



**BE A FORCE**

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**Edward A. Flynn**  
Chief of Police

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August 20, 2013

The Board of Fire and Police Commissioners  
200 E. Wells Street, Room 706  
Milwaukee, WI 53202

Re: Amendment to SOP 090- Prisoners

Dear Commissioners:

I am submitting the attached amendment to Milwaukee Police Department Standard Operating Procedure 090- Prisoners. Per Milwaukee Police Department Rule 1, Section 010.05, I request that you review the attached information at the September 5, 2013, Board of Fire and Police Commissioners meeting. Subsequent to our discussion and your approval at the September 5 meeting, I intend to implement these changes on September 6, 2013.

There are numerous changes to the SOP to include:

- Creation of a new THF Administrator position (Temporary Holding Facility) and a change of name for the Prisoner Processing Section (PPS) to Central Booking.
- Changes regarding the handling of prisoners who are medically and/or mentally ill and the transportation of disabled prisoners.
- Changes to protocol regarding the handling of prisoners when the department believes they have legitimate health issues, but are released from a hospital.
- Changes to policy regarding prisoners placed on hospital holds and investigative holds.
- Department member's responsibility to act when they reasonably believe a person is in some type of medical distress.

I appreciate your review of these changes and I look forward to our discussion at the September 5 meeting. If you should have any questions, please do not hesitate to contact me.

Sincerely,

EDWARD A. FLYNN  
CHIEF OF POLICE



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE 090 – PRISONERS

GENERAL ORDER: 2013-19

ISSUED: September 6, 2013

EFFECTIVE: September 6, 2013

ACTION: Amends General Order No. 2011-07 (March 23, 2011)

### 090.00    PURPOSE

The purpose is to establish guidelines for the management and administration of the Temporary Holding Facilities (THF) throughout the agency to include security, control and care of prisoners processed and housed therein.

### 090.02    TEMPORARY HOLDING FACILITY ADMINISTRATOR

- A. The Temporary Holding Facility (THF) Administrator shall be appointed by the Chief of Police.
  
- B. The THF Administrator or designee, shall exercise authority over all temporary holding facilities, detention and interrogation rooms, prisoner processing, safety, security, care and monitoring of all prisoners, subject to the orders of the Chief of Police
  - 1. The THF Administrator shall oversee training for personnel assigned to duties at the temporary holding facilities, operations, supervision and physical restraint of prisoners, and other responsibilities consistent with the position.
  - 2. The THF Administrator shall oversee transfer and transportation of prisoners to and from THF facilities and other jails.
  - 3. Ensure that Central Booking personnel conduct regular and periodic inspections of all Department THF facilities for compliance with Department policies and procedures, State of Wisconsin jail codes, and federal regulations relative to temporary holding facilities.
  - 4. File an annual report to the Chief of Police detailing the results of State of Wisconsin and/or federal inspections.
  - 5. Routinely review all mandates, procedures, standards, and correspondence from any agency of department that regulates temporary holding facilities so that policies and procedures are current.
  
- C. District commanding officers/shift commanders shall have operational control of their respective THF site and work cooperatively with the THF Administrator or designee to maintain compliance with this policy.

- D. Investigations Divisions who have temporary custody of a prisoner shall be responsible for the proper security, care, and control of said prisoner while working cooperatively with the THF Administrator or designee to ensure compliance with this policy.

#### **090.05 TREATMENT OF PRISONERS**

- A. All members of the Milwaukee Police Department bear responsibility for maintaining a respectful and professional manner when dealing with all prisoners. (See SOP 001- Fair and Impartial Policing.)
- B. District and Investigations Division commanders and shift commanders shall be responsible for the proper and humane treatment of prisoners conveyed to and confined at their respective work locations.
- C. Department members are strictly forbidden to argue with prisoners, to speak to them unnecessarily, to address them in obscene or profane language or to use more force than is necessary to overcome their resistance. Prisoners are to be made as comfortable as practicable; safekeeping, not punishment, being the objective during the time they are in the custody of the police. Any member found guilty of unnecessarily striking or mistreating prisoners in any manner shall be subject to discipline up to and including dismissal.

#### **090.10 PHYSICAL RESTRAINT OF PRISONERS**

##### **A. GENERAL RESTRAINT PROCEDURES**

As a rule, all prisoners and persons in custody shall be handcuffed behind their backs prior to transporting. There may be exceptions to this rule, such as dependent children, females with small children, physical condition, etc. However, police members must keep in mind that all persons in custody are potentially dangerous, regardless of their appearance or initial demeanor. Anyone in custody and not confined to a cell or detention room shall be constantly monitored and kept within reach of a sworn police member. All necessary precautions shall be taken to prevent escape or injury to the prisoner or others. Absent exigent circumstances and excluding police aides, a civilian shall not be responsible for monitoring a prisoner. All prisoners conveyed to Central Booking must be handcuffed behind their backs prior to arrival at Central Booking unless otherwise authorized by the Central Booking supervisor. Typically, persons being temporarily detained for investigative reasons shall not be handcuffed. However, members may use their discretion when the totalities of the circumstances indicate handcuffing is appropriate.

## B. FLEXI-CUFFS

1. Any time the number of arrestees outnumber the available steel handcuffs, the use of flexi-cuff handcuffs makes the control and transportation of the arrestees simple and safe. However, flexi-cuff handcuffs are not a permanent substitute; the primary handcuff remains the steel handcuffs. Therefore, members must maintain observation of persons who are restrained with flexi-cuffs.
2. Additionally, flexi-cuffs, if applied improperly, can seriously restrict the flow of blood and inflict injury to a person's wrists and hands. Once applied, the nylon restraint cannot be loosened to increase blood circulation or removed unless it is cut from the person's wrist.

**Note: Flexi-cuffs are to be removed only with Department approved safety scissors.**

## C. LEG IRON RESTRAINTS

Police members may use Department issued leg irons to restrain and secure violent or high risk prisoners, including those placed under emergency detention, that display violent behavior.

## D. EXPECTORANT SHIELD

An expectorant shield shall be used for persons spitting or threatening to spit at officers. When it is used, officers shall request that a supervisor respond to the scene. The responding supervisor shall ensure that the use of the expectorant shield was appropriate. The expectorant shield is not reusable and shall be disposed of properly.

**NOTE: Officers should be cognizant of the fact that if they observe a prisoner excessively salivating, that this may be an indication that the prisoner could be in medical distress. (See SOP 090.40(A) Medical Aid).**

## E. PRECAUTIONS

1. All persons in restraints of any kind shall be continuously monitored.
2. Members shall remain cognizant of any changes in the condition of an arrestee that would require medical treatment. If medical treatment becomes necessary, members shall immediately request medical assistance by telephone or radio. It cannot be overemphasized that members shall continuously monitor and remain cognizant of the condition of a person in custody, especially when he/she is in restraints. The arrestee may encounter immediate or delayed physical reactions that may be triggered by the change in physical or environmental factors. Therefore, caution and awareness on the part of the officer is constantly required.

3. If a person has been controlled and placed in restraints on the ground, the police member shall roll the person onto their side or into a sitting position as soon as possible. This procedure is performed to prevent injury to the person and to facilitate the member's monitoring of the person's physical condition.

