

Holding Facilities

Concepts and Issues Paper

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I. INTRODUCTION

A. Purpose of the Document

This paper is designed to accompany the *Model Policy on Holding Facilities* established by the IACP National Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their communities and their law enforcement agencies.

B. Background

This document and the *Model Policy on Holding Facilities* on which it is based are designed primarily to provide guidelines for the management and administration of detainee holding facilities in municipal and county police agencies. While many of the principles and recommendations are applicable to county jails operated by sheriffs' departments and county departments of corrections, the policy is intended to address the often overlooked domain of the local police holding facility. For the purpose of this discussion, a holding facility is defined as a short-term (length of time not to exceed 72 hours) confinement area for persons under arrest or awaiting a decision to release or transfer to another secure facility. While the 72-hour limit should be the standard for most agencies, there may be some instances where confinement must be extended beyond this time frame, such as when the courts are closed for a holiday. In these situations, agencies should attempt to limit the additional length of confinement to the shortest amount of time reasonably possible. Police agencies that maintain secure centralized booking and other facilities for detainees awaiting bail or related hearings, actions connected with police investigations or transportation to a county jail will find this policy most beneficial. This is also the case with the relatively few police agencies that maintain jails housing pre-trial detainees and those who have been sentenced to short terms for violations of local ordinances or misdemeanors.

In recent years, attention has been brought to bear on issues relating to jails and prisons. But local police holding facilities—primarily because they deal with highly transient and short-term

incarceration—have received only a scant share of that notice. There have even been questions raised about the number and type of police holding facilities in the United States. Individuals detained for interrogation, pending charges, or awaiting transportation to a county jail are among those who are often housed in police holding facilities. In many cases, very little is known about these individuals upon their arrival at the holding facility, including their risk of escape, mental and physical problems, criminal histories, and potential for violence or suicide among other important matters. Due to these potential unknowns, a police holding facility must function as a quasi-detention center, under the same security and detainee well-being protocols and standards as a detention center or correctional facility.

Even though detainees are normally housed for only short periods of time, not longer than 72 hours for the purposes of this discussion, the environment of police holding facilities can become volatile and emotionally charged. Post-arrest processing is a time when the emotional impact of the arrest becomes evident to many detainees. Therefore, planning for contingencies and establishing appropriate professional protocols that will serve to prevent unnecessary tragedies and avert problems is essential. The model policy and this accompanying paper are designed to serve that purpose and to provide an overall approach to the management and supervision of detainees.

II. PROCEDURES

A. Administration

Supervision. Any agency that maintains a detainee holding facility should appoint one member of that agency to serve as its supervisor. That individual shall be responsible for ensuring that security, sanitation, maintenance, and safety of staff, detainees, and property are maintained at all times.

Inspections. The model policy requires that periodic inspections be conducted sufficient to ensure full compliance with the agency's operating policies and procedures. Generally, semi-annual line inspections are suitable to meet these requirements, but quarterly inspections may be warranted in some situations. Inspections should also occur any time there is a breach of protocol, such as a detainee escape. In the holding facility environment, these inspections may involve both personnel practices,

policies, and procedures, as well as equipment and training.

B. Safety and Emergency Operations

The model policy provides guidance and procedural recommendations on the issue of safety and emergency operations as they relate to several areas. These include fire; development of an evacuation plan; dealing with incidents of detainee death, including suicide and sudden death; response to detainee illness, injury or disability; riots and assaults; detainee escapes; and sexual abuse and sexual harassment. Each of these is discussed in detail in the sections below.

1. Fire. It is essential that detainee holding facilities be equipped with smoke detection devices approved by the local or state fire marshal as required by code or state statute. These devices should be placed in a manner as prescribed by the fire marshal or other authorized person and should be visually inspected and routinely tested for proper operation. A reasonable inspection schedule may be once a month; however, depending on the type of equipment involved, more frequent inspections may be required.

In conjunction with fire detection devices, holding facilities should have fire suppression equipment readily available. Again, state or local code may dictate the nature of this equipment and the frequency with which it should be inspected and certified as operational. Staff should be trained in the proper use of such equipment.

