

	Operational General Order	14.02 Department Temporary Detention Facilities	PAGE 1 OF 10
	SUBJECT		EFFECTIVE DATE
	Virginia Beach Police Department General Order Chapter 14 - Detainee and Prisoners		08/28/2018
			ORIGINATOR/REVIEW
DISTRIBUTION	ALL		Uniform Division
ALL		CALEA: 71.1.1, 71.2.1, 71.3.1, 71.3.2, 71.3.3, 71.4.1, 71.4.2, 71.4.3	
BY THE AUTHORITY OF THE CHIEF OF POLICE:			

Purpose

To establish guidelines to govern the operation and maintenance of the Temporary Detention Facilities which are the direct responsibility of the Virginia Beach Department of Police.

Definitions (CALEA 71.1.1)

Temporary Detention - Detention of a person for the purpose of processing or testing. Temporary detention is measured in hours and does not involve housing or feeding detainees except in extenuating circumstances. The Virginia Beach Police Department has Temporary Detention Facilities located within the Second, Third and Fourth Precincts designed and approved by the Virginia Board of Corrections for the detention of arrested subjects for up to eight hours. Temporary Detention areas are clearly designated with placards at all entry points.

Holding Facilities – Are a confinement facility outside of a jail where detainees are housed, received meals, and can be detained for periods involving days and overnight stays for a period of not more than 72 hours, excluding holidays and weekends. The Virginia Beach Police Department does not operate a Holding Facility.

Central Booking – the entry point of the Virginia Beach City Jail intended for the processing of prisoners in custody once transferred from Virginia Beach Police Department officers to Deputies of the Virginia Beach Sheriff's Office.

Policy

The Chief of Police shall be responsible for the operation of the Temporary Detention Facilities and ensure conformity with the minimum standards issued by the Virginia Board of Corrections and the Commission on Accreditation for Law Enforcement Agencies.

The commanding officers of the Second, Third and Fourth Police Precincts are accountable to the Chief of Police for the operation of the Temporary Detention Facilities within their respective commands. They are to ensure the following procedures are implemented and adhered to.

Use of Department Temporary Detention Facilities (CALEA 71.3.1 E)

Temporary Detention Facilities are designed and intended for housing arrested subjects for short periods of time, until the subject posts bond or is transferred to the Virginia Beach City Jail. Temporary Detention Facilities are operated by the arresting officers, Precinct Desk Officers; Sheriff's Deputies or trained sworn officers who have received training in the operation of the facilities. Supervisory members are responsible to ensure that each precinct adheres to all the directives of this policy.

- If a PDO, trained sworn police member, or Sheriff's Deputy is not on duty, the Temporary Detention Facility must not accept prisoners and all detainees should be transported to Central Process.
- Temporary Detention Facilities may be used to house detainees for no more than three hours. If it becomes necessary to hold the detainee longer, a supervisor must approve the detention; Under no circumstance will a supervisor approve a detention longer than eight hours;
- Female detainees will be housed separately from male detainees;
- Juvenile detainees will only be housed in Virginia Board of Corrections approved Temporary Detention Facilities, and will be separated from adult detainees by sight and sound at all times, and will be monitored at all times by an officer.
- Visitation from family members, clergy, or attorneys will not be permitted at Department Temporary Detention Facilities. Should visitation be required, the detainees will be moved to the Virginia Beach City Jail and visitation arranged through the Virginia Beach Sheriff's Office.

Physical Requirements (CALEA 71.3.3 (A, B) 71.4.1, 71.4.2)

In accordance with the requirements of the Virginia Board of Corrections, and for the safety and security of detainees and department personnel, Department Temporary Detention Facilities will provide for the following:

