



**MIDDLETON POLICE  
DEPARTMENT**

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POLICY  
**7.3.01**

SUBJECT: **Processing and Temporary Detention**

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*MRR*

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## **PURPOSE**

The purpose of this policy is to identify a processing center and interview rooms, and establish minimum conditions, and procedures for security, temporary detention, supervision, accountability, monitoring, restraint, separation and evacuation of detainees, as well as employee training.

## **POLICY**

It is the policy of the Middleton Police Department that members are responsible for the welfare of persons in their custody and control. The Processing Center and interview rooms will be used in a humane and responsible manner that promotes the purposes of law enforcement while guarding the constitutional rights and safety of all citizens within the department's custody or control.

## **DEFINITIONS**

**“Adult”** means a person who is 18 years of age or older, except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "adult" means a person who has attained 17 years of age.

**“Cell”** means a secure room designed and used as a sleeping room for one person confined in a lockup facility. (The Middleton Police Department does not have a lockup, cells, or holding rooms, but does have temporary holding rooms and interview rooms.)

**“Confinement”** means placement in a cell or holding room of a person who has been arrested and is awaiting an initial appearance in court or to post bond.

**“Delinquent”** – A juvenile who has committed an offense that would be criminal if committed by an adult.

**"Holding room"** means a secure room in the lockup designed for holding, after arrest, one or more inmates of the same sex and security classification and segregated according to the requirements specified in s. 302.36, Stats., for purposes of processing admissions and releases. (The Middleton Police Department does not have a lockup or holding rooms. Persons in custody in the department Processing Center are not “admitted” but rather temporarily detained for the purpose of processing, testing and/or interview/interrogation, after which they are released or transferred to a lockup facility. See temporary detention and temporary holding rooms.)

**“Juvenile Justice and Delinquency Prevention Act”** (JJDP) applies when juveniles are held securely. The JJDP was enacted by the United States Congress in 1974 and is designed to provide protections for youth involved in the juvenile justice system, seeking to promote a fair, effective system that would result in positive outcomes. The JJDP has been modified and reauthorized during the period since its initial enactment and is currently the primary federal

legislation regarding juvenile justice. The JJDPA requires that each state demonstrate compliance with four core requirements:

- Deinstitutionalization of status and non-offenders
- Separation of alleged and adjudicated delinquents, status offenders, and non-offender juveniles from adult offenders in institutions
- Removal of juveniles from adult jails and lockups
- Addressing disproportionate minority contact.

Wisconsin has designated the Governor’s Juvenile Justice Commission (GJJC) as the State Advisory Group (SAG) to oversee adherence to the terms of the Act. The Office of Justice Assistance (OJA) is the state agency responsible to coordinate the JJDPA and juvenile justice system compliance efforts.

"**Juvenile**" means a person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "juvenile" does not include a person who has attained 17 years of age.

"**Interview Room**" means a room specifically designed and intended to be used for the custodial or non-custodial interview, interrogation, or testing of persons suspected of being involved in criminal activity, or persons victimized by or witnessing criminal activity. Interview Room 1 (soft), 2 and 3 are located in the access controlled area of the police department adjacent to Investigative Services and entrance doors are not locked. Temporary holding rooms in the Processing Center are also designed and intended for use as interview rooms.

"**Lockup facility**" or "lockup" means a temporary place of detention within a police station which is used exclusively for confinement of persons under arrest before those persons are brought before a court or post bond. (The Middleton Police Department does not have a lockup and utilizes the Dane County Jail for lockup. Persons in custody in the department Processing Center are not “admitted” but rather temporarily detained for the purpose of processing, testing and/or interview/interrogation, after which they are released or transferred to a lockup facility.)

"**Non-Offender**" - A juvenile who is dependent, neglected, or is mentally ill and not involved in delinquency.

"**Non-Secure Custody**" – A juvenile may be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility but not be in a secure detention or confinement status. For example, status offenders (e.g., a runaways, truants, underage drinkers, minors in possession of alcohol or tobacco, curfew violators, illegal immigrants, warrants related to a status offense) or non-offenders (abused or neglected juveniles, or juveniles solely in need of mental health services) are in non-secure custody status. Juveniles in non-secure custody status may not be placed in a locked facility, room, or secured to a cuffing rail or other stationary object, are under continuous visual supervision, and physical restriction of movement or activity is provided solely through facility staff. It is sometimes referred to as staff secure. (The JJDPA only applies when

juveniles are held securely). Juveniles in non-secure custody who commit a delinquent act may be moved to secure custody status.