2. Evacuation Plan. All police holding facilities should have an evacuation plan approved by the agency chief executive and any local authority that may be required. The plan should include not only fire emergencies, but also floods, tornados, earthquakes, or other natural disasters. Evacuation of detainees from a holding facility can be a daunting task when taking into consideration the sometimes conflicting demands of security and detainee safety. To help ensure that such plans can be implemented when an emergency occurs, periodic drills should be conducted in which staff walk through the evacuation process, without actually removing detainees from their cells. The use of role-playing scenarios can be helpful during practice evacuation drills.

3. Detainee Death. The death of a detainee while in police custody can create the appearance of or result in actual charges of police misconduct, irrespective of the care that had been taken by police to safeguard the individual in question. The model policy states that the holding facility supervisor should develop suicide prevention protocols, to include physical facility design and agency response to suicides or attempts. For example, there are many physical modifications to older holding facilities that should be made to reduce the available opportunities and means by which detainees can commit suicide.

Death while in custody may be a result of injuries and/or illnesses sustained prior to or during arrest, coupled with less than adequate screening of detainees and/or failure to seek appropriate medical treatment in a timely fashion. Procedural modifications necessary to meet these types of requirements, unlike physical modifications, can generally be accomplished with moderate or little expense. Increased visual supervision of detainees in custody, particularly those who present a high risk of suicide or violence toward others, is perhaps the least expensive and arguably one of the more effective means of preventing suicide and violence. However, there are instances in which detainees in custody die for seemingly unexplained reasons, commit suicide or homicide—irrespective of the preventive measures that have been

established. Agencies must have contingency plans formulated in order to address such incidents in a responsible, effective, and systematic manner. Dealing with media inquiries, conducting and coordinating the investigation of a death, and similar activities must be addressed in advance of any such incident.

4. Illness, Injury, or Disability. As indicated in the model policy, holding facilities are not intended for or equipped to treat detainees requiring medical attention. Therefore, no one should be booked into a holding facility or held for interrogation or related purposes if he or she (1) exhibits injury or illness that reasonably appears to require medical attention and has not already been treated by a qualified medical professional; (2) suffers from apparent extreme alcohol intoxication or possible drug overdose; (3) exhibits symptoms consistent with severe mental disorder; (4) has indicated intentions of committing suicide or exhibited other signs of being a suicide risk; or (5) exhibits symptoms or reports conditions of a possible contagious disease. If any of these conditions exist, arresting officers should transport the detainee to the nearest authorized medical facility, rather than attempt to transport the detainee to police headquarters or other designated location for booking. In addition, if the severity of the medical condition is unclear, or if a detainee requests medical attention, he or she should be transported as soon as possible to the department's designated emergency care provider. Officers should always follow agency protocols and guidelines for transporting and close contact handling of such persons.

It is normally the responsibility of the arresting officer to transport the detainee to the medical facility. However, in some cases, separate transportation officers may be employed. Under such conditions, either the arresting officer or another officer must be utilized to maintain security, control and custody of detainees while at the medical facility. The condition of the detained person and the nature and seriousness of the offense in question will determine whether security is required throughout the examination and or treatment process. Security is generally available at hospitals, on a limited basis, but these officers should not be expected to be responsible for the security of detainees brought to the hospital. The agency should develop policies and procedures in coordination with surrounding medical facilities to address the proper supervision of detainees who are receiving care in order to ensure the safety of medical staff, as well as officers, patients, and other individuals in the facility.

Officers should also be aware of the fact that hospitals are a prime location for detainee escape. Many physicians do not like to have detainees restrained while at the hospital, particularly during examinations and when treatment is being administered, and some may insist that any and all restraints be removed. Yet detainees brought to the hospital prior to being positively identified often represent an unknown security and threat risk to the community in general and to other patients, physicians, and police officers in particular. For this reason, when dealing with unknown offenders and particularly those who have committed or are suspected of committing serious and/or violent acts, officers should insist on the use of appropriate security measures for the safety of all. This often requires a degree of tactful communication with hospital staff. In cases where handcuffs and related restraints would inhibit treatment and must be removed, officers should remain close at hand, during treatment, to provide adequate security.