#### **090.20 PRISONER'S ANIMALS**

A prisoner in possession of an animal at the time of arrest may elect to release the animal to a third party at the scene. If the animal cannot be released to another person, the arresting officers shall refer to Standard Operating Procedure 060 - Animals. The final disposition of the animal shall be noted in the *Incident Report* if one is required; otherwise such information shall be listed under the property tab in the Corrections Management System (CMS).

#### **090.25 PRISONER'S VEHICLES**

To properly process a prisoner's vehicle not considered evidence in a crime, officers shall check the vehicle to determine if it is stolen or wanted. If the prisoner is present and capable of making a decision, the officers may allow the prisoner to choose one of the following options for the vehicle:

1. The vehicle may be released to a third party.
2. The officer may drive the vehicle to the closest area where it can be legally parked.
3. The vehicle may be left legally parked if not in a designated restricted zone.
4. Officers may arrange for a Prisoner's Property Tow in accordance with Standard Operating Procedure 610 - Towing.

#### **090.30 TRANSPORTATION OF ARRESTEES**

##### **A. SEARCH**

1. Conveying officers shall at all times search the person in custody prior to transporting.
2. At the beginning of each shift, and after each conveyance of an adult prisoner, juvenile detainee or citizen in a Department vehicle, the conveying officer(s) shall conduct a thorough search of the rear passenger compartment of the police wagon or squad car for contraband and/or unauthorized items.

## B. COMMUNICABLE DISEASES AND MEDICAL CONDITIONS

1. Prior to transport, either arresting or transporting officers are to ask the prisoner about their medical condition. The prisoner shall be asked if he/she has a medical condition such as diabetes, heart disease, seizures, asthma or high blood pressure. In addition, the prisoner must also be asked if he/she has any communicable diseases such as HIV, AIDS, MRSA, hepatitis, tuberculosis, crabs, lice, scabies, open sores or wounds or other condition requiring medical attention.

Officers will be cognizant of the fact that there are persons within the community who have mental illnesses that may require immediate treatment. If an officer has cause to believe that a prisoner falls within the legal standards for Emergency Detention, as defined in SOP 160- Mentally Ill Persons, they are to summon the Mobile Crisis Team or convey them to the Milwaukee County Mental Health Complex for treatment prior to being booked at a Department Temporary Holding Facility.

2. If the prisoner indicates he/she has a communicable disease or other condition requiring medical treatment, the member shall immediately notify their shift commander via telephone so that a decision can be made as to whether to accept the prisoner or re-route the prisoner to a medical facility or CJF. If the prisoner is accepted, the shift commander shall notify the location where the prisoner is to be processed so that a plan for safely handling the prisoner may be implemented. The transporting officer shall also notify the dispatcher that the prisoner has a medical condition but **shall not provide any specific information over radio channels.**
3. If a prisoner has soiled themselves (i.e. vomit, feces, or urine), officers shall immediately determine if that person is in need of medical attention. If not, that prisoner shall be conveyed to Central Booking where they shall be provided a shower, as soon as possible. Any soiled clothes shall be placed in a biohazard bag. The prisoner will then be provided with proper attire.

Officers must ensure that the prisoner's clothing is no longer needed for investigative or evidentiary purposes before having it removed. If the clothing item is needed, it shall be placed on inventory as evidence. If the clothing item is not needed, officers shall ask the prisoner if it can be discarded and if not, place them on inventory as prisoner's property.

## C. TRANSPORTATION

1. The arrestee(s) shall be transported in a patrol wagon or patrol car equipped with a safety shield.
2. Arrestee(s) being transported in a patrol car equipped with a safety shield (limited to two arrestees) shall be restrained with the vehicle seat belt. Arrestee(s) being transported in a patrol wagon equipped with a prisoner

restraint seat device shall be properly secured in the device. They shall also be restrained with handcuffs behind the back if practicable.

3. When conveying an arrestee(s), the transporting officer(s) shall maintain visual contact with the arrestee(s) whenever possible and shall otherwise remain cognizant of the arrestee(s) movements or actions.
4. Persons displaying violent behavior during and immediately after arrest shall be transported in a two-person patrol wagon and adequately restrained. In order to properly monitor the person, an officer(s) shall accompany the violent person in the transport area during transportation.

#### D. TIME AND MILEAGE

When there is no transporting officer of the arrestee's gender, one officer may transport after notifying the dispatcher of the following:

1. Location of departure
2. Odometer reading
3. Arrival at the destination, including the destination location, odometer reading and whether a delay or detour occurred.
4. Further, officers shall note in their memo book the aforementioned transport.

#### E. TRANSPORT BY NON-ARRESTING OFFICER(S)

When the transporting officer(s) is not the arresting officer(s), the arresting officer shall complete an *Arrest/Conveyance Card* (Form PA-7) and provide it to the transporting officer. The PA-7 shall include all the necessary information for the initial booking process and on-line data entry to be completed.

#### F. TRANSPORTATION OF DISABLED PRISONERS

1. Members shall take special precautions when transporting disabled prisoners.
2. An individual with a disability is defined by the Americans with Disability Act (ADA) as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment.
3. Major life activities include such things as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. To be substantially limited means that such activities are restricted in a manner, condition, or duration in which they are performed in comparison with most people.

4. Restraining devices shall be used on disabled prisoners, unless it is apparent that their condition will not allow for the use of restraints.
5. If at the time of arrest a prisoner possesses a wheelchair, brace, crutch, artificial limb, walker, or cane, officers shall determine if they can be safely conveyed in a Department vehicle. If not, officers shall request an ambulance for transportation.
6. Members will not lift or remove a person from a wheelchair unless the prisoner has requested assistance in doing so. Members will not lift a wheelchair off the ground by hand while it is occupied, except in situations where life threatening circumstances exist.
7. A disabled prisoner may need to be restrained by placing the handcuffs in the front. If a prisoner cannot be handcuffed, two members shall be utilized for the transport.
8. In circumstances where a prisoner is in possession of a service animal, refer to SOP 090.20- Prisoner's Animals.
9. For incidents involving a deaf or hard of hearing prisoner, members should refer to SOP 190.30- Guidelines for the Hearing Impaired.

### **090.35 PRISONERS CONVEYED FROM THE HOUSE OF CORRECTION**

#### **A. HEALTH TRANSFER SUMMARY REPORT**

1. A police member picking up a prisoner at the House of Correction will receive a copy of a completed *Health Transfer Summary* (HTS) and, if the prisoner is returning to the House of Correction, a blank form.
2. Upon arrival at Central Booking, the completed form and the blank form (if applicable) shall be given to a Central Booking supervisor. The form(s) shall remain at Central Booking while the prisoner is in custody of the Milwaukee Police Department. Prior to returning the prisoner to the House of Correction, the conveying officer shall retrieve both forms from a Central Booking supervisor.
3. If, while in custody of the Milwaukee Police Department, the prisoner receives medical attention at a medical facility and he/she is returned to the House of Correction, medical facility personnel shall complete and sign the blank HTS.
4. If, while in custody of the Milwaukee Police Department, the prisoner does not receive medical attention and he/she is returned to the House of Correction, the conveying officer returning the prisoner to the House of Correction shall

complete the blank HTS. The officer completing the aforementioned report shall particularly note any changes from the previously completed form.