- Firearms, ammunition and edged weapons are prohibited in Temporary Detention Facilities at all times unless responding to an armed threat within the facility. Lock boxes are provided at the entrance to each Temporary Detention Facility to provide for the safe and secure storage of the these types of weapons;
- Each detainee will have access to drinking water and toilet facilities;
- Due to the limited time a detainee will spend in a Departmental Temporary Detention Facility, there will be no need to provide food service, a bed, bedding or shower facilities;
- Each Department Temporary Detention Facility will provide adequate lighting, and the circulation of fresh or purified air.
- Emergency exit(s) facilitating evacuation of persons from the facility to hazard-free areas will be designated in writing and posted within the Temporary Detention Facility in an evacuation plan. The evacuation plan will include, all available means of exit and will account for a secure temporary detention area as an alternative to the facility or transportation to another Temporary Detention Facility, hospital (as required) or the Virginia Beach City Jail;
- [REDACTED]
[REDACTED] In addition, officers in Temporary Detention Facilities may utilize department issued portable radios in the event of an emergency.
- Automatic fire detection equipment including alarms and suppression equipment will be provided and maintained in each Temporary Detention Facilities;
- Electronic surveillance systems will be utilized in the Temporary Detention Facility for observation and safety purposes. [REDACTED]
[REDACTED]

Detainee Conduct / Rights (CALEA 71.3.1 A)

Rules for detainee conduct (PD-156) will be posted in both English, and other languages, at a conspicuous location within Temporary Detention Facilities. Arresting officers who discover that a detainee cannot read the rules set forth in this order will read the rules to the detainee. When translation needs are not met, the

detainee, a translator will be arranged for through a supervisor or the detainee will be transported to the Virginia Beach City Jail.

As the amount of time that a detainee is held in Virginia Beach Police Department Temporary Detention Facilities is limited to three (3) hours, and the facility serves to hold detainees temporarily prior to transfer to the City of Virginia Beach city jail, the police department is not responsible for ensuring the court appearances for detainees.

The City of Virginia Beach Police Department is not responsible for the following:

- Ensuring court appearances for detainees
- Providing facilities that allow for confidential access for attorneys
- Providing meals

These functions shall be accomplished by the Virginia Beach Sheriffs Office that operates the City of Virginia Beach City Jail.

Detainees will be allowed to make at least two local or collect long distance telephone calls if requested, each call not to exceed 15 minutes. If the detainee is unable to complete the telephone call without assistance, then a member of the staff should provide such assistance or make the telephone call for the detainee, if so requested. The ability to afford a detainee with the opportunity to make more than two telephone calls will be dependent upon the number of sworn personnel who are available to provide required security associated with the movement of the detainee from the temporary detention cell to the telephone and from the telephone back to the temporary detention cell. No detainee should be permitted to make a telephone call from a telephone that is outside the security areas

If security conditions within the precinct render it unfeasible to permit the detainee to make the telephone call prior to being placed in the temporary detention cell, the detainee shall be afforded the opportunity of placing the call within 60 minutes of being placed in the temporary detention cell or as soon as practical.

Detainees' right to make bond shall not be impeded or delayed by those members working in Temporary Detention Facilities. Once notified that a bond has been posted or the requirements of a release have been made, officers and/or PDO's shall arrange for the release of the detainee as soon as possible. All prisoners that have been arrested for charges, which require that they be processed, shall have all processing completed prior to their release from Temporary Detention Facilities.

Punishment shall not be utilized to correct or discipline any detainee. Tear gas, noxious irritant spray, chemical mace, or any similar device or substance will only be used when other methods of control have failed or an immediate threat of physical injury to an employee or inmate exists. If such substance or device is utilized, it shall be reported to the immediate supervisor, in accordance with use of force reporting guidelines established in General Order 5.01 (Use of Force).

Supervision of Detainees (CALEA 71.3.1 B, 71.3.1 D, 71.3.2, 71.3.3 E, F)

In the interest of the safety and welfare of the detainees during the period for which they are detained in Department Temporary Detention Facilities, Officers or Precinct Desk Officers shall monitor and supervise those detained in the Temporary Detention Facilities. The following provides guidelines for the supervision and monitoring of Temporary Detention Facilities detainees.

