


<b>MELROSE POLICE DEPARTMENT</b>		Department Manual: Policy No. <b>3.03</b>
<b>DETAINEE PROCESSING</b>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</b> <b>REFERENCED: 1.2.5(b)(c); 1.2.8; 61.1.11; 72.1.3; 72.4.1; 72.4.4; 72.4.5; 72.5.1; 72.5.2; 72.5.3; 72.5.4; 72.5.5; 72.5.6; 72.6.1; 72.6.3; 72.7.1;</b>		<b>GENERAL ORDER</b>  <b>21-10</b>
Effective Date: June 25, 2003 Revised: <b>March 21, 2021; July 7, 2021</b> <b>REFERENCES: See Pages 10 &amp; 11</b>	<b>Issuing Authority</b> <i>Michael L. Lyle</i> <b>Michael L. Lyle</b> <b>Chief of Police</b>	

**MELROSE POLICE DEPARTMENT**

**I. POLICY**

It is the policy of the Melrose Police Department to:

- A. Protect the constitutional rights of detainees during booking while protecting the safety of department employees and detainees. This policy shall be followed during all booking procedures including a courtesy booking procedure for other law enforcement agencies.

**II. PROCEDURES**

**A. Arrival at Station**

1. When officers transporting a detainee arrive at the police facility, they shall notify the dispatcher over the cruiser radio of their arrival time and the odometer reading of their vehicle.
2. FIREARMS: [72.4.1](#)

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- a. The transporting officers shall remove their firearms and secure them according to the following procedures:
  - Upon arrival at The Melrose Police Department Officers shall enter through the west alley rear door.
  - Upon exiting their cruisers Officers shall immediately place their service weapons in the gun lockers located just inside the rear door.
- b. No firearms are allowed in the booking room or holding facility during the processing or detention of detainees.  
[72.4.1](#), [72.5.6](#)
3. **DOORS:** When a detainee is being processed, the door to the booking area may be secured during the booking process. Once the booking process is completed the detainee will be escorted to the cell block area where the outside door will be shut and locked. The detainee will be checked for contraband. Only authorized personnel are allowed in the booking/cell block area during processing. [72.4.4](#)
4. **USE OF TELEPHONE:** The detainee will be informed orally by the booking officer that [s]he has the right to use the telephone, and that [s]he will be allowed to exercise this right upon completion of the booking process, or within one hour of arrival at the station, whichever first occurs.<sup>i</sup> [72.7.1 c](#)

### **B. Searches and Handcuffs**

1. In the presence of the Officer In Charge/ booking officer, and prior to the removal of handcuffs, the transporting officers shall conduct a full and thorough search of the detainee's person for weapons. If a transporting officer is not of the same sex as the detainee, an officer or other department employee of the same sex as the detainee, if available, should conduct the search.
2. Handcuffs shall remain on detainees until the booking officer instructs that they be removed. In making the decision to remove handcuffs from a detainee, the booking officer should consider the conduct of the arrestee, the offense for which the arrest has been made, and the recommendations of the arresting and/or transporting officers.
3. When the handcuffs are removed from the detainee, [s]he shall be ordered to remove all articles or items of personal property that [s]he is carrying on his/her person.

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4. After the detainee claims to have removed all personal effects from his/her person, [s]he will be subject to a full search of his/her person by an officer of the same sex, including a search of all outer clothing worn by the detainee. In the case of a female who is arrested when there is no female officer on duty, a female employee may be called in to do the search. The handcuffs may be removed from the detainee, and the booking officer may proceed with the booking procedure until the female employee arrives to conduct the inventory search. In no case shall a detainee be placed in a cell until a determination has been made that the detainee has been fully searched for all property and contraband. Female officers from outside departments may also be requested for searching a female detainee. If a search must be conducted by an officer of the opposite sex, the OIC shall be present during such searches. **72.5.1 a**
  
5. STRIP/VISUAL BODY CAVITY SEARCHES: For a through explanation of the procedures utilized in conducting a strip search, please reference the [Holding Facility Policy 72H \(page 4-5\)](#). A strip search or visual body cavity search of a detainee is warranted only if officers have **probable cause** to believe that the detainee is concealing contraband or weapons on his/her body.<sup>ii</sup>
  - a. All strip searches and visual body cavity searches must be approved by the officer-in-charge. **1.2.8. a**
  - b. The officer/employee conducting the strip/visual body cavity search shall not touch or prod any body part.
  - c. All strip searches and visual body cavity searches shall be conducted by an officer/employee of the same sex and out of the public view. Only the individual conducting the search should be able to see the person being searched. A private room shall be used when available. **1.2.8 b**
  