#### B. DISTRIBUTION/RETENTION

1. If a prisoner is not returned to the House of Correction, the HTS shall be filed at Central Booking and he/she shall be processed according to the provisions in SOP 100 - Booking Procedures.
2. When a prisoner is returned to the House of Correction, the conveying officer shall give the original newly completed HTS to the receiving officer at the House of Correction. After the receiving officer at the House of Correction signs the HTS, a copy of the form shall be given to the conveying officer.
3. When a prisoner is returned to the House of Correction, the conveying officer shall submit the following reports to their shift commander:
  - a. A copy of the HTS that was received from the House of Correction officer when the prisoner was originally picked up.
  - b. A copy of the HTS that was completed by the medical facility personnel or the conveying officer when the prisoner was returned to the House of Correction.
4. The shift commander receiving HTS reports shall review and forward the reports to Central Booking where they shall be retained according to the retention schedule.

### **090.40 PRISONERS IN NEED OF MEDICAL ATTENTION**

#### A. MEDICAL AID

1. Any Department personnel having contact with a person in medical distress shall immediately activate the Emergency Medical System (EMS) which includes calling for medical treatment and rendering first aid until relieved by responding medical personnel.
2. Medical distress will include, but is not limited to, situations where a person is unconscious, has no pulse, has difficulty breathing, complains of moderate to severe pain, has moderate to severe bleeding, or is incoherent.

#### B. CONVEYANCES

1. Prisoners conveyed to a medical facility for non-emergency medical care may be conveyed by a police patrol unit.

2. Prisoners conveyed to a medical facility because of injury or an apparent emergency physical illness shall be conveyed by ambulance or Fire Department Paramedic Unit. Where there is doubt as to the mode of transportation to be utilized, prisoners shall be conveyed by ambulance or Fire Department Paramedic Unit.

**Note: Emergency physical illness shall include those instances when an officer believes that the person in custody has recently taken what appears to be a controlled substance, especially in cases where it appears that the person has attempted to dispose of the substance by ingestion. The mere fact of putting something in his/her mouth that the member believes may be a controlled substance shall constitute evidence of ingestion; the prisoner must be medically cleared prior to booking.**

3. An officer shall remain with the prisoner during transport to and from the hospital or emergency medical facility in all such cases.
4. Escorting officers shall remain in the treatment room with prisoners at all times. When all restraints must be removed, more than one officer should be present. Officers must be aware of the well being of their prisoners while also assuring their own security and the security of others.
5. Instances may arise where officers believe a prisoner's medical condition is of such nature that they should not be released from a hospital even though hospital personnel have released them from their care. In those circumstances the following will occur:
  - a. The officer shall request a supervisor to meet them at the hospital.
  - b. If the supervisor agrees with the concerns of the officer, they shall speak with the hospital personnel caring for the prisoner and attempt to resolve the situation.
  - c. If the supervisor, after speaking with the hospital staff, is unable to come to a satisfactory conclusion, they shall contact their shift commander and inform them of the circumstances surrounding the concerns for the prisoner.
  - d. The shift commander shall note this information in the daybook and notify their commanding officer regarding.
  - e. If this occurs during the night shift, the Night Watch Commander shall be notified and informed of the situation.
  - f. If the commanding officer or the Night Watch Commander determines that there is a legitimate health concern for the prisoner, they shall respond to the hospital in question and request to speak with hospital

personnel regarding the prisoner's care.

- g. If after speaking with hospital staff it is determined that the prisoner will still be released from the hospital, it will be so noted by the commanding officer or the Night Watch Commander by filling a memo to the respective work location's Assistant Chief of Police and the THF Administrator.
- h. The officer shall convey this prisoner directly to CJF. This conveyance shall be done by either Department vehicle or by ambulance. Under no circumstances shall the prisoner be brought to any Milwaukee Police Department temporary holding facility, regardless of the offense for which they were arrested.

C. *PROTECTIVE CUSTODY OR TRANSFER OF PRISONER FOR MEDICAL CARE (FORM PP-42)*

Upon arrival of the Fire Department Paramedic Unit or private conveyance, or prior thereto, the detaining officer shall:

1. Complete Form PP-42 in triplicate, except the block titled "Police Use Only."
2. Request the Fire Department Paramedic Unit or private ambulance representative making the conveyance to sign Form PP-42 in the appropriate block.
3. Give the Fire Department Paramedic Unit or private ambulance representative the yellow and pink copies of the form (for medical facility and Fire Department records, respectively).
4. Complete the information required on the white original in the block titled, "Police Use Only."
5. Submit completed form (white original) to commanding officer for review and transmittal to Open Records.

D. MEDICATION

1. Police members shall inquire with the prisoner if they are in need of prescribed medication; including inhalers, at the time of the arrest, and prior to the conveyance into a district station or, Central Booking make a reasonable effort to obtain such medication, including inhalers, and ensure that it is listed under the property tab in CMS.
2. If a prisoner is in possession of an inhaler with his/her identification on it, and depending upon the frequency with which it is required, the prisoner may be allowed to have access to it upon request while in custody. If a prisoner is to be allowed to have access to an inhaler, the inhaler must first be examined to

determine that it is functioning and does not contain contraband or a controlled substance.

3. Members shall notify their shift commander when a prisoner has, requires or requests medication, including inhalers.
4. Members shall not administer medication to any persons in custody.
5. Adult Prisoner In Need of Medication

If no other medical conditions exist, the PA-45 and the CR-215, if applicable, must be completed and signed by the shift commander. The prisoner, along with his/her medication (if available), shall be conveyed to the Criminal Justice Facility (CJF), in time for the next necessary dosage. Emergency rooms at area hospitals no longer accept prisoners for the purpose of administering scheduled medication.

E. *EMERGENCY MEDICAL SERVICES REPORT (FORM PF-3)*

An *Emergency Medical Services Report* (Form PF-3) shall be completed in the above situations only when officers actually administer first aid. The original PF-3 shall be attached to the PP-42 and processed as cited above (no copy required).

**090.45 MEDICAL ALERT INFORMATION**

Medical alert information is available through the Department computer. It is required on filing an *Emergency Detention Report* (Form PE-18), *Protective Custody or Transfer of Prisoner for Medical Care Report* (Form PP-42), or *Sick and Injured Incident Report* in Records Management System (RMS), that the officer filing such report call the Technical Communications Division – NCIC Unit and provide the medical alert code along with the name, race, sex, date of birth, address, height, weight, aliases, operator's license number, social security number and the Milwaukee Police Department Identification number (MPD ID) of such person to ensure that such new information is entered into the Department computer records in case contact is made with the person again.

**090.50 REQUIRED NOTIFICATIONS (DEATH, INJURY, ESCAPE, AND/OR DAMAGE)**

The Chief of Police or designee shall immediately notify the Milwaukee County District Attorney's Office in the event of the death of an individual while the police are affecting an arrest or while an individual is in police custody. The Chief of Police or designee shall further notify the Executive Director of the Board of Fire and Police Commission at the beginning of the next business day. If the death occurred within any MPD temporary holding facility or at Central Booking, the Wisconsin Department of Corrections must be notified within 48 hours by calling 414-278-3997.

The Department of Corrections must also be notified by the THF Administrator or designee, or in their absence the Night Watch Commander, at the above number within

48 hours in the event any of the following occurs at a any MPD temporary holding facility or Central Booking:

- a prisoner attempts suicide and is admitted to a hospital
- a prisoner has been injured and admitted to a hospital
- a member has been injured by a prisoner and admitted to a hospital
- a prisoner escapes or attempts to escape
- there is significant damage to the lock-up facility which affects the safety or security of the lock-up.

