Chapter 9 - Custody

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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 West Valley City Police Department for processing or testing 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.

900.2 DEFINITIONS

Definitions related to this policy include:

Visual Check- a visual inspection which can be accomplished by video camera, or an officer looking through the window of the holding cell.

Physical Check - a physical check requires that an officer go to the holding cell and check on the status of the detainee(s). Video monitoring of a detainee does not satisfy the requirements of a physical check.

900.3 POLICY

The West Valley City 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.

900.3.1 ENTRY RESTRICTIONS

The temporary detention area is located in the northeast corner of the West Valley City Police Station, adjacent to the detainee processing area and the north sally port. Entrance/Exit doors will remain closed and locked when not in use. The sally port entrance and processing/detention entrance utilize key card access security doors, requiring authorization to enter and exit the facility. Testing and processing also occur in this area where an Intoxilyzer Alcohol-Analyzer is located.

900.3.2 FIREARMS

Officers utilizing the temporary detention area, including processing and testing, must secure their firearms prior to entering the area. The only exception is officers responding to an emergency call for assistance from that area. Officers shall remain cognizant and use caution at all times when detainees are being processed and/or temporarily detained.

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900.3.3 SUPERVISION IN TEMPORARY CUSTODY

Detainees will be monitored at all times. If a physical check is not maintained, detainees must be monitored by way of audio/video devices, and a physical check must be conducted at least every 30 minutes. Officers shall notify dispatch when temporary detention begins and ends. Officers shall record the times when temporary detention begins and ends in the logbook. Detention time shall be kept to an absolute minimum before transporting to a jail or, if the detainee is a juvenile, taken to a juvenile detention facility or released to a parent or guardian. The temporary detention area contains four holding cells. Each cell is able to be remotely viewed via television monitor located in the control room of the temporary detention area.

900.3.4 SCREENING AND PLACEMENT

Detainees will be separated from each other unless an emergency or mass arrest situation exists. Gender identity and any significant affiliations (gangs, relationship, etc.) should be considered if the need exists to place individuals together in a holding cell. Sight and sound separation shall be maintained between all juvenile detainees and adult detainees while in custody at the West Valley City Police Department. If detaining a juvenile in a temporary holding cell and an adult is also being detained, the juvenile is to be placed in holding cell number 4 and the magnetic sight and sound barriers are to be placed over the glass areas. In situations where brief or accidental contact may occur, Department personnel shall maintain a constant presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

900.3.5 RESPONSIBILITY FOR SAFETY AND HEALTH

The arresting officer is responsible for the welfare and safety of the detainee. Detainees who pose a threat to themselves or others may be secured to a fixed or immovable object within the detention facility that is designed and intended for that specific purpose. Detainees will be provided access to water and restrooms, and other needs shall be addressed that may arise during the course of their detention. Any detainee who is not contained in a secure temporary detention area shall be maintained under constant supervision.

900.3.6 TEMPORARY CUSTODY LOGS

A logbook of detainees will be completed and kept inside the temporary detention area which documents:

(a) Case number of the incident.

(b) Name of the detainee.

(c) Age of the detainee.

(d) Sex of the detainee,

(e) Time of the detainee in and out of the temporary detention area.

(f) Personal items removed from the detainee.

(g) Reason for detention.

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900.3.7 MEALS
Meals will not be provided to detainees.

900.3.8 INJURIES
Any injuries shall be documented in the officer's official report.

900.3.9 MEDICAL CARE
Should a detainee appear to become unresponsive or in need of medical care while within the temporary detention area, medical personnel shall immediately be contacted. Officers may enter the room to administer first aid.

900.3.10 GENERAL TIME LIMITATIONS
Without extenuating circumstances, adult detainees shall not be held for longer than six (6) hours. Juvenile detention shall be limited to two (2) hours. In the extraordinary event a detainee is held longer, it will be documented and routed through the officer's chain of command.

900.4 FIRE PREVENTION / EVACUATION / SUPPRESSION

While the temporary detention rooms are fire resistant, necessary precautions will be taken to prevent detainee access to fire source or flammable objects. Smoking is prohibited in all areas of the Police Department. Items which may be used to start a fire shall not be present within the temporary detention area. The temporary detention area is equipped with automatic fire detectors and automatic sprinklers.

If an evacuation becomes necessary due to a fire alarm or actual fire, an officer will remove the detainee by the quickest and safest route, which is noted in the evacuation route signage. Fire extinguishers are located in the detention area. In the event of an actual fire, an employee will pull the fire alarm.