6. MANUAL BODY CAVITY SEARCHES: Body cavity searches shall not be conducted without the express approval of the officer-in-charge and a search warrant signed by an appropriate judge.<sup>iii</sup> **1.2.8 a**
  - a. Manual body cavity searches shall be conducted by medical personnel, in a private and hygienic setting and in a medically approved manner.<sup>iv</sup> **1.2.8 b**
  
7. REPORT OF ALL STRIP/BODY CAVITY SEARCHES: The investigating officer shall document the probable cause and the results of the search in the arrest report. **1.2.8 c**

**B. Inventory of Belongings 72.5.1 b**

1. An inventory search of the detainee shall be conducted.
  - a. Any container or article found on the detainee's person or carried by the detainee shall be opened and its contents inventoried.
  - b. Papers, documents or other writings found on the detainee's person may be examined only to the extent necessary to check his/her identity, ensure his/her physical safety, ensure the removal of items dangerous to cell administration, and protect the department from charges of theft. Any search of a detainee's papers or other possessions for investigative purposes may be affected only upon obtaining either the arrestee's consent, preferably in writing, or a search warrant.
2. REPORT: The officer conducting the search shall complete an inventory report, in a form designated by the department, listing in detail all of the property belonging to and taken from the arrestee during the search.
  - a. The report shall be signed by the arrestee and witnessed. (If the arrestee refuses to sign the report, that fact should be noted on the report.)
3. STORAGE: All items removed from the detainee shall be marked for proper identification and placed for safekeeping in a secure area or locker designated as a depository for valuables or personal effects of a detainee. Melrose Police Department is NOT responsible to store detainee's personal effects over a 30 day period. **72.5.1 c**

**D. Computer Checks**

1. A computer wanted check in IMC/CJIS/OpenFox, AKA (Q1) shall be run on all persons arrested or held in protective custody. The hard copy produced will be attached to the intake form.
2. A Board of Probation (B.O.P.) check shall be run on all persons arrested by this department who will be bailed from this facility. The hard copy produced will be attached to the intake form.
3. A suicide check, AKA (Q5) query shall be run on every person to be detained in the department's holding facility, and the hard copy produced shall be attached to the intake form.

**E. Booking Report 72.1.3; 72.5.2 a, b**

1. The booking officer shall fill out an intake form (Booking Report) on every person taken into custody by this department. All booking records shall be kept in a secure file located in the Records Bureau with access limited to authorized persons. All files are password protected by computer access. These forms shall serve as the permanent arrest/detention record of the individual arrested/detained, and shall contain:

- a. Biographical data on the detainee including: name, address, social security number, telephone number, date and place of birth, age, marital status, names of parents and spouse. Any refusal to answer any of these questions shall be noted on the form.
- b. Information about the crime including the offense(s) with which the individual is charged and the arresting officer's name(s).
- c. Physical description of the detainee, including: sex, race, height, weight, color of hair and eyes, complexion, build, scars, marks, or tattoos, and physical condition, i.e., body deformities, trauma markings, bruises, lesions, and ease of movement.
- d. Property inventory and disposition. **72.5.2 b**

2. The booking officer will notify all detainees that the Melrose Police Department is not responsible for personal property left unclaimed after a thirty (30) day period. A notice of this claim will be affixed to the intake form by the booking officer for the detainee to sign.

*(Notice: Any property left at the Melrose Police Department over thirty (30) days shall be disposed of in accordance with department policies as posted in cell block and booking area.*

**F. Fingerprinting and Photographing**

1. All persons arrested by this department shall be fingerprinted and photographed which is standard operating department procedure.<sup>v</sup> with exception of juveniles. (See Policy 3.01, Juveniles Arrest Procedures)  
**1.2.5 b, c**

**G. Bail and Arraignment 72.7.1 a, b**

1. Detainee's shall be informed of the right to bail and afforded the opportunity for bail.<sup>vi</sup> Arrestees have the right to a prompt bail hearing.<sup>vii</sup>

2. If the court is in session when the booking process and all related arrest reports are completed, it shall be the responsibility of the officer-in-charge to ensure that the arrestee is transported to the court without delay.<sup>viii</sup>
3. If the court is not in session when the booking process and all related reports are completed, the detainee shall be confined in the holding facility until bail can be arranged, or if bail cannot be arranged, until the next session of the court.<sup>ix</sup> It shall be the responsibility of the officer-in-charge to ensure that an arrestee's opportunity to make bail is not impeded.