**“Secure Custody/Detention/Confinement”** – When a juvenile is physically detained or confined in a locked room or cell, or handcuffed to a cuffing rail or stationary object. The juvenile is not free to leave the building. (JJDP A applies.)

**“Status Offender”** - The juvenile has committed an offense that would not be criminal if committed by an adult: e.g., running away, underage drinking, underage possession of alcohol or tobacco, curfew violation, truancy. A warrant or a capias issued where the original offense was a status offense remains a status offense. Illegal immigrants with no delinquent charges are monitored as status offenders.

**“Processing Center”** means the multipurpose area within the police department utilized for the processing, testing, and/or interviewing persons in police custody, after which detainees are expeditiously released or transferred to a lockup facility. The Processing Center contains fast ID, Live Scan, Intoximeter, camera, phones, A/V monitoring, temporary holding rooms / interview rooms, drinking water, toilet facilities, Probable Cause forms, Dane County Jail Booking forms, and may be accessed via the sally port, main police department, and detainee release door. All egress access doors are unlocked, but equipped with delayed egress devices and audible signals.

**“Temporary Detention”** occurs when a person is in custody at the police department for the purpose of processing, testing, or interview/interrogation. The duration of a temporary detention is limited to the period of time necessary to accomplish processing, testing and/or interview/interrogation, and the time reasonably necessary to accomplish release or transfer to a lockup.

**“Temporary Holding Room”** means a secure room in the Processing Center designed for the temporary detention of persons in custody during processing, testing, or interview/interrogation.

## **PROCEDURE**

### **Security and Control**

#### ***Process***

1. The Communications Center and Shift Commander shall be notified anytime an officer intends to bring a detainee into the Processing Center, including whether the detainee is an adult or juvenile, and whenever a detainee is released or transferred from the Processing Center. These times will be noted in the CAD CFS by the Communications Center. When necessary, the Communications Center or Shift Commander will facilitate adult/juvenile time phasing.
2. The sally port shall be utilized for any detainee brought into the Processing Center via a squad car. Once a detainee is released, the officer shall move the squad car out of the sally port.

3. When a detainee is brought into the Processing Center from within the general access controlled area of the department, two officers should be involved, absent exigent circumstances, one to maintain control of the detainee outside of the Processing Center while the other officer secures weapons prior to taking control of and bringing the detainee into the Processing Center.
4. Any officer entering the Processing Center shall secure their firearms, knives and batons in the weapons locker located in the sally port or entrance from the main floor of the police department. Pepper spray canisters and Electronic Control Devices (Tasers) are permitted on the officer's duty belt in the Processing Center. If pepper spray is used in the Processing Center, the OIC shall be notified. The Processing Center does not have a separate HVAC system, so pepper spray could spread throughout the building. Note: in an emergency situation, officers are not expected to secure their weapons before entering the Processing Center to render assistance.
5. All detainees entering the Processing Center must be searched by the arresting officer prior to or upon entering the Processing Center. A metal detection wand is available for use in the sally port.
6. The arresting officer shall assume control of their detainee when brought into the facility for processing and shall be responsible for all security decisions.
7. All property of the detainee will be removed from the detainee and placed in a property locker located in the Processing Center, including belts and any other item that may be harmful to the detainee or used to effect escape, cause injury, or damage or deface property. Shoes need not be removed unless a subject is placed in a temporary holding room, and may be left outside the door. If it is necessary to confiscate clothing, due to its potential of being a threat or danger to anyone or its value as evidence, the officer shall provide clean coveralls, which are stored in the Processing Center. Any contraband located will be seized and placed in the Middleton Police evidence system.
8. Any strip or body cavity searches shall be conducted consistent with Strip Search policy 1.7.07 and State Statute [968.255](#).
9. Prior to placing a detainee in a temporary holding room, a search of the temporary holding room shall be conducted for weapons or contraband. Prior to release, a similar search shall be conducted that will also include inspection for property damage. Problems uncovered in these searches shall be brought to the attention of the Shift Commander prior to assignment for use of the temporary holding room or release of the detainee.
10. When temporary holding room assignments are made, assigning officers shall ensure that A/V monitoring devices are operative.
11. Only arresting officers, the Shift Commander or those otherwise directly involved in the processing, testing, or interview/interrogation shall be allowed in the Processing Center when detainees are in the Processing Center.

