



POLICY & PROCEDURE

ELKHART LAKE POLICE DEPARTMENT

SUBJECT: **TEMPORARY DETENTION**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

REFERENCE:

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INDEX AS: Booking Room
Restraints
Temporary Detention

PURPOSE: The purpose of this Policy & Procedure is to provide a guideline for the temporary detention of persons in the custody of the Elkhart Lake Police Department.

This Policy & Procedure consists of the following numbered sections:

- I. DEFINITION
- II. POLICY
- III. PROCEDURES
- IV. BOOKING ROOM
- V. TRAINING

I. DEFINITION

- A. Temporary Detention: occurs when a person is in custody (or not free to leave on their own accord) at a law enforcement facility other than a lockup facility for the purpose of processing, testing, or interview/interrogation.

1. The duration of a temporary detention is limited to the period of time necessary to accomplish the processing, testing, and/or interview/interrogation, and the time reasonably necessary to accomplish release or transfer to a lockup, or other correctional or medical facility.
2. Temporary detention **may** also include persons detained inside a law enforcement vehicle, such as a squad car, SUV, van, etc. that is stationary and is not being driven or otherwise occupied by an officer. **NOTE....if the vehicle is in a secured sally port, especially with a juvenile inside, federal law may consider this as temporary detention.**

II. POLICY

- A. It is the policy of the Elkhart Lake Police Department to establish and maintain guidelines for the temporary detention of persons in the custody of the Department; to include supervision, security, accountability, and the use of restraints.

III. PROCEDURES

A. Access to Physical Necessities

1. The interview room(s) is considered a temporary detention area(s) **if the room locks and prevents a person from leaving of their own free will.** An officer may provide a personal comfort item if the officer deems it appropriate. Access to the restroom or drinking water shall be made available on request.

B. Two Hour Limit on Temporary Detention

1. A person detained by an officer may only be held, without continuous control or supervision, in a temporary detention status for a period not to exceed two hours.

Commentary: The intent of this Policy & Procedure does not limit the total time a person can be detained in an officer's custody, but rather the person cannot be held for more than two hours without personal face-to-face contact by an officer. The two hour window begins each time an officer suspends face-to-face continuous contact, control or supervision.

Juvenile offenders may ONLY be held in secure detention up to a total of six (6) hours maximum and ONLY for criminal offenses. Status offenders, non-offenders, or ordinance/civil law offenders are NOT allowed to be in secure detention.

They can be processed but need to be removed soon after processing, with an hour maximum.

C. Restraint to Immovable Object

1. This Policy & Procedure intends to authorize the use of handcuffs to shackle a detainee to a wall mounted handcuff ring. There are two handcuff rings located in the temporary detention/interview room and one located in the hallway. This method of restraint is authorized only when:
 - a) An officer has a reason to believe; the person who is in custody and temporary detention is suspected or known as a risk for escape;
 - b) An officer has multiple people in custody and there are not enough officers to monitor and control those in custody; or
 - c) At the officer's discretion, the person may be restrained for an extended period, in lieu of a normal handcuffed position behind the back.
2. The use of restraints to a handcuff ring must be articulated in an apprehension and control report, citing the specific reasons for such restraint.
3. Restraint to an immovable object is NOT to be used for juvenile status offenders, non-offenders, or ordinance/civil law violators.

D. Fire Evacuation and Suppression

1. In the event of a fire within the police facility, the officer's first responsibility is the personal safety of a temporary detainee. Accordingly, all detainees shall be immediately removed to a point of safety.
2. All exit routes are clearly marked with illuminated signs. Fire extinguishers are available in the hallway near the temporary detention/interview room and in the hallway of Village administration offices.
3. In the event a fire cannot be suppressed with a fire extinguisher(s) or other means at the officer's disposal, Dispatch shall be notified immediately of the situation and notification made to the Elkhart Lake Fire Department to respond.

E. Security Concerns

1. Weapons Control: Weapons control is highly encouraged. Upon officer discretion he/she may secure their handgun in the weapons locker located in the garage area. At a minimum, officers should always have their OC available when interacting with a detainee.
2. Panic or Duress Alarms: The Department does not have a panic or duress alarm in the temporary detention/interview room.
3. Access to Area and Prisoner: Any time a person is in temporary detention, they are considered under the personal control and supervision of the officer,

including those times when a person may be left unattended in the temporary detention/interview room. Access to the prisoner is limited to the officer, a supervisor, and those persons authorized by the officer.

4. Escape Prevention: An officer interacting with a detainee, should position him or herself seated at the table, with the door to the officer's back. The detainee should be seated to the officer's left, at the end of the table.

This is desirable for weapon control and allows for the officer to retreat and secure the detainee if a problem arises. If there is a known escape risk or an officer believes one may exist, the officer should ensure the detainee is not left unattended, or may shackle the detainee.

5. Search of Detainee: Any person arrested in the field, and in-custody of an officer (pre-detention) must be thoroughly searched prior to transportation to the police facility.

If appropriate, a secondary search at the police facility may be conducted. Any person arrested at the police facility and in-custody of an officer must be searched prior to placing them into temporary detention.

Commentary: An example of a police facility arrest is a voluntary interview situation in the police facility that results in a custody arrest and temporary detention.

6. Security Inspections: The temporary detention/interview room should be visually inspected both before and after a detainee is detained.

7. Visual Observation of Detainee: While it is expected that detainees will be left unattended for short periods of time, an officer must make a face-to-face visual observation of the detainee at least every fifteen minutes. During the interim period, the officer should use the closed circuit television to monitor the detainee. An officer may video tape the detainee at their discretion.

- a) When a detainee is left unattended for any short period of time, a Department Interview Room Record shall be filled out and all areas answered.

- b) Periodic checks and observations shall be noted in the appropriate area on each record and included with all other Department documentation regarding the temporary detention of the person.

- F. Detainees who are locked inside a law enforcement vehicle **may be** considered in temporary detention and under the care of the Department and the officer who placed the detainee in custody, or the officer assigned to the vehicle, or the officer who placed the detainee inside the vehicle.

It is recommended that these detainees not be left unattended; however this may

not always be possible. If a detainee is not attended or under constant supervision, the detainee should be asked about any medical concerns and then checked at a minimum of every 15 minutes as with any other temporary detention.

G. Training in Temporary Detention

1. Upon issuance or revision of this policy, supervisors will provide training on the requirements of this directive. The Department will incorporate the temporary detention process in the Field Training Program.
2. A review of temporary detention will take place from time-to-time, either in conjunction with the Department's general staff meetings or daily shift briefings by a supervisor.

IV. TRAINING

- A. Newly hired sworn officers will receive training in all operational components of the interview room to include:
1. Weapons lockers;
 2. Locking mechanisms;
 3. Security cameras;
 4. Duress alarm;
 5. Restroom facility and water supply; and
 6. Fire suppression system.
- B. Periodic training in temporary detention may be conducted at in-service training, through the internet, or any other area at the discretion of the Chief.

Michael Meeusen
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 06/01/2015