



BOARD OF SELECTMEN
Meeting Minutes
January 9, 2012

Approved: February 6, 2012

PRESENT: Raid Suleiman, Chair; Christine Robinson, Clerk; Frank Powers, Member; Rebecca Neville, Member and Les Fox, Member

ALSO PRESENT: Selina Shaw, Town Administrator, Margaret Dennehy, Town Treasurer and Town Counsel, Attorney Joseph Fair, Kopelman & Paige.

Chair Suleiman called the meeting to order at 6:30 PM in the Town Administrator's office.

EXECUTIVE SESSION

- Member Powers moved to adjourn to executive session in the Town Administrator's office for the purpose of discussing strategy with respect to collective bargaining and to reconvene in open session at 7:00 PM to discuss the remaining business on the agenda. Seconded by Member Neville. Approved 5-0 by **Roll Call Vote: Neville "aye," Powers "aye," Robinson "aye," Fox "aye," and Suleiman "aye."**

Chair Suleiman stated that an open meeting may have a detrimental effect on the negotiating and bargaining positions of the Board.

Chair Suleiman reconvened the meeting in open session at 7:00 PM in the Grange Meeting Room.

ALSO PRESENT: Cheryl Mahoney, Department Assistant

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

ANNOUNCEMENTS

- Announcements were not read.

The Board took agenda items 7a, 8a and 5 (a-e) out of order

OLD BUSINESS

- Chair Suleiman opened discussion on matters concerning health insurance for FY 2013; providing a summary of previous discussions and guidelines for tonight's discussion. He introduced Town Counsel, Attorney Joseph Fair, of Kopelman & Paige, who provided summary of the applicable laws, & the recent reforms & municipalities' obligations. He also provided the reasons & rationale for these reforms; and an outline of the required procedures if the Town elects to change its coverage plan as it relates to the new sections of the law. Member Powers moved that the Town of Boxborough adopt and engage in the process to change health insurance benefits under M.G.L. c. 32B, §§ 21 through 23. Seconded by Member Fox. There was discussion about how MNHG calculates and manages their plan. There was discussion on the positives and the negatives of the Town adopting this tonight versus voting it a future date. There was discussion on the notice requirements if the Town elects to seek out another plan provider or design our own plan; the timeframes resulting from various notice requirements; their effect on other contingent requirements and the respective timeframes. Attorney Fair noted many of these reforms focus on cost savings. Audience members voiced concern that the Town never advised employees of potential changes to the Town's insurance plan; noting that if employees had been told sooner they might have been able to work out other options. It was stated that there has been inadequate communication with MNHG during this process. The effect on employees of the limited insurance plan offerings possibly being contemplated by MNHG was also a concern. There was also discussion as to how healthcare reform will affect employees in the future and health insurance, in general. Attorney Fair noted that vote tonight does not force the Town to stay with MNHG, as we go forward; the Town can still investigate other plans. There was a discussion about the criteria for enrolling in GIC and that program's requirements. There was also discussion on how MIIA calculates and manages their healthcare plan program. Liz Markiewicz, as the Town Hall employee's representative to the

Insurance Advisory Committee (IAC), resident, and former School Committee member, urged the Selectmen to adopt this; and provided her reasons and rationale. It was noted that the primary reason that these discussions are taking place is due to an item in the teachers' contract which specifically addresses insurance coverage. Chair Suleiman clarified that implementation of these legislative mandates and costs to the individual subscribers are separate and distinct issues. The Selectmen noted that if this is not adopted the Town can not explore its options; and because the looming deadlines the Town must continue on with MNHG for FY 13. TA Shaw advised that Town employees were invited to a meeting last week and one scheduled for this week to discuss the coverage options being contemplated by MNHG. It was further noted by the Selectmen that it could take up to a year for the Town to enroll in a new plan due to the complexities involved in investigating options and the required notification procedures. The question was raised as to whether this could be adopted tonight; and moved to rescind at a future date. Attorney Fair advised that he was unable provide to a definitive answer to that question without researching the particulars. The Selectmen requested that Town Counsel expedite the issuing of a written opinion on this matter. Attorney Fair advised he should be able to provide this by the end of the week. The Selectmen were polled and it was determined that they would table voting until this information is provided and to vote on this at their meeting on Saturday, January 14th. Member Powers moved that the Town of Boxborough table the vote on adopting and engaging in the process to change health insurance benefits under M.G.L. c. 32B, §§ 21 through 23, until Selectmen's meeting of Saturday, January 14, 2012. Seconded by Member Neville. **Approved 5-0.**

NEW BUSINESS

- DPW Department Assistant, Vicki Franz was present as the Selectmen took up approval of the Chapter 90 Reimbursement Request. Member Powers moved to authorize the submission of Chapter 90 Final Report and Reimbursement Request in the amount of \$89,721.79 for road paving and drainage work on Cedarwood Road, Kendall Road and the top portion of Windermere Drive, and certify conformance with applicable statutes and regulations. Seconded by Member Robinson. **Approved 4-0 (Member Neville not present for vote).**

MINUTES

- Member Fox moved to accept the minutes for the Regular Sessions of December 5, 2011, & December 19, 2011, as revised and the minutes for the Regular Session of December 13, 2011, and Executive Sessions of December 13, 2011 & December 22, 2011, as written. Seconded by Member Neville. **Approved 5-0.**

SELECTMEN REPORTS

- Member Neville reported that she, Member Fox and FinCom member, Bill Burke, had met with Chief White to review his FY 13 Budget.

She also reported that Boxborough assessment for the A/B School District for FY 13 is going down.

- Member Powers reported on MMAF matters, currently, before the Conservation Commission. MMAF has not filed for modification of its OoC, but seems MMAF is beginning to put some effort into addressing some of the OoC items. He also noted that MMAF's Don McPherson will be coming to the next Selectmen's meeting.

He also reported that discussions with the Police Union are progressing. They are still determining future meeting dates.

- Member Robinson reported that she has been working on the Recreation Field Use Guidelines.
- Member Fox reported that at their budget meeting Chief White advised that he [White] had offered to serve on Littleton's Fire Chief Search Committee.

