



# ERIE POLICE DEPARTMENT



## Written Directives

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<b>Title: Prisoner Rights and Welfare</b>		<b>Pages: 5</b>
<b>Effective Date: 03/13/09</b>	<b>Review Date: 06/01/20</b>	<b>Amended Date: 03/29/19</b>

### **POLICY:**

It is the policy of the Erie Police Department that persons taken into custody and processed by this department shall be treated in a manner which provides for the safety of all concerned, a respect for human dignity, the preservation of the legal rights and property of the individual, accurate documentation and administrative efficiency.

### **DEFINITIONS:**

**NON-SECURE SETTING:** An area which has the doors unlocked and is not used as a secure detention area. It is also an area, such as the status offender room, where a person in custody may not be handcuffed to any stationary object.

**SECURE SETTING:** Holding cells, a booking room or any room which contains features designed to physically restrict the movement and activities of a person in custody, such as a lock on the door, a cuffing ring or rail, steel bars, etc.

**STATUS OFFENDER:** Juveniles whose only offense or offenses are based on their age. Examples of status offenses for juveniles include Minor in Possession of Alcohol (MIP), runaway, or any other offense which would not be an offense if it were not for the age of the person.

### **PROCEDURES:**

#### **I. BOOKING**

##### A. Custodial Arrest by Officer

When an officer brings a prisoner into the Erie Police Department for booking, the officer shall:

1. Park in the Sally Port;
2. Secure their handgun(s) in the lockbox in the Sally Port;
3. Search the prisoner a second time while handcuffed in the booking area. Begin the booking process or place the prisoner in a holding cell; and
4. Process the prisoner. See B, C, D, E, F and G (on-site arrests) below in this section.
5. If the prisoner is to be transported to jail:

- a. Handcuff or restrain the prisoner as appropriate and secure the prisoner in the patrol car;
  - b. Retrieve handgun(s);
  - c. Activate Body Worn Camera (BWC); and
  - d. Commence transport.
6. If the prisoner is to be booked and released:
- a. The prisoner will be placed un-handcuffed into the holding cell.
  - b. The officer shall then retrieve and holster their handgun(s).
  - c. The officer shall activate their BWC.
  - d. The prisoner will then be taken out of the holding cell and released out the east exit door by patrol.

## B. On-Site Arrests

When someone voluntarily turns themselves in on a warrant or probable cause charges, or a suspect is taken into custody at the police department, the officer shall:

1. Activate their BWC.
2. Instruct the suspect to leave all personal items with either the person they came in with or inside their vehicle. If this is not a possibility, refer to D below;
3. Handcuff and search the prisoner prior to taking them into the secure area of the police department;
4. Place the prisoner into a holding cell in handcuffs and secured;
5. Exit the booking area and secure their handgun(s) in the lockbox in patrol;
6. Un-handcuff the prisoner and process as appropriate;
7. Place the prisoner back in the holding cell, restrained for transport if necessary. For prisoners being released from the east exit door off patrol, prisoners will be placed un-handcuffed into the holding cell;
8. Retrieve and holster their handgun(s); and
9. Transport or release the prisoner out the east exit door by patrol as appropriate.

C. All persons taken into custody and brought to the Erie Police Department shall be photographed. If the prisoner will not be booked into a county jail, they shall be fingerprinted.

- D. If the subject is unable to store his/her personal effects in a vehicle or with someone he/she walked in with, officers shall have prisoners remove all belts, layered clothing, shoes, hats, jewelry and any items in their pockets prior to being placed into a holding cell un-secured.
- E. Officers shall complete the holding cell log.
- F. Officers shall document all property and place property in the property locker marked with the appropriate holding cell where the prisoner is being held. Property not accepted by the jail shall be logged into Property/Evidence for safekeeping or evidence. Property to be transported shall be packaged in the holding area in a bag to be sealed prior to transport. Along with all collected personal property, any jewelry, money, and/or other valuables being transferred to the jail will be specifically catalogued. A copy of EPD's property list will be provided to the Booking Deputy for Boulder County Jail or any jail which requests a copy. It shall be the arresting or transporting officer's responsibility to ensure the Booking Deputy acknowledges the property or receipt of the clear sealed bag containing the property.
- G. When a jail provides their own copy of a property form, a copy of the jail intake sheet documenting the arrestee's property as documented by the jail staff will be collected and submitted with the case file upon return to the EPD. Officers should verify any items of value on the EPD property sheet are also documented on the jail's document.