Once treatment is complete, detainees may be transported to the local holding facility only with the approval of the attending physician or health-care professional. Written authorization in

the form of a hospital release or physician's statement should be obtained prior to transportation. In addition, the physician should provide a written statement of the medical status of the detainee and any treatment that is required or medication that must be taken. These documents or statements should be provided to the booking officer or other appropriate holding facility personnel and should be noted in a report.

5. Riot and Assault. While most police holding facilities are not large enough to pose a risk of a significant, concerted detainee disturbance or riot, police agencies housing detainees should develop contingency plans to deal with and quell disturbances that may arise. In addition, all law enforcement agencies, irrespective of the number of detainees in their holding facilities, should develop contingency plans for dealing with assaults upon officers, other agency personnel, and fellow detainees. In particular, the plan should address the principles for the use of various levels of force within the confines of the holding facility. These may include but are limited to such approaches as use of the neck or carotid restraint,¹ pepper spray, electronic control weapons, or other devices or tactics.

Whatever the means of quelling disturbances, use of force must be guided by the same criteria as the use of force in other contexts. In particular, police officers should use only that degree of force that is reasonably necessary to bring an incident under control, while protecting the lives of the officers involved and others.

6. Detainee Escape. Detainee escapes present substantial risk to the community and to officers involved in the escapee's apprehension. While most escapes of persons in custody take place during transportation, it is also possible that escapes can take place from police holding facilities, particularly when inattention or failure to comply with established security procedures is evident. One potential problem involves release of the wrong detainee. This issue is addressed later in this discussion paper.

In all cases, officers should understand the necessary steps to take following the escape of a detainee from police custody or a police holding facility. As soon as possible after the escape, appropriate information should be provided to the officer-in-charge and the agency's communications center for dissemination to officers on duty. This includes the identity of the escapee, if known; physical description and nature of the offense(s); any prior arrests; potential for violence; and the availability of any weapons. Coincidentally, the officer-in-charge or other officer, as designated by department policy, should be notified and should coordinate the search efforts. Depending upon the circumstances, the search may be centered in a specific defined area and/or may be expanded to a general BOLO message to all officers on duty. Per department policy, the officer-in-charge should also make decisions concerning the use of special search protocols, the need for outside assistance or special equipment, as well as the notification of surrounding jurisdictions and law enforcement authorities that may have contiguous jurisdiction.

Following an escape from a holding facility, it is important to secure the facility as quickly as possible and to ensure that all locking and security devices are in place and fully operational. It is also important to secure any evidence related to the escape that may be of value to the investigation. The officer in charge or a designated officer should be responsible for initiating the investigation and should ensure that a full report is made regarding the circumstances surrounding and contributing to the escape.

7. Sexual Abuse and Sexual Harassment.² In 2003, Congress passed the Prison Rape Elimination Act (PREA) in response to

the problem of sexual abuse of people in confinement. The final standards—released on May 17, 2012, by the United States Department of Justice—include a portion related directly to holding facilities (referred to as lockups), including those departments with only one holding cell, as well as those with hundreds of cells in multiple locations.³ While these standards relate directly to the holding facilities to which this paper and the accompanying model policy apply, there are no financial penalties for facilities that are not operated by the state and do not comply. However, it is strongly recommended that departments review these standards and comply wherever possible.⁴

In response to the new PREA standards, the model policy states that every department should have a zero tolerance policy concerning sexual abuse or sexual harassment. To this end, the agency should have protocols and procedures in place for the prevention, detection, and response to sexual abuse of detainees, either by other detainees or staff, volunteers, or contractors. Detainees shall be informed, either verbally or through written materials, of this policy and of the available procedures for reporting any abuse. This notification shall be documented in the detainee's booking record.

