

# ELIZABETH POLICE DEPARTMENT GENERAL ORDERS

**VOLUME: 5**

**CHAPTER: 7**

**# OF PAGES: 29**



**SUBJECT: TEMPORARY DETENTION**

**EFFECTIVE DATE:**  
March 30, 2021

**ACCREDITATION STANDARDS:**  
3.1.1f, 5.2.1, 5.3.1, 5.3.2, 5.3.3, 5.3.4, 5.3.5

**BY THE ORDER OF:**  
Deputy Chief Giacomo Sacca

**BY AUTHORITY OF:**  
Police Director Earl J. Graves

**SUPERSEDES ORDER #:**  
Volume 5 Chapter 7 dated March 2020 and June 2020

**PURPOSE:** The purpose of this order is to provide employees with guidelines regarding the use of temporary detention facilities and the processing of detainees.

**POLICY:** It shall be the policy of this agency to detain and process detainees promptly. Once arrested, detainees will be brought to headquarters for processing. The release of a detainee shall be per court rules. Detainees are not held for more time than it takes to interview and process them properly. Officers shall respect the civil rights of all detainees and immediately report any violations to their supervisor.

## PROCEDURES:

### I. Reference Material

- A. [New Jersey Title 10A Corrections, Chapter 34, Municipal Detention Facilities.](#)
- B. [New Jersey Title 5 Uniform Fire Code, Chapter 70.](#)
- C. [New Jersey Title 13 Detention of Juveniles in Municipal and Other Adult Facilities, Chapter 94.](#)
- D. [Federal Prison Rape Elimination Act of 2003 \(PREA\).](#)

### II. Definitions

- A. Detain means any holding of a person in police custody, whether the pending court or other disposition of charges filed or to be filed against the person, or under circumstances where the person is being held on account of serious danger to the person's health or safety.
- B. Detainee is applicable to male/female adult detainees and male/female juveniles placed in protective custody.
- C. Detention means a situation in which a person is being detained.
- D. Juvenile means an individual who is under the age of 18 years.
- E. Non-offender means a detained juvenile, other than one charged with an act of delinquency or a status offense.
- F. Non-secure custody means detention in conditions such that a juvenile is not being held in secure custody.
- G. A processing / testing room is defined as a room or area used by sworn personnel to process (fingerprint and photograph) and or test (administer breath tests or field sobriety test) detainees.
- H. Secure area means a building or an area within a building that restricts the mobility of an individual in custody through the use of hardware or architectural features.
- I. Secure custody means detention in conditions such that the individual is held in a secure temporary detention room or other secure areas (**locked in and left unattended**);
- J. Sight and sound separation mean the maintenance of physical separation between a juvenile and a securely held adult so that both sustained visual contact and direct and sustained oral communication between them is not possible.

- K. Status offender means a juvenile accused, charged or adjudicated for conduct that, under the laws of the jurisdiction in which the conduct took place, would not be a crime if committed by an adult, or a juvenile detained protectively because the juvenile's health or safety is in serious danger.
- L. Status offense means conduct that, if committed by an adult would not constitute a crime in the jurisdiction in which the conduct occurred.
- M. A temporary detention room is defined as a location (room or cell) where a detainee is **locked in and left unattended**, while they are not being processed.

### III. Administration

- A. The Chief of Police or their designee shall be responsible for developing written policies and internal management procedures consistent with all applicable regulations as outlined in N.J.A.C. 10A:34.
  - 1. In compliance with 10A:4-1.5, all written policies and internal management procedures shall be available during an inspection by designated staff of the New Jersey Department of Corrections.
- B. Our municipal detention facility shall be in conformance with all applicable public health, fire, safety, and sanitation codes set forth by the State of New Jersey and the county and municipality. (10A:34-2.3a).
- C. Any new construction, alterations, additions, and repairs of the municipal detention facility shall comply with the State Uniform Construction Code Act, N.J.S.A. 52:27D119 et seq., the Uniform Construction Code Rules, N.J.S.A. 5:23-1.1 et seq., and with N.J.A.C. 10A:34 (10A:34-2.3b).
  - 1. A letter of intent to construct or renovate a detention facility shall be submitted to the Coordinator, Bureau of County Services, New Jersey Department of Corrections (address below), by the authority responsible for the detention facility.

State of New Jersey  
Department of Corrections  
Whittlesey Road  
PO Box 863  
Trenton, NJ 08625
  - 2. Upon receipt of the letter of intent, the Coordinator, Bureau of County Services, shall furnish technical assistance throughout the planning process to assure that the detention facility complies with N.J.A.C. 10A:34.
  - 3. All plans and specifications shall be submitted to the Coordinator, Bureau of County Services, New Jersey Department of Corrections, and copies also shall be submitted to any other authorities as required by law.

4. Contracts for new construction, alterations, additions, and repairs shall not be executed until final plan approval is received in writing from the Coordinator, Bureau of County Services and other authorities as required by law.
- D. The detention facility shall be in compliance with the New Jersey Uniform Fire Code, 5:70, in all aspects of fire safety (10A:34-2.3c).
- E. The detention facility shall be in compliance with orders from a court of jurisdiction, and applicable Federal and State codes, regulations and laws, as amended and supplemented (10A:34-2.3d).
- F. Temporary detention areas shall not be used as storage areas (10A:34-3.1b).
- G. This agency maintains a key control system (10A:34-3.1) for our cells and cell block. The system provides for a primary set of keys to be stored with the cell block desk officer. All keys are marked and identified to match the corresponding room door it locks/unlocks. A secondary set of keys shall be maintained as a back-up.
- H. Detention Facility Record Keeping.
  1. The operation of the Municipal Detention Facility requires accurate record keeping. This is the responsibility of all employees who are responsible for generating, storing, releasing, and/or destroying official records.
  2. All records generated through the operation of this department's Municipal Detention Facility shall be retained, stored, released, shared, and destroyed in accordance with the following:
    - a. N.J.A.C. 10A (New Jersey Municipal Detention Facility Standards)
    - b. New Jersey Juvenile Justice Commission regulations
      - a). N.J.A.C. 2A:4A-60 (Disclosure of juvenile information)
    - c. New Jersey Administrative Code
    - d. The Records Retention Schedule for our type of government organization ([M900000-006](#) / Municipal Police Departments)
- I. Protection from Abuse (N.J.S.A. 10A:34-4.5 / 28 C.F.R. Part 115.131).
  1. All persons detained, arrested, or lawfully confined to a Municipal Detention Facility shall be protected by Municipal Detention Facility staff from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.
  2. Our department's operational policies (e.g., supervision and care of detainees, security, medical, suicide prevention and control, sanitation, and detainee pat searches) are implemented, reviewed regularly, and enforced

to protect detainees in our custody. Active monitoring, mandatory detainee supervision and checks, and staff training further reinforce these measures.

