

BILL NO.: 4571

ORDINANCE NO.: _____

Introduced by: Council Present

AN ORDINANCE FOR THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #52 "HOLDING FACILITY AND PROCESSING" POLICY

WHEREAS, The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1 The City of Berkeley, Missouri, Council hereby adopts the attached Holding Facility and Processing Policy in compliance the CALEA standards.

Section 2 The attached agreement is hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

Section 3 This Ordinance shall be in full force and effect from and after its passage.

1st Reading this _____ day of _____ 2017

2nd Reading this _____ day of _____ 2017

3rd Reading, PASSED and APPROVED, this day of 2017

Theodore Hoskins, Mayor


ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___

	BERKELEY POLICE DEPARTMENT GENERAL ORDER	GENERAL ORDERS: 52
HOLDING FACILITY AND PROCESSING		
ISSUE DATE: 8/18/17	EFFECTIVE DATE: 9/18/2017	DISTRIBUTION: ALL PERSONNEL
		RESCINDS: ALL PREVIOUS VERSIONS
ACCREDITATION STANDARDS: CALEA 1.2.5, 71.1.1, 71.3.1, 72.1.1, 72.4.1, 72.5.3		NUMBER OF PAGES: 4

PURPOSE: The purpose of this directive is to establish guidelines and procedures for detainee processing and detention.

POLICY: In carrying out the daily duties and responsibilities of law enforcement, it is often necessary to arrest and physically detain persons pending appearance in court, transfer to another facility, or until the immediate phase of an investigation has been completed.

Officers may detain persons for the purpose of processing or questioning as a result of an arrest. Use of interview rooms and detention areas in police facilities by all sworn personnel shall be in accordance with these procedures in order to protect the individual safety, security, and civil rights of all.

DEFINITIONS:

Book-in Facility – the secured area of the police station containing authorized areas for arrestee processing, testing, and detention within secure cells.

Booking – a procedure for admitting an arrestee charged with an offense into the Book-in Facility; includes searching, medical information screening, collecting personal history data, inventorying and temporarily storing the arrestee’s property.

Continuous Supervision – Supervision by an agency member who has the authority and the responsibility to exercise control over a prisoner/detainee and can immediately intervene on behalf of the agency or prisoner/detainee. Video monitoring may be used for continuous supervision only if immediate intervention can be accomplished.

Constant Supervision - The direct, personal supervision and control of a detainee by the attending officer who can immediately intervene on behalf of the agency or the detainee.

Custody - Legal or physical control of a person in an area or facility or while in transit; legal, supervisory, or physical responsibility for a person.

Detainee - A person in the custody of agency personnel and whose freedom of movement is at the will of agency personnel.

Juvenile Delinquent Offenders - Juveniles who are accused of the commission of acts that would be crimes if those same acts had been committed by an adult.

Juvenile Status Offenders - Juveniles who commit acts that would not be considered a crime if committed by an adult but that may subject the child to juvenile or family court jurisdiction.

Interview Room - Rooms specifically designed and intended to be used for the custodial or non-custodial interview or interrogation of persons suspected of being involved in criminal activity, or persons victimized by or witnessing criminal activity.

Processing - Includes pre-booking activities involving detainees in custody, after which detainees may either be released from custody by one of several means or be escorted to a holding facility, at which time they would be booked.

PROCEDURES:

DESIGNATION OF AUTHORIZED AREAS FOR ARRESTEE PROCESSING, TESTING, AND DETENTION [CALEA 71.1.1]