## **090.55 PRISONER PROCESSING & SCREENING**

### **A. ARREST SCREENING**

#### **1. General Procedure**

In general, all male persons arrested by members shall be conveyed to the district station of the district in which the arrest occurred. If adult females are not subject to release at the district station, they may still be booked at the district station (Districts 2-7) in which the arrest occurred, at the discretion of the shift commander prior to transport to Central Booking or CJF. District temporary holding facilities are prohibited from housing female prisoners. Female prisoners will only be held on a temporary basis at Central Booking, prior to transport to CJF.

#### **2. Investigations Division Arrests**

When an arrest is made of a person who is wanted for an offense related to an Investigations Division incident, that prisoner shall be conveyed directly to Central Booking for processing. Prior to this conveyance the arresting officer(s) shall contact their shift commander, who shall contact the Investigations Division unit shift commander from which the investigation is being conducted to notify them of the arrest. When such an arrest occurs, reports related to that arrest are to be reviewed and approved by the shift commander of the appropriate Investigations Division (i.e. Metropolitan, Sensitive Crimes, North, Central or South Investigations Division).

#### **3. Combative Adults**

Combative adults shall be transported directly to the CJF. Officers shall consult with their shift commander regarding such prisoner, who will notify a Central Booking supervisor before making such conveyance.

#### **4. Notifications**

- a. Conveying officers are to notify the shift commander or Central Booking supervisor that a prisoner has been brought into a Department facility. The

shift commander shall view the booking process via the video screen and ensure the audio is at an acceptable level.

- b. The shift commander or other supervisor in charge shall verify that the booker/arresting officer has entered the booking information into CMS as soon as practicable.
- c. Refer to SOP 100.20 - "Cite and Release" and Municipal Personal Recognizance Arrests in those cases where the person is in custody for the issuance of a citation or the signing of a personal recognizance bond and will be released from a Department facility with a future court date.
- d. Prisoner movements shall continue to be entered into CMS by bookers and the Central Booking Head Jailer until the arrestee is released from MPD custody. (Refer to SOP 100 – Booking Procedures for accepted disposition codes).
- e. Whenever a person is transported or released from a Department facility, the shift commander or another supervisor in charge shall verify that the proper entries have been made into CMS to reflect this change of status and movement.
- f. In those cases where a prisoner is released directly from a district station or Central Booking, other than "cite and release" and Personal Recognizance Bond releases as outlined in SOP 100.20, the proper release code must be accurately entered into CMS and the PA-45 completed to reflect the reason for release.
- g. When the identity of a fingerprinted arrestee is completed, the notification of identification or other changes in data can be viewed under the event tab located in the CMS.
- h. District Bookers and the Central Booking Head Jailer must verify accurate and complete computer entry, fingerprints, prisoner movements and final release codes with the appropriate entry of his/her PeopleSoft number in CMS.
- i. In those cases where a prisoner is refused entry into the final detention facility such as CJF, MCCC or any other facility for medical reasons, the conveying officer(s) shall notify their shift commander, who shall ensure that the appropriate disposition code is entered into CMS.

#### 5. Inquiries

Refer to SOP 570 – Public Information Policy for inquiries from the media relating to the release of information on arrested persons.

## B. TEMPORARY HOLDING FACILITIES

### 1. Central Booking

Central Booking shall be the lockup facility for adult arrests that occur within the boundaries of District One. Central Booking shall be the temporary holding facility for all adult female prisoners. (See SOP-090.55(A) (1))

### 2. Personnel Restricted from Entering Cellblocks

Only personnel specifically assigned to cellblock duty (e.g., bookers, jailers, supervisors and custodial workers) shall be allowed in any cellblock. Other members may enter the cellblock with the booker, only with the permission of the shift commander or in exigent circumstances. Members that have entered the cellblock in an emergency situation must promptly report their presence to the shift commander.

## C. DETENTION FACILITIES

1. CJF is the detention facility for adult prisoners after booking, processing, fingerprinting and photographing is completed at district stations or Central Booking.
2. A complete booking entry into CMS, along with fingerprints and prisoner photographs, shall be completed prior to the arrestee being conveyed to any detention facility.

## D. PRISONER PROCESSING

1. A PA-45, and a CR-215 if required, shall be completed for all adults taken into custody. A CR-215 must be notarized. In cases when this report can be computer generated, it shall not be printed or hand written before the booking process is complete.
2. District personnel are to continue preparing the prisoner package in accordance with the current practices. The "Criminal Arrest History" shall be included in all packages prepared by Department personnel. The completed PA-45 and CR-215 shall accompany every prisoner taken to CJF.
  - a. Municipal warrants and commitments

The computer printout, which is generated at the work location, shall be included in the prisoner package taken to CJF.
  - b. In-state warrants

In-state warrants shall be confirmed with the Milwaukee County Sheriff's Department or the originating agency (ORI). The warrant information shall be included in the prisoner's package.

c. Out of state felony warrants

- Out of state felony warrants must be confirmed through Investigative Management Division (IMD) clerical support staff. The confirmation teletype is to be included in the prisoner package that is taken to CJF. A copy of the confirmation teletype, arrest report and positive hit sheet must be faxed to the IMD - Extradition Unit.
- The Extradition Unit will obtain a copy of the warrant from the ORI and complete the extradition process.

E. DISTRICT INTAKE

Upon transporting a prisoner to the district station, the prisoner shall be taken to the booking or processing area. This area shall be free of movable furniture/furnishings which could be used as a weapon by a prisoner. This area shall consist of a space large enough to accommodate the prisoner's property, related inventories and packaging equipment. The booker shall wear protective gloves during the search of all prisoners. Handcuffs shall be removed during the search unless the arresting/conveying/booking personnel determine that the threat level is excessive.

F. PRISONER'S PROPERTY

1. Upon receiving a prisoner, either juvenile or adult, the booker shall do a complete pat-down search for offensive items, being mindful of layered clothing. If a possibly offensive item is felt, the booker shall remove it, NOT the prisoner. After the initial search, and after the booker is certain no offensive items are present, the prisoner shall remove all property from his/her pockets, etc. The prisoner shall remove all items except necessary clothing, including but not limited to: watches, all jewelry, shoelaces, belts, drawstrings and hats. If the prisoner does not want drawstrings removed, the item shall be taken from the prisoner and transferred with the prisoner to CJF for adults and MCCC for juveniles.
2. Once the prisoner has removed all property, the booker shall conduct a second complete search. This second search is a priority safety issue. The booker shall remove the prisoner's shoes and socks and check them for weapons/contraband. (Syringes have been concealed in the soles of athletic shoes. An indication of syringe leakage is a floppy, loose portion of the sole.)

