

Operating Procedure – Wauwatosa Police Department

PROCEDURE: Adult & Juvenile Detainee Lockup Procedure

CHAPTER & SECTION: 7.1.1

DISTRIBUTION: All Employees

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I. INTRODUCTION

The purpose of this operating procedure is to provide officers, detectives, and supervisors with guidelines to be used when utilizing the Wauwatosa Municipal Lockup facility to hold adult inmates or juveniles who are alleged to have committed a delinquent act. While considering the standards set forth in the Wisconsin Department of Corrections Administrative Code, Chapter DOC 349, these procedures are designed to assist in providing safe and sanitary conditions for those being held until their release. This procedure rescinds OP #22-01.

II. DEFINITIONS

A. 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. Sec. 938.02(1), Wis. Stats. 2015-16.

B. 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. Sec. 938.02(10m).

1. **Adjudicated:** The juvenile is found by the court to have committed the offense – status or delinquent.

2. **Delinquent:** The juvenile has committed an offense that would be criminal if committed by an adult.
 3. **Non-Offender:** The juvenile is dependent, neglected, or mentally ill and not involved in delinquency. 28 C.F.R. ss 31.304(i) (1996).
 4. **Juvenile Offender:** means an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law, i.e., a criminal-type offender or status offender. 28 C.F.R. ss 31.302(f) (1996).
 5. **Secure:** When a juvenile is physically detained or confined in a locking interview room or holding cell or is handcuffed to a stationary object. The juvenile is not free to leave the building.
 6. **Secure Custody Status** – means the status of a juvenile in a lockup facility, which begins when the juvenile is *brought into the secure area* and which ends when the juvenile is released from custody or is removed from the secure portion of the police station.
 7. **Status Offender:** The juvenile has committed an offense that would not be criminal if committed by an adult; e.g., running away, curfew, truancy, possession of tobacco, underage drinking, non-criminal traffic offenses and other offenses that if committed by an adult would not be a criminal act. 28 C.F.R. ss 31.304(h) (1996).
- C. Cell:** means a secure room designed and used as a sleeping room for one person confined in a lock-up facility.
- D. Health Screening Form:** means the form or forms developed by a lockup facility to obtain admission information relating to each inmate's medical and dental condition, medical illness or disabilities, mental illnesses, developmental disabilities, alcohol or other drug abuse problems and suicide risk. This form should be completed as soon as possible / practical in order to address any health concerns identified by the inmate: *the recommendation is as soon as the person is brought into the booking room, and prior to the booking process, read the form and document responses.*
- E. Holding Room:** means a *secure* room in the lockup facility designed for holding, after arrest, one or more inmates of the same sex and security classification.
- F. 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.

- G. Prisoner Property for Safekeeping Form:** a form developed to document a prisoner's property that is prohibited from being transported to the Milwaukee Criminal Justice Facility and that is being kept for safekeeping. A current list of prohibited items will be attached to the prisoner processing packet kept in the booking room. ***Make two copies of the completed form – the original remains with the property taken for safekeeping, a copy is to be provided to the prisoner being transported and the third copy is to be delivered to the Records Clerks. The Records Clerks will scan the completed document into the associated case/name file through the Phoenix module.***
- H. Special Needs Inmate:** means an inmate who is identified or suspected of having a medical illness or disability, mental illness, a developmental disability or alcohol or other drug abuse problem or who is a suicide risk.

III. PROCEDURE

A. Jail Inmate Property Register

All sections of the Jail Inmate Property Register or Juvenile Property Register should be legibly completed prior to a detainee being placed into a cell or holding room. Initially, every applicable section of the form through "property taken by" should be completed.

The "cell check" log should begin with the date and time of the lock up and continue through release of the inmate. Whenever there is activity with the inmate (i.e., prisoner check, removed from the cell for an interview, to make a phone call, lunch provision, etc.) the time of removal from the cell and return to the cell **must** be recorded and initialed by the officer / clerk. Upon release, all sections of the "property returned by" section should be completed. In the event of a detainee's refusal to cooperate, the "witness" section should be signed by the "witnessing officer". Ensure the yellow carbon copy is removed and placed with the prisoner's property for Chain of Custody record keeping.

B. Medical Intake Report

All sections of the Medical Intake Report should be legibly completed prior to a detainee being placed into a cell or holding room. Special attention should be placed on questions a detainee answers in the affirmative. Officers, detectives, and supervisors should use the "If yes..." section next to each question of the "prisoner questionnaire" to elaborate specific illnesses, medications, surgeries, etc. The Medical Intake Report should be signed and dated by the officer, detective, or supervisor completing the form. Refusals to cooperate with sections of the form beyond the officer's visual opinion should be noted on the form. This form should be completed as soon as possible / practical (*ideally within the first*

few minutes of bringing the prisoner into the booking room) in order to address any health concerns identified by the inmate.

C. Mandated Deoxyribonucleic Acid (DNA) Collection

Beginning April 1, 2015, 2013 Wisconsin Act 20 provides for the collection of DNA in certain cases. Please refer to the DNA Collection Operating Procedure to determine if you need to collect a sample from your suspect.