- A. The Book-in Facility within Berkeley Police Department is designated as the authorized area where arrestees are processed, tested, and detained when they are not directly transported to the St. Louis County Jail or some other jail or correctional facility. The Book-in Facility is an option for officers to complete necessary paperwork or upon request by detectives and/or crime lab members of the Criminal Investigations Section who may have a reason to detain the arrestee for investigative purposes.
- B. Holding cells within the Book-in Facility are designated as the authorized areas where arrestees may be held with continuous supervision. Authorized holding cells in the in the Adult Holding Facility for men are Cell #1, #2, #3, #4, #5, women cells are designated as #6, #7 and #8. Juveniles are held in the designated juvenile holding room until processing is completed.
- C. The foyer area upon entry to the Book-in Facility or open areas within the Book-in Facility that encompasses work space for the processing of arrestees and the DUI Testing Rooms just off the open booking area are designated as the authorized areas where arrestees may be processed or tested. Constant supervision of an arrestee is required in areas where processing and testing occur. No arrestee may be left alone in these designated processing and testing areas.
- D. Should a detainee become violent, they shall be properly restrained and may be transported to the St. Louis County Family Court or the St. Louis County Justice Center.
- E. Detainees shall be isolated from other detainees involved in the same case prior to being interviewed.
- F. Investigators shall isolate detainees from victims and witnesses.
- G. No other areas within the Berkeley Police Department are approved for the detention of an arrestee without continuous supervision.

SUPERVISING DETAINEES [CALEA 72.5.3]

- A. Female detainees shall always be physically separated from male detainees, including sight and sound separation.
- B. Juveniles in law enforcement custody should not be left unsupervised and constant visual supervision should be maintained at all times.
- C. Juveniles shall always be physically separated, including sight and sound separation, from adult detainees.
- D. Types of Juvenile Offenders:
 - 1. Delinquent Offenders may be securely held in a holding cell.
 - 2. Status Offenders cannot be held in a locked area for any length of time.

TRAINING ON HOLDING FACILITY AND ARRESTEE PROCESSING

- A. All members responsible for booking and monitoring detained individuals in the Book-in and Holding Facility are provided initial training on the use of detention rooms and areas used for processing and testing. The Patrol Commander is responsible for providing in-service training at least once every four years. [CALEA 72.1.1]
- B. The training should include at a minimum officer safety issues when dealing with an arrestee, resources that are available to personnel during a temporary detention, and contingencies for dealing with unruly or combative arrestees.

PROCEDURES FOR TEMPORARY PROCESSING AND DETENTION

- A. Detention Logs - Officers bringing an arrestee into the Book-in Facility are to complete the Adult Book-in Sheet and Record of Arrest Form or Juvenile Book-in and Record of Arrest Form as appropriate, noting in particular the reason for booking (primary charge) along with date and time in and out of the facility. [CALEA 71.3.1 a]
- B. Accountability for detention - Officers bringing an arrestee into the book-in facility are accountable for the processing, searching, and detention of the individual within the facility. Supervisors of officers booking an arrestee are responsible for supervising and ensuring procedures for processing, searching, and detention are implemented properly. The on-duty Uniform Patrol Division Shift Commander is ultimately accountable for all aspects of detention operations within the holding facility. [CALEA 71.3.1 b]
 - 1. After completing an arrest, officers are responsible for the humane treatment and safekeeping of arrestees and their property.
 - 2. Berkeley Police Department personnel will not use uncomplimentary terms of speech when referring to persons in custody, nor antagonize, insult, or intimidate an arrestee.

- C. Securing arrestees - No member is authorized to allow an arrestee to be left unattended in any processing area or testing room. No member is authorized to allow an arrestee to be left unattended in a locked space or detention cell without continuous supervision (personal or video). [CALEA 71.3.1 c]
- D. All required paperwork, reports and forms are to be completed in their entirety by the arresting officer. The arresting officer will meet with their supervisor, or if not available, another supervisor, to have the affidavit reviewed and approved prior to transport to the St. Louis County Jail. [CALEA 1.2.5]

SECURING WEAPONS [CALEA 72.4.1]

- A. Firearms and weapons control - Officers are not permitted to bring firearms into the Book-in Facility, to include processing or testing areas of the facility or into any detention cell except in emergencies. Firearms are to be secured in lockers provided in the foyer area of the Book-in Facility or the Sally Port before entering the facility. Authorized less-lethal weapons are permitted within the Book-in Facility though officers are reminded to use extreme caution to minimize the potential of an arrestee disarming them. [CALEA 72.4.1]

DRAFTED BY: Eye-Liza Conner	DATE: 8/7/17
BY ORDER OF: ART JACKSON INTERIM CHIEF OF POLICE	DATE: 8/14/17
APPROVED BY: Public Safety Committee	DATE: 8/18/17
APPROVED BY: Berkeley City Council	DATE: 9/18/17