### ***Restraints***

1. Officers are authorized to restrain persons in custody in accordance with policy 7.1.01 Control of Persons In Custody. Handcuffs or other restraining devices may be removed at the discretion of the arresting officer based upon the conduct of the detainee, the offense for which the arrest was made and related circumstances.
2. Detainees shall not be secured to an immovable object not designed and intended for such use. At the discretion of the arresting officer, based upon the conduct of the detainee, the offense for which the arrest was made or related circumstances, detainees may be temporarily restrained by securing them to a handcuff loop or the cuffing rail in the Processing Center. Juveniles who are being detained only as a runaway, juvenile status offender or illegal immigrant shall not be secured to a handcuff loop or the cuffing rail, nor placed in a locked room.

### ***Detainee Separation***

1. There shall be no contact between juvenile and adult detainees. (Brief accidental or inadvertent contact in the sally port or Processing Center is not a violation of this policy, sustained contact is.) Segregation shall be accomplished through time phasing use of the Processing Center or sight/sound separation within the Processing Center. The Communications Center will facilitate adult/juvenile time phasing when notified of Processing Center use or intended use. When a mixed juvenile and adult cohort is taken into custody together they all may be brought to and sight/sound separated in the Processing Center.
2. Persons who are being detained only as a runaway, juvenile status offender, or merely waiting to post bond or a non-offender shall not be locked in a temporary holding room.
3. Female detainees shall not be placed in a temporary holding room with a male detainee.
4. Detainees who are highly intoxicated, violent or a suicide or escape risk shall be placed in separate temporary holding rooms. Detainees who are incapacitated shall be transported to an alcohol screening facility, hospital, or lockup.

### ***Supervision***

1. The sally port, Processing Center, and temporary holding rooms are under A/V surveillance. Detainees shall be under constant supervision while in the Processing Center or temporary holding rooms. Constant supervision means that an officer is present in the Processing Center and makes face-to-face contact with detainees minimally at 15 minute intervals. Although video monitoring by an officer in the Processing Center and/or a dispatcher is supervision, it does not constitute face-to-face contact with the detainee. Under exceptional circumstances, if there is only one officer and detainee in the Processing Center, the officer may briefly (not to exceed five minutes) leave the Processing Center, but not the facility, after notifying a Dispatcher capable of video monitoring and in radio contact. The dispatcher shall enter searchable CAD notes in the call for "Unattended Detainee Start" and "Unattended Detainee End" times. If the unattended period exceeds five minutes, the officer shall also complete an "Unattended Detainee Report" and submit it for inclusion in the incident report.

2. If there is more than one detainee in the Processing Center, there should be at least two officers in the Processing Center. If there are multiple detainees secured in the Processing Center, the OIC should strive for a 5 to 1 detainee to officer ratio. The OIC has the discretion to have multiple detainees supervised by less than the preferred ratios listed above, given certain conditions such as demeanor of detainees and other emergency situations.
3. The capacity of the Processing Center is eighteen detainees, which includes a maximum of two detainees in each of the four temporary holding rooms and a maximum of ten detainees in the group temporary holding room. If there is more than one detainee in any temporary holding room, they must be properly segregated by age, sex, classification and demeanor. The arresting officer or officer-in-charge shall take those steps necessary to keep the number of detainees within designated limits. This includes efforts to:
  - a. expedite the release of detainees accused of less serious offenses;
  - b. release (after consultation with arresting officers and their supervisors) of detainees being held during interrogation; or
  - c. transfer of detainees to the county jail or to the holding facilities of neighboring law enforcement agencies.
4. Identified sworn personnel from other agencies may utilize the Processing Center, if it is available, by making a request to the Communication Center, which has access control. The Communications Center will notify the Shift Commander. Outside agency personnel utilizing the Processing Center shall follow all MIPD Processing Center rules and regulations. Signs listing significant rules will be prominently posted in the sally port. The Shift Commander should strive to have an MIPD officer assigned to the Processing Center whenever an outside agency officer brings a detainee into the Processing Center. It is recognized that this may not always be possible, or that the assigned MIPD officer may have to leave in an emergency situation.
5. In mass arrest situations, or when the Processing Center has reached capacity or a limit that the arresting officer or Shift Commander believes is unsafe or unworkable, detainees should be transferred or taken to the Dane County jail.

#### ***Duration of Temporary Detention***

1. The duration of temporary detention in the Processing Center is limited to the period of time necessary to accomplish processing, testing and/or interview/interrogation, and the time reasonably necessary to accomplish release or transfer to a lockup, detox center, juvenile reception center, or healthcare or mental health facility.
2. Detainees shall not be held in the Processing Center or temporary holding room for more than two hours after processing, testing, or interview/interrogation has been completed, absent exceptional circumstances and Shift Commander approval.