3. In accordance with the [Federal Prison Rape Elimination Act of 2003](#), 42 [U.S.C.](#) 15602 et seq., our police department maintains zero-tolerance for any incidence of sexual abuse/misconduct. All applicable regulations set forth by the Act shall be adhered to in all interactions with detainees, arrestees, and prisoners. Measures are undertaken by this department toward the prevention, detection, monitoring, and response to any incident/alleged incident of sexual abuse/misconduct.
  - a. Any reported incidents are referred to our Internal Affairs, the Union County Prosecutor's Office, and county jail administrator(s), if applicable.
4. Appropriate disciplinary action shall be taken against facility staff who engage in abusive behavior and, when necessary, these cases will be referred to the Union County Prosecutor's Office. This department's Internal Affairs is the primary source that handles relevant cases. Our department adheres to relevant guidelines as outlined in this policy, the New Jersey Municipal Detention Facility Standards, the department's rules and regulations as it relates to officer conduct, and the department's ethics statement that is maintained current and enforced.

#### **IV. Authorization of Processing and Temporary Detention Rooms**

- A. The following rooms/areas are authorized for use in the temporary detention, processing, and testing of detainees:
  1. Temporary Detention: The only locations authorized to hold a detainee in a secure custody situation is a cell (room) that has been approved for such use by the New Jersey Department of Corrections. This includes:
    - a. The two-tier adult holding facility.
    - b. The secure holding room.
    - c. The Narcotics Section holding room.
    - d. Juvenile holding facility
  2. Processing: The only location authorized is as follows:
    - a. Adult processing.
    - b. Juvenile processing.

#### **V. Training of Agency Personnel**

- A. All personnel charged with the supervision of detainees shall be provided with training (10A:34-4.1) on the use of the temporary detention and processing room, supervision and care of detainees, and special training for supervision and care of detainees of the opposite gender, as follows:
  - 1. New personnel shall receive training as part of their initial training.
  - 2. Veteran personnel shall receive in-service on a triennial basis (once every three years).
- B. Training for the [Federal Prison Rape Elimination Act of 2003](#) shall be conducted as follows for all affected employees.
  - 1. The department shall train all employees and volunteers who may have contact with detainees to be able to fulfill their responsibilities under the department's sexual abuse prevention, detection, and response policies and procedures, including training on (28 [C.F.R.](#) Part 115.131a):
    - a). The department's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment
    - b). The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable in a police department lockup setting
    - c). The right of detainees and employees to be free from retaliation for reporting sexual abuse or harassment
    - d). How to detect and respond to signs of threatened and actual abuse
    - e). How to communicate effectively and professionally with all detainees, and
    - f). How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities
  - 2. All new employees and volunteers who may have contact with lockup detainees shall receive PREA training during their initial department indoctrination training (28 [C.F.R.](#) Part 115.131b).
  - 3. The department shall provide annual refresher information to all such current employees and volunteers, who may have contact with lockup detainees, to ensure that they know the department's current sexual abuse and sexual harassment policies and procedures (28 [C.F.R.](#) Part 115.131b).
  - 4. The department shall document, through employee signature or electronic verification, that employees understand the training they have received (28 [C.F.R.](#) Part 115.131c).

## **VI. Temporary Detention Room Procedures**

- A. Procedure for entering the cell block and securing firearm:
1. The transport vehicle is to stop at the outer sally port door and notify the front desk personnel of their arrival.
  2. When the outer sally port door is opened, the transport vehicle is to enter the sally port and wait until the exterior door is completely closed.
  3. Before removing the arrest/prisoner from their vehicle, both officers are to secure their firearms in the lockbox located inside the sally port.
  4. Only after both officers' firearms are secured are they to remove the arrest/prisoner from the rear compartment of their vehicle.
  5. After entering the cell block, the arresting/transporting officers are to ensure that the inner sally port door is closed before removing the handcuffs from the arrest/prisoner.
  6. When the arrest/prisoner has been processed (arrest card completed, personal property tagged and secured) and placed in a holding cell, then and only then are one or both officers authorized to re-enter the sally port, retrieve their firearms, and exit the sally port in their vehicle.
  7. At no time shall the inner sally port door be opened while officers are securing or recovering their firearms from the lockbox.
- B. The following information, at a minimum, will be documented for every detainee who is held:
1. Name;
  2. Gender;
  3. The reason for custody (charges);
  4. The date and time of admission into the facility;
  5. The date and time of release from the facility;
  6. Meals, if any, that were provided during the detention; and
  7. The date and time of each face to face check with checking staff member's signature or ID.
- C. The arresting officer (or their designee) and the shift supervisor shall be responsible for the supervision of and are accountable for the processing (e.g., fingerprinting, photographing, and testing), searching, and temporary detention of all detainees held within the facility (10A:34-4.1).