D. Physical Security Checks

A department staff member is required to complete a physical security check of any **adult detainee** placed in either a cell or holding room a minimum of once every 60 minutes at irregular intervals and every 15 minutes at irregular intervals for those having been identified as or suspected of being a special needs inmate. Adult detainees can be held for up to 72 hours.

A department staff member is required to complete a physical security check of any **delinquent juvenile detainee** placed in either a cell or holding room a minimum of once every 20 minutes at irregular intervals and every 15 minutes at irregular intervals for those having been identified or suspected of being a special needs inmate. Delinquent juvenile detainees can be held for up to 6 hours total. Reminder: the time for juveniles begins when they enter secure booking.

Corresponding documentation of the checks should include: date, time, by whom, and a comment on the detainee's well-being (i.e. sleeping, standing, sitting, awake, etc.). Surveillance cameras in the cells or holding room are considered a supplement to physical security checks and not as an alternative.

In the event that an adult or juvenile is *not* checked in accordance with the minimum times listed in this policy, the Administrative Lieutenant should be notified via email. The Administrative Lieutenant will document the occurrence in the jail inspection file.

E. Juveniles

1. DOC 349.21 (2) (b) requires adults and juveniles be separated by sight and sound. Therefore, adults and juveniles who are within the secure perimeter of a lockup facility simultaneously should remain separated by sight and sound.

(a) **Sight and sound contact:** Any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and adults.

(b) **Sight contact:** is defined as clear visual contact between in custody adults and juveniles within close proximity to each other.

- (c) **Sound contact:** is defined as direct oral communication between in custody adults and juvenile offenders.
- 2. **Tracking Juvenile Custody Time** – All juveniles entering the secure booking area, even those not necessarily being locked up, shall have the Juvenile Property Register and Cell Check form completed. This form will be used for time documentation of the juvenile's time in the secure booking and lockup area. These times are limited as noted below:
 - (a) **Delinquent Juveniles:** A juvenile alleged to have committed a delinquent act should not be held more than 6 hours in a secure custody status.
 - (b) **Juvenile Status Offenders:** A juvenile alleged to have committed a status offense should be removed from secure custody upon completion of the booking intake process – not to exceed one hour.

F. Unusual Occurrence Notification

- 1. A department supervisor must notify the detention facilities specialist (inspector) within 48 hours of the incident for the following:
 - (a) Inmate death in custody
 - (b) Attempted suicide by the inmate resulting in hospital admission due to physical injuries sustained during the attempt
 - (c) Inmate escape or attempted escape
 - (d) Significant damage to lockup affecting safety or security

WI – DOC Office of Detention Facilities
819 N. 6th Street Room 122
Milwaukee WI 53203
(414) 227-3997

Leaving a voice message is considered notification.

Any notifications made to the detention facilities inspector should also be forwarded to the Administrative Lieutenant for follow up.

G. Sanitation of Cells and holding Room

After a cell or the holding room has been utilized by a detainee, a custodial work slip should be forwarded to the front desk. The front desk will forward the request to the custodial staff so the cell or holding room can be cleaned and the toilet area sanitized prior to reuse.

H. Provision of Food

A department staff member is required to *offer* food to any detainee held more than 8 hours. A cell check notation should be made whether or not the detainee accepts or declines the meal.

I. Physical Environment

Officers, detectives, and supervisors using the lockup facility should remain alert to the condition of the doors, locks (locking ability), lighting, HVAC, emergency exits, and other conditions related to the security and safety of detainees. Potential defects or hazards should be reported to the administrative lieutenant as soon as possible. Urgent repairs can be brought to the attention of the facility repairman directly with a message left for the administrative lieutenant.

J. Transporting Officer

1. A list of prohibited items that CJF will not accept is posted in the booking room. Any property that will not be transported to the CJF with the prisoner must be:
 - (a) Entered into property for safekeeping.
 - (b) Documented on a "Prisoner Property for Safekeeping form." The original should stay with the property taken for safekeeping and a copy should be provided to the prisoner being transported. ***A third copy is to be delivered to the Records Clerks. The Records Clerks will scan the completed document into the associated case/name file through the Phoenix module.***

IV. REFERENCES

- A. Wisconsin Department of Corrections Administrative Code, Chapter DOC 349
- B. Wisconsin State Statute Definitions
- C. Code of Federal Regulations
- D. Wisconsin Act 20
- E. Wauwatosa Police Department OP 8.1.1 - Collection, Preservation, Maintenance and Disposal of Evidence/Property
- F. Wauwatosa Police Department OP 8.1.4 – D.N.A. Biological Sample

V. ADDENDUMS

- A.** Medical Intake Report – Booking only/Short term
- B.** Medical Intake Report – Lock up/Long term
- C.** Safekeeping Property Log

A handwritten signature in cursive script, appearing to read "Luke Vetter".

Captain Luke Vetter

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