Member Fox reported that he, Chair Suleiman and FinCom Chair Raad had met with DPW Dir. Garmon to review DPW's FY 13 budgets. Garmon was instructed to put in a 1% placeholder for salaries. There was also discussion on overtime trends and that repair/replacement of the fueling system may need to be added to the capital plan.

- He also reported that he has been working with BHB Chair Murphy on drafting the charge for Stow Rd Study Committee. Murphy will be presenting to BHB on Wednesday. There was discussion on the status of the search for candidates for this committee. Fox will inform the BHB that the Selectmen wish to invite the proposed candidates to an upcoming Selectmen's meeting.

- Chair Suleiman reported that he participated in the meeting with Town Counsel to discuss Health Insurance issues.

He also reported that, as Member Powers reported, MMAF has requested time at the Selectmen's January 23rd to make a presentation. The Airport Study Committee and the Conservation Commission will be advised and been invited to attend.

He also reported that he will be meeting with TA Shaw and FinCom member, Hesler next week to review Town Hall FY 13 budgets.

At this point, Chair Suleiman turned chairmanship over to Member Robinson and recused himself from discussion on Agenda Items #8b (i-vii).

NEW BUSINESS

- The Selectmen determined that they would pass over discussion of the presented Police Department Policies, so that Chief Ryder could come in to explain these changes and rationale behind them at the January 30th Selectmen's meeting.

Chairmanship was returned to Chair Suleiman.

The Board took up a matter not on the agenda.

- The Selectmen took up the housekeeping matter of calling the Special Town Meeting/ Annual Town Meeting, May 14, 2012. Member Neville moved to call the annual town meeting, to begin on Monday, May 14, 2012, at 7 PM, to be held at the Blanchard Memorial School and if necessary, a special town meeting to be held within the annual town meeting. Seconded by Member Powers. **Approved 5-0.**

- Member Powers moved to decline membership in the Suburban Coalition. Seconded by Member Neville. **Approved 5-0.**

CONCERNS OF THE BOARD

- There was discussion about changing the start times for the remaining January Selectmen's meetings.
- TA Shaw provided an update on the status of salary/compensations survey(s). She anticipates received the results in February.

ADJOURN

- At 9:06 PM, Member Neville moved to adjourn. Seconded by Member Powers. **Approved 5-0.**



BOARD OF SELECTMEN
Meeting Agenda
Boxborough Town Hall
Grange Meeting Room
January 9, 2012

1. CALL TO ORDER, 6:30 PM

2. EXECUTIVE SESSION, TOWN ADMINISTRATOR'S OFFICE

Move to adjourn to executive session for the purpose of discussing strategy with respect to collective bargaining and to reconvene in open session at 7 PM to discuss the remaining business on the agenda

**ROLL CALL
VOTE:**

NB: Chair should state, "An open meeting may have a detrimental effect on the negotiating and bargaining positions of the Board."

RECONVENE IN OPEN SESSION AT 7 PM IN THE GRANGE MEETING ROOM

3. ANNOUNCEMENTS

4. APPOINTMENTS

- a) Citizens' concerns

5. MINUTES

- a) Regular session, December 5, 2011
- b) Regular session, December 13, 2011
- c) Regular session, December 19, 2011
- d) Executive session, December 13, 2011
- e) Executive session, December 22, 2011 (BoS Contract Negotiating Team)

**ACCEPT & POF
ACCEPT & POF
ACCEPT & POF
ACCEPT & POF
ACCEPT & POF**

6. SELECTMEN REPORTS

7. OLD BUSINESS

- a) FY 2013 health insurance
Move that the Town of Boxborough engages in the process to change health insurance benefits under M.G.L. c. 32B, §§ 21 through 23

VOTE:

8. NEW BUSINESS

- a) Chapter 90 Reimbursement Request (\$89,721.79) & Final Report for Road Paving and Drainage Work
Move to authorize the submission of Chapter 90 Final Report and Reimbursement Request in the amount of \$89,721.79 for road paving and drainage work on Cedarwood Road, Kendall Road and the top portion of Windermere Drive, and certify conformance with applicable statutes and regulations
- b) Police Department Policies
 - i. *Interacting with the Mentally Ill*
 - ii. *Transportation of Detainees*
 - iii. *Holding Facility*
 - iv. *Detainee Processing*
 - v. *Detaining Prisoners*
 - vi. *Temporary Holding Facilities*

vii. *Protective Custody*

- c) Suburban Coalition – solicitation for membership
[N.B. traditionally, the BoS has declined]

VOTE:

9. CORRESPONDENCE

ACCEPT & POF

- a) Internal Communications
- b) Minutes, Notices & Updates
- c) General Communications

10. PRESS TIME

11. CONCERNS OF THE BOARD

12. ADJOURN



BOARD OF SELECTMEN
Meeting Minutes
December 5, 2011

Approved: _____

PRESENT: Christine Robinson, Chair Pro Tem; Frank Powers, Member; Rebecca Neville, Member and Les Fox, Member

ABSENT: Raid Suleiman

ALSO PRESENT: Selina Shaw, Town Administrator and Cheryl Mahoney, Department Assistant

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

Chair Pro Tem Robinson called the meeting to order at 7:30 P.M. in the Grange Meeting Room of Town Hall.

APPOINTMENTS

- Steele Farm Advisory Committee Chair Ed Whitcomb and member Bruce Hager were present to introduce John P. Skinner as a candidate for the Steele Farm Advisory Committee. Member Powers moved to appoint John P. Skinner to the Steele Farm Advisory Committee for a term beginning immediately and ending on June 30, 2014. Seconded by Member Neville. **Approved 4-0.**

The Board took up a matter not on the agenda.

- TA Shaw addressed the current need for a building inspector and provided an update on the search for qualified candidates to permanently fill this position. In the meantime, the Building Commissioner for Stow, Craig Martin, has agreed to provide part-time coverage as interim building inspector while the Town works out a more permanent solution. TA Shaw further advised that Frank Ramsbottom has agreed to continue on as a "Call" inspector. Member Powers moved to appoint Craig Martin as Interim Building Inspector/Code Administration Officer, for a term commencing immediately and ending on January 15, 2012 and to appoint Francis Ramsbottom as Call Inspector or Buildings/Code Administration Officer, for a term commencing immediately and ending on to June 30, 2012. Seconded by Member Neville. **Approved 4-0.**

The Board took agenda Item 4a, out of order.