- D. The arresting officer (or their designee) shall be responsible for securing a detainee in a temporary detention room and shall be responsible for monitoring unattended detainees within the secured temporary detention room in accordance with the provisions of this policy.
- E. Detainees may be temporarily restrained to a fixed object if they are currently being processed. If a detainee is secured to a fixed object, it shall be one that is designed for such use.
  - 1. Detainees who are a danger to themselves or others may be secured by handcuffs to a fixed object only as a temporary solution. The detainee who is a security risk should be placed into more restrictive restraining gear as quickly as possible and placed into a temporary detention room.
- F. Male, Female, and Juvenile detainees shall be kept separate from one another by sight and sound and not placed into the same temporary detention room. If separation is required, the officer should utilize a temporary detention room for the detainee who is not currently being processed.
  - 1. Except as may be necessary when incidental to initial processing, sight and sound separation shall be maintained at all times between a juvenile and an adult held in secure custody. This requirement applies equally with respect to non-offender juveniles, status offender juveniles, and juveniles detained for an act of delinquency.
  - 2. Decisions as to the placement of individuals into single or double occupant cells shall be made based upon the safety and security concerns for the detainee.
  - 3. All detainee searches shall be in compliance with General Order V3C5 Search procedures.
- G. Removal of Personal Property:
  - 1. Any article or object, which might be used to inflict injury to the detainee or others, be used as a means of escape or can be used to mark or damage any part of the temporary detention room shall be removed. These articles should include, but not limited to:
    - a. Belts;
    - b. Shoe laces;
    - c. Neck ties;
    - d. Cigarettes and lighting devices;
    - e. Jewelry and piercings (Implants into bones should remain in and seek medical opinions if necessary), and

- f. Any other object or item of clothing that might be readily adapted to inflict injury.
2. All non-evidentiary articles removed from a detainee shall be inventoried, adequately safeguarded, signed for by the detainee, and a copy of the inventory/property report provided to the detainee.
  - a. The inventory/property report will include a statement notifying the detainee that any personal property not being held as evidence must be claimed by the detainee or their representative within 30 days, or be subject to disposal after reasonable efforts to contact the detainee or his/her representative have been exhausted.
  - b. The detainee will be offered the opportunity to provide the name and contact information of a representative who may be contacted for the sole purpose of retrieving detainee property prior to disposal.
  - c. Refusal of a detainee to sign the inventory/property report or provide representative information will be documented on the inventory/property report. (ie. "refused to sign", "refused to provide information")
  - d. If a detainee is to be confined to the county jail, all detainee property in excess of county jail intake limits will be held for safekeeping in the property room. If, after 30 days the detainee or his/her representative fail to retrieve the excess property, it will be subject to disposal.
3. Arresting officers encountering prisoner property which is exceptional, valuable, or sensitive items requiring extra precautionary/verification measures (defines as: all money, drugs, firearms blood/other body fluid, precious metals, jewelry, and gemstones with a value greater than \$500.00) shall follow the procedures set forth in *General Order Vol. 5, Ch. 6, Property and Evidence Section E*.

H. Smoking:

1. Detainees will not be permitted to smoke any cigarettes, cigars, or other smoking devices while detained in a temporary detention room.

**VII. Body Worn Audio/Video Recorder (BWR)**

- A. It is the policy of the Elizabeth Police Department to utilize body-worn video/audio recorders (BWR) to assist agency personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident.
  1. All officers in a transport vehicle must activate their BWR when transporting an arrestee/prisoner.

2. The officer's BWR shall always remain activated while the officer is in the presence of the arrestee/prisoner. BWRs can be turned off when an arrestee is turned over to the cell block personnel for processing, not before.
3. BWR stays activated until the following:
  - a. Arrestee/prisoner is secured in a cell
  - b. Custody of the arrestee/prisoner has been transferred to the county jail personnel.
  - c. Arrestee/prisoner is with hospital/medical/mental health personnel. However, officers may keep BWRs turned on and recording if they feel that recording the situation is in the agency's best interest. Videos can always be tagged as Special Privacy on a later date.
  - d. The officer is no longer in the presence of the arrestee/prisoner
- B. An officer shall always narrate their reason when intentionally stopping their BWR.
- C. If an officer fails to activate the BWR, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable incident report why a recording was not made, was interrupted, or was terminated, in addition to notifying their immediate supervisor.

### **VIII. Juvenile Detention Log**

- A. In accordance with N.J.A.C. 13:94-2.6, a separate admissions log and secure custody log will be maintained for juveniles. Any juvenile who is transported to police headquarters or who has been arrested or taken into custody at police headquarters shall be logged.
- B. The Juvenile Admissions Log shall include the following information concerning each detained juvenile:
  1. The initials of the juvenile:
  2. Date of birth:
  3. Gender:
  4. Race/ethnicity:
  5. The charges or other circumstances in connection with which the juvenile is being held:
  6. The date and time of admission into the facility:

7. The date and time of release from the facility:
8. If the juvenile is held beyond six hours in the facility:
9. Whether the sight and sound separation required by N.J.A.C. 13:94-2.1 has been maintained: and
10. Information sufficient to enable the reader to determine whether the juvenile was held in secure or non-secure custody.

## IX. Temporary Detention Room Security Concerns

- A. **Firearms Secured** - Firearms shall be secured before entering a temporary detention room when a detainee is present in the room. Procedure for securing firearms is listed in section VI. A. They may, however, routinely possess their baton, knife, and chemical spray. (10A:34-3.1c)
  1. The **ONLY** exception will be officers entering to address an incident having imminent life-threatening implications.
- B. **Authorized Access** - When a detainee is secured in a temporary detention room, the room shall only be accessed by sworn personnel who are charged with the supervision of the detainee or their designee.
  1. It may be necessary at times to move detainees from temporary detention to interview rooms for investigation purposes. Any time a detainee is to be removed from temporary detention for an interview, by this or another government agency, the removal must be authorized by the Desk Lieutenant, and an Elizabeth Police Officer must maintain visual contact with the detainee at all times.
- C. **Visual Observation** - The officer supervising the detainee shall make a documented face-to-face observation/physical check of a detainee, who is secured in a temporary detention room, at least every thirty minutes or less, if required, per this policy. A physical check of a detainee is a real face to face (in the presence of) check of the prisoner to make sure they are okay, breathing, and in no need of additional attention or intervention.
  1. Face to face checks of detainees placed in a temporary detention room shall be made at least every 30 minutes unless more restrictive face to face checks are outlined below.
  2. Closer surveillance and more frequent face to face checks or constant contact shall be made for detainees who are:
    - a. A security risk (face to face checks at least every 15 minutes);
    - b. A suicide risk (Constant face to face supervision);

- c. Demonstrating unusual or bizarre behavior (Constant face to face supervision); and/or
- d. Exhibiting signs of mental illness (Constant face to face supervision).
- e. Juveniles (Constant face to face supervision)