- When Temporary Detention Facilities are in use, the on-duty supervisor will ensure that detainees are under constant supervision by the Precinct Desk Officer as well as additional personnel, if required.
- When a detainee is brought to a processing or testing area, they must have constant supervision.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Electronic surveillance equipment will only be utilized for safety and security purposes. The audio part of this equipment allows department personnel to monitor Temporary Detention Facilities and respond to detainees or officers calls for assistance.
- Whenever possible, detainees shall be observed and/or supervised by a staff member of the same sex. If circumstances dictate otherwise, the staff member shall ensure that due regard is shown toward the rights and dignity of the detainees and that another staff member monitors the contact with the detainee.
- No detainee will be supervised by or have any authority over another detainee. If known to the officer or Precinct Desk Officer that a situation such as this is developing, then the detainees will be separated or transferred to the Virginia Beach City Jail.
- Detainees may be secured to immovable handrails designed for this purpose during processing. While secured to the immovable handrail, the detainee will be observed at all times.

Management of Special Detainees

Medical / Mental Illness

If during the pre-detention screening an officer determines that a detainee requires medical care (other than emergency medical care) or is under the care of a mental health professional or is exhibiting characteristics associated with mental illness the detainee will not be detained in a Virginia Beach Police Department Temporary Detention Facility and will be transported to the Virginia Beach City Jail for processing. Officers will be responsible for advising jail personnel of the mental illness concerns associated with the prisoner. In the event that medical issues or mental illness issues are not known to the arresting officer prior to detention, the following guidelines shall apply:

When medical or mental illness issues become apparent, a detainee should be administratively separated (administrative segregation) from other detainees whenever their behavior, mental condition, or other factors are such that they may harm themselves, be harmed by others, or whenever they may cause damage to the facility. After separation, the detainee should be transported to the Virginia Beach City Jail.

If during the pre-detention screening an officer determines that a detainee is under the care of a mental health professional or is exhibiting characteristics associated with mental illness, immediate steps will be taken to ensure proper care or committal. Until an evaluation or treatment is available, the detainee will be housed in a private cell. They will be monitored constantly by the arresting officer or a sworn designee. Under no circumstances will a detainee who is experiencing a mental health crisis be left unsupervised.

Potential for Assault

Additionally, if during initial screening it is determined that a detainee is susceptible to physical or sexual assault or abusive treatment by other detainees, consideration should be given to either transporting the detainee to the Virginia Beach City Jail, or segregating the detainee in an individual cell until transferred. This includes instances where it is suspected that the detainee is a threat to discipline or is vulnerable to attack by other inmates.

Intoxication / Violence

All detainees who are violent exhibit self-destructive behavior, or who are under the influence of alcohol or narcotics to the point of being a risk to their safety or the safety of others shall be segregated from other detainees by either detained in an individual cell or transferred to the Virginia Beach City Jail. EMS will be notified, if necessary. These detainees will be under close observation by precinct personnel until released or transferred.

Administrative Segregation

Prior to segregating inmates from others detained in Temporary Detention Facilities, there must be specific factors, which substantiate the segregation. These risk factors should be documented on the detainees Precinct Detention Record Form (PD-79-3) and the precinct detention log. Included in the information will be the date and time of the transfer as well as the name of the officer(s) making the transfer. Upon transfer to the Virginia Beach City Jail, related to Sheriff's Deputies accepting the transferred detainee.

Detainees transferred to individual cells in Temporary Detention Facilities for administrative segregation purposes are to be afforded living conditions and privileges which are the same as those available to the general population. The precinct detention log will document any detainee moved for segregation purposes at Temporary Detention Facilities and all transfers to the correctional facility which result from administrative segregation decisions and will include the date and time of the transfer as well as the names of the officer(s) transporting the prisoner.

Security Control (CALEA 71.3.1 C, 71.3.3 C, 71.3.3 D)

In order to maintain a secure facility, provide for the safety of detainees, officers and members as well as prevent escape from the facility, officers, Precinct Desk Officer and supervisors shall ensure that only those persons who have authorized access be permitted into secure areas and that:

- All doors giving ingress and egress to Temporary Detention Facilities will be locked at all times. All doors to the cells and "bullpens" will remain secured even when vacant. Doors will only be opened by authorized personnel for purposes of escorting detainees into the cell or out. Additionally these doors can be opened for other emergencies. When a door is secured, it is to be tested to ensure that it is in fact locked.
- [REDACTED]
- Group arrests that exceed the maximum capacity of Temporary Detention Facilities will be handled in a manner prescribed by the highest-ranking on-duty supervisor. Commonly these situations will be handled with cooperation with the Sheriff's Department. For information on mass arrests, see the Virginia Beach Police Department Emergency Operations Plan.
- [REDACTED]
- Positive identification will be made of the person presenting the detainee for detention, including verification of the person's authority to make the commitment. Identification and proof of authority

shall also be required when an officer of another jurisdiction requests to assume custody of the detainee.