PUBLIC HEARING – FUEL STORAGE LICENSE

- At 7:40 PM Chair Pro Tem Robinson opened a public hearing to consider the application of 111 & 495, LLC (Astro Crane Service), located at 200 Codman Hill Road, for the storage of no more than 16,000 gallons of diesel fuel in two – 8,000 gallon tanks. Chair Pro Tem Robinson reviewed the public hearing process and procedures. A list of those in attendance is attached and incorporated by reference. Engineer, Bob Ceppi, from MPE, Inc., presented on behalf of the applicant. His company handles the installation of the type of fueling system being proposed. The facility being constructed on this property provides cranes and industrial equipment so they are looking to install a diesel fueling station on-site. Mr. Ceppi provided details on the specifications and safeguards for the proposed system. The applicant has met with Fire & Building Department personnel and has appeared before the Planning Board, Cons.Com, and ZBA on the development of this site. Mr. Ceppi also provided an overview of applicable governmental requirements and regulation. The Selectmen and abutters, Darren Saebell and Nathan Finch asked questions about the development of the site - how the applicant will maintain the proposed system; the monitoring and safeguards; and potential spillage. Mr. Ceppi and Astro Crane's Rick Marshall addressed these concerns. As there were no further questions the hearing as closed at 8:10 PM. Member Powers moved to grant a fuel storage license to 111 & 495, LLC for the storage of no more than 16,000 gallons of diesel fuel in two – 8,000 gallon tanks, to be located at 200 Codman Hill Road per the site plan by MPE, Inc. 10 Pendleton Drive, Hebron, CT. dated 11/2/11 and upon the condition that the licensed activity shall comply with all applicable laws, codes, rules and regulations; including but not limited to MGL c. 148 and the Massachusetts Fire Code (527 CMR) as amended. Seconded by Member Fox. **Approved 4-0.**

APPOINTMENTS (Continued)

- Police Chief Warren Ryder was present to discuss proposed changes to Police Department staffing. Members of the Finance Committee were, also, present for this discussion. Chief Ryder spoke to a memorandum and spreadsheet provided in the packet. Based on his analysis there is a need to increase supervision during shifts. His solution would be to add a third sergeant to the current staffing model. The Town could be exposed to potential litigation if we don't have adequate supervision. This proposed change is to improve the command/patrol shift ratios, maximizing efficiency. He would accomplish this through an internal promotion so no additional personnel would be hired. This would be a temporary promotion, and he will be seeking Town Meeting approval to make it a permanent position. He can cover the cost of this temporary promotion within the department's FY 12 budget. There was discussion on the data provided; the potential effect on the overtime budget and shift staffing. FinCom Chair Raad noted that the Chief is looking for another staffing change shortly after Town Meeting authorized a tenth officer. Also the Town's population has not increased in several years. The Chief did clarify that no litigation has been filed against the department in the past few years, however he wants to be proactive, not reactive. Selectmen Powers noted that enforcing the law is becoming more and more complex. As a Strong Chief, Chief Ryder says he needs supervisory capability and better trained personnel. Members of FinCom noted that officers with 10 or more years experience currently make up the majority of the force. Their experience and training should be able to address these concerns. Pursuant to the existing contract the new sergeant salary would increase by 11%. There was discussion on impact this promotion would have on FY 13 and subsequent budgets, possibly resulting in long term budgetary consequences. It was determined that the Selectmen support the creation of a temporary 3rd Police sergeant position and the bringing of a permanent 3rd sergeant position forward at the 2012 Town Meeting, for approval. Member Powers moved authorized Chief to institute a temporary promotion to sergeant, within the Department, for the period of time starting now until June 30, 2012. Seconded by Member Neville. **Approved 4-0.** The candidate will be informed that this is a temporary promotion and this position could go away if it isn't approved at Town Meeting. The candidate will be presented for appointment at the December 19th Selectmen's meeting.

The Board took agenda Items 8a and 7a, out of order.

NEW BUSINESS

- Discussion was opened on the Attorney General's recent determination to allow Remote Participation as it pertains to Open Meeting Law. Town boards and committees had been notified that the Selectmen were discussing this tonight. Members of the Finance Committee; School Committee and Planning Board were present for this discussion. The Selectmen must approve the remote participation before the other Town boards/committees can implement it. The terms and conditions that the Attorney General had set forth under which remote participation would be allowed were reviewed. There are technological & ADA requirements which would have to be met. There may also be costs associated which the Town might need to pay for. It was further noted that the Attorney General has just issued this determination so communities are still working to understand the ramifications and if adopted tonight the Town could run into situations that haven't been anticipated. This is a voluntary option now available however; it has no affect on how meetings are currently held. It was determined that, at this time, the Selectmen would take no action on the allowance of remote participation. How other communities implement this option will be monitored. Also the Attorney General may issue further pronouncements on this in future.

OLD BUSINESS

- Discussion was re-opened as the Town's employee health insurance plan for FY 2013. Members of the Boxborough School Committee and Finance Committee were present for this discussion. School Superintendent Bates; School Bus. Mgr. Jeannotte; TA Shaw and Treasurer Dennehy have attended several Minuteman Nashoba Health Group (MNHG) meetings over the last two weeks regarding this. The FY 2013 plan was adopted by the MNHG's Board of Directors earlier today. Information on this plan was distributed and is included in this packet. This plan would go into effect as of June 2012. This information will be presented to at the next Insurance Advisory Committee (IAC) meeting. TA Shaw will be reaching out to MIIA to get information on the plan they will be offering for FY 2013. There was discussion on what programs are available through GIC and the positives and negative of the Town switching to GIC or other providers. There are potential ramifications regarding collective bargaining negotiations. The A/B Regional School District has done a Segal report which they have shared. There was discussion on the electronic tools available which allow one to compare health insurance plan offerings. There was concern that there needs to be transparency as to the providing plan information and with the process as the Town moves forward. Though deadlines are imminent, the consensus was that more information is needed before informed decisions can be made.

APPOINTMENTS (Continued)

- Under Citizens' concerns, FinCom member Gary Kushner advised that the Capital Plan should be ready for review by the end of the month.