**Note: Any minor item (i.e., safety pins, pencils, etc.) can easily be used against an officer in a prisoner holding facility; therefore, conduct a thorough search.**

3. Once all property has been removed, the following steps shall be completed in processing the prisoner's property inventory. Prior to sealing a prisoner's property bag, any personal items that alter a prisoner's appearance (i.e. wigs, glasses, etc.) shall be used by bookers to photograph additional appearances.
  - a. If their demeanor permits, the prisoner may watch as you account for each item of property.
  - b. The booker shall count the prisoner's money slowly while he/she watches. Money shall be placed in a small envelope. The amount shall be written on the envelope. Money shall be sealed in a separate bag. All money shall be placed in a secure location by the booker. A notation shall be made in the comments section under the property tab that the money was placed in a secure location and that location shall be listed.
    - 1) Jewelry valued over \$200 shall be sealed in a separate bag and handled the same as monies over \$200.
    - 2) Personal and payroll checks shall be listed by check number and amount.
  - c. If no money is taken, "NONE" should be written in the description section under the property tab. When money is taken, the total must be indicated and checked against the amounts listed.
  - d. All plastic bags shall be labeled across the top with the prisoner's name, race, and date of birth. When more than one bag is required to store a prisoner's property, the same information shall be written on each bag with additional labeling of "1 of 2," or "2 of 2," etc.
  - e. Medications labeled with the prisoner's name shall be bagged separately following the guidelines established for bags.
  - f. All government documents and items of identification found on the prisoner must be listed under the property tab in CMS as non-valuable.
  - g. All prisoners' property that is not contraband or evidence shall be listed under the property tab in CMS, and shall be transferred with the prisoner to his/her place of confinement.
  - h. Electronically Monitored Prisoners
    - 1) When a prisoner is wearing a non-GPS type electronic monitoring device (Other than a SCRAM bracelet), the arresting/conveying officer shall cut the band on the device and inventory it. The claimant on all electronic monitoring devices is: Division of Probation and Parole, 1673 S. 9th St., Milwaukee, WI 53204. The Property Control Section shall

retain the device until it is retrieved at the warehouse by the Division of Probation and Parole.

a) Monitoring Agencies

The following agencies shall be notified when electronically monitored prisoners are in custody:

(1) House of Corrections

Weekdays - 8:00 a.m. to 4:00 p.m., telephone 414-525-5743

Other times – 414-525-5741

(2) State Department of Corrections

Weekdays - 7:00 a.m. to 4:30 p.m., telephone 1-800-978-0078

Other times - 608-240-3949

- 2) Secure Continuous Remote Alcohol Monitoring (SCRAM) bracelets is a non-GPS electronic monitoring device. This bracelet monitors the prisoner's alcohol use and shall NOT be cut. All prisoners wearing these bracelets shall be conveyed to Central Booking. Central Booking shall remove the device using special tools and notify Wisconsin Community Services at (414) 223-1906.
- 3) When a prisoner is wearing a GPS type electronic monitoring device, the arresting/conveying officer must determine if the unit is the property of the Wisconsin Department of Correction or the Milwaukee County Sheriff's Office (MCSO).
- a. The DOC Sex Offender Units use model BI 9000 devices to monitor high profile sex offenders. These devices and their trackers should remain at the residence of the subject taken into custody. Typically, there will be a notice from DOC stating such posted near the tracker.
- b. The MCSO Electronic Monitoring Unit utilizes Omnilink GPS units to monitor individuals on house arrest or Huber release. The Sheriff's Office requests that they be notified when one of their individuals is taken into custody. If the prisoner does not know his/her GPS officer's name and telephone number, members should call the MCSO at 414-278-4788. **The unit is not to be left at the residence of the prisoner.** The unit should accompany the prisoner to CJF where the unit can be turned over to the MCSO. The unit should **not** be included in the prisoner's property.
- i. The booker shall enter all of the prisoner's property under the property tab in CMS. The booker shall print a copy of the property receipt and instruct the prisoner to sign it, which will indicate that he/she agrees all the property is

accounted for. A copy of the form shall accompany the prisoner to the prisoner's next location.

If the prisoner is uncooperative or refuses to sign the property receipt, a supervisor shall be summoned only in those cases where the prisoner complains of a property accounting discrepancy. If the refusal is based only on the lack of cooperation, the booker shall mark "refused" on the printed property receipt and make a note in the remarks section of the CMS module under the first booking tab. A copy of the printed receipt shall accompany the prisoner's property and a copy shall be kept on file at the District/Central Booking.

j. Release of Property at the District

- 1) If a prisoner is released at a district station, the prisoner shall surrender his/her property receipt. The releasing officer shall, in the prisoner's presence, open the plastic bag containing the property. Prior to allowing the prisoner to sign for it, the releasing officer shall check it against the listed property on the receipt. Both the prisoner and the releasing officer must sign the receipt. If the prisoner refuses to sign, the shift commander/supervisor shall be notified. If there is no valid reason for the refusal, the property shall not be released. It shall be resealed and the receipt returned to the released prisoner with instructions for them to return at a later date.
- 2) If the released prisoner makes a claim of missing property to the shift commander/supervisor, the shift commander/supervisor shall note on the department's copy the property claimed to be missing and initial. The property should then be released to the prisoner and an investigation initiated.
- 3) Partial Property Release - On occasion, it may be desirable/necessary to release some of the prisoner's property to a third party, i.e., keys to a spouse. Releasing this property is done at the shift commander / supervisor's discretion. The prisoner must indicate on the property receipt what property is to be released and to whom, and sign the property receipt for partial property returns. A supervisor must also sign the form. After verifying the identity of the receiving party by picture I.D., the receiving party must also sign the property receipt.
- 4) If the property listed on a property receipt is determined to be evidence, or not that of the prisoner's, it shall be released to an officer for placement on inventory. The following notations must be made on all copies of the property receipt: time released, inventory number, name of the officer receiving property, and signature of authorizing supervisor.

## G. INVESTIGATIVE HOLDS

1. A police lieutenant or higher authority may authorize a prisoner "hold" at Central Booking. Such a "hold" begins when the *Arrest Detention Report* (PA-45) has been sufficiently completed such that the prisoner can be processed. When completed, the original PA-45 and CR-215 shall be retained by the shift commander of the geographic Investigations division in which the arrest occurred and shall document all charges upon which there is probable cause to hold the prisoner. The hold shall only be for a maximum of 72 hours. A lieutenant or higher authority must reconfirm the "hold" every 8 hours.
2. Prisoners on "hold" may only be held at Central Booking.
3. The Central Booking supervisor in charge is responsible for the well being of all prisoners at Central Booking and has the authority to reject prisoners for medical reasons, including those on investigative holds. If a prisoner on investigative hold and/or awaiting interrogation is rejected, the Central Booking supervisor in charge shall notify the shift commander of the work location in which the arrest occurred of the rejection. The Central Booking supervisor and shift commander shall attempt to resolve the possible rejection while taking into consideration the prisoner's medical needs and the societal needs to resolve the underlying criminal incident. The respective supervisors shall contact the THF Administrator for guidance or in their absence, the on-duty Night Watch Commander. If rejected Options to consider may be medical treatment, direct and constant monitoring by an officer, and immediate interrogation. If rejected, the lieutenant shall ensure that the PA-45 and CR-215 are accurate and complete and then immediately delivered to the Central Booking supervisor in charge.
4. A prisoner on investigative hold or awaiting interrogation by a member may be rejected on a case-by-case basis for one or more of the following reasons:
  - a. The prisoner has displayed behavior or made statements that necessitate emergency detention pursuant to Wis. Stats. 51.15 (1).
  - b. The prisoner has an injury or is in medical distress. (See SOP 090.40)
  - c. The prisoner requires the administration of medication at regular intervals.
  - d. The prisoner has physically assaulted Department member(s).
  - e. As a result of an emergency or catastrophe that threatens the safety of prisoners and Department members.
5. The police lieutenant or higher authority requesting the hold shall complete and sign a *Prisoner Status Report* (Form PP-9), which shall be kept in the Central Booking sergeant's office. The PP-9 shall be updated at the beginning of each shift.