900.5 SECURITY IN TEMPORARY DETENTION AREA

The following security procedures shall be followed:

(a) Each detainee held in the detention area shall be logged into the detention logbook. The detainee shall be logged out of the detention logbook upon transfer or release. The logbook shall be maintained in the detention area.

(b) Prior to placing a detainee in a holding cell, an officer will visually inspect the cell for weapons, contraband, or any other property. The holding cell will also be inspected upon removing the detainee. This will be noted in the detention logbook.

(c) All detainees must be thoroughly searched for weapons, contraband and/or any dangerous weapons or materials prior to being held in the detention area. The Department policy regarding Custodial Searches shall be followed for adults, and the policy regarding Temporary Custody of Juveniles shall be followed for juveniles. Detainees shall be searched by officers of like gender or gender identification, if possible, unless officer/detainee safety dictates otherwise. All Department policies and procedures shall be followed in order to prevent the escape of any detainee.

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(d) When special circumstances exist which indicate the detainee may hurt themselves or others, the detainee's property, to include: wallet, purse, keys, jewelry, belt, suspenders, shoes, hats or headgear, etc. shall be removed, inventoried, and logged on a property receipt and secured in the control room located in the temporary detention area. The detainee shall sign the property receipt upon return of their property.

(e) All evidence, contraband, or unlawful weapons shall be seized and documented on a property receipt. The detention area shall be stocked with necessary evidence and storage bags as well as security containers for needles, syringes or other dangerous material.

(f) Panic or duress buttons are located on each officer's portable radio. Officers conducting business in the detention area shall be equipped with his/her assigned portable radio should the need for assistance arise. These alarms are monitored twenty-four (24) hours a day by communications.

(g) Only authorized personnel may have access to the detention area and to detainees during detention. No visitors will be permitted at any time.

(h) Officers should consider the totality of the circumstances when deciding whether or not to have the detainee remain in handcuffs while being held in the temporary detention area. The detainee should remain handcuffed and a second officer should be present when security concerns arise.

(i) At no time will detainees from other agencies be permitted to be lodged in the temporary detention area.

(j) The holding cells shall be inspected for cleanliness after each use. Bodily fluids, blood, saliva, urine, etc. are to be cleaned with an acid-free cleaner. Protective gloves shall be worn when cleaning the area. The chain of command will be used should significant cleaning needs arise.

900.6 INSPECTION OF THE TEMPORARY DETENTION AREA

On a semi-annual basis, a designee of the Administrative Services Bureau Deputy Chief will conduct an inspection of the temporary detention area utilizing the Temporary Detention Area Inspection form.

(a) The inspection will include the room security; sanitation and cleanliness; safety and fire suppression; locker inspection (guns/property); and inspection of logbook.

(b) At the completion of the inspection, the form will be routed to the Administrative Services Bureau Deputy Chief for review and recommendations when necessary.

(c) On an annual basis, the Administrative Services Bureau Deputy Chief, or designee, will conduct a documented annual review of the temporary detention area to include policy, training, equipment, or disciplinary issues.

900.7 TRAINING

Training for Department members should include initial and annual review, including but not limited to:

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(a) A review of this policy and any related procedures.

(b) Appropriate training on procedures related to using processing/testing areas.

(c) In-service training as required by the Department.

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the West Valley City Police Department facility. Such items can pose a serious risk to the safety and security of Department members, individuals in custody, contractors, and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody Search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, in order to remove all weapons, dangerous items and contraband.

Physical Body Cavity Search - A search that includes a visual inspection of, and may include a physical intrusion into, a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip Search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 PAT DOWN SEARCHES

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances that cause a reasonable officer to believe that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same gender, gender identity or expression, as the person being searched. Absent the availability of a same-gender officer, it is recommended that a witness officer be present during any pat-down search of an individual who is not the same gender as the searching officer.

901.3 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

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Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.4 STRIP SEARCHES

No individual in temporary custody at any West Valley City Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on Department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.4.1 STRIP SEARCHES

(a) Any strip search will be documented in an official police report. Documentation will include, at a minimum, the following:

1. Circumstances necessitating the strip search;
2. Articulable facts, evidence, or other information justifying the probable cause for the strip search;
3. If a search warrant is not obtained, the reason(s) justifying the exigency or necessity to conduct the strip search without a search warrant; and
4. The name and rank of the supervisor who approved the strip search.

(b) All strip searches must be performed by a person of the same gender, or gender identity or expression, if practical, as the person being searched, and in an area where the search cannot be observed by a person not physically conducting the search; however, a supervisor or another officer shall witness the search.