MINUTES

- Member Neville moved to accept the minutes for the Regular Session of November 7, 2011, as amended and the Executive Session of November 29, 2011, as written. Seconded by Member Powers. **Approved 4-0.**

NEW BUSINESS (Continued)

- TA Shaw spoke to her memorandum in the packet as to the rental of town facilities. As the Selectmen were taking a look at field use guidelines and fees she thought it might be a good time to review the existing regulations for the rental of Town facilities. It was noted that TA Shaw is still complying information so this would be a future agenda item.
- Discussion was opened on a Petition article (for May 2012 ATM) submitted by Philip Kicelemos. The wording and the possible intent of the article were discussed. The Town Clerk has consulted with the Attorney General on this. It was determined that that this petition was submitted by a citizen and signatures were collected so the article should be placed into the warrant as written. Town Counsel will be consulted on this, and a public hearing on this article will take place prior to Town Meeting. Member Neville moved to place the petition article submitted by Philip Kicelemos on Boxborough's 2012 Annual Town Meeting warrant as written. Seconded by Member Powers. **Approved 4-0.**

SELECTMEN REPORTS

- Member Neville reported that some members of the Acton-Boxborough Cultural Council have submitted conflict disclosure forms to the towns concerning their participation in a dance group.

She also reported that, though she was unable to attend, it has been related to her that the A/B Regional School Regional School discussed the CASE Collaborative fees. She further noted that Boxborough's enrollment continues to go down, which affects our assessment.

She also reported that she had attended the Annual Tree Lighting. Flo Hanover had the honor of lighting the tree this year.

Member Neville reported that she had met with EnCom Chair, Francie Nolde, on the proposed SMART (PAYT) program.

- Member Powers reported that he had attended several meeting on complaints received concerning the police department.

He also reported that he had met with EnCom Chair Nolde on SMART and had suggested she reach out to his contact in Littleton on their PAYT program.

- Chair Pro Tem Robinson reported that she also attended the tree lighting ceremony.

She also reported that she had attended several meetings with the police department.

- Member Fox reported that Simon Bunyard met with him on the PAYT program. He further reported that he has met with DPW Dir. Garmon and Vicki on gathering whatever historical data they have on previous years' usage. However, much of this information was not well kept. They will continue to work on this but their priority is completing the necessary FEMA paperwork.

He reported that BITcom reviewed the status of the current video system and potential upgrades at their last meeting. They approved a new server for Town Hall, and they continue to move forward on Voiceover IP solutions.

CONCERNS OF THE BOARD

- There was discussion on the letter from Krusens which discussed their forestry management plan and invited the Conservation Commission and the Selectmen to view their upcoming tree harvesting. Member Fox offered to forward this on to the AgCom.
- There was discussion on the flooring choices for the Grange meeting room repairs. It was determined that, though lighter in color than the current floor, oak flooring would be a good choice.

ADJOURN

- At 9:51 PM Member Neville moved to adjourn. Seconded by Member Powers. **Approved 4-0.**



BOARD OF SELECTMEN
Meeting Minutes
December 13, 2011

Approved: _____

PRESENT: Raid Suleiman, Chair, Christine Robinson, Clerk; Frank Powers, Member; Rebecca Neville, Member and Les Fox, Member

ALSO PRESENT: Selina Shaw, Town Administrator

CALL TO ORDER

At 5:30 P.M., Chair Raid Suleiman called the meeting to order in the Morse-Hilberg Meeting Room, and Member Powers immediately moved to adjourn to executive session for the purpose of considering the purchase of real estate and discussing strategy with respect to collective bargaining, and to reconvene in open session at approximately 7:00 PM to discuss the remaining business on the agenda. Seconded by Member Neville. **Approved 5 - 0** by roll call vote: Neville "aye," Powers "aye," Fox "aye," Robinson "aye," and Suleiman "aye." Chair Suleiman announced that an open meeting may have a detrimental effect on the negotiating and bargaining positions of the Board.

RECONVENE IN OPEN SESSION

At 7:25 PM Chair Suleiman reconvened the meeting in open session in the Morse-Hilberg Meeting Room.

FACILITIES MANAGEMENT & BUILDING INSPECTOR VACANCY

Member Frank Powers spoke on the matter and reviewed with the BoS the rationale behind the Facilities Management Committee's initial recommendation to exclude facilities management responsibilities from the Building Inspector's position. Having assumed that the position was being advertised for less than 20 hours (the threshold for benefits' eligibility), the Committee did not want to bump it to one eligible for benefits and had therefore recommended that the facilities management responsibilities would best be covered as a contracted service. TA reported that the Building Inspector position had been advertised for twenty hours and that the initial poor response had likely been due to the Thanksgiving holiday as well as lack of clarity regarding eligibility for benefits. TA advised the BoS that the position had been re-advertised with an extended response date (12/15) and clarification regarding benefits. TA also expressed disappointment that no one from the Facilities Management Committee had sought her input on the facilities management aspect of the position, which she had brought forward to the BoS in July.

After discussion, the selectmen agreed that since the position was already benefit-eligible at 20 hours, it would be prudent to expand the hours and responsibilities to include facilities management. TA will send job description to Selectman Powers for review and discussion with Committee at their next meeting on December 16. TA will advise respondents of expanded hours and responsibilities and will re-advertise when Board has agreed upon final job description.

ADJOURN

Member Neville moved to adjourn at 7:50 PM. Seconded by Member Powers. **Approved 5 - 0.**



CHAPTER 90 – REIMBURSEMENT REQUEST

CONTRACT # 50741

City/Town: Boxborough Project: Road Paving and Drainage Repair

Project request was approved on 10-6-11 for \$ 103,000.00

at 100% Reimbursement Rate = \$ 103,000.00

- 1) Attached are forms which document payment of approved expenditures totaling \$89,721.79 for which we are requesting \$89,721.79 at the approved reimbursement rate of 100%.
- 2) The amount expended to date on this project is \$89,721.79.
- 3) Is this request for a FINAL payment on this project? x Yes No

4) Remarks:

All drainage repair and placement for this project was performed by the Boxborough Highway Department. The bid price on the Bituminous was \$78.90 per ton. This price was subject to a price escalation adjustment which dropped the price to \$75.69 at time of purchase.