6. The "hold" shall be recorded in the Central Booking Daybook. The body of the Daybook entry shall include the prisoner's full name, sex, race, DOB and charge(s).
7. At the beginning of each shift, the Central Booking supervisor in charge shall determine if there are any investigative holds. The Central Booking supervisor in charge shall contact the work location that requested the hold and determine if there is a need for the hold to continue. When a lieutenant or higher authority continues the hold, that fact shall be logged in Central Booking Daybook and the PP-9 updated. The Central Booking supervisor in charge shall continue with this notification at every 8-hour interval thereafter.
8. Prisoners placed on an investigative hold for 12 hours or longer shall be provided a warm meal during the evening meal only. The morning and afternoon meal will be the standard meal provided to all prisoners at Central Booking. Prisoners placed on an investigative hold for 12 hours or longer shall also be allowed to shower, if requested, or as the staff deems necessary. These additional comforts shall be documented on the PP-9.
9. The original PP-9 shall be filed at Central Booking only after final disposition of the prisoner has been completed.

#### H. PRISONERS WITHOUT IDENTIFICATION

Prisoners without identification shall be processed according to the provisions set forth in SOP 100 - Booking Procedures.

#### I. PRISONERS CONVEYED TO CJF

1. The conveying officer(s) shall transport the prisoner(s) and their property to the CJF sallyport located at 948 N. 10 Street.
2. Upon arrival, conveying officer(s) shall secure their duty belt with all weapons on their persons (i.e. firearm, O.C., batons, knives) in the lockers provided by the Sheriff's Department before entering the booking area.
3. The conveying officer(s) shall escort the prisoner(s) into the booking area. Prisoner(s) shall remain handcuffed at this time.

##### a. Prisoners Screened at the District

Conveying officers shall present the prisoner and all related paperwork to Central Booking personnel assigned to CJF. The Central Booking officer shall review the reports for accuracy and completeness and evaluate the physical condition of the prisoner. Once this is completed, they shall take custody of the prisoner and the conveying officer may go back into service.

b. Prisoners Conveyed Directly to CJF

- 1) Arresting/Conveying officer(s) shall complete the necessary sections of the PA-45 and CR-215 and shall stand by until the PA-45, CR-215 and medical assessment reports are approved and the prisoner has been searched.
- 2) The arresting officer shall obtain a copy of the partially completed PA-45 and CR-215 and complete it as well as any other necessary reports. After the reports have been reviewed and approved, they shall be hand carried without delay to Central Booking and held for personnel from the Court Administration Section.

4. Contraband

When prisoners are transferred to CJF and Milwaukee County Sheriff's personnel recover contraband during their booking search, the following procedures shall apply.

- a. The prisoner and the contraband shall remain in the custody of the Sheriff's Department.
- b. Sheriff's personnel will inventory all items recovered and file the appropriate reports.
- c. The Sheriff's personnel will notify the Central Booking shift commander
- d. The Central Booking shift commander receiving the call shall be responsible for the following:
  - 1) Complete a written report of the circumstances which will be routed to the member's commanding officer for appropriate action.
  - 2) Fax a copy of the written report to Court Administration at 226-7369.
- e. Court Administration personnel shall be responsible for the following:
  - 1) Obtain reports that have been filed by the deputies and collected by the Sheriff's court liaison deputies.
  - 1) Present the case to the District Attorney's Office or City Attorney's Office for charges.
  - 2) Provide the Sheriff's court liaison deputies with the disposition of the case.

5. Custody Refused

- a. If the booking control deputy refuses to accept the prisoner for medical reasons, the conveying officer(s) shall take the prisoner to the appropriate medical facility for treatment. **The conveying officers shall document on the PP-42 the precise medical reasons for the refusal to admit the prisoner to CJF.** After treatment, if the prisoner is not admitted to the hospital, the conveying officer(s) shall return the prisoner to CJF with the medical release paperwork.
- b. Central Booking will be notified anytime a prisoner is rejected by CJF. A Central Booking supervisor will notify Communications to dispatch a squad from the district in which the arrest occurred, to convey the prisoner for medical clearance.
- c. The conveying officer(s) shall notify the Central Booking Head Jailer at extension 7524 of the time they depart and the time they return to CJF to ensure prisoner movement is updated in CMS.
- d. If for any reason a person arrested on municipal charges is refused entry to CJF, the member shall contact the Central Booking supervisor in charge for direction.

**090.60 PRISONER VISITORS AT A DISTRICT STATION OR CENTRAL BOOKING**

- A. Department members requesting to enter a temporary holding facility or interview any prisoner confined therein shall first receive authorization from the respective shift commander of said facility.
- B. No visitors, except for attorneys, shall be allowed a personal interview with a prisoner. Any visitor interested in speaking to a prisoner shall be referred to the Criminal Justice Facility (CJF) once the prisoner has been transferred there.
- C. When an attorney requests to interview a prisoner who is in MPD custody, the shift commander of the respective Investigations Division in which the arrest occurred shall be notified. Attorney visits are at the discretion of the shift commander of the respective Investigations Division in which the arrest occurred and are not required to be granted. If an attorney visit is granted, the attorney shall not be allowed to visit their client in cells. In such cases, the prisoner shall be brought to a proper place in the facility where the prisoner may consult with counsel and shall at all times be properly guarded from escape.

**090.65 TELEPHONE REQUESTS**

Generally, prisoners requesting a telephone to contact friends, relatives, or counsel shall be permitted the use of a telephone following their arrival at the Criminal Justice Facility (CJF). However, shift commanders may allow a prisoner in custody for a misdemeanor or a municipal violation the use of a telephone. A prisoner in custody for a felony may be allowed the use of a telephone with the approval of the respective Investigations Division Shift Commander. If any such request is granted, bookers shall dial the number for the prisoner and record the prisoner's name, date, time and number called in a log book.

**090.70 PRISONER RELEASED AT A DISTRICT OR CENTRAL BOOKING****A. PRISONER RELEASED**

Whenever a PA-45 has been completed and a prisoner is released from a work location, the reviewing supervisory officer shall ensure that the appropriate Prisoner Release entry code(s) is made on the PA-45 as well as in CMS (Refer to SOP 100 – Booking Procedures for accepted disposition codes).

**B. ADMINISTRATIVELY RELEASED (AREL)**

1. Shift commanders and acting shift commanders may approve the administrative release of a prisoner with no further action. All instances of prisoners being administratively released shall be noted in the work location daybook.
2. Shift commanders and acting shift commanders shall ensure that prisoners administratively released from custody with no further action have been processed, i.e. information entered into the CMS, photographs, fingerprints and a PA-45 generated for supervisory review.

**090.75 HOSPITAL HOLDS****A. PERSON ARRESTED – HOSPITAL HOLD AUTHORIZED**

Should an arrestee be conveyed to a hospital for medical treatment and subsequently admitted to the hospital, the arresting officer(s) shall do the following.

1. Notify his/her shift commander of the admittance to hospital.
2. In cases of felony charges, serious misdemeanors, or domestic violence related offenses, the member's shift commander shall notify the shift commander of the appropriate respective Investigations Division to determine together if a hospital guard will be established.

