

	ELGIN POLICE DEPARTMENT 151 Douglas Avenue Elgin, Illinois 60120	
Effective Date: 05/20/02	STANDARD OPERATING PROCEDURE	Revised Date: 11/04/20
Chief of Police: 	HOLDING FACILITY: Detainee Rights and Supervision, 72.5	
Cross Reference: 72.4 Holding Facility: Detainee Processing & Health Care Services 72.6 Temporary Detention/Interview & Interrogation Rooms	Policy Sections: 72.5.1 24 Hour Supervision 72.5.2 Audio/Video Monitoring 72.5.3 Opposite Sex Monitoring 72.5.4 Detainee Mail and Packages 72.5.5 Visiting Detainees 72.5.6 Detainee Rights	

PURPOSE

The purpose of this policy is to establish guidelines for the rights of people detained within the Holding Facility.

POLICY STATEMENT

It is the policy of the Elgin Police Department to provide 24 hour supervision of all detainees, maintain security, safety, and to ensure all rights afforded to detainees under the Illinois Compiled Statutes and the United States Constitution are respected while they are in custody.

DEFINITIONS

Gender Non-Conforming: A term used for individuals whose gender expression, gender characteristics, and/or gender identity does not conform to gender norms.

Intersex: A general term used for a variety of conditions in which a person is born with reproductive or sexual anatomy that is atypical.

Reasonable Accommodation: Actions taken to accommodate a person that does not jeopardize the safety of the officer or pose undue hardship. Accommodations can be religious, physical, mental or emotional, academic or are employment related.

TIGN: Acronym for individuals who are transgender, intersex or gender non-conforming.

Transgender: Person whose gender identity differs from birth sex.

PROCEDURES

72.5.1 24 HOUR SUPERVISION

- A. All detainees held within the Holding Facility shall undergo 24 hour supervision. A jailer or officer shall be present in the Holding Facility at all times when detainees are in custody. For observation periods of detainees held in temporary detention, cross reference with Standard Operating Procedure 72.6, Temporary Detention/Interview & Interrogation Rooms.
 1. Detainees shall be visually observed every 30 minutes. The observation time and observing jailer/officer's badge number shall be documented.
 2. Detainees determined or suspected to be "at risk" shall be visually observed every 15 minutes. Cross reference with Standard Operating Procedure 72.4, Holding Facility: Detainee Processing and Health Care Services.

- B. The number of detainees processed in the Holding Facility shall be documented. At least once per shift, the jailer shall perform a documented head count of the detainee population.

72.5.2 AUDIO/VIDEO MONITORING

- A. The booking area, exterior cell areas and exits are video recorded.
- B. The holding cells are monitored by electronic audio equipment. At the time of intake, detainees shall be informed that the cells are monitored and how to obtain assistance through the cell speakers.
- C. Telephones located inside the cells record automatically. An audible signal on the phone lines will inform callers and those who receive calls that the line is being recorded.

72.5.3 OPPOSITE SEX MONITORING

- A. General supervision of detainees can be conducted by employees of either sex.
- B. When monitoring the cells of opposite sex detainees, a verbal warning should be given to ensure the privacy of the detainees.
- C. During periods of personal hygiene, such as showers, an employee of the same sex shall be present. In instances where the detainee has self-disclosed that they are transgender, intersex or gender non-conforming, referred to as TIGN, reasonable accommodations should be made.
- D. Emergency situations may necessitate an employee of the opposite sex to respond immediately.

72.5.4 DETAINEE MAIL AND PACKAGES

Detainees shall not be permitted to receive mail or packages while in the custody of the Elgin Police Department; however, required medications or in some circumstances a change of clothing may be permissible.

72.5.5 VISITING DETAINEES

- A. All visitors must present proper identification.
- B. Visitors are allowed a maximum of 15 minutes per visit.
- C. During visitation, two employees must be present in the Holding Facility.
- D. Visitation by immediate family members of detainees is permissible daily between 3:00pm – 4:00pm.
 - 1. Immediate family includes the detainee's parent, sibling, spouse or children at the age of 14 or older.
 - 2. The visitation occurs in the visitor's room located outside the Holding Facility where family members can communicate with the detainee via a visitor's partition window and telephone contact.
- E. Clergy and attorneys may visit outside the above hours.
 - 1. These visitations occur in the interview rooms located inside the Holding Facility. However, attorneys have the option to speak with their client while they remain in the cell or in the visitation area.
 - 2. Detainees and visitors are subject to a search before and after visitation.

3. Purses, packages, mail, or other containers not essential to the visit are not permitted in the interview rooms. These items should be placed in the lead jailer's office or secured in their vehicles.
4. Disruptive or combative detainees or those posing escape risks may not be allowed to see visitors in the interview room. Telephone contact in the visitor room may be considered as an alternative.
5. Anytime personal contact is made, the detainee will be searched prior to being placed back in their cell.

F. Special exceptions may be granted by supervisory personnel.

72.5.6 DETAINEE RIGHTS

While a detainee is in custody, department personnel shall ensure that the following conditions are met:

- A. The detainee, if unable to post bond or be released, be afforded a timely appearance in court, normally within 24 hours of arrest. Delays may occur in in situations when:
 1. Detectives are actively pursuing an investigation in order to obtain charges, usually within 72 hours or at the direction of the respective state's attorney's office. In these instances, an Investigative Hold form is completed.
 2. The detainee is admitted to a medical facility for treatment.
 3. The detainee refuses to provide any information or identification and/or refuses processing. In these instances, the case is reviewed by a judge and the department may obtain a court order for identification and processing.
 4. An outside agency arrest occurs; these are held for up to 48 hours if the detainee is unable to post bond.
 5. Detainees held for out of state warrants are held for up to 72 hours and require an in-person visit to the bond court judge.
- B. The detainee's opportunity for posting bond shall not be impeded. The department accepts the following forms of bond:
 1. Cash bond.
 2. Approved credit card using either the Kane or Cook county swipe.
 3. Released on their signature.
- C. The detainee shall have confidential access to an attorney.
- D. The detainee has access to a telephone within a reasonable time after arrival.
 1. Those charged with a domestic battery or have an active order of protection may not call the victims.
 2. During some investigations, it may be necessary to restrict phone calls to prevent the destruction of evidence. Any phone restriction longer than two hours require completion of an Investigative Hold form. A copy of the form shall be attached to the police report.

- E. Foreign national detainees are informed of their right to consular notification and access in accordance to federal mandates.
- F. Audio and video recording equipment shall not be used in ways that violate the detainee's right to privacy. Signs shall be posted alerting the detainee to audio monitoring.
- G. Three meals a day shall be provided to all in-custody detainees during a 24 hour period. Special diets, as prescribed by a doctor or for religious purposes.
 - 1. Only department purchased food and beverages will be provided to the detainee.
 - 2. Care should be taken to ensure meals are served within ½ hour of pick-up or delivery.
 - 3. All meals served and those offered but rejected by detainees are to be documented.
- H. For more information on medical assistance, refer to Standard Operating Procedure 72.4, Holding Facility: Detainee Processing and Health Care Services.