- All detainees held in a Virginia Beach Police Department Temporary Detention Facility shall be photographed with the precinct booking cameras. The digital image will be attached to the records generated as a result of the arrest in the records management system.
- Before the detainee is released or transferred to another facility, positive identification will be made of the detainee. The positive identification will consist of a comparison of the detainee presenting themselves for release and the digital image taken at the time of processing or a government issued identification card. Upon release the detainee will be required to sign the Precinct Detention Form, whereupon his personal property will be returned. Upon transfer to another agency, the agency receiving the prisoner will be responsible for signing the Precinct Detention Form for the prisoner's personal property.
- Threats to the facility will be reported to the on-duty supervisor, who will determine the appropriate actions to take in response. This may include evacuating the facility by transferring all detainees to the Virginia Beach City Jail. A memorandum stating in detail all the pertinent facts of incidents that threaten the facility or any person therein and the responses taken will be forwarded to the Chief of Police via the chain of command.
- A Serious Incident Report setting forth, in detail, the pertinent facts of deaths, discharging of firearms, erroneous releases, escapes or attempted escapes, fires requiring evacuation of detainees, hostage situations, and re-capture of escapees shall be reported to the local facilities supervisor of the Compliance and Accreditation Unit/Department of Corrections, or designee. The initial report shall be made within 24 hours by the commander of the precinct in which the incident occurred and a full report completed by Internal Affairs should be admitted by the end of the investigation to the DOC Local Facilities Supervisor assigned to oversee that precinct.
- A strip-search will only be accomplished in accordance with the Code of Virginia and General Order 6.01 (Constitutional Issues.)
- No mail and/or packages will be given to a detainee. Any such transfer will be accommodated once the detainee is transported to the City of Virginia Beach City Jail.
- Non-essential persons including media representatives will not be granted access to populated Temporary Detention Facilities. Media requests to speak with prisoners shall be arranged for once the detainee is transferred to the Virginia Beach City Jail where adequate facilities exist to permit safe access by the media. Access by non-essential personnel is expressly prohibited in emergency situations.
- Maintenance tools will be permitted within Temporary Detention Facilities for maintenance purposes when no detainees are being held. When persons involved in the maintenance have finished, the precinct desk officer will inspect the lock-up area for items left behind. No culinary equipment is allowed in the lock-up area at any time.
- In the event of an escape from the detention area, the following procedures will be adhered to:
 - (1) The precinct desk officer shall immediately notify the E911 Emergency Communications Division to broadcast a BOL and request assignment of units to converge on the area of escape;
 - (2) The precinct desk officer shall notify the highest-ranking on-duty supervisor of the escape;
 - (a) On duty supervisor will ensure that Internal Affairs and Public Affairs Office are notified as soon as practical.
 - (3) The assigned officer will initiate an investigation to locate the detainee by:
 - (a) Canvassing the immediate area;

- (b) Checking all modes of transportation and accesses from the area of escape;
 - (c) Checking area businesses, residences, or other locations that the detainee had been known to frequent;
 - (d) Questioning past associates as to the possible whereabouts of the detainee;
 - (e) Completing an Offense Report (PD-18) under State Codes 18.2-478 or 18.2-479 and any other paperwork required by the supervisor; and
 - (f) Obtaining arrest warrants for escape.
- (4) The search will be terminated by the highest-ranking available police supervisor only after all practical means of apprehension have been exhausted. He will also be responsible for notifying the Communications Division when the search has been terminated or if the escapee has been apprehended.