CERTIFICATION

A. I hereby certify under the pains and penalties of perjury that the charges for labor, materials, equipment, and services itemized and summarized on the attached forms are true and correct, and were incurred on this project in conformance with the MassDOT Highway Division Policies and established Municipal Standards that were approved for this project.

[Signature] Director 1/4/12
Signed: Municipal Highway Official Municipal Highway Official's Title Date

B. I/we certify under the pains and penalties of perjury that the items as listed or summarized on the attached forms were examined; that they are in conformity with our existing wage schedule, equipment rates, and all applicable statutes and regulations; that they are properly chargeable to the appropriation(s) designated for this work; and that Executive Order No. 195, dated April 27, 1981 is acknowledge as applicable.

REVIEWED AND APPROVED FOR TRANSMITTAL

by Michael Inso Signed: _____

TOWN ACCOUNTANT _____
Accounting Officer's Title Duly Authorized Municipal Officials

DATE 1/4/12 DATE _____



CHAPTER 90 - FINAL REPORT

CONTRACT# 50741

City/Town	<u>Boxborough</u>	Project	<u>Road Paving and Drainage Repair</u>	
Location(s)	<u>Cedarwood, Kendall and the top of Windermere</u>			
Length	<u>~2520 Linear</u>	Feet	Width	<u>average of 24</u> Feet
Work was Started	<u>08/08/2011</u>	and Completed	<u>12 / 21 / 2011</u>	
Work was Suspended	<u>/ /</u>	and Resumed	<u>/ /</u>	
Done by: Force Account	<u> </u>	Advertised Contract	<input checked="" type="checkbox"/>	Other <u> </u>

* REMARKS: This project was initially approved on 7/12/2011. An amended request for additional materials was approved on 10/6/2011. The bituminous Type 1 bid price of \$78.90 was subject to an escalation adjustment. At the time of purchase, the price was \$3.71 per ton less, bringing the price to \$75.69 per ton.

EXPENDITURES:	State Funds @ 100%	\$89,721.79
	Municipal Funds	\$
	Other Funds	\$
	TOTAL PROJECT EXPENDITURES	<u>\$89,721.79</u>

SCOPE OF WORK:

The scope of this project included resurfacing the entire lengths of Cedarwood Rd., Kendall Rd. and the top portion of Windermere. The total length of roadways resurfaced is ~2520 linear feet with the associated shoulder and drainage work.

CERTIFICATION

The undersigned hereby certify that documentation to substantiate the above expenditures is available for examination in accordance with Executive Order No. 195 (April 27, 1981). We further certify that all equipment rental costs are within the approved limits established by the MassDOT Highway Division, that the Municipality has complied with all applicable statutes and regulations, that the requests for reimbursements for allowable project expenses actually incurred are in conformance with the "Chapter 90" Project Request, and that the Municipality will be responsible for the future maintenance of this project including the cost thereof. Copies of the notification published in the Central Register and notice in a newspaper of local circulation required by Chapter 149, Section 44J, and the prevailing wages as determined by the Department of Labor and Industries obtained in compliance with Chapter 149, Section 27F, of the General Laws, as applicable, must be attached.

PREPARED & REVIEWED BY	
<i>[Signature]</i>	
Highway Officer's Title	Date <u>1/4/12</u>
<u>Michael Russo</u>	<u>1/4/12</u>
Accounting Officer's Title	Date
<u>TOWN ACCOUNTANT</u>	

Signed:	
Duly Authorized Municipal Officials	Date

• Include additional Contract Nos. if other Chapter 90 Funds were also used. List street names, total amounts charged to each location, extra work orders, etc. Use back if necessary, or attach supporting



CHAPTER 90 - MATERIALS - HED 454 FORM

City/Town of Boxborough

MATERIALS for period beginning 3/2/2011 and ending 20-Dec-11
 both inclusive, on account of Contract No 50741 with MassDOT Highway Division,
 under Section 34, Clause 2(a). of Chapter 90 of the General Laws.

VENDOR NAME	ITEM	QTY.	UNIT	UNIT PRICE	AMOUNTS	CHECK #
				\$	\$	
Bay State Waterworks	ADS perf w/sock	300	ft	\$ 1.4900	\$ 447.0000	46800
	ADS tee	1	ea	\$ 8.9900	\$ 8.9900	46800
	Frame & Grate	5	set	\$ 224.4000	\$ 1,122.0000	46800
	DBL frame & Grate	1	set	\$ 450.0000	\$ 450.0000	46800
	ADS flared end	1	ea	\$ 125.0000	\$ 125.0000	46800
	Filter Fabric	1	roll	\$ 159.9000	\$ 159.9000	47183
	Snap Coupler	1	ea	\$ 3.7200	\$ 3.7200	47183
	ADS Solid Pipe	40	ft	\$ 4.1500	\$ 166.0000	47183
	Dual Pipe	40	ft	\$ 4.2900	\$ 171.6000	47183
	ADS x PV femco	1	ea	\$ 12.9000	\$ 12.9000	47183
	Risers	2	ea	\$ 133.9500	\$ 267.9000	47596
	ADS Coil Pipe	200	ft	\$ 1.3500	\$ 270.0000	48027
	Filter Fabric	1	roll	\$ 109.9000	\$ 109.9000	48027
	ADS N12 Pipe	20	ft	\$ 4.9000	\$ 98.0000	48027
Ideal Concrete Block	Barrel Block	144	ea	\$ 2.0000	\$ 288.0000	46801
	Pallett	2	ea	\$ 8.5000	\$ 17.0000	46801
	Portland Type 1	40	ea	\$ 12.0500	\$ 482.0000	46801
	Sewer Brick	500	ea	\$ 0.5580	\$ 279.0000	46801
	Pallett	1	ea	\$ 8.5000	\$ 8.5000	46801
	Sewer Brick	500	ea	\$ 0.5580	\$ 279.0000	47184
	Brick, City Hall	300	ea	\$ 0.9650	\$ 289.5000	47184
	Concrete Block	72	ea	\$ 2.0000	\$ 144.0000	47184
	Pallett	1	ea	\$ 8.5000	\$ 8.5000	47184
PJ Keating	3/4" Ledge	48.76	ton	\$ 10.5000	\$ 511.9800	46812
	Grndings	134.25	ton	\$ 7.0000	\$ 939.7500	46812
	3/4" Ledge	8.66	ton	\$ 10.5000	\$ 90.9300	47185
	Grindings	17.68	ton	\$ 7.0000	\$ 123.7600	47185
	Grindings	9.15	ton	\$ 7.0000	\$ 64.0500	47600
	Grindings	10.01	ton	\$ 7.0000	\$ 70.0700	48028