Only in extraordinary situations involving juvenile delinquents who are assaultive, disruptive, unmanageable, or charged with a serious violent crime, shall the juvenile be held securely in an adult cell:

- 1). The juvenile shall be supervised face-to-face at all times by a sworn officer and never left unattended
  - 2). The highest-ranking officer on duty must authorize the placement/securing
  - 3). The circumstances surrounding the decision shall be documented in writing.
  - 4). **See also the department's Juvenile Operations policy on placement of juveniles prior to placement in an adult cell.**
3. A record of the physical face to face checks shall be maintained in a log that shall contain, at the minimum, the following information on the detainee:
- a. Full Name;
  - b. Gender;
  - c. Date and time initially placed in a temporary detention room;
  - d. Date and time of release;
  - e. Date and the actual time of each face to face check; and
  - f. Signature of staff member conducting face to face checks.
4. If a detainee is confined during regular meal periods, the detainee shall be provided a meal.

D. **Monitoring System:** The monitoring system shall remain activated at all times that detainees are present in headquarters processing or temporary detention rooms due to the added measure of safety and security the system provides. The monitoring system shall not be used as a substitute for face to face checks of detainees (10A:34-3.10).

1. The use of the monitoring system will be used to monitor detainees between face-to-face visual observations.
2. Care shall be taken that there is no intrusion of privacy in the area around the sanitary unit by use of the monitoring system.
3. If the monitoring system is not functioning as designed, face-to-face monitoring of the detainees shall be required.
4. Remote monitoring of detainees shall not substitute for the physical face to face monitoring of detainees by sworn personnel.

## **X. Temporary Detention Room Fire Prevention, Evacuation, and Suppression Plan**

- A. During a fire or other emergency, the primary responsibility of an officer is the safety and security of his/her detainee. To address fire prevention and suppression, the agency has provided for the following.
  1. **Fire Prevention** – The following will be performed or maintained in order to prevent a fire:
    - a. The main building and the area of the temporary detention rooms is equipped with automatic fire detection equipment.
    - b. Temporary detention rooms are inspected daily for fire hazards by the shift supervisor.
    - c. Flammable materials shall not be stored in or near any temporary detention rooms.
    - d. Detainees shall not have smoking materials, lighters, matches, or other sources of flame available to them and shall be searched for such items prior to being placed into a temporary detention room.
    - e. All detainee bedding and blankets shall be made of fire-resistant material.
  2. **Fire Evacuation** – If there is a fire or other emergency requiring the evacuation of the facility, the arresting officer or their designee shall immediately notify communications that an evacuation will begin and why. Communications shall document the request and send appropriate assistance (police, fire, EMS personnel) immediately. The detainees shall be handcuffed and removed from the facility as quickly as possible. The detainees shall be secured in the rear of a patrol vehicle that is equipped with a security barrier. The arresting officer or their designee shall stay with and guard the detainee until the detainee can either be returned to the facility or transported to another facility.
  3. **Fire Suppression** – If a fire were to begin, the discovering officer shall notify communications of the incident, request appropriate assistance

(police, fire, EMS personnel), and take immediate action to suppress the fire, if possible. The facility is equipped with fire extinguishers for this purpose. The discovering officer will keep communications informed as to the progress made. Communications will notify the shift supervisor and all the appropriate resources (fire and EMS personnel).

## **XI. Temporary Detention Room Inspection and Administrative Review**

- A. Daily Inspection: The shift supervisor or designee shall be responsible for conducting a daily inspection of the temporary detention rooms for fire hazards, evidence of weapons, contraband, sanitation condition, and the presence of pests or vermin (10A:34-2.10).
1. If any evidence of weapons, contraband, fire hazards, sanitation condition, and the presence of pests or vermin is found the Chief of Police will be notified through the chain of command.
  2. If any evidence of weapons or contraband is discovered, then internal affairs will conduct an investigation.
  3. If any evidence of an unsatisfactory sanitation condition, fire hazard, and or the presence of pests or vermin is found, the condition will be corrected as soon as possible by notifying the appropriate personnel or an outside contractor. Administrative approval will be needed to hire an outside contractor.
- B. Weekly Inspection: The shift supervisor or designee shall be responsible for conducting a security inspection of the temporary detention rooms at least weekly, and a written report shall be submitted to the Chief of Police or officer in charge of security of the municipal detention facility (10A:34-3.1a).

## **XII. Processing Room Security Concerns**

- A. The arresting officer shall maintain constant supervision of and is accountable for the well-being and security of a detainee in a designated processing/testing room or area unless properly relieved by another law enforcement officer.
1. The responsibility of detainee security will not be transferred to a civilian.
  2. Other sworn officers may assume responsibility if directed to by a commanding officer or permitted by policy.
  3. The arresting officer or their designee shall be responsible for maintaining face to face contact with the detainee while they are being processed.
- B. Weapons control in a processing and testing environment is a serious matter, and a disciplined approach needs to be taken to ensure that weapons are not made accessible to unauthorized persons. Officers shall secure their firearm in a

weapons locker before interacting with a detainee in a processing or testing environment. They may, however, routinely possess their baton, knife, and chemical spray. Officers should practice the following weapon control techniques while interacting with a detainee:

1. A detainee shall be handcuffed and secured unless they are presently being fingerprinted, photographed, or tested.
  2. When a detainee is unsecured, there should be two officers present in processing, whenever available.
  3. The officer who is not physically processing the detainee should be monitoring the detainee's actions and movements in order to control his access to any available weapons. This officer should also position themselves in the room so as not to be near the detainee. This will allow them time to react to a threat without being immediately involved in it.
- C. The only equipment or items authorized to be present in a processing room/area is of the type that is needed to facilitate the arrest processing and testing of a person taken into custody. All other equipment or items will be considered contraband. The shift supervisor shall conduct an inspection of the processing room/area sometime during their shift to make sure this policy is being complied with and if not to take action to assure it is.