#### ***Phone Calls and Visitors***

1. Detainees shall be informed that they may utilize the telephone and shall be allowed to do so following test, interview, and processing or within a reasonable amount of time after being brought to the Processing Center. Detainees poised for prompt transport to the Dane County

Jail may be advised that they can utilize the telephone at the jail. With approval of the Shift Commander, phone calls can be withheld if it would compromise an ongoing investigation or officer safety (combative, resistive, threatening, or suicidal subject).

2. The Processing Center is not designed or equipped to safely and efficiently accommodate visitors, and detainees are present only as long as necessary for processing, testing and/or interview/interrogation. Visits should be postponed until detainees are released or transferred to a lockup.
3. Under exceptional circumstances visitations may be made with the approval of the Shift Commander.
4. Visitors shall be required to fully identify themselves and submit to a search. Visitors and detainees should be closely monitored at all times.
5. Preferably, when a detainee needs to meet with someone such as an attorney, the detainee should be removed from the Processing Center and taken to another location for the meeting. The detainee should be carefully searched before leaving and re-entering the Processing Center.

## **Safety and Emergency Operations**

### ***Alarms***

The sally port and Processing Center are video monitored by the Communications Center. Any officer entering the sally port or Processing Center may use a radio duress button, radio, telephone, duress alarm, oral alarm, or any other available means of communication to obtain assistance.

### ***Fire***

1. Smoking is not permitted within the Processing Center by either prisoners or department personnel.
2. The Processing Center shall be equipped with smoke detection devices approved by local or state fire officials.
3. The type and location of fire suppression equipment shall be approved by local or state fire officials.
4. All fire detection and suppression equipment and fire alarm devices shall be tested and/or certified on at least a monthly basis by the Facilities Manager.

### ***Evacuation Plan***

1. Signs indicating evacuation routes will be displayed. The signs will be illuminated, even in a power outage.

2. In the event of a fire, smoke, natural or manmade disaster necessitating the evacuation of the Processing Center; officers will escort all detainees from the Processing Center to the sally port, release room or into the general area of the police department, pending transfer to another facility. The sally port overhead door and pedestrian door leading into the Processing Center will be opened for the Fire Department.
3. In the event of a tornado watch, warning or touchdown, detainees and officers will shelter in place in the Processing Center.
4. All personnel assigned to the Processing Center shall be trained in emergency evacuation procedures, equipment and emergency first aid.

***Detainees with Illness, Injury or Disability***

1. First Aid equipment and AED shall be available in the Processing Center.
2. The Processing Center is not intended for or equipped to handle detainees who require immediate or sustained medical attention. Therefore:
  - a. No detainee shall remain in the Processing Center or otherwise held for interrogation or other purposes who has injuries or illnesses that require hospitalization or attention of a health care professional. This includes obvious cases of injury or illness as well as situations in which detainees:
    - i. suffer from extreme alcohol intoxication or possible drug overdose;
    - ii. exhibit symptoms of severe mental disorder, or
    - iii. shows signs of being a suicide risk.
  - b. If the severity of medical conditions is unclear or if a detainee requests medical attention, a Paramedic unit will be summoned and determine if the detainee should be transported to a hospital.
  - c. If the detainee is transported by ambulance, the arresting officer shall be responsible for following the ambulance transporting the detainee to and security of the detainee while at a designated medical care facility.
  - d. Subsequent detention of such detainees is permitted only with approval of a physician or qualified medical care professional.
  - e. Officers shall fully describe the circumstances surrounding any injuries in their arrest report.

***Death, Suicide and Homicide***

In the event of a death, suicide or homicide in the Processing Center, the Shift Commander and the Communications Center shall be notified immediately. The Shift Commander shall see to it that the Command Staff is notified of the death per the MIPD notification policy. The Investigative Services Bureau Commander will be notified and a decision will be made by the Command Staff as to whether the investigation should be conducted internally or turned over to an outside agency.

### ***Detainee Escape***

1. The best way to avoid escapes is to follow security procedures.
2. Detainee escapes shall be reported immediately to the Shift Commander and the Communications Center. The Shift Commander shall see to it that the Command Staff is notified of the escape.
3. Descriptions, identities and offenses of escapees shall be relayed to all duty personnel as quickly as possible and to adjoining jurisdictions.
4. The Shift Commander shall coordinate intelligence gathering and search procedures among department personnel and other law enforcement authorities as appropriate.
5. The Processing Center shall be secured as soon as possible, all detainees accounted for, and all security doors and devices inspected to ensure proper functioning.
6. The Shift Commander shall initiate investigation of the circumstances surrounding the escape and provide a full report with recommendations to the Chief of Police.