INTERACTING WITH THE MENTALLY ILL

POLICY & PROCEDURE NO. 1.16	ISSUE DATE: _____
	EFFECTIVE DATE: _____
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 41.2.7	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

Reaction to the mentally ill covers a wide range of human response. People afflicted with mental illness are ignored, laughed at, feared, pitied and often mistreated. Unlike the general public, however, a police officer cannot permit personal feelings to dictate his/her reaction to the mentally ill. An employee's conduct must reflect a professional attitude and be guided by the fact that mental illness, standing alone, does not permit or require any particular police activity. Individual rights are not lost or diminished merely by virtue of a person's mental condition. These principles, as well as the following procedures, must guide an officer when his/her duties bring the employee in contact with a mentally ill person.

II. POLICY

It is the policy of this department that:

- A. Officers shall accord all persons, including those with mental illness, all the individual rights to which they are entitled.
- B. Officers shall attempt to protect mentally ill persons from harm and shall refer them to agencies or persons able to provide services where appropriate.

III. DEFINITIONS

- A. *Bipolar*: Also known as “manic-depressive illness,” the disorder causes extreme swings in a person’s moods, emotions and behaviors. In the “manic” state, these strong moods may include intense elation or irritability. In the “depression” state, a deep sadness or hopelessness is prevalent. Both are manifested in the “mixed state.”
- B. *Schizophrenia*: A serious disorder which affects how a person thinks, feels and acts. The illness is characterized by dramatic changes in behavior and thinking. Someone with schizophrenia may have difficulty distinguishing between what is real and what is imaginary; may be unresponsive or withdrawn; and may have difficulty expressing normal emotions in social situations.
- C. *Pink Slip or “Section 12”*: Refers to an involuntary commitment to an emergency mental health facility pursuant to M.G.L c. 123 s. 12.
- D. *Hallucinations*: Perceptual experiences that are not actually occurring, such as hearing voices telling one to harm oneself.
- E. *Delusions*: Fixed false beliefs about the self, such as: “Everyone is out to get me.”

IV. PROCEDURES

A. *Recognizing Mental Illness*

1. An employee must be able to recognize a mentally ill individual if [s]he is to handle a situation properly.
2. Factors that may aid in determining if a person is disturbed are: [41.2.7]
 - a. Severe changes in behavioral patterns and attitudes;
 - b. Unusual or bizarre mannerisms and/or appearance;
 - c. Distorted memory or loss of memory;
 - d. Hallucinations or delusions;
 - e. Irrational explanation of events;
 - f. Hostility to and distrust of others;
 - g. Fear of others, such as paranoia;

- h. Marked increase or decrease in efficiency;
 - i. Lack of cooperation and tendency to argue;
 - j. One-sided conversations; and
 - k. Lack of insight regarding his/her mental illness.
3. These factors are not necessarily, and should not be treated as, conclusive. They are intended only as a framework for proper police response. It should be noted that a person exhibiting signs of an excessive intake of alcohol or drugs may also be mentally ill.
4. Medications: Some medications commonly prescribed for mental illnesses are:

Trade Name	Generic	Trade Name	Generic
ATIVAN	LORAZEPAM	LITHOBID/ LITHIUM	LITHIUM CARBONATE
CALAN	VERAPAMIL	NEUROTIN	GABAPENTIN
CLOZARIL	CLOZAPINE	PROZAC	FLUOXETINE
DEPAKENE	VALPROIC ACID	RISPERDAL	RISPERIDONE
DEPAKOTE	DIVALPROEX	SEROQUEL	QUETIZPINE
GEODON	ZIPRASIDONE	TEGRETOL	CARBAMAZEPI NE
HALDOL	HALOPERIDOL	TOPAMAX	TOPIRAMATE
KLONOPIN	CLONAZEPAM	WELLBUTRIN	BUPROPION
LAMICTAL	LAMOTRIGINE	ZYPREXA	OLANZAPINE

B. Common Mental Disorders

1. **Bipolar Disorder:** This is typically a lifelong illness that most often begins in the later teenage years or early adulthood. It commonly runs in families, but not always, and affects more than two million Americans. It is a treatable illness.
- a. Warning Signs: These signs, outlined in the chart below, are often painful, last a long time and are serious. They usually interfere with a person's ability to conduct a normal family, work and personal life. A family member can often be the best source of information about what might be happening.

Signs of Mania	Signs of Depression
Excitability or feeling "high"	Feeling sad, depressed or guilty
Increased talkativeness	Slowed or sluggish behavior
Fast speech	Hopelessness
Decreased need for sleep	Thoughts or plans of suicide
Excessive energy	Change in sleep, appetite, energy
Risky behaviors	Problems concentrating

- b. Some people may self-medicate with alcohol or illegal drugs.
2. **Schizophrenia:** Persons in a psychotic state may have high anxiety, faulty reality testing, poor judgment, or diminished impulse control.
- a. They may be at risk of harming themselves or others.
- b. Warning Signs include:
- 1) Delusions (false or unreal beliefs);
 - 2) Hallucinations (hearing, smelling, tasting or feeling something that is not really there);
 - 3) Disorganized speech and/or speaking less;
 - 4) Bizarre behavior;
 - 5) Blunted or dulled emotions;
 - 6) Withdrawing emotionally from people;
 - 7) A loss of interest in school or work;
 - 8) Difficulty paying attention;
 - 9) Lack of energy and motivation;
 - 10) Thoughts of death or suicide, or suicide attempts;
 - 11) Outbursts of anger; and
 - 12) Poor hygiene and grooming.
3. **Depression:** This is more than just feeling sad or a little under the weather.