C. Sanitation

Procedures that help provide a clean, sanitary environment can contribute to overall infectious disease control efforts. Hygiene should be an important component of the management and supervision of any holding facility, not only for the sake of those incarcerated, but also for law enforcement officers who work with these individuals. The control of infectious disease in the holding facility and elsewhere should be an area of special attention and clearly addressed during officer training.⁵

With the above issues in mind, police holding facilities should be maintained in a clean and sanitary condition at all times. When the holding facility is housing detainees, it should be cleaned on a daily basis, in accordance with routines and procedures established by the holding facility supervisor. Inspections of the facility should be conducted periodically, in order to identify any conditions that are unsanitary or conducive to the spread of infectious disease, and corrective actions should be taken as soon as possible when such problems are identified.

D. Processing

Many police agencies do not conduct booking in the sense of taking fingerprints and photographs for identification purposes. In many cases, arrestees are taken directly to a county jail or detention center where these functions are performed. However, in cases where the local police agency performs booking processes, the model policy recommends that a booking officer be assigned to manage all detainees brought into the facility. The booking officer shall complete a detention record of all persons detained in the holding facility, in accordance with agency policy. This record shall include biographical information on the detainee, reason for the detention, and a complete physical description of the detainee, including any reported and/or observed injuries or illnesses. If the detainee is believed to be a threat to himself or herself, other detainees, or holding facility personnel, this information shall be noted in the booking record and displayed visibly outside of the holding cell.

The booking officer shall ask the detainee if he or she is responsible for a child. If the detention creates an interruption in a child's supervision and care, the detainee shall be given reasonable opportunities to make alternative arrangements for such

care if appropriate arrangements have not already been ensured by the arresting officer, other components of this department or through partner organizations. The name, address, and phone number of the caregiver shall be entered into the booking record.⁶

In all cases where a detainee is to be held in a holding facility, he or she must be required to relinquish all personal effects. Whether performed by a booking officer or another officer assigned to the holding facility, a detainee's personal effects must be inventoried, securely stored, and a receipt for the items provided to the detainee. The detainee should be required to sign the receipt, acknowledging that it is complete and accurate. If the detainee cannot or will not sign the receipt, this fact should be witnessed and verified by an officer, other than the booking officer and whenever possible, a supervisory officer. The personal property of detainees should be closely inspected to include opening any closed containers that may hold contraband.

A strip search may be conducted, if deemed appropriate based on the reason for detention and consistent with agency policy.⁷ Such a policy should clearly define the circumstances under which a strip search may be permissible. A strip search is legally permitted only where there is articulable, reasonable suspicion that an arrestee is concealing contraband or weapons on his or her body in a manner that cannot be detected by a pat-down search alone. Routine strip searches of all arrestees or strip searches of detainees for less than articulable, reasonable suspicion are not permitted in holding facility settings. In addition, where permitted, strip searches must be conducted (1) by a specially trained and designated officer; (2) by an officer of the same sex, unless exigent circumstances exist; (3) in conformance with hygienic procedures and professional practices; (4) in a specially authorized room with the fewest number of personnel necessary; and (5) under conditions that provide privacy for the detainee from all but those authorized to conduct the search.

Because of the procedure's highly intrusive nature, body cavity searches, as compared to strip searches, are subject to a higher legal standard requiring probable cause to believe that the subject is hiding contraband within a body cavity. In order to conduct such searches, a search warrant is required and is generally granted only when the suspected offense is of a highly serious nature and/or the detainee poses a threat to the safety of the officers, him or herself or others and/or the security of the police holding facility. It is imperative that a law enforcement agency develop a legally sound policy on body cavity searches. In addition to the procedures listed above for strip searches, body cavity searches shall be performed only by an authorized agency physician or by other medically trained personnel at the physician's direction.⁸

The agency should also develop policies that clearly state that transgender or intersex detainees shall not be examined for the sole purpose of determining genital status.

