


MELROSE POLICE DEPARTMENT		Department Manual: Policy No. 3.09
Detainee in Custody at a Medical Facility		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 70.3.1, 70.3.2		GENERAL ORDER 21-16
Effective Date: July 14, 2021 Revised: January 12, 2024	Issuing Authority <i>Kevin Faller</i> Kevin Faller Chief of Police	

I. BACKGROUND:

Detainees who are ill or injured require special consideration during transportation and treatment at a medical facility. Adherence to proper procedures for transporting and guarding detainees is essential to ensure both the rights of the detainee and the safety of Melrose Police Department (MPD) officers, detainees, medical staff and the general public. **70.3.1**

II. POLICY:

This policy is to establish guidelines in corporation with Emergency Medical Service transporters (contractual ambulance service) and area medical facilities for the safe confinement of detainees, in the unlikely event that it should become necessary to treat or admit a detainee due to injury or illness.

III. TRANSPORT SECURITY ASSESSMENT:

When transporting a detainee, officers should contact and discuss (absent exigent circumstances) the movement with the on-board ambulance EMT's prior to the ambulance transport. Consideration should be given to nature of the injury or illness, the detainee's mental state, escape risk, severity of criminal charges and prior history of the detainee if known. Absent exigent circumstances, a Patrol Supervisor or Officer-in-Charge at the MPD will make the final determination regarding escape and security risk the detainee presents prior to transporting the detainee.

IV. PROCEDURE:

A. Transportation to a Medical Facility from MPD Headquarters:

- A detainee who requires medical treatment will be transported without delay to a medical facility by ambulance. **70.3.1, 70.3.2**
- An officer shall accompany the detainee in the ambulance and maintain custody. At least one officer should be the same sex as the detainee, if possible.
- When authorized by the Officer-in-Charge, and the transporting medical personnel, the officer(s) may travel in a cruiser, following the ambulance.
- Suitable medical restraints should be considered, to secure the detainee. Handcuffs may not be appropriate, if detainee injuries are severe and require immediate attention during transportation by EMS attendants who may not be able to remove them if necessary (eg: defibrillation).
- The use of handcuffs is the preferred method of securing a detainee, however, the officer who is present in the ambulance shall discuss safety issues with EMT's. If handcuffs will not interfere with the medical care of the detainee, they shall be used.
- Transporting officers should have EMS personnel or Melrose Control notify the facilities security division by telephone to advise them prior to arrival of any security risks associated with the detainee, whenever possible.
- Medical facility personnel should be made aware of medical and mental health issues, as well as escape, suicide potential or security risks, although in some cases, no actual transfer of custody will occur. MPD personnel have an obligation to alert receiving facilities of these safety and health issues.

B. Immediate transport after arrest:

- Injuries or illness may dictate immediate transport from the scene of an arrest directly to a medical facility. This medical transport should be done by ambulance. In that situation, the booking procedure will occur at a later time. **70.3.2**
- Detainees shall be searched and all property removed from their person.
- Property will be inventoried securely stored and returned upon release.
- If the detainee is admitted to a medical facility, their property will be documented as part of the booking information and held at Headquarters according to standard booking procedures.

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- The existence of any injuries will be properly documented in the detainees Arrest Report and if applicable in a Use of Force Report or Supervisors After Action Report (vehicle pursuit, Taser).
- Detainees have the right to use a telephone within one hour of their arrival at a police station. Officers should consult a supervisor to determine when this may be permitted if the detainee is expected to remain at the medical facility for an extended period of time.

C. Arrival at a Medical facility for evaluation and treatment:

- Officer(s) shall closely monitor the detainee to guard against escape, suicide or assault on officer or facility personnel.
- During examination and treatment, the detainee shall remain in the custody and presence of the officer(s) unless emergency medical circumstances prevent it.
- At secure facilities such as Bridgewater State Hospital, if required, officers may consider securing firearms when requested to do so by facility personnel, if it is tactically safe to do so, and a suitable officer-controlled firearms locker is available.
- Officers will record all voluntary statements made by a detainee concerning the commission of a crime.
- If a physician requests that handcuffs be removed for medical treatment, the officer may remove them. The officer will remain with the detainee after the handcuffs have been removed and stay with the detainee at all times. After treatment the detainee will be re-secured with handcuffs.
- Patients at a high medical risk who may need to be defibrillated may have a facility approved restraint in place of handcuffs.

D. Admission to a Medical Facility:

- If a detainee is admitted to the facility, the Department will provide twenty-four hour security coverage.
- Officers will be relieved at the facility periodically.
- Officers guarding a detainee at a medical facility shall have a photograph of the detainee in their possession to aid in the apprehension of the detainee, in the event of an escape. This should be an initial or previous booking photograph or a photograph taken at the medical facility, if possible.

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E. Precautions to be taken:

- Maintain constant supervision of the detainee to guard against escape, suicide, or assault on officers or medical facility personnel.
- Continue the use of restraints. At a minimum, one extremity will be handcuffed to the bed or stretcher if it does not impair the detainee's medical care or condition.
- Meals may only be allowed during after a 24 hour admission. Meals may only consist of food provided by the hospital. Meals should be examined and consist of food able to be consumed with no utensils (sandwich). No utensils should be allowed. All unconsumed food should be accounted for. 7.3.2
- Monitor all personal contacts with facility staff.
- Take note of any unusual occurrences.
- Avoid fraternization with the detainee.
- No telephone calls will be made by the detainee. 7.3.2

F. Visitors:

- **Detainees in custody, who have been admitted to a medical facility, are considered in custody and may not have visitors.**
- **An attorney requesting to speak with detainees will be allowed only with a court order on his person. The OIC should be notified of such an order prior to allowing the attorney access. The following stipulations shall be adhered to if an attorney has access;**
 - **The detainee will be handcuffed to the bed before the officer steps outside the room.**
 - **The door to the room will remain open during the visit.**
 - The officer will remain just outside the door at all times to listen for unusual sounds, while not being in a position to overhear conversations.
 - Officers shall make periodic checks of the room, while limiting interruption of the attorney client privilege. 70.3.2
- Officers shall remain with the detainee until a scheduled relief officer arrives.

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- If a scheduled relief officer does not arrive, contact the on-duty Officer-in-Charge for instructions. Under no circumstances shall the detainee be left alone for any reason except exigent circumstances which can later be documented by the officer whose responsibility it was to guard the detainee. Exigent circumstances shall be confirmed and documented to the Patrol Division Commander and the Chief of Police by the on-duty Officer-in-Charge.

G. Release from the Medical Facility:

- Upon release from the medical facility, all instructions for further treatment and medication should be obtained in writing and signed by an attending physician.
- The detainee shall be searched prior to being transported to Melrose Police Headquarters, to a different holding facility, to a court or by ambulance to another medical facility.