- a. Depression is a mental illness that can seriously affect a person's feelings, thought patterns, behavior and quality of life. People generally do not just "snap out" of it.
- b. Warning Signs include:
 - 1) Ongoing sad, anxious or empty feelings;
 - 2) A loss of interest in activities that normally are pleasurable, including sex;
 - 3) Appetite and weight changes (either loss or gain);
 - 4) Sleep problems (insomnia, early morning wakening or oversleeping);
 - 5) Irritability;
 - 6) A loss of energy and a sense of fatigue, or being "slowed down";
 - 7) Feelings of guilt, worthlessness and helplessness;
 - 8) Feelings of hopelessness and pessimism;
 - 9) Difficulty in concentrating, remembering and making decisions;
 - 10) Thoughts of death or suicide, or suicide attempts; and
 - 11) Ongoing body aches and pains or problems with digestion that are not caused by physical disease.

C. Accessing Community Mental Health Resources

1. The supervisor of Communications (Dispatch) shall maintain a current directory of mental health resources including:
2. Contacts for hospitalization for psychiatric emergencies;
3. Massachusetts Department of Mental Health: Phone: 617-626-8000, <http://www.mass.gov>; and
4. National Alliance on Mental Illness (NAMI): 1-800-950-NAMI (6264), <http://www.nami.org/>.

D. Dealing with the Mentally Ill in Administrative Settings

1. Non-sworn employees may interact with mentally ill persons in an administrative capacity, such as dispatching, records request, animal control issues, etc.
2. If an employee believes [s]he is interacting with a mentally ill person, [s]he should proceed patiently and act in a calm manner.
3. Although the person is mentally ill, his or her requests or inquiries should normally be treated as if the person making the request or inquiry were not mentally ill.

4. Understand that, due to the person's illness, the person could make bizarre claims or requests.
5. At all times, employees should act with respect towards the mentally ill person. A person with mental illness may be both highly intelligent and acting irrationally.
6. If the person's behavior makes the employee feel unsafe, a police officer should be summoned. The police officer need not deal with the person directly, but be present during the interaction to react if the person becomes disruptive or violent.
7. If the person is disruptive, violent, or acts in such a manner as to cause the employee to believe that the person may be harmful to him/herself or others, a police officer should be summoned to address the situation in accordance with this policy.

E. Interactions with the Mentally Ill in the Field [41.2.7(c)]

1. If an employee believes [s]he is faced with a situation involving a mentally ill person, [s]he should not proceed in haste unless circumstances require otherwise.
 - a. The employee should be deliberate and take the time required for an overall look at the situation.
 - b. The employee should ask questions of persons available to learn as much as possible about the individual. It is especially important to learn whether any person, agency or institution presently has lawful custody of the individual, and whether the individual has a history of criminal, violent or self-destructive behavior.
 - c. The employee should call for and await assistance. It is advisable to seek the assistance of professionals such as doctors, psychologists, psychiatric nurses and clergy, if available. The communications center should have telephone numbers and locations of crisis centers.
 - d. While it is not necessarily true that mentally ill persons will be armed or resort to violence. This possibility should not be ruled out and, because of the potential dangers, the employee should take all precautions to protect everyone involved.
2. It is not unusual for such persons to employ abusive language against others. An employee must ignore verbal abuse when handling such a situation.
3. Avoid excitement. Crowds may excite or frighten the mentally ill person. Groups of people should not be permitted to form or should be dispersed as quickly as possible.

4. Reassurance is essential. The employee should attempt to keep the person calm and quiet. [S]he should attempt to show that [s]he is a friend and that [s]he will protect and help. It is best to avoid lies and not resort to trickery.
5. Employees should at all times act with respect towards the mentally ill person. Do not "talk down" to such person or treat such a person as "child-like." A person with mental illness may be both highly intelligent and acting irrationally. Mental illness, because of human attitudes, carries with it a serious stigma. An officer's response should not increase the likelihood that a disturbed person will be subjected to offensive or improper treatment.

F. Responding to Requests for Assistance

1. If an officer receives a complaint from a family member of an allegedly mentally ill person, the officer must assess the person's state. The officer must make a good faith determination as to whether or not there is reason to believe that failure to hospitalize the person would create a likelihood of serious harm by reason of mental illness, and as to whether the person is a threat to himself or others.
2. If a person is not an immediate threat or is not likely to cause harm to himself or others, officers should advise such family member of that determination. The family member may:
 - a. Consult a physician or mental health professional in an attempt to obtain a commitment from that person pursuant to M.G.L. c. 123 s. 12(a); or
 - b. Make application to the district or juvenile court to obtain a warrant of apprehension pursuant to M.G.L. c. 123 s. 12(e).

G. Warrants of Apprehension

1. A warrant of apprehension issued pursuant to M.G.L. c. 123 s. 12(e) is a judicially authorized arrest warrant, and police may take actions normally accorded an arrest warrant. See the department policies on ***Arrests***.
2. Upon receipt of a warrant of apprehension, police should make a good faith effort to locate and serve the warrant.
3. Upon arrest of the subject of the warrant, the individual should be processed according to the department policy on ***Processing Detainees*** unless, due to the dangerousness of the subject or other factors, doing so would pose an excessive risk of physical harm to the officers or the subject of the warrant. In such a case, the subject should be taken directly to court.

H. Involuntary Examinations

1. The authority for an application for Involuntary Examination is described in M.G.L. c. 123 s. 12.
 - a. Medical Personnel: Any physician, qualified psychiatric nurse, mental health clinical specialist, or qualified psychologist, after examining a person and having reason to believe that failure to hospitalize such person would create a likelihood of serious harm by reason of mental illness, may restrain the person and apply for hospitalization for a three (3) day period.¹
 - b. Police Officers: In an emergency situation, if a physician or qualified psychologist is not available, a police officer who *reasonably believes* under the circumstances that failure to hospitalize a person would create a likelihood of serious harm by reason of mental illness may restrain such person and apply for the hospitalization of such person for a three (3) day period at a public facility or a private facility authorized for such purpose by the Massachusetts Department of Mental Health.²
 - c. Any Person (including a police officer) may petition a district court to commit a mentally ill person to a facility for a three (3) day period if failure to confine that person would cause a likelihood of serious harm.³
2. Police Application of M.G.L. c. 123 s. 12
 - a. Absent an order of a physician or psychologist for involuntary hospitalization, a police officer may convince a person who [s]he believes needs such services to agree to a voluntary admission for a mental health evaluation.
 - b. If feasible, a police officer should seek the involuntary commitment of an individual by an authorized mental health professional or the court.
 - c. Commitment proceedings under section 12(a) of Chapter 123 should be initiated by a police officer only if all of the following procedures have been observed:
 - 1) Determination has been made that there are no outstanding commitment orders pertaining to the individual.
 - 2) Every reasonable effort has been made to enlist an appropriate physician, psychiatrist, psychologist, social worker or family member to initiate the commitment proceedings.
 - 3) The officer has received approval from a supervisor or officer in charge.