Only authorized and properly trained personnel shall be allowed in the booking area. Allowing too many unauthorized persons access to the booking area, particularly during busy time periods, can add to the confusion and increase the subsequent risk that errors will be made or security breaches occur. Handcuffs or other restraint devices, consistent with departmental policy, may be removed at the discretion of the booking officer based upon the conduct of the detainee, the offense for which the arrest was made, and related circumstances. As in other areas of security, this is a decision that should be made by the booking officer or supervisory staff and only when the conduct of the detainee and the nature of the offense is such that removal of the

restraints will not increase the risk of escape or assaults on those within the booking area.

During the booking process, all cell block doors and entrance and exit doors into the area must remain closed and properly secured while the booking officer completes the detention record and conducts other aspects of the booking process, such as taking photographs and fingerprints.

In all cases, fingerprints of persons taken into custody shall be forwarded to the appropriate authorities at the state and federal levels for identification purposes, and a name check should be made through available computerized data bases for identification of any outstanding warrants. Where automated fingerprint systems are available, and in accordance with agency policy related to such systems, a copy of the detainee's thumbprint should also be retained at the police facility so that it can be used to positively identify detainees upon their release. A DNA sample shall be taken when authorized by law.

Prior to placing any detainee into a holding cell, a search of the cell should be conducted to ensure that prior occupants have not discarded or hidden any contraband. A similar search should be conducted upon the detainee's release for the same reason, as well as to determine whether any property damage has occurred. Any property damage should be reported to the holding facility supervisor, prior to release of the detainee. All security and electronic monitoring devices and equipment should be checked for proper functionality prior to placing the detainee in a specific holding cell.

The assignment of detainees to holding cells should conform to agency policy, particularly where females and juveniles are involved. Females should never be held with males, and juveniles must be sight and sound separated from adult detainees. In addition, holding or incarcerating juveniles must conform to federal guidelines, in terms of both the nature and duration of incarceration.

Prior to placement, an assessment should be conducted to determine the detainee's risk of either becoming a victim of abuse or engaging in abusive behavior. If determined to be vulnerable or hostile, the detainee should be housed in a cell alone; not in an area holding multiple persons.

Once booked and assigned to a holding cell, a detainee should be given reasonable opportunities to use the telephone. One issue for agencies to consider is allowing detainees who are responsible for children to use their cellular telephones to make arrangements for care of the child. This may prove especially important if the detainee must contact the child directly. Many children are taught to never accept a call from an unknown number. Therefore, using a telephone in the booking location would most likely result in the child not answering. By allowing the detainee to use his or her cellular telephone, the likelihood of speaking directly with the child is greatly increased. In addition, many individuals no longer memorize their phone numbers and only have them saved in their cellular phones, which they may rely exclusively on to make calls; and which will not accept the collect charges that are commonly associated with telephones found in holding facility settings. However, this consideration should not be extended in cases where the cellular telephone may be used as evidence.

Detainees shall be brought before a magistrate as soon as practicable in accordance with laws and legal rules. Those held following their appearance shall be given every reasonable opportunity to secure bail or bond or otherwise gain their release as authorized.

E. Visitation

Officers must observe strict security requirements and procedures for visitation and establish rules governing times and allowable length of visitation, searching of visitors, location of visits, and rules governing contact. Attorneys, mental health personnel, and clergy shall be permitted access to detainees during pre-established hours. All visitors should present acceptable identification, and the date and time of their visit should be recorded in a visitation log. Visitors should be prohibited from bringing any items into the holding facility or visitation area, including food or drink for themselves or the detainees. Visitors and any containers or handbags may be subject to search. Agencies may wish to provide small lockers in which visitors may securely store items that are not permitted in the visitation area. Holding facilities should post a schedule of times governing visitation and the rules that must be observed during such visits. Exceptions to those rules must be granted only by the holding facility supervisor or officer-in-charge.

F. Security and Control

The importance of security for detainees is self-evident, particularly in cases where a detainee is accused or suspected of a serious and/or violent crime. Personnel assigned to holding facility oversight need to be mindful of the fact that even persons being held for relatively minor violations can become security risks and take advantage of lapses in safety and security procedures.