### **XIII. Emergency Alarm**

- A. Any officer may transmit an emergency request for assistance if they feel their safety is in danger. When an emergency request for assistance is received, any available officer in the immediate vicinity shall report directly to the scene. The communications operator shall also immediately dispatch at least two of the closest officers to assist and notify the shift supervisor. If an emergency arises in a processing room, the officer shall use the following to transmit an emergency request to summon additional assistance.
1. **Portable Radio** – All officers who are responsible for interacting with a detainee in the processing/testing area shall be equipped with a portable radio, **except as outlined below**. That radio shall be operational and shall always be within reach of the officer. An emergency request for assistance may be made by voice transmission.
    - a. **Alcotest Operation** – In accordance with the State of New Jersey v. Chun decision, no device capable of emitting Radio Frequency Interference (RFI) is permitted in the processing room where the Alcotest Instrument is located. Due to this decision, officers are not allowed to bring portable radios or cell phones into the processing room when a breath test is being conducted. If the alarm button for the processing room is not working, a second officer will be present outside the room when breath testing is being performed to summon assistance if an emergency arises.

2. **Portable Radio Emergency Button** – The officer may elect not to broadcast the emergency request by voice transmission. In this case, they shall use the emergency button on their portable radio to transmit the emergency request silently.
3. **Fixed Location Alarm Buttons** – In addition to portable radios, the temporary detention area and processing are equipped with fixed alarm buttons that alert the front desk command center. Officers may elect to use a fixed alarm button to transmit an emergency request for assistance.

#### **XIV. Escape Prevention**

- A. **Escape Prevention** - Detainee escape prevention is primarily the responsibility of the arresting officer and the shift supervisor. The likelihood of an escape can be reduced by performing the following:
  1. All detainees shall be thoroughly searched, by hand, in order to find any item that could be used to facilitate an escape.
  2. All detainees shall be secured unless they are being processed, using the bathroom, or making a telephone call.
    - a. When a detainee has to use the bathroom, an officer or matron of the same gender shall accompany the detainee at all times.
  3. When possible, there should be two officers present, whenever a detainee is not secured, for the purpose of processing or when allowing the detainee to make a telephone call.
  4. All doors associated with processing and temporary detention shall remain closed and secured at all times a detainee is present.
  5. Any article or object, which might be used to inflict injury to the detainee or others, be used as a means of escape or can be used to mark or damage any part of the temporary detention room shall be removed.
  6. The temporary detention room door shall remain closed and secured at all times when a detainee is present in the room.
  7. When handling the detainee, there should be sufficient enough personnel present to physically prevent an escape.
  8. A detainee shall be searched for weapons every time they are placed into or taken out of a temporary detention room.

#### **XV. Detainee Searches**

- A. A search of the detainee is required before placing the detainee into a cell or secured area/facility (NJAC 10A: 34-3.2). Detainees being turned over for

confinement to a correctional facility or another law enforcement agency are to be subjected to this type of search as well. Confinement is the determining factor for whether to conduct this search.

1. Arrestees should have been "searched incidental to their arrest" at the scene of the arrest. Additional property in possession of the arrestee at the time of arrest, such as luggage, bags, etc., is not subject to a pre-confinement inventory unless the arrestee is first given the opportunity consent to the inventory or to make alternate arrangements for the disposition of this property.
  2. Arrestees who will be released ROR or on bail immediately after processing shall not be subject to a pre-confinement search unless otherwise confined or another recognized exception to the warrant requirement is evident. A strip search may still apply; see separate policy on strip searches.
- B. Prior to confining an arrestee in a cell or secured area/facility (NJAC 10A: 34-3.2) or prior to the transfer to a correctional facility, the arresting officer shall conduct a thorough search and inventory of the arrestee and his/her personal effects. If circumstances prevent the arresting officer from conducting this search and inventory, then the road sergeant/shift commander shall ensure that another officer conducts the search. This search shall be done in our building even if a previous search of any type was conducted elsewhere. Property shall be bagged and logged on the prisoner property slip, or a property report.
- C. This search and inventory is performed to discover any weapons or implements arrestees could use to injure police personnel, themselves or others, aid in an escape attempt, safeguard arrestees' valuables, and protect the agency against false claims of theft or loss of arrestees' belongings.
- D. Pat Searches (10A:34-3.3).
1. A pat search shall be conducted while the detainee is fully clothed. A pat search includes both the touching of the detainee's body through clothing, including hair, and a thorough examination into pockets, cuffs, seams, etc., and all personal property in the detainee's possession.
  2. Pat searches of detainees may be conducted at any time where conditions indicate a need for such searches.
  3. In addition to the foregoing routine searches, a pat search may be conducted at any time when there is a reasonably clear indication that the detainee is carrying contraband.
  4. It should be the general practice that pat down searches are conducted by an officer of the same sex as the prisoner. Pat searches, however, may be conducted by either male or female custody staff members regardless of the gender of the inmate during exigent circumstances, or if the same sex process is not feasible. If the detainee is pat searched by an officer of the opposite sex, a second officer will be present and witness to said pat search. Additionally, it would require the appropriate documentation of such

searches, which shall include an explanation of the exigent circumstance that existed at the time of the search.

- E. Strip and Body Cavity Searches (10A:34-3.4 / 10A:34-3.5 / 10A:34-3.8) are covered under the Strip and Body Cavity Search policy.
- F. Canine Searches (10A:34-3.11) are authorized. The possessions of detainees and all municipal detention facilities, areas, objects, and properties may be subject to searches by a canine team(s), specially trained to discover and indicate to the handler(s) the presence of various substances and materials. Physical searches on the body of a detainee by a canine is prohibited.
- G. Use of Scanning Devices (10A:34-3.9) is authorized. Searches of detainees, areas, and objects by the use of handheld metal detector are authorized and may be done routinely and randomly where necessary for security purposes.