3. In cases where there is no hospital guard, the member's shift commander shall instruct the arresting officer to place a "hospital hold" on the prisoner. The officer shall complete a *Medical Discharge Notice* (Form PD-35) and request that the charge nurse place it on the prisoner's medical chart. Also, request that the charge nurse notify the shift commander of the district in which the arrest occurred when the person is about to be released.
4. If the hold is being placed on a prisoner at Froedtert Memorial Lutheran Hospital, the officer shall contact a Froedtert security officer who shall prepare a Froedtert "universal alert" sticker and place it on the prisoner's chart. If there is no security officer present, this can be accomplished by contacting security at 414-805-7070.
5. Should a prisoner be conveyed to a hospital and admitted, the prisoner's property shall be placed on inventory.

NOTE: When an arrest for domestic violence is made and medical attention is necessary for the prisoner at a hospital, members shall maintain constant physical custody of the prisoner. Members shall never place a "hospital hold" on a prisoner, thereby leaving them alone at the hospital. If it is necessary to establish a hospital guard, members shall follow the procedures set forth in the previous section.

#### B. HOSPITAL HOLD – PROCESSING PROCEDURES

1. The booker shall batch enter all relevant information into CMS. All reports shall be filed immediately after the person has been admitted to the medical facility. After review by the shift commander, the reports shall be routed as indicated.
2. The original PA-45 and CR-215 and confirmations of any local or out of jurisdiction warrants, capiases or other "wants" shall be retained at the shift commander's office of the district in which the arrest occurred until the arrestee is released from the hospital and transported to the district station or Central Booking for the completion of the booking process. After booking, the original PA-45 and CR-215 shall accompany the arrestee to CJF.
3. The shift commander who possesses the original PA-45 and CR-215 shall contact the medical facility on a daily basis, per shift, to determine if the individual is still hospitalized. The shift commander shall document such notifications on a Department memorandum (Form PM-9E), which shall be placed in the "Hospital Hold" folder.
4. Monday through Friday, 6:00 a.m. to 5:00 p.m., and Saturday and Sunday, 6:00am-2:00pm, Court Administration personnel are on duty at the District Attorney's Office (CJF-Room 110). During those hours, shift commanders shall ensure the following reports are delivered in person to CJF-Room 110 as soon as possible after the arrest for charging. When Court Administration personnel are not on duty at the District Attorney's Office, shift commanders shall ensure

the following reports are delivered to a supervisor at Central Booking. A Central Booking supervisor shall then ensure those reports are delivered to Court Administration personnel at CJF-Room 110 as soon as possible. The requirement that probable cause be set within 48 hours does not change with a prisoner under hospital hold/guard. Probable cause must be set or charges issued within 48 hours from the time of arrest. The following reports are required for the review:

- a. Five (5) copies of the PA-45 and CR-215.
  - b. Two (2) copies of the complete *Incident Report* and any other department forms and reports.
  - c. One (1) set of the *D.A.'s Complaint Work Sheet, Referral Packet Checklist from Law Enforcement to the Milwaukee County District Attorney's Office, Witness Subpoena Data Sheet (2 copies)* and *Criminal Case Scheduling Calendar*.
  - d. The entire package of reports shall be placed in a clear plastic bag or envelope. A completed *Medical Discharge Notice* (Form PD-35) shall be placed on the plastic bag. On the PD-35, print the words "Hospital Hold" and the name and room number of the hospital where the arrestee is located.
5. For liaison cases, the Court Administration liaison officer shall present the case for review to the charging assistant district attorney. For non-liaison cases, the arresting officer shall present the case to the charging assistant district attorney. After the case has been reviewed, the arresting officer presenting the case for review shall then notify the Court Administration liaison officer and the respective work location shift commander of the disposition of the case.
  6. The Court Administration liaison officer shall then notify the district shift commander of the results of the review and the name of the reviewing assistant district attorney. The shift commander shall enter that information on the original PA-45 on the appropriate line for each charge reviewed and sign his/her name and rank in the "remarks" space. If charges are issued, the original PA-45 shall accompany the arrestee when he/she is delivered to CJF.
  7. In the event that charges are issued and it becomes necessary to obtain an arrest warrant for the person being held on a "hold", shift commanders shall notify Court Administration personnel, who shall obtain an arrest warrant.
  8. In the event that no charges are issued and no warrants are pending, the person will not be processed and the hold removed. The shift commander shall indicate such on the original PA-45 and CR-215 and retain the original PA-45 and CR-215 at the district station/ Central Booking, filed by month, for a period of 1 year. The shift commander shall ensure that Court Administration is updated. The shift commander shall also notify the charge nurse at the hospital and inform him/her that there is no longer a hold on their patient.

**C. PERSON NOT ARRESTED – HOSPITAL HOLD AUTHORIZED**

1. If a person who has not been arrested is at a hospital and any police member determines that the person has warrants or other charges pending, the member shall contact his/her shift commander to determine whether a hospital guard or hospital hold shall be authorized.
2. If a hospital hold is authorized, no information shall be entered into CMS until after the person is released from the hospital and taken into custody.

**090.80 HOSPITAL GUARD OF PRISONERS****A. ESTABLISHING A HOSPITAL GUARD**

1. When a prisoner has been arrested for a felony, serious misdemeanor or a domestic violence related offense and is hospitalized at any medical facility after the arrest, the arresting officers shall notify their shift commander, who shall contact the shift commander of the respective Investigations Division in which the arrest occurred. Together, these shift commanders shall make a determination as to whether a guard will be provided. If the two shift commanders are unable to make a decision, the THF Administrator shall be contacted for guidance or in their absence, the on-duty Night Watch Commander.
2. If a decision is made to provide a guard, the shift commander of the district in which the arrest occurred shall then assign a sergeant to establish the hospital guard and provide an officer(s) for hospital guard duty.
3. A hospital guard will be considered "in place" after the designated room has been inspected by a sergeant and the prisoner has been transferred to the room.

**B. DOMESTIC VIOLENCE RELATED OFFENSES**

Please refer to 090.75(5) - Hospital Holds

**C. *ARREST/DETENTION REPORT (PA-45)***

When a hospital guard is established, the original PA-45 and CR-215, if applicable, shall remain with the district shift commander that established the hospital guard. See Section 090.85(K) for the distribution of reports, shift commander's responsibilities and completion of the PA-45.

**D. PRISONER PROCESSING**

See SOP 100 – Booking Procedures for the procedures for processing the prisoner.

## E. SERGEANT'S RESPONSIBILITIES

Sergeants establishing a hospital guard shall perform the following tasks:

1. Hospital Guard Duty Report (Form PH-3)

- a. The sergeant assigned to establish a hospital guard shall confer with the district shift commander and the respective Investigations Division shift commander to determine if there are any special instructions and shall then file the PH-3.
- b. The sergeant filing the PH-3 shall disseminate copies of the report (first page only) according to the distribution schedule noted on the report.

2. Obtain one set of leg irons and ensure they are functioning properly.

3. Obtain a portable radio charger and extra radio battery. Determine if the portable radio is capable of transmitting from that location. If not, alternative arrangements must be made.

4. Convey the aforementioned items to the hospital guard location.

5. Ensure that the prisoner's name does not appear in the hospital register of patients. This procedure is for the added security of both the officer and prisoner.