(c) The same search requirements pertaining to being searched by a person of the same gender, gender identity or expression, and privacy apply to juveniles.

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(d) Any officer(s) serving as a backup to the officer conducting the strip search will position themselves outside of the search room, and remain ready for immediate entry into the area where the strip search is being conducted should a problem arise.

(e) In the event a subject becomes combative during the strip search, the gender issues and number of people involved in the strip search will no longer be applicable until such time as the subject's actions are controlled.

(f) At the conclusion of the strip search, officers are responsible for ensuring that the subject is fully clothed and prepared for movement prior to leaving the search area.

901.4.2 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Utah Code 77-7-17.5):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary Department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including (Utah Code 77-7-17.5):

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander's approval.
4. A copy of the search warrant.
5. The time, date, and location of the search.
6. The medical personnel present.
7. The names, sex, and roles of any Department members present.
8. Any contraband or weapons discovered by the search.
9. The procedures followed in performing the search and a description of the body areas searched.

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

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901.4.3 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

901.4.4 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

(a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.

1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

(b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response policy for additional guidance).

901.5 TRAINING

The Training Unit sergeant shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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Arrest Procedures and Detainee Transportation

902.1 PURPOSE AND SCOPE

This policy provides guidelines for the custodial arrest and transportation of individuals in custody of the West Valley Police Department.

902.2 POLICY

Custodial arrests and transportation of individuals who have been detained or taken into the custody of West Valley Police Department shall be conducted in accordance to this policy.

902.3 PROCEDURE FOR MAKING A CUSTODIAL ARREST

When making a custodial (physical) arrest of a person, and officer will:

(a) Inform the person being arrested of the officer's intention, cause and authority to arrest the person. This notice is not required if it will:

1. Endanger the life or safety of the officer or another person;
2. The person being arrested is actually engaged in the commission of, or an attempt to commit and offense; or
3. The person being arrested is pursued immediately after the commission of an offense or an escape.

(b) The officer will search the person incident to arrest.

(c) The officer will place the person in handcuffs, ensuring that the handcuffs are checked for fit and double locked per the policy regarding Handcuffing and Restraints.

(d) If the person is to be interviewed/interrogated, the officer will inform the person of his/her Miranda rights and follow the procedures for custodial interrogations in the policy regarding Investigation and Prosecution.

(e) The officer will notify a supervisor, or approved officer first class, of the arrest and will meet with that supervisor, or approved officer first class, to complete a booking approval.

(f) Once booking is approved, the prisoner will be transported and booked into the booking facility following the procedures outlined in this policy.

902.4 VEHICLE INSPECTION

Prior to each tour of duty, vehicles will be thoroughly inspected for weapons and contraband.

Prior to and following each detainee transport the vehicle will be thoroughly inspected for weapons and contraband.

Any weapons or contraband discovered during such inspections will be documented by the officer in a police report and logged into property.

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902.5 DETAINEE SEARCH AND RESTRAINTS

All detainees must be thoroughly searched by the transporting officer prior to transport. The transporting officer will search the detainee even if the detainee was previously searched by another officer.

All detainees must be restrained prior to transport.

Absent unusual circumstances, detainees will be transported handcuffed behind their backs.

If circumstances such as the detainee's size, physical or mental condition, or transport duration render a behind the back position unreasonable, the detainee may be restrained using belly chain cuffs. If unavailable, handcuffs may be threaded through a belt, belt loop or restraining rope.

Leg irons or restraining rope can be used as leg restraints.

Flex cuffs may be used as hand or leg restraints and must be applied tight enough to restrain the detainee, but not so tight as to restrict circulation.

Handcuffs, belly chain cuffs and leg irons will be double-locked.

If it is necessary to change or alter the handcuffs on a detained individual, officers will utilize caution and control the detainee at all times. Prior to removing the handcuffs, officers shall put the replacement handcuffs on the detained individual, securing and double-locking them. After this is accomplished the first set of handcuffs may be removed.

902.6 DETAINEE / OFFICER TRANSPORT POSITIONS

Absent unusual circumstances, detainee will be transported in the right rear of cage-equipped vehicles, securely seat belted, in an upright position.

Detainees transported in vehicles not equipped with cages by a single officer will be securely seat belted in the front seat. Those transported by two officers will be securely seat belted adjacent to the secondary officer in the rear seat.

Multiple detainees will only be transported in caged vehicles.

Detainees who cannot be transported in an upright position will be transported side prone to avoid injury or death due to positional asphyxia.