## **XVI. Complaints, Bail, and Recognizance Form**

- A. New Jersey Court Rule 3:3-1 "Issuance of an Arrest Warrant or Summons" contains specific information for officers to follow regarding the issuance, execution, and service return of criminal complaints.
- B. New Jersey Court Rule 7:4 "Right to Bail Before Conviction" contains specific information for officers to follow regarding the authority to set bail as well as other procedures to follow regarding the right to bail for arrested subjects.
- C. It shall be the responsibility of the arresting officer to accurately complete the warrant and the return or proof of service for any warrant or summons upon which an individual was detained, through the chain of command.
  - 1. In the case of original CDR complaints, the return of service is on the bottom of the blue sheet.
  - 2. For most municipal court contempt warrants, the proof of service can be found on the back of the warrant.
- D. Once bail has been determined, it may be posted with this department in the form of cash or bail bond.
- E. When bail is posted for a person arrested by this department, regardless of the method of payment, a Bail Recognizance form must be completed and signed in the appropriate places by the defendant and, if applicable, the surety or owner of the funds.
  - 1. The completed forms shall be forwarded to the municipal court along with the bail receipt and/or warrant.
- F. It is the responsibility of the shift supervisor to personally collect bail payments and to promptly issue the owner of the funds or property posted as bail a completed bail receipt.

1. The owner of the funds shall be issued the original white copy of the bail receipt, and the warrant number and court of origin shall be recorded on the receipt.
  2. The shift supervisor shall be solely responsible for the accuracy of the funds collected and the corresponding receipt issued.
- G. If a defendant has outstanding warrants from more than one (1) court, a separate bail receipt must be issued for each court that will receive a portion of the bail money.
- H. Upon receipt of bail monies, the shift supervisor shall promptly deposit the funds into the temporary evidence locker.
1. The cash, money order, or bond shall be placed in an envelope along with the Bail Recognizance form, remaining copies of the bail receipt, and a copy of the warrant.
  2. The envelope shall be labeled with the defendant's name and the warrant number.
- I. All officers are reminded that recommending an attorney or bail bond broker to anyone encountered as a result of police business is inappropriate and a violation of department Rules and Regulations.

#### **XVII. Detainee Identification**

- A. All detainees will be positively identified through some means such as valid photo identification (State issued), or fingerprints.
- B. Obtain all necessary information concerning the authority for the detainee's detention or commitment (e.g.; arrest warrants, commitment papers, teletype information, transportation and detainee writs, etc...) and include it with the arrest or investigation report.
- C. The physical description and positive identification of the detainee will be checked by the arresting officer with the information in the arrest report and the detention or commitment paperwork prior to release or transportation.
- D. If a detainee claims he is not the person identified in the detention or commitment paperwork, the arresting officer shall notify the shift supervisor who will be responsible for making an identification determination or for assigning further investigative work to be completed prior to making a determination.

#### **XVIII. Victim Notification Form (VINE)**

- A. When any person is arrested on a pre-existing complaint alleging an indictable offense or an incident of domestic violence, the processing officer shall be required

to attempt timely notification to the listed victim on the Victim Notification Form, unless otherwise noted on the form.

1. This shall be construed to mean notification at the earliest time after the likely disposition of the detainee has been determined. (i.e., release on bail, ROR, committed to jail)
  2. Accurate documentation of any attempts and/ or successful notifications shall be included on the form.
- B. In situations where the victim is present at police headquarters as a result of the incident giving rise to the arrest, this notification shall occur in person, whenever possible, prior to the departure of the victim.
- C. If the detainee is going to be incarcerated at a county correctional facility for an indictable or disorderly person's offense, the original white copy of the Victim Notification Form must be forwarded to the county jail at the time of commitment.

#### **XIX. Phone Calls**

- A. Every person who is subject to continued detention after arrest is entitled to make one (1) telephone call to the person of their choosing. The telephone call must however be reasonable in length and if such call will result in toll charges to the department, the call shall be made "collect".
- B. Generally, officers should wait until a determination has been made concerning the total amount of bail required for a subject's release, if any, prior to granting the request for the call.
- C. While the general limit is one (1) call per person, there are times when it will be prudent and in the best interest of the department to allow subsequent calls to arrange for a subject's release.
1. Incoming calls are prohibited unless they will serve a legitimate law enforcement or departmental purpose.

#### **XX. Release of Detainees**

- A. Prior to releasing a detainee from custody, the releasing officer must positively identify the detainee and a thorough inquiry shall be made concerning the wanted status of the detainee. This check shall include, at a minimum, an inquiry through NCIC/SCIC and ATS/ACS.
- B. Whenever a detainee is scheduled for release from custody at police headquarters, and the shift supervisor has reason to believe that the detainee is not competent for unaccompanied release (intoxication, handicap, psychological or emotional problems, etc.), the shift supervisor shall order the release of the subject

only after the condition has been abated or a responsible adult known to the defendant has presented themselves to accept custody of the detainee.

1. If no responsible person can be found to accept custody of the detainee, the shift supervisor may authorize an officer to transport the detainee to his residence, have the detainee transported to a proper facility for assistance, or he may assign an officer to guard the detainee for the duration of time required for the detainee to meet the requirements for unaccompanied release.
- C. Upon release from custody, all personal property removed from the detainee's possession shall be returned and the detainee shall be required to sign acknowledging receipt of the property.

## **XXI. Accepting Detainees from Outside Agencies**

- A. Whenever a detainee has been transported to police headquarters by an outside agency for transfer to this department, the receiving officer shall first verify the documents produced by the outside agency to justify detention and the officer's/individual's identity and authority.

## **XXII. Reporting and Investigating Detainee Deaths**

- A. In-Custody Death is defined as the death of a detainee caused by 1. A police officer discharging their weapon and causing the death of another 2. A suicide, or an overdose inside the booking area, the cell block, or the county Corrections Center, or 3. The death of a suspect in a patrol car or headquarters. At the time of death, the decedent must be in the exclusive control of law enforcement. Notice: In-Custody death IS NOT the death of a citizen who merely received NARCAN from a police officer.
- B. If a detainee dies while in police custody, the officer discovering the detainee shall immediately notify the front desk supervisor of the incident.
- C. The front desk supervisor shall respond to the scene without delay and attempt to gain enough information to make informed notifications to the below individuals as per the chain of command and established departmental procedures:
1. Chief of Police;
  2. Police Director;
  3. Patrol Commander;
  4. Detective Bureau Personnel;
  5. Internal Affairs Personnel: and
  6. The Union County Prosecutor's Office, Professional Standards Unit.