Inspections / Counts (CALEA 71.3.3 E, 71.3.3 F, 71.4.2, 71.4.3)

Those responsible for the operation of the Temporary Detention Facility share the responsibility for inspections and counts as follows:

- [REDACTED]
- Prior to placing a detainee into an unoccupied cell, the arresting officer will conduct a security check, including a search for weapons and contraband. In addition, a cell should be checked when it becomes unoccupied. Any conditions observed that would cause a safety or health hazard shall be reported immediately to supervisory personnel either verbally or in writing.
- Daily, at the beginning of the day shift, the Precinct Desk Officer will conduct a documented inspection of the following:
 - A search for weapons and contraband of the Temporary Detention Facility
 - A visual inspection of fire suppression equipment; and
 - The presence of vermin and pests;
 - Audit the number of keys associated with the facility to ensure that all are accounted for.

Procedures for the daily inspections shall be maintained by each precinct with an operational Temporary Detention Facility, and disseminated to the affected personnel. All defects observed will be reported in writing and will be repaired or replaced immediately or prior to the use of the Temporary Detention Facility. Inspections will be documented in the Temporary Detention Facility Log Book.

- Weekly, the Administrative Supervisor of the precinct shall conduct a documented inspection of the following:

- Fire suppression equipment;
- Sanitation inspection of all facility areas.
- The Temporary Detention Facility Log Book

Deficiencies will be repaired or replaced immediately or prior to the use of the Temporary Detention Facility. Inspections will be documented in the Temporary Detention Facility Log Book and submitted to the Commanding Officer of the precinct that houses the Temporary Detention Facility.

- In accordance with the City of Virginia Beach Fire Code, the Administrative Supervisor will arrange for the testing of fire suppression equipment at least every 12 months. The results documented in the Temporary Detention Facility Log Book. Written reports of the fire inspection shall be on file with the facility administrator.
- The Administrative Supervisor shall establish, maintain, and promulgate a plan for fire prevention, evacuation, and suppression for each Temporary Detention Facility. Each plan shall include at a minimum:
 - The prohibition of smoking within the facility
 - The responsibility to search prisoners for matches, lighters, or other devices which may be used to cause a fire
 - The location and use of fire suppression equipment for each facility
 - The persons responsible for evacuating the facility
 - The procedures for evacuation
- An administrative review pertaining to all the procedures outlined in this policy will be conducted at least once a year to determine if there are any changes needed to meet the needs of the Department and the safety and welfare of the detainees.

Health Services

Emergency Medical Services (EMS) will be notified in the event a detainee is in need of medical assistance. While awaiting EMS, first aid should be given and a supervisor will be notified. First aid kit(s) containing items approved by a licensed physician will be available at all Temporary Detention Facilities. These kits will have a documented weekly inspection and be replenished as necessary. An officer will accompany any detainee removed from Temporary Detention Facilities for a medical condition to a treatment facility until relieved by a sheriff's deputy.

No member of this department will give any prescribed or non-prescribed pharmaceutical to a detainee. An officer will transport detainees who are in need of prescription medication to a medical facility or to the Virginia Beach City Jail. If the detainee's condition indicates an apparent deterioration either by a necessity for a known pharmaceutical or as the result of any other type of illness, he will be transported to a medical facility by emergency medical services (EMS), accompanied by an officer, or treated at the scene by a state-certified emergency medical technician.

Processing / Records (CALEA 71.3.1 A, 71.3.3 A)

Upon arrival at the detention facility with an arrested subject, every officer will secure any firearms, ammunition and/or edged weapons in a locker provided for that purpose. Police Department approved less lethal weapons (Electronic Control Devices, ASP and Oleoresin Capsicum) may be carried within occupied

secured Temporary Detention Facilities and used for self-defense as needed in accordance with General Order 5.01 (Use of Force.) Officers may only carry lethal weapons into an occupied Temporary Detention Facility in response to an armed threat. A supervisor will be immediately notified after any deployment of any type of weapon (lethal or non-lethal) and/or any entry into the facility of a lethal weapon in response to an armed threat.

When processing an arrested subject into a Temporary Detention Facility, the officer will complete a Precinct Detention Record Form (PD-79-3) that will contain the following information:

1. Arrest information (attached);
2. Apparent physical condition;
3. Personal property inventory and disposition; and
4. Photographs and fingerprints (attached when applicable).