The model policy requires that the holding facility supervisor establish procedures for security within the holding facility. Each area within a holding facility should include audio/video monitoring devices that are employed for security and safety purposes. As previously stated, officers should ensure that these devices, along with all locking mechanisms, are fully functional before entering the holding facility. However, audio/video devices shall not be used for monitoring detainee conversations with clergy, mental health or medical personnel, or attorneys.

In addition, there should be strict control of area access keys and firearms. All keys or other means of access to cells and related security control points should be inventoried and placed under the control of an officer at a central location where they can be accounted for at all times. Keys should be issued only to authorized personnel who have received appropriate instruction on handling and securing the keys. The keys should always be returned to the centralized control point when the officer using them leaves the holding facility.

No officer should enter a booking area or holding facility while in possession of a firearm, unless authorized by the supervisor. Generally, such authorization would be granted only under emergency conditions, as previously discussed in the riot/assault portion of this document. Adequate secure lockers should be located outside the booking area or holding facility for the temporary storage of firearms, pepper spray canisters, electronic control weapons, and other sensitive equipment, in accordance with agency policy.

When coming into direct contact with detainees, officers should be alert to actions that could jeopardize officer safety, the safety of others, or security of the facility. Whenever possible, holding facility personnel should avoid unlocking or entering an occupied cell alone, particularly in situations when the detainee has been determined to be a threat risk to himself/herself or others. When necessary, the agency employee shall be monitored

from a central point to ensure safety.

When facility repairs are necessary, they should be completed after detainees have been removed from the area. During repairs, all tools and similar implements, should be controlled and inventoried, when brought into the facility and when removed.

For sanitation, health, and safety reasons, smoking should be prohibited within a holding facility.

Any periods of overcapacity shall be documented by the holding facility supervisor, to include the reasons for overcapacity, time period that the overcapacity lasted, as well as the actions taken to come into compliance. In addition, in cases of mass arrest, the booking and detention of detainees should be handled in conformance with this agency's crowd management policy.⁹

G. Feeding Detainees

Most police holding facilities are not equipped to prepare meals for detainees, and most periods of detention do not require meals be served, as detainees are held only for brief periods of time. However, agencies must provide detainees with sufficient nourishment when they are held for periods that would normally include meal hours or other extended periods. Detainees held over weekends or who otherwise spend extended time under arrest and/or in confinement must be provided appropriate food and adequate water.

The most reasonable and easiest means of providing meals is to arrange for catering from a local vendor. Sandwiches or similar food that does not require eating utensils and beverages in paper cups are ideal. Metal eating utensils should not be provided. Any culinary implements or similar items brought into the holding facility shall be recorded in and out through the booking officer or the officer in charge.

Reasonable accommodations shall be made whenever possible to meet special diet requirements when prescribed by a physician, when verified as essential to the detainee's health, or to meet religious restrictions.

H. Detainee Release

Release of detainees from custody should be performed with the same deliberate attention to detail as the steps taken in the booking process. There have been situations in which detainees have been released from custody without proper legal authority or due to mistaken identity. Errors can and do happen, particularly when officers are under pressure to meet tight time constraints. For the safety of the community and to avoid the negative repercussions that invariably result from the improper release of a detainee, caution should be exercised during the release process.

The model policy provides three requirements to help protect agencies from these types of incidents. First, officers responsible for release of detainees from custody or for the transfer of detainees to the custody of other authorities must be certain that they have proper legal authority to do so. Second, the identity of the detainees should be verified through comparison of photographs and thumbprints. Finally, a minimum of two officers, preferably including a supervisor, should verify that all paperwork is complete and that the detainee's identification has been properly verified.

Upon release, detainees should be asked to sign the receipt for their personal property, verifying that all items have been compared to the original inventory list and found to be complete. Any discrepancies should be reported to the holding facility supervisor or the officer in charge. The releasing officer shall note

all situations in which a detainee refuses to sign the receipt. Any items held as contraband or evidence shall be noted separately on the inventory report and held by the agency upon the detainee's release.