- D. All prevailing crime scene precautions and procedures will be instituted to protect the scene from contamination until the conclusion of the investigation.
- E. Following the death of a detainee, notification shall be given by the Chief of Police, or his/her designee, to the Coordinator, Bureau of County Services, Department of Corrections, within three (3) working days by completing the [Reporting Suicides and Deaths form](#) and emailing a completed and signed copy of the form to email address: [Municipal\\_Inspections@doc.nj.gov](mailto:Municipal_Inspections@doc.nj.gov). If there are any questions regarding this reporting requirement, you may contact the Office of County Services directly at (609) 292-4036 extension 5297 or 5468 between the hours of 8:00 AM and 4:00 PM.
- F. Following this notification and within two (2) weeks, a comprehensive written report shall be submitted by the Chief of Police to the Coordinator, Bureau of County Services, and Department of Corrections by emailing a copy of the completed report to email address: [Municipal\\_Inspections@doc.nj.gov](mailto:Municipal_Inspections@doc.nj.gov). If there are any questions regarding this reporting requirement, you may contact the Office of County Services directly at (609) 292-4036 extension 5297 or 5468 between the hours of 8:00 AM and 4:00 PM:
  - 1. Detainee's name, age and sex;
  - 2. Date and time of admission into the temporary detention room;
  - 3. Reason for placement in holding room;
  - 4. Log book entries noting the times of each physical cell check;
  - 5. Circumstances surrounding the death; and
  - 6. Findings of the investigating officer.

### **XXIII. Transgender**

#### **A. Definitions:**

- 1. Chosen Name: A name selected by a person for themselves that is different from the name the person was given at birth. An individual may have chosen a new name for themselves that more accurately reflects their gender identity or expression.
- 2. Chosen Pronouns: The pronouns that a person chooses to use for themselves in line with their gender identity. For example, "she/her" for an individual who requests she/her pronouns; "he/his" for an individual who requests he/his pronouns; and "they/them" for an individual who requests they/them pronouns.
- 3. Cisgender: A person whose gender assigned at birth (sometimes referred to as sex assigned at birth) matches their gender identity. For instance, if

a person was assigned female at birth, and self-identifies as a woman or girl, that person is cisgender.

4. **Gender Assigned at Birth:** The gender that someone was thought to be at birth, typically recorded on the original birth certificate. The gender someone was assigned at birth may or may not match their gender identity.
5. **Gender Binary:** A societal construction of gender that accords two discrete and opposing categories – male or female.
6. **Gender Expression:** A person’s gender-related appearance and behavior, whether or not stereotypically associated with the person’s gender assigned at birth. It is the manner in which a person represents or expresses their gender to others, such as through their behavior, clothing, hairstyles, activities, voice, or mannerisms.
7. **Gender Identity:** A person’s internal, deeply held knowledge of their own gender, regardless of the gender they were assigned at birth. All people have a gender identity, not just transgender people.
8. **Gender Non-Conforming:** A person whose gender expression does not conform to traditional gender expectations. Not all gender non-conforming people identify as transgender.
9. **Gender Transition:** A process during which a person begins to live according to their gender identity, rather than the gender they were assigned at birth. Gender transition looks different for every person. Possible steps in a gender transition may or may not include changing one’s clothing, appearance, and name, and in some cases, changing identification documents or undergoing medical treatments. The steps each person takes depend on their individual needs and access to resources.
10. **Intersex:** A person whose biological sex characteristics may not fit medical definitions of male and female. These characteristics may include, but are not necessarily limited to, internal reproductive organs, external genitalia, and sex chromosomes.
11. **LGBTQ+:** An acronym that represents lesbian, gay, bisexual, transgender, and questioning individuals. The Q may also stand for queer. As the plus sign shows, this list is not meant to be exhaustive, and as used in this Directive, the umbrella term also includes non-binary, gender nonconforming, and intersex individuals.
12. **Non-Binary:** A term often used by people whose gender is not exclusively male or female. The term also captures those with more than one gender or with no gender at all. Individuals whose gender is neither male nor female may use other terms to describe themselves, such as gender fluid, agender, bigender, or gender expansive.

13. Queer: A term that, although pejorative when used with intent to insult (historically and at present), is increasingly used by members of the LGBTQ+ community as a broad umbrella under which sexual and gender minorities may identify.
14. Questioning: A term some people use when they are in the process of exploring their sexual orientation or gender identity.
15. Sexual Orientation: A person's romantic, emotional, or sexual attraction to members of the same or different gender. Common terms used to describe sexual orientation include, but are not limited to, straight, lesbian, gay, bisexual, and asexual. Sexual orientation and gender identity are different: gender identity refers to one's internal knowledge of their gender, while sexual orientation refers to whom one is attracted.
16. Transgender: Refers to any person whose gender identity or gender expression differs from societal expectations associated with the gender they were assigned at birth. Being transgender does not imply any specific sexual orientation. This term is an adjective ("transgender person," not "transgenders" or "transgendered").
17. Transgender Man: A term for a transgender person who was assigned female at birth but identifies as a man.
18. Transgender Woman: A term for a transgender person who was assigned male at birth but identifies as a woman.

**B. Transgender in Detention Facility**

1. When detained, the arrestee/prisoner is held in areas that are segregated on the basis of gender.
2. Officers shall detain individuals in line with their gender identity or expression, regardless of the gender that individual was assigned at birth and/or their anatomical characteristics unless they request otherwise.
3. A transgender woman shall be detained with other women, unless she requests otherwise and a transgender man shall be detained with other men, unless he requests otherwise.
4. Detained arrests/prisoners are to use restrooms consistent with their gender identity or expression, regardless of the gender that individual was assigned at birth and/or their anatomical characteristics.
5. If a facility has available private cells and/or restrooms, officers shall not:
  - a. Refuse to accommodate a request by transgender, non-binary, or gender nonconforming individuals to have a private cell or to use a private restroom, where doing so is practicable and ensures that individual's safety. The denial of such request must, where

practicable, be reviewed and approved by a supervisor. The denial shall be documented in writing.

- b. Require someone to be detained in a private cell or to use a private restroom on the basis of that person's actual or perceived gender identity or expression and/or sexual orientation, absent such a request.
- c. Officers shall never deny transgender individuals access to any items (including clothing, personal property, and appearance-related items, like prosthetics, bras, wigs, undergarments, chest binders, and cosmetic items) and/or any programming (including educational programming) that they would allow a cisgender individual of the same gender identity to have, regardless of the gender that individual was assigned at birth and/or their anatomical characteristics.

