney will be informed as to the intended disposition of his client, i.e., court for arraignment, Sheriff's Office for Superior Court, or transported to another facility. This will allow the Attorney time to respond to conduct interviews.
 - d. At no time will the attorney be permitted to interview his client under the above guidelines.

2. When requested, detainees will be given the opportunity to contact and confer with an attorney at the earliest convenience of the **House Sergeant**.
3. Defendants who are in custody, presently being interrogated by investigative units, and are cooperating with the investigation when an attorney requests to speak with them although they did not request an attorney, will be handled in this manner:
 - a. The defendant will be advised of the presence of an attorney who has requested to speak with him/her. The defendant will then either desire to continue the interview, or request to speak with the attorney.
 - b. If the defendant chooses not to speak with the attorney, the attorney will be advised of this choice in a professional and courteous manner. The investigator should attempt to answer any logical questions which may be asked without prejudicing and/or jeopardizing the investigation at hand.
 - c. If the defendant chooses to speak with the attorney, for all intent and purposes the interview must be ceased.
 - d. All attorneys that have responded to the Department to confer with detainees shall be searched for weapons and contraband prior to being allowed access to the detainee. All interviews will be restricted to the interview room in the holding facility.
 - e. Every effort shall be made to ensure privacy in contacts between attorney and clients, but at no time will facility or detainee security be placed in jeopardy.
 - f. At no time will an interview be conducted in any other manner than that which is prescribed in this policy statement.
4. It should be noted once again, that our facility is a temporary holding facility, and that any request for a lengthy or complex interview should be handled within a facility designed and staffed for that purpose.

5. At times, information may be on hand that the defendant will be transported to the Multi-Purpose Criminal Justice Facility due to bail and/or the severity of the charge.

Should this information be available when a request is made by an attorney, the **House** Sergeant on duty will pass this information onto the attorney, so that interview may be conducted within the purview of that facility.

R. Prisoner Property/Women's Correctional Institute

The Women's Correctional Institution will not accept large amounts of personal property belonging to prisoners. The total amount of property cannot exceed what would fit into a shoe box. If the property exceeds that amount it will be returned to the officer.

If this should occur the following guidelines will be followed:

1. The prisoners property being returned will be brought to **Central** and tagged as personal property in the prisoners name.
2. The prisoner will be informed at the time of transfer that she can get the property at police **Central** upon her release.

In order to relieve this situation arresting officers should make all attempts to limit the property prisoners bring with them at the original time of arrest.

S. Holding Facility Monitor

The Department has installed a video and audio monitoring system in the **House Sergeants Office**. The cameras are mounted conspicuously so that a detainee can clearly see that their cell is being observed. With this equipment we have the ability to monitor all cells and rooms in the holding facility. The recording capabilities of this system, allows better monitoring of detainees for their own safety. Continuous personal and computerized observation of detainees cells is essential.

The holding facility monitors are meant to supplement direct staff monitoring and supervision of the holding cell area, not to serve as a substitute for staff monitoring or supervision. While recognizing the importance of the video monitoring capabilities, the Department also recognizes the privacy

rights and concerns of detainees. Therefore, the following privacy safeguards will be adhered to:

1. Strip Searches

In the event a detainee, male or female, must be stripped searched, the following additional procedures will be observed:

- a. All strip searches shall be approved by the **House** Sergeant.
- b. Officers conducting a strip search shall advise the **Turnkey** and their immediate supervisor.
- c. All strip searches will be conducted in an interview room.
- d. The searching officer(s) will ensure that the camera lens in the interview room is covered. At no time will a strip search be conducted without the camera lens being covered.

2. Supervision of Detainees

- a. Electronic surveillance equipment will only be utilized for safety and security purposes. The equipment will not be used for the purpose of violating the privacy of the detainee.

The audio part of this equipment allows Department personnel to monitor the holding facility and respond to a detainees' calls for assistance. Continuous personal and computerized observation of detainees' cells is a fundamental requirement in order to maintain safe, secure custody and control.

- b. Whenever possible, detainees shall be monitored and/or supervised by an officer of the same sex. If circumstances dictate otherwise, the **House** Sergeant and **Turnkey** will ensure that due regard is shown toward the rights and dignity of the detainee. Only authorized personnel will have access to the monitors.

- c. All personal belongings (excluding minimum clothing) that could present a danger to the arrestee or other detainees should be removed before the arrestee is locked up.
- d. Intoxicated detainees and detainees exhibiting mental illness, violence, or strange behavior, should be kept under particularly close observation. Detainees who are intoxicated (particularly younger persons), agitated, or who exhibit mood swings may be candidates for suicide. If a potential suicide is spotted, the **Turnkey** should seek medical attention for the detainee and/or contact appropriate state crisis intervention agencies.
- e. Any detainee requesting regular medical attention for illness or is in obvious need of medical attention for whatever reason, **will** be transported to an appropriate medical facility.
- f. Detainees meeting with an attorney will do so outside of any area covered by a video recording device.