Where detainees are released to the custody of other law enforcement or corrections personnel, those agencies should be provided with all pertinent information on the detainee to include such issues as pending charges, illnesses, health concerns or injuries, suicide attempts or risks, drug use, use of prescription medications, and potential for violence or escape. Accepting authorities must be positively identified prior to assuming custody of the detainee and be able to provide required documents authorizing the detainee's release to their custody. They should be requested to sign for detainee's personal property, after it has been audited and found to be correct.

I. Training

Training of personnel who routinely or periodically work within the confines of a holding facility is an essential component of proper management of such a facility. While the complete components of any training program are determined largely by the nature of the facility in question, personnel should receive training in the following, at a minimum, as well as in any other matters consistent with assigned responsibilities or deemed necessary by the holding facility supervisor:

- a. safety and security procedures,
- b. holding facility operations,
- c. emergency evacuation procedures, equipment, and emergency first aid,
- d. supervision of detainees,
- e. effective and appropriate application of physical restraints and any use of force options authorized by the agency,
- f. searching and booking detainees,
- g. suicide prevention, and
- h. sexual abuse and sexual harassment consistent with PREA standards.¹⁰

Endnotes

¹ While the neck or carotid restraint is authorized in some jurisdictions, it has been the subject of a substantial amount of civil litigation by detainees and others who have been injured or allege injury and by the estates of those who have allegedly died as a result of its use. The major problem in its use is improper or inadequate introductory training and certification of police personnel, failure to provide in-service refresher training on a periodic basis, and the failure or inability of officers to accurately monitor when and if a subject being restrained is experiencing a physical crisis. Because of these and related problems, the National Law Enforcement Policy Center does not take a position on the use of this controlling mechanism but does recommend the use of extreme caution and close monitoring of subjects when it is employed and the absolute necessity of certification for any officer employing the technique. The neck or carotid restraint should be clearly distinguished from other neck restraint procedures, particularly the bar-arm choke hold. There is substantial danger associated with this latter procedure, and it should be avoided in all but the most extreme emergencies.

² See §115.6 of the PREA standards (<http://www.prearesourcecenter.org/sites/default/files/library/2012-12427.pdf>), which provides the following definitions: Sexual abuse includes— (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) Contact between the mouth and the penis, vulva, or anus; (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident: (1) Contact between the penis and the vulva or the penis and the anus, including

penetration, however slight; (2) Contact between the mouth and the penis, vulva, or anus; (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition; (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and (8) Voyeurism by a staff member, contractor, or volunteer. Sexual harassment includes— (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

³ A copy of the PREA standards can be viewed by visiting <http://www.theiacp.org/Portals/0/pdfs/PREALockupStandards.pdf>.

⁴ Additional information regarding the PREA standards can be found by visiting the IACP Elimination of Sexual Abuse in Confinement Initiative at www.theiacp.org/prea.

⁵ The subject of infectious disease control is beyond the scope of this discussion paper. Interested parties should reference the *Model Policy on Communicable Diseases* published by the IACP National Law Enforcement Policy Center for extensive treatment of the subject.

⁶ For more information regarding detainees with dependent children, please see the IACP *Model Policy and Concepts & Issues Paper on Safeguarding Children of Arrested Parents* at www.theiacp.org/childrenofarrestedparents.

⁷ For more precise and detailed information on conducting strip and body cavity searches, readers should refer to the IACP *Model Policy on Strip and Body Cavity Searches* published by the IACP National Law Enforcement Policy Center, Alexandria, VA.

⁸ See IACP *Model Policy on Strip and Body Cavity Searches*.

⁹ See the IACP *Model Policy on Crowd Management and Control* published by the IACP National Law Enforcement Policy Center, Alexandria, VA.

¹⁰ PREA training standards state that all employees and volunteers who have contact with detainees shall be trained on (1) the agency's zero-tolerance of sexual abuse and sexual harassment in confinement policy; (2) dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable in lockup settings; (3) right of detainees and employees to be free from retaliation for reporting sexual abuse or harassment; (4) how to detect and respond to signs of threatened and actual abuse; (5) how to communicate effectively and professionally with all detainees; and (6) how to comply with relevant law related to mandatory reporting of sexual abuse.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

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