## II. HOLDING CELLS

### CACP STANDARD 190.7

- A. Officers shall not leave the police department while a prisoner in their custody is in a holding cell, unless there is an emergency and there are other official police personnel in the police department who can monitor the prisoner.
- B. If an officer requires Records personnel to monitor a prisoner in the holding cell, they must notify Records staff prior to leaving the building.
- C. Under no circumstances shall a prisoner be locked in a holding cell without personnel in the police department being capable of monitoring the prisoner and gaining access.
- D. While in the holding cell, a prisoner will be physically checked or monitored on the surveillance system **every 15 minutes**.
- E. Officers shall be responsible for checking the holding cell area for damage and/or contraband before placing and after removal of each prisoner.
- F. The on-duty supervisor or Officer-in-Charge shall be notified immediately of any damage or disabling condition found in a holding cell.

### CACP STANDARD 190.5

- G. In accordance with state law, no prisoner shall be placed into a holding cell within the Erie Police Department **exceeding six hours**.

H. Prisoners shall be sight and sound separated in the holding cells based upon the following criteria:

**CACP STANDARD 190.6**

1. Separation by sex;

**CACP STANDARD 190.5**

2. Separation by age (adult/juvenile); and

3. No more than two prisoners shall be placed into the same holding cell unless authorized by a supervisor or Officer-in-Charge.

I. The on-duty supervisor or Officer-in-Charge will be informed of the number of prisoners located in the holding cell area.

**CACP STANDARD 190.4 & 190.3**

J. All officers shall have a thorough understanding of the following:

1. CRS 16-3-401 Treatment while in custody
2. CRS 16-3-402 Right to communicate with attorney and family
3. CRS 16-3-403 Right to consult with attorney
4. CRS 16-3-404 Duty of officers to admit attorneys

**CACP STANDARD 190.8 & 190.9**

K. If applicable, each prisoner will have an opportunity to make a monitored phone call from the booking area for the sole purpose of arranging for bail or a ride in the case of book and release.

L. If a prisoner is unable to make immediate arrangements for bail, he/she will be transported to the appropriate jail.

M. When a prisoner is in the booking room for processing or the holding cells for temporary detention, the surveillance cameras will be monitored for the following purposes:

1. To ensure there are no problems with booking the prisoner;
2. To ensure the integrity of the process; and
3. To ensure the safety of the prisoner and officer(s).

**CACP STANDARD 190.10**

N. In order to avoid the possibility of invading a prisoner's privacy, the booking officer should inform him/her of the notice on the door of each holding cell. The notice states, "**This cell is monitored by video surveillance.**"

**CACP STANDARD 190.1**

O. Media representatives requesting information concerning the holding cells, prisoners or officers should be referred to an on-duty supervisor, Commander, Deputy Chief or the Staff Duty Officer.

**CACP STANDARD 190.1**

P. Members of the media will not be allowed access to the holding cell area while prisoners (either adult or juvenile) are present.

### **III. JUVENILES**

**CACP STANDARD 190.5**

A. Officers shall not place a juvenile in a holding cell which is not sight and sound separated from any adult prisoner.

B. Juvenile status offenders shall not be placed in a holding cell. They will be placed in the Status Offender room and monitored.

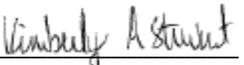
C. If the Status Offender room is not available, officers must monitor juveniles at all times.

**RULES:**

Juvenile status offenders shall never be placed in a secure setting.

**REFERENCES:**

Erie Police Department Policy Chapter 12  
Colorado's Guide: Holding of Juveniles

  
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Chief of Police