## **H. Suicidal Detainees**

1. Any detainee who exhibits any signs or symptoms of suicidal behavior or whose name appears on the Q5 query, shall be put on an immediate suicide watch until transported to the nearest available hospital or medical facility for evaluation. In the event that an individual brought to a hospital or medical facility for evaluation is returned to the holding facility for detainment, the officer-in-charge shall institute a suicide watch until such time as the detainee is released from custody or transferred to another agency.
2. Whenever any detainee attempts or threatens suicide within the holding facility, the officer-in-charge shall, within twenty-four hours of such incident, record in the criminal history systems board computer the name, address, and age of the detainee, the charge or reason for detention, and the nature and date of the attempt or threat.<sup>x</sup>

## **I. Detainee's Rights**

1. During the booking process, the Booking Officer shall:
  - a. Inform the detainee of his/her rights, including the right to consult with an attorney, by reading the Miranda Warning from a printed card, prior to asking any questions.
  - b. Inform the detainee again of his/her right to the use of the telephone. [S]he shall be allowed to exercise his/her right in order to contact family or friends, to arrange for bail, or to contact an attorney at the completion of the booking process.<sup>xi</sup> **72.7.1 d**
    - i. Toll calls will be made at the detainee's expense.
    - ii. Officers shall allow calls of a type, number and duration that are reasonable and practical.

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- iii. If a detainee is provided a monitored or recorded telephone, [s]he shall be informed of the monitoring (unless by court order) and a sign shall be posted in English and other language(s) prevalent in the community unless an audible signal is given on the telephone after detainees are told they are recorded or monitored. **72.7.1 e**
  - c. When arrested on a warrant, the arrestee shall, upon request, be provided with a printed copy of the warrant contained in the warrant management system within six hours of the request.<sup>xii</sup>
2. OUI ARRESTEES: Any person arrested and held in custody for operating a motor vehicle while under the influence of intoxicating alcohol or drugs, shall: **61.1.11**
- a. Be informed of his/her right to a doctor's examination by giving him/her a copy of G.L. c. 263, s. 5A unless a copy of that section is posted in a conspicuous place to which the arrested person has access.<sup>xiii</sup>
  - b. Be advised of the implied consent law and the right to a breathalyzer test by the booking officer who shall read from a printed card.<sup>xiv</sup>
  - c. If the arrestee agrees to take the breathalyzer test, the test will be administered by a certified operator, and the results will be made available to the arrestee by showing him/her the digital display of the second test and the printed test record produced.

If the arrestee requests an independent medical examination, the booking officer shall facilitate the arrestee's release on bail in order to provide a reasonable opportunity for the examination.<sup>xv</sup>

- d. Impoundment of a motor vehicle pursuant to Melanie's Law:

Any motor vehicle operated by a defendant at the time of an arrest for operating under the influence of alcohol, directs officers to impound the vehicle driven by the defendant at the time of arrest, for a period of twelve (12) hours, if the defendant refuses a breathalyzer test. There are two (2) important points to remember under this circumstance:

- a. It does not matter who owns the vehicle. The vehicle must be impounded if it was driven by the defendant.
- b. The mandate only refers to vehicles being driven by operators who refuse the breathalyzer.

***\* This is obviously a problem since officers normally impound vehicles before a defendant decides to submit to a breathalyzer. The District Attorney's Office has recommended that***

*police officers be instructed to impound any vehicle operated by a defendant at the scene and adhere to the following guidelines.*

Any operator who refuses or fails a breathalyzer test: Hold the vehicle for a minimum of twelve (12) hours.

Any operator twenty-one (21) or older: Release the vehicle if they submit to a breathalyzer and have a reading of .05 or less.

Motorists under twenty-one (21): If they submit and have a reading of .02 or above, hold the vehicle for a minimum of twelve (12) hours.

\* *Special Bulletin issued to all MPTC Instructors on 02/14/06 by the Massachusetts District Attorney's Association.*

## **J. Removal to Cell**

1. Prior to placing a detainee in a cell within the holding facility, or immediately after removing an individual from a cell the removing officer(s) shall conduct a security search of the cell, including a search for weapons and contraband. Any unusual conditions observed shall be reported to the Officer in Charge or his/her designee. [72.4.5](#)
2. Whenever an officer closes a cell door to incarcerate a detainee, [s]he shall test the door to be sure it is securely locked. Any problems in securing a cell door shall be reported to the officer-in-charge, who will file a written report to the chief of police or his/her, designee. [72.4.4](#)

## **K. Medical Screening and Treatment Procedures**

1. The detainee shall, upon arrival at the station and before transfer to another facility, be received and screened by the Booking Officer. This screening shall consist of a brief inquiry into: [72.6.3](#)
  - a. The current health of the detainee; [72.6.3 a](#)
  - b. Any medications taken; [72.6.3 b](#)
  - c. Behavioral observations, including consciousness and mental status; and [72.6.3 c](#)
  - d. A notation of any obvious trauma markings, bruises, lesions, jaundice, difficulty of movement, etc. [72.6.3 d](#)