902.7 ENROUTE TRANSPORT PROCEDURES

Prior to transport detainees will be properly secured in the transport vehicle with a seatbelt.

Prior to opposite gender transports, officers shall advise Dispatch of the vehicle's mileage.

Detainee transports may only be interrupted to take action to ensure the safety of another officer or civilian and risk to the detainee is minimal. Detainee transport will resume as soon as possible.

During transport the detainee will not be allowed to communicate with any outside parties.

Those detainees requiring restraints other than handcuffs will be transported directly to the appropriate Detention facility.

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902.8 PROCEDURES UPON ARRIVAL AT TRANSPORT DESTINATION

Park the police vehicle in the area designated for receiving detainees.

Weapons will be secured in the transport vehicle's trunk or secure lockers at the facility. Officers must ensure that the trunk is locked prior to removing the detainee from the vehicle.

At the Adult Detention Complex, the detainee will be secured to the rail in the holding area until requested by the corrections officer who will remove the restraints at the conclusion of the booking search.

Verbally inform receiving agency personnel of any potential medical conditions, security issues, or suicide risk and note same in the appropriate spaces on the arrest sheet.

Turn over any required documents to the receiving authorities.

Officers will ensure that all paperwork documenting the transfer of the detainee is included with their report.

902.9 DETAINEE CARE AND PRISONER ESCAPES

Detainee care and security is the responsibility of the custodial officer. The custodial officer will take reasonable steps to ensure the safety and wellbeing of the detainee. The custodial officer will not let the detainee out of his/her sight or control until custody is transferred to another officer or a holding facility.

Should a detainee escape during transport, the officer shall immediately notify Dispatch, the Shift Commander and request emergency radio traffic only on the channel. The officer will provide a description of the escaped detainee, offense, last known location, direction of travel, and perimeter points for a K-9 search.

All reasonable efforts will be made to recapture the detainee, including area search, questioning known associates and family members, and checking locations the detainee has frequented in the past.

If an escape occurs in the jurisdiction of another agency, the officer will notify Dispatch and a supervisor who will relay the information to the agency having jurisdiction.

An offense report will be completed prior to the end of the officer's tour of duty detailing the circumstances of the escape and measures taken to recapture the detainee. The report will be forwarded to the Professional Standards Section via the chain of command.

902.10 SPECIAL SITUATIONS

When a detainee is injured, becomes ill, or complains of injury or illness, fire rescue will be summoned to examine the detainee. Medical clearance must be obtained from either fire rescue or a medical facility prior to being transported to jail. If transport by ambulance is necessary due to the detainee's condition, the detainee will be accompanied by an officer. Two officers will accompany violent and combative detainees.

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Mentally disturbed detainees who cannot be transported using normal procedures will be transported by medical personnel possessing the training, equipment, and skills to safely restrain the detainee. The officer will follow the ambulance to the receiving facility and remain there until the detainee is admitted. If criminal charges are pending, appropriate procedures for those charges will be followed.

Detainees taken or admitted to a medical facility for treatment shall remain in restraints unless removal is medically necessary. Detainees will be visually monitored by an officer. If restraints are removed from violent and combative detainees or those who are an escape risk, two officers are required.

Officers will closely monitor detainees in medical facilities including prohibiting visitors and phone calls, monitoring meals and utensils, remaining alert, not fraternizing with the detainee, and maintaining visual contact.

Officers transporting detainees from one facility to another should positively identify the person as the correct detainee who is to be transported. Any available photographic identification and detention records should be verified before the officer transports the detainee. The transporting officer will secure any applicable documentation associated with the reason for the transportation of the detainee. Any known information related to the detainee's escape, suicide, or security risk should be recorded in the documentation that accompanies the detainee during transport. When a detainee is released from treatment, the officer will obtain a release which will be turned over to the receiving facility.

902.11 PRISONERS CONSIDERED SECURITY HAZARDS

The transporting officer shall notify the appropriate agency or court any time a transported prisoner is deemed a risk. The judge may allow or direct the use of restraining devices inside the courtroom. The transporting officer may request additional personnel for assistance or security.

902.12 MASS ARRESTS OR DETENTIONS

Should the event arise where a large number of individuals are detained or arrested during an event or incident, officers will proceed in accordance with this policy and adhere to the same restraint, transport, processing and confinement procedures that are set forth herein.

In circumstances where multiple individuals are required to be transported at the same time, the Department passenger van may be utilized. A minimum of two officers will accompany the transport for safety purposes. All previously mentioned policy and procedures will be adhered to.

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