An itemized inventory of the detainee's property will be listed on the Precinct Detention Record Form (PD-79-3) when the detainee is brought into the facility. Upon completion of the inventory of property and the notations regarding the condition of the detainee, the Precinct Detention Record Form will be signed by the detainee confirming the accuracy of the inventory. If the detainee refuses or is otherwise incapacitated (intoxicated) a witness should sign the form and it should be notated on the form why the detainee did not sign. The arresting officer/detective will be permitted to conduct a thorough search for weapons and contraband; however strip searches and cavity searches will only be conducted in accordance with the code of Virginia and the provisions of General Order 6.01 (Constitutional Issues.) All items (with exception of the detainees clothing) will be secured away from the detainee in lockers provided for this purpose until returned to the detainee or transferred to the Virginia Beach City Jail (Central Processing). The detainee will not be allowed to retain any clothing, such as shoelaces, belts or draw strings that could be used by the detainee to harm themselves or others.

When the detainee is admitted to Temporary Detention Facilities, they will be informed in writing of procedures for gaining access to medical services. Detainee Rights and Conduct (PD-156) will be conspicuously posted within Temporary Detention Facilities. When additional language barriers exist, arrangements for an interpreter may be made via a supervisor, or the detainee may be transported to the Virginia Beach City Jail where medical care is more readily available

When capturing information as to the medical conditions of the detainees, the officers shall document the following on the Precinct Detention Record Form (PD 79-3):

- Apparent current health assessment of the detainee: Ask the detainee if they has any major medical problem;
- Medications taken by detainee;
- Behavioral observations, including apparent state of consciousness and apparent mental status; and whether they are:
 - Conscious and alert/coherent, or
 - Conscious but not alert or incoherent, etc;
- Notation of body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.

Upon the completion of the inventory of property and the notations regarding the condition of the detainee, the Precinct Detention Record Form will be signed by the detainee or a witness confirming the accuracy of

the inventory. Copies of the Precinct Detention Record Form (PD-79-3) shall then be distributed as follows:

- White Copy – Shall be attached to the container or bag containing the property of the detainee. Upon the detainee’s release, the detainee will sign the white copy acknowledging the receipt of the property. In the event of a transfer to the Virginia Beach City Jail, the white copy will be signed by the Deputy Sheriff taking custody of the detainee acknowledging the receipt of the property. The white copy will be returned to the Precinct Desk Officer at the Temporary Detention Facility for retention.
- Yellow Copy – Shall be provided to the detainee.
- Pink Copy – Shall be retained by the Precinct Desk Officer until the return of the white copy, then destroyed.

Upon processing a detainee into a Temporary Detention Facility the precinct desk officer will enter required information in a Detainee Log Book. This Logbook will contain at a minimum:

- Date and time of detainee entry and departure;
- Names of the person arrested;
- The arresting officer;
- The charge(s);
- A brief physical description;
- The cell occupied,
- When time checks were made;
- Bond information;
- Number of telephone calls;
- Events pertinent to a detainee’s medical treatment.

The contents of the detention log book for the previous year will be removed on January 1st of the current year and stored in accordance with the Retention Schedule as set forth by the Library of Virginia, “Retention and Disposition Schedule.” The Precinct Detention Record Form (PD-79-3) will also be held for the same period of time and then destroyed. Until the destruction has been made, the detention logbook and Precinct Detention Record Forms will be kept in a secure area so as to safeguard the detainee’s records from unauthorized disclosure. Only sworn personnel, precinct desk officers, may view the detainee’s records. Disclosure of these records to others shall be coordinated by the Professional Standards Office, Custodian of Records.

Training: (CALEA 71.2.1)

All sworn personnel and precinct desk officers (PDO) who are in direct contact with detainees incarcerated within the confines of the Temporary Detention Facility will receive documented training consistent with their assignments. This training should include but not be limited to: security procedures, rights and responsibilities of detainees, emergency medical procedures, detention procedures for adults and juveniles, handling of mentally disturbed and handicapped persons, fire suppression, methods of applying physical restraint and first aid. **At least once every three years all personnel who are in direct contact with detainees will receive retraining.** The Office of Personnel and Training shall coordinate the training as required.