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2. All observations shall be noted on the intake form.
3. In compliance with the statute requiring an examination of detainees by the officer in charge of the police station, the officer-in-charge, if [s]he is not the Booking Officer, shall also enter the booking area and examine the detainee for cuts, bruises or other injuries.<sup>xvi</sup> If any injuries do exist, the officer-in-charge shall inquire as to whether these injuries were sustained during or prior to the arrest. [S]he shall instruct the Booking Officer to make a notation of the injuries on the intake form. The officer in charge shall fill out the IMC **Booking Tab/Persons Check/Medical Section**. An e-mail can be sent to The Chief of Police for review.
  - iii. Medical treatment shall be arranged for any detainee in need of medical treatment. See departmental policy and procedure on **Custody of Detainees Policy 3.04**
5. No employee shall be allowed to go beyond the scope of his/her training in administering to the emergency or special medical needs of any person held in the custody of this department. This scope is determined by the level of emergency medical training of the individual members of the department (i.e., CPR, First Responder, EMT, etc.). **72.6.1**

### **L. Group Arrests and Overflow Situations 72.5.6**

1. In the event of a group arrest, detainees arriving at the station will be placed in a holding cell or otherwise secured as directed by the officer-in-charge. If placed in a holding cell, detainees shall be monitored face-to-face visual observation until each detainee has completed the booking process and secured in a holding cell for court arraignment.
2. Detainees will be brought to the booking desk one at a time to be booked and processed.
3. If, as the result of a group arrest, or at any other time, the officer-in-charge determines that the number of persons to be detained in the holding facility will exceed the number for which the facility was designed, The OIC may authorize the overcrowding on a temporary basis.
  - a. The temporary overcrowding of this area is permitted under these circumstances until such time as the overcrowding situation can be reasonably be relieved, by transferring detainees (to Stoneham PD, Malden PD, Wakefield PD or Saugus PD) or release on bail of persons being held.

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- b. In order to accomplish this, the officer-in-charge shall examine the list of detainees and attempt to expedite the bail of the less serious offenders.
- c. If release of a sufficient number of detainees to relieve the overcrowding of the holding facility is not possible, the officer-in-charge shall request the use of Stoneham PD, Malden PD, Wakefield PD or Saugus Police Departments holding facilities, with the use of department personnel to maintain security and control, if requested by the other department.
- d. The officer-in-charge is authorized to call in such additional personnel as may be necessary to satisfy the additional requirements of the overflow situation.

### **M. Handling Juveniles and Females:**

1. When a child between the ages of 7 and 18 is arrested with or without a warrant, the departmental policy and procedure **Juvenile Arrest Policy 3.01** shall be followed.
2. Juveniles shall not be booked at the same time as adult arrestees.  
[72.5.3](#); [72.5.6](#)
3. Females shall not be booked at the same time as male arrestees.  
[72.5.3](#); [72.5.6](#)

### **N. Receiving Persons from Outside Agencies [72.5.5](#)**

1. Before a detainee is accepted for detention in the department's holding facility by a person unknown to the personnel on duty at the station, such person shall be required to show a badge and appropriate credentials that certify his/her authority to make the arrest and commitment.
2. The officer-in-charge is responsible for ensuring that the person delivering the detainee has the authority to make the arrest and commitment and, if any questions arise, the OIC may call the agency that the person represents to confirm his/her identity and authority.
3. Only when the officer-in-charge is satisfied that positive identification of the detainee and the person delivering the detainee for confinement are legitimate shall the detainee be received into the department's holding facility.

**O. Video/Audio Recording During Booking 72.8.2**

1. It shall be the policy of the Melrose Police Department to video record detainees during the booking process and during the time of which they are detained in the Holding Area. The audio/video process shall be used to ensure the safety of prisoners, and is not intended and will not be used to violate the privacy of prisoners. Additionally, the video of detainees during the booking process is not intended for evidentiary purposes but solely to ensure the safety of the detainees and officers. The Officer in Charge has the ability to activate audio recording in the booking room.
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<sup>v</sup> M.G.L. c. 63, s. 1A

<sup>vi</sup> M.G.L. c. 276, s. 42

<sup>vii</sup> M.G.L. c. 276, s. 58

<sup>viii</sup> M.G.L. c. 276, s. 58

<sup>ix</sup> M.G.L. c. 276, s. 58; *Com. v. Finelli*, 422 Mass. 860, 666 N.E.2d 144 (1996)

<sup>x</sup>M.G.L. c. 40, s. 36A

<sup>xi</sup> M.G.L. c. 276, s. 33A

<sup>xii</sup> M.G.L. c. 248, s. 26

<sup>xiii</sup> M.G.L. c. 263, s. 5A

<sup>xiv</sup> M.G.L. c. 90, s. 24

<sup>xv</sup> *Com. v. King*, 429 Mass. 169, 706 N.E.2d 685 (1999); *Com. v. Finelli*, 422 Mass. 860, 666 N.E.2d 144 (1996)

<sup>xvi</sup> M.G.L. c. 276, s. 33