### **Conditions and Sanitation**

1. Within the Processing Center there is access to drinking water and toilet facilities. All detainees shall be afforded reasonable access to water, toilet facilities, and other needs. The toilet should be searched prior to detainee use. The responsible officer shall remain immediately outside the toilet. A/V surveillance is used to maintain a safe environment but shall not be used to invade the personal privacy of detainees using toilet facilities.
2. The Processing Center shall be maintained at all times in a clean and sanitary condition. The facility shall be cleaned on a regular basis in accordance with routines and procedures established by the Processing Center Administrator.
3. Periodic inspection reports shall identify any conditions that are unsanitary or conducive to infestation by vermin and provide time frames for correction or recommendations for equipment or facility improvements necessary to rectify the problem.

### **Record Keeping**

1. The time of detainee entry to or release or transfer from the Processing Center shall be noted in the CAD CFS.
2. The arresting officer shall complete an incident report for all persons temporarily detained in the Processing Center. The report shall include biographical information on the detainee, offense charged or purpose for detention and a complete physical description of the detainee.

3. The officer assigned to the Processing Center when a detainee from an outside agency is brought into the Processing Center is responsible for documenting information about the detainee.
4. A computer check shall be made to determine if the detainee has outstanding warrants.

### **Interview Rooms**

1. Custodial interview/interrogations are normally done in the Processing Center.
2. Personnel who use the interview rooms should recognize the relative isolation they may find themselves in and the fact that cooperative subjects can turn combative. Officer safety should not be compromised.
3. Weapon lockers are available for officer use.
4. Officers shall secure their firearms, knives and batons in a weapons locker located in ISB or at the Processing Center entrances before a custodial or suspect interview/interrogation, and may do so for any interview/interrogation. Pepper spray canisters and Electronic Control Devices (Tasers) are permitted on the officer's duty belt in an interview room or in the Processing Center.
5. A search of the interview room for any weapons, contraband and or dangerous conditions should be conducted immediately before and after the interview.
6. Personnel conducting an interview or interrogation of a person who is in custody must conduct a thorough search of the person prior to entering an interview room. (Custodial interview/interrogations are normally done in the Processing Center.) Persons entering the access controlled area of the department for a non-custodial interview are subject to a frisk or pat-down at the officer's discretion.
7. While conducting a suspect or custodial interview, officers should keep their duress alarm equipped portable radio with them and/or conduct the interview with other personnel present or monitoring.
8. The number of persons permitted in the interview room during an interview or interrogation should be limited to the suspect or witness, and not more than two officers.
  - a. If the suspect is a juvenile, parents may be allowed to be present;
  - b. Juveniles will not be held in the same interview room with any adult suspect;
  - c. Males and females should be kept separated unless they are under observation via video or one way mirrors;
  - d. Family members, clergy or others may be allowed at the officer's discretion; and,
  - e. Attorneys will be permitted access when the person requests one.

6. Interview rooms are equipped for A/V monitoring and recording. Recording shall be initiated for custodial and non-custodial interviews, except that current DA guidelines should be followed for child and sensitive crime victims.

## **Administration**

### ***Responsibility***

1. The Shift Commander designated by the Operations Captain shall be the Processing Center Administrator and have overall responsibility for the administration of the Processing Center and interview rooms, including detainee processing, record keeping, staff training, security, sanitation, maintenance, safety, supervision and the designation of such personnel necessary to safeguard the overall well-being of detainees.
2. The on-duty Shift Commander shall have operational command of the Processing Center and interview rooms and shall ensure their safe and efficient operation as provided in this policy.

### ***Training***

Any personnel assigned duties involving the use of the Processing Center shall first receive training in safety and security procedures, Processing Center operations, supervision and physical restraint of detainees and such other matters consistent with assigned responsibilities, or deemed necessary by the Processing Center Administrator.

All department personnel shall receive basic training and in-service training as required on the application of physical restraints, searching and processing of detainees.

### ***Inspections***

The Processing Center Administrator shall conduct periodic scheduled and ad hoc inspections of the Processing Center sufficient to ensure continued adherence to department policy and procedures. Inspections shall include but are not limited to security, safety, sanitation and emergency equipment considerations. Reports of these inspections shall be forwarded to the Operations Captain.