3. Video Recording

The video monitoring system is capable of recording what is being monitored by each camera. The following guidelines will be observed as to the use of the video tapes.

- a. Each recorder is programmed to record on [REDACTED] [REDACTED]. This will result in one frame being recorded every [REDACTED]. At no time should the time sequence be altered by any personnel.
- b. With the exception of emergency situations, the video recorders should not be turned off while in the recording mode.

T. Pretrial Release of Persons Arrested:

- 1. Except for Criminal and Traffic Summonses, all other pretrial releases are controlled by Title 11 **Delaware** Code Chapter 21 and are the responsibility of the Court system of the State of Delaware. Officers should be familiar with applicable state statutes regarding bail

and pretrial releases.

6.10K Investigatory Stops

1. This policy supplements 11 Del. C. 1902. Title 11 Section 1902 of the Delaware Criminal Code describes investigatory stops and gives police the power to make them, when an officer has reasonable suspicion. The General Assembly has not changed the substance of Section 1902 since 1967. This policy is intended to ensure that officers follow current constitutional requirements. This policy explains and in some cases overrides the language of Section 1902.

2. Initiation of Investigatory Stops

a. Investigatory stops require reasonable suspicion. An investigatory stop is a brief detention of a person for the purpose of criminal investigation. An officer may conduct an investigatory stop if the officer has reasonable suspicion. Reasonable suspicion is specific and articulable facts about the particular person that leads the officer to believe the person has committed, is committing, or is about to commit a crime.

b. Refusal to answer questions does not, on its own, justify initiating a stop. Officers may talk to a suspect or witness without initiating a stop so long as the person is free to go. Such casual encounters can escalate into an investigatory stop if the officer develops reasonable suspicion. However, a person's refusal to answer questions (or to provide ID) during a casual encounter is not, without more, a sufficient basis for initiating a stop. The officer must have reasonable suspicion in order to initiate an investigatory stop, as explained in 2.a. above.

3. Duration and Scope of Investigatory Stops

a. The permissible duration of a stop is limited. Investigatory stops may not take longer than reasonably necessary to diligently pursue an investigation to confirm or dispel the officers' suspicions quickly. If a short period is enough for diligent investigation, then the permissible duration of the stop is also short. A stop may not be prolonged for reasons unrelated to the reasonable suspicion that justified the stop; if less than 2 hours is required to dispel an officers' suspicions, the detention must end in less than the two hours provided for in Section 1902.

b. The maximum permissible stop is 2 hours. Section 1902 sets an outer limit of 2 hours. A stop may not exceed 2 hours, unless probable cause to arrest is developed within the 2 hour period.

c. A stop should be no more intrusive than necessary. It is important to community trust and good will that officers conduct stops respectfully and

quickly. The majority of stops result in the person being released without being arrested. In these cases, provide the person with an explanation of why they were detained.

4. Differences Between Investigatory Stops and Arrests

a. Arrests require probable cause. Officers may not arrest a person before the officer has probable cause to believe that the person committed a crime. Officers may not arrest suspects or witnesses in order to interrogate them, unless the officer has already developed probable cause that the person committed a crime. During a stop, an officer might develop probable cause to believe that a person has committed a crime. If so, the officer may make an arrest.

b. Officers must be careful not to make a stop into an arrest unless they have probable cause. The difference between an investigatory stop and an arrest is how intrusive the detention is, based on all the circumstances. Handcuffs are restraints on freedom of movement normally associated with arrest such that the use of handcuffs substantially aggravates the intrusiveness of a stop. The officer should consider that unless considerations of safety and security exist, the use of handcuffs may transform a stop into an arrest.

c. Transporting a person away from the scene of the stop will likely transform it into an arrest. An important factor in assessing whether a seizure is a stop or an arrest is whether the person is transported from the scene. You should assume that transporting a person somewhere else without their consent, especially if the other location is a police station, would be considered an arrest unless considerations of safety or security would require moving the subject. In such cases, transport should be only as far as reasonably necessary to resolve the safety or security concern.

Therefore, unless required for reasons of safety or security, you should not transport a person away from the scene of the stop unless you have probable cause to arrest. If probable cause to arrest exists, you should follow your training with respect to arrests, including obtaining an arrest warrant if required.

5. Documenting Probable Cause for Arrests: Officers must document the factual basis for each arrest, including the crime the officer believes the individual committed and a brief description of the facts supporting probable cause for the arrest. You must include enough information so that a supervisor may review the probable cause for arrest.

CONFIDENTIAL

6. Subjects Brought to Turnkey: A crime report shall be completed for every subject brought to Turnkey. An officer shall include a statement of probable cause supporting the decision to bring the subject to Turnkey. These reports will be reviewed by the officer's first line supervisor. NOTE: TRANSPORTING A SUBJECT TO TURNKEY FOR HOLDING SHOULD BE CONSIDERED AN ARREST FOR WHICH PROBABLE CAUSE IS REQUIRED.