### **C. Transgender - Searches**

- 1. When conducting a search, officers shall treat a transgender woman as they would treat any other woman, and officers shall treat a transgender man as they would treat any other man, regardless of the gender that individual was assigned at birth and/or their anatomical characteristics.
  - a. For most searches, the gender of the person being searched will not be relevant because the search may be conducted by officers of any gender. That includes, but is not limited to, searches conducted under exigent circumstances—such as an immediate search in the field for weapons, when officer and public safety are paramount—and searches incident to arrest. Under this Provision, nothing will change for these kinds of searches: as before, a male officer can search a man or a woman (transgender or cisgender), and a female officer can search a man or a woman (transgender or cisgender).
  - b. Certain searches exist for which cross-gender searches are prohibited (e.g., non-exigent custodial strip searches) and where the gender of the person being searched thus matters. In those cases, where only a female officer can search a cisgender woman, and only a male officer can search a cisgender man, then it is also the case that only a female officer can search a transgender woman and only a male officer can search a transgender man.
- 2. Officers can respectfully ask a transgender individual as to their preference with respect to the gender of the searching officer, documenting that preference, and performing searches in accordance with that preference, if authorized by the relevant state, county, or local law enforcement agency.
- 3. Officers shall never require transgender, non-binary, and gender nonconforming arrestee/prisoner to remove appearance-related items such

as prosthetics, bras, clothes, undergarments, wigs, chest binders, or cosmetic items) during a search unless arrestee/prisoner, regardless of gender, would be required to remove such items during that search. As for any arrestee/prisoner, officers may require the removal of such items when necessary to ensure the safety and security of any person but should take care when practicable to remove the items in a respectful, non-invasive, and private manner.

#### **XXIV. Suicide Prevention, Control, and Investigations (10A:34-4.3)**

- A. The following procedure is to be followed:
1. Every detainee will be evaluated (screened) to determine if they are a suicide risk when they are admitted into the facility. If they are deemed a suicide risk they will be monitored constantly and face to face.
  2. Some indications of suicide risk may be:
    - a. Past departmental experience with the detainee;
    - b. Verbal threats of suicide;
    - c. Violent or rebellious behavior;
    - d. High level of drug or alcohol involvement including current condition;
    - e. Display of inappropriate demeanor;
    - f. Acting in a subdued or withdrawn manner; and
    - g. Information received from other source (family, physician, friend, etc.).
  3. If a detainee is considered to be a suicide risk the arresting officer, or another officer, will remain with the detainee at all times while they are housed in the facility. There will be no exceptions to this rule.
    - a. If a detainee is considered to be a suicide risk the arresting officer and the shift supervisor shall expedite the detainee's processing and release or transfer to appropriate facility.
- B. In accordance with 10a:34-4.3(b), an emergency rescue tool (cutting device) is available at all times to personnel working in a temporary detention room or area. The tool is located in the desk area of processing.

#### **XXV. Medication, Injures, and Illness**

- A. The following will be followed for all detainees in regards to medication:
1. No over-the-counter medication shall be administered to a detainee in police custody.
  2. Detainees determined to be in need of medication shall be transported to the local hospital, where medical personnel shall administer any such medication.
  3. All medications administered to a detainee in the custody of this department shall be completely documented in an Incident Report written under the same case number of the detainee's initial arrest.
  4. In all cases where a detainee is transferred to the custody of another agency or facility, the receiving agency or facility shall be advised of the required medications and any medication that was previously administered.
  5. If a person is arrested and has within their property a valid prescribed medication. The medication shall be secured and returned to the detainee upon release, or transferred with the detainee's property when sent to another facility.
  6. Medication that was purchased by the City of Elizabeth for the detainee in custody shall not be given to the detainee upon release or transfer. The cell block personnel shall write an incident report documenting the medicines disposal and deposit into the medicine drop disposal unit.
- B. In the event that a detainee is injured, becomes ill, attempts to commit suicide or otherwise harms him/herself, the officer assigned to supervise the detainee shall immediately contact dispatch by the fastest means available (police radio, phone, etc.) and request an ambulance and additional police personnel as necessary. Any seriously ill or injured detainees shall be transported to the nearest available emergency room for treatment.
1. The highest ranking officer on duty must immediately respond to the location to direct the actions of police personnel in response to such incident.
  2. An Incident Report shall be written, detailing any medical attention/treatment afforded to a detainee, to include the date and time of such treatment.

## **XXVI. Detainee Escape Response Procedures (10A:34-3.1e)**

- A. The quick and thorough application of escape response procedures are paramount in apprehending a detainee who escapes from custody.
1. The following procedure is to be followed by all personnel in the event of a detainee escape:

- a. In the event that a detainee is found to be missing from anywhere within the temporary detention area, a check will be made to determine if an escape had in fact occurred. When it has been determined that an escape had in fact occurred, the following notifications shall be made immediately (in order):
  1. All on-duty police officers.
  2. Surrounding law enforcement agencies; and
  3. Chief of Police, through the chain of command;
  4. The Police Director;
  5. Internal affairs;
  6. A detective supervisor;
- b. The above notifications shall include the following information:
  1. The name of the escaped detainee;
  2. A full description of the detainee including information as to all known physical characteristics and the clothing worn. If available, the processing photo of the detainee shall be disseminated to law enforcement agencies and their personnel;
  3. The reason for the individuals detention;
  4. Any and all other information which would aid in the apprehension of the suspect; and
  5. Any and all information necessary for officer safety.
- c. A thorough search of the building will be made to assure that the detainee is not located in another area of the building housing the temporary detention facility.
- d. Notification of the escape of the detainee shall be made to surrounding law enforcement agencies, including those agencies wherein the detainee resides or has substantial contacts. Alarms will be sent via S.P.E.N. and N.C.I.C. Teletype.
- e. The shift supervisor shall ensure that the temporary detention area is secured for the preservation of evidence until the arrival of internal affairs.
- f. Internal affairs will undertake an investigation to determine the manner in which the detainee accomplished his escape.