6. Room Inspection

The sergeant shall conduct a thorough inspection of the hospital room. Safety and security are the principal concerns for both the guarding officer as well as the person in custody. When conducting a room inspection the sergeant shall consider the following:

- a. Ensure the room is equipped with a telephone and that it is not within the prisoner's reach. If necessary, there are two telephone extension cables available at the Third District Shift Commander's Office.
- b. Determine where all room doors lead.
- c. Determine the location of keys for all doors with locks.

7. If the sergeant determines that special circumstances exist, the sergeant shall consult with hospital personnel to determine if the special circumstances can be accommodated and notify their shift commander of same.

8. The sergeant shall then post the guard on the prisoner and shall provide the officer with the original PH-3. The sergeant shall ensure the officer has read and

understands the instructions as noted in the PH-3. The original PH-3 shall remain with the officer performing guard duties.

#### F. SUPERVISION OF GUARDS

1. The shift commander of the district that established the hospital guard shall be responsible for the supervision of the officer performing the guard duties.
2. The shift commander shall assign a sergeant to inspect the officer performing hospital guard duties at least once per shift.

#### G. POLICE OFFICERS PERFORMING HOSPITAL GUARD DUTIES

1. Officers assigned to guard duty shall remain with their prisoner at all times. Officers that must leave the presence of the prisoner shall arrange for relief. Maintaining the safety and security of a hospital prisoner is the officer's primary responsibility. If there are any questions relative to their duties, the officer shall contact his/her shift commander.
2. Hospital Guard Duty Report (Form PH-3)

The PH-3 includes instructions for the officers performing guard duties, as well as the "Officer's Log" and "Visitor's Log" sections. Officers assigned as a guard shall sign in/out on the "Officer's Log" section.

3. Change of Shift

- a. At each change of shift, each officer shall read the entire PH-3 and shall obtain any additional information or instructions from the officer being relieved. The relieving officer shall sign in/out on the "Officer's Log" section of the PH-3.
- b. The relieving officer is responsible for all the reports and equipment of the hospital guard during his/her tour of duty. Upon commencing his/her tour of duty, the officer shall check to ensure all the equipment is functioning properly and shall notify his/her shift commander of any malfunctioning equipment.

4. Telephones

- a. Prisoners shall not be allowed to make or receive telephone calls.
- b. Officers may use the telephone for legitimate police related reasons.
- c. Officers shall obtain hourly marks by telephone by contacting their respective District console. The console operator shall then notify the officer's dispatcher who shall enter that information into the CAD system.

5. Leg Irons

Leg irons shall be on the prisoner at all times, except when medical personnel direct the officer to remove the leg irons for medical purposes. If directed to remove the leg irons, the officer may request the assistance of an additional officer to maintain security of the prisoner.

**Note: The officer, not the hospital staff, is responsible for the safety and security of the prisoner.**

6. Portable Radio

- a. When possible, officers shall monitor the radio talk group of the district in which the hospital is located or the radio talk group of the closest district if the hospital is located outside the city of Milwaukee.
- b. Officers experiencing radio problems shall immediately contact their district shift commander.

7. Eating Utensils

Officers should be aware that eating utensils may be used as weapons. They shall ensure that all eating utensils used by the prisoner are returned to hospital personnel.

8. Release of Information

Officers assigned to hospital guard duty shall not release information regarding the prisoner to anyone except hospital personnel for medical reasons. Any other requests for information shall be referred to the Public Information Officer.

9. Visitors

- a. For security purposes, hospitalized prisoners are not allowed to have visitors unless approved by the district shift commander. In all visitor situations, the district shift commander shall confer with the shift commander of the respective Investigations Division in which the arrest occurred to determine the appropriateness of this visitation.
- b. If visitation is authorized, this shift commander shall request an additional officer through the Communications Division to respond to the hospital to assist the hospital guard.
- c. Only one visitor shall be allowed to visit the prisoner at any one time. All visitors shall be searched by a gender appropriate officer.

- d. Visitors must have a form of identification with their name, address, date of birth and photograph.
- e. Officers shall enter the visitor's information in the "Visitor's Log" section of the PH-3.
- f. Officers will not leave a visitor and a prisoner alone at any time.

#### H. TERMINATION OF THE HOSPITAL GUARD

1. A hospital guard shall be terminated when one of the following occurs:
  - a. An attending physician determines that the prisoner is medically cleared to be transferred to a temporary holding facility or CJF.
  - b. The custody of the prisoner is transferred to another jurisdiction.
  - c. If, after review of the charges by a district attorney, no charges or lesser charges are issued, the shift commander of the respective Investigations Division and the shift commander of the district in which the arrest occurred shall then determine the status of the hospital guard.
2. At the termination of the hospital guard, the officer shall immediately notify his/her shift commander. The shift commander shall then instruct the officer to return the equipment and the original PH-3 to him/her.
3. The shift commander receiving notification that the guard has been terminated shall ensure that termination notifications are made to all locations according to the distribution schedule noted on the PH-3.

#### I. RETENTION SCHEDULE

The district that established the hospital guard shall retain the PH-3 at their work location according to the existing retention schedule. Copies of the report that were sent to other work locations may be destroyed if not needed for administrative purposes.

### **090.85 PROBABLE CAUSE/BAIL DETERMINATION FOR FELONY OFFENSES**

- A. When a prisoner is arrested on any summary felony charge, regardless of whether there are additional charges, and the prisoner is transferred to CJF within 36 hours of his/her initial arrest, the probable cause determination and the setting of bail shall typically be the responsibility of the Milwaukee County Sheriff's liaison when Intake Court is in session or through the designated court commissioner or duty judge. On weekends, holidays or when Intake Court is not in session, it shall be the responsibility of the shift commander of the respective Investigations Division in

which the arrest occurred to assign personnel to obtain the probable cause determination and have bail set.

- B. If the prisoner is to be held in the custody of the Department for more than 36 hours from the time of the initial arrest, the following procedures apply:
1. When intake court is in session, the shift commander of the respective Investigations Division in which the arrest occurred shall assign personnel to take the original PA-45/CR-215 to the intake court commissioner. The court commissioner shall review the PA-45/CR-215 for probable cause and, if found, shall set bail. The shift commander of the respective Investigations Division in which the arrest occurred shall be notified if no probable cause is found.
  2. If probable cause has been determined and bail set, the assigned detective shall make two (2) copies of the signed PA-45/CR-215. One (1) copy shall be given to the Court Liaison Officer and one (1) copy shall be given to the Milwaukee County Sheriff's liaison. The original PA-45/CR-215 shall be returned to the shift commander of the respective Investigations Division in which the arrest occurred for tracking purposes and shall remain there until the prisoner is transferred to CJF.
  3. When intake court is not in session, the shift commander of the respective Investigations Division in which the arrest occurred shall call the designated duty judge and obtain a probable cause determination and bail amount. The shift commander of the respective Investigations Division in which the arrest occurred shall complete the appropriate section of the PA-45 with the name of the judge, the date and time of his/her review and the prescribed bail amount along with the signature of the shift commander of the respective Investigations Division in which the arrest occurred next to the name of the judge.

**Note: In accordance with *Riverside v. California*, no person may be held on summary felony charges for more than 48 hours without a probable cause determination. For summary misdemeanor charges, no person may be held for more than 48 hours without a signed criminal complaint.**

**Note: Nothing in this policy relieves a Department member's responsibility from requesting medical attention for any citizen, in custody or not, who the member reasonably believes is in medical distress. (See SOP 090.40(A) Medical Aid).**



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