- d. Officers may effect a warrantless entry into the home of a subject for whom a section 12 application for temporary hospitalization (pink slip) has been issued, provided:⁴
- 1) They have actual knowledge of the issuance of the pink slip.
 - 2) The entry is of the residence of the subject of the pink slip.
 - 3) The pink paper was issued by a qualified physician, psychologist, or psychiatric nurse in an emergency situation and where the subject refused to consent to an examination.
 - 4) The warrantless entry is made within a reasonable amount of time after the pink slip has been issued.

NOTE: If any of the above criteria are not met, and unless exigent circumstances are present, a warrant shall be obtained prior to any entry of a residence to execute a pink slip.

- e. Whenever practical, prior to transporting, the emergency mental health facility that police plan to take the person to should be contacted. This may be done by the police, a dispatcher, emergency medical personnel, or staff from the facility from which the mentally ill person is being transported. The facility should be informed of the circumstances and any known clinical history, determine if it is the proper facility, and be given notice of any restraints to be used and whether such restraint is necessary.⁵
- 1) If an officer makes application to a hospital or facility and is refused, or if [s]he transports a person with a commitment paper (pink slip) signed by a physician, and that person is refused admission, the officer should ask to see the administrative officer on duty to have him/her evaluate the patient.
 - 2) If refusal to accept the mentally ill person continues, the officer shall not abandon the individual, but shall take measures in the best interests of that person and, if necessary, take the mentally ill person to the police station.
 - 3) Notification of such action shall immediately be given to the officer-in-charge and the Chief, who can notify the Department of Mental Health.

I. Taking a Mentally Ill Person into Custody

1. A mentally ill person may be taken into custody if:
 - a. [S]he has committed a crime (an arrest).
 - b. The officer has a reasonable belief, under the circumstances, that [s]he poses a substantial danger of physical harm to

himself/herself or other persons.⁶ Threats or attempts at suicide should never be treated lightly.

- c. [S]he has escaped or eluded the custody of those lawfully required to care for him/her.⁷
2. At all times, an officer should attempt to gain voluntary cooperation from the individual.
3. Officers shall be bound by use of force requirements consistent with the department policy on **Use of Force**.

J. Transporting Mentally Ill Persons to Treatment

1. Normally, a person who is to be transported to a hospital for a mental health evaluation pursuant to M.G.L. c. 123 s. 12 will be transported by ambulance. A police officer shall ride in the rear of the ambulance with the ambulance attendant.
2. A police officer may transport such person in a police transportation vehicle equipped with a protective barrier if, in the opinion of a police officer, the person poses a threat due to violence, resisting, or other factors. Authorization from a supervisor or officer in charge should be sought prior to transport.

K. Escapes from Mental Health Facilities

1. If a patient or resident of a facility of the Massachusetts Department of Mental Health is absent without authorization, the superintendent of the facility is required to notify the state and local police, the local district attorney and the next of kin of such patient or resident.⁸
2. Such persons who are absent for less than six months may be returned by the police.
3. Persons who have been found not guilty of a criminal charge by reason of insanity or persons who have been found incompetent to stand trial on a criminal charge may be returned regardless of the length of absence.⁹
4. Taking a subject into custody for return to a mental health facility shall not be considered an arrest. The subject may be turned over directly to employees of the facility.

L. Indemnification

1. Police officers are immune from civil suits for damages for restraining, transporting, applying for the admission of or admitting any person to a facility.
2. Immunity applies to officers acting pursuant to the provisions of Chapter 123 (Mental Health).¹⁰

M. Interrogating Mentally Ill Suspects [41.2.7(c)]

1. Whenever a mentally ill or mentally deficient person is a suspect and is taken into custody for questioning, police officers must be particularly careful in advising the subject of his/her Miranda rights and eliciting any decision as to whether [s]he will exercise or waive those rights. It may not be obvious that the person does not understand his/her rights. The department policy on **Interrogating Suspects and Arrestees** should be consulted.
2. In addition, it may be very useful to incorporate the procedures established for interrogating juveniles when an officer seeks to interrogate a suspect who is mentally ill or mentally deficient. Those procedures are set out in the department policy **Handling Juveniles**.
3. Before interrogating a suspect who has a known or apparent mental condition or disability, police should make every effort to determine the nature and severity of that condition or disability; the extent to which it impairs the subject's capacity to understand basic rights and legal concepts, such as those contained in the Miranda warnings; and whether there is an appropriate "interested adult," such as a legal guardian or legal custodian of the subject, who could act on behalf of the subject and assist the subject in understanding his/her Miranda rights and in deciding whether or not to waive any of those rights in a knowing, intelligent and voluntary manner.
4. CONFIDENTIALITY: Any officer having contact with a mentally ill person shall keep such matter confidential except to the extent that revelation is necessary for conformance with department procedures regarding reports or is necessary during the course of official proceedings.

N. Lost or Missing

1. If a mentally ill or deficient person is reported lost or missing, police should follow protocols described in the department policy on **Missing Persons**.
2. Officers may additionally refer the family of the missing person to the National Alliance for the Mentally Ill (NAMI)/Homeless or Missing Persons Service which operates an emergency hotline to assist all families and friends who have a missing relative or friend. The Information Helpline telephone number is **1-800-950-NAMI (6264)**, and the web site is <http://www.nami.org/>.

O. Training

1. Department personnel shall be trained in this policy upon initial employment. [41.2.7(d)]

2. Employees shall undergo refresher training at least every three years.
[41.2.7(e)]
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¹ M.G.L. c. 123, §12 (a).

² M.G.L. c. 123, §12(a); *Ahern v. O'Donnell*, 109 F.3d 809 (1st Cir. 1997).

³ M.G.L. c. 123, §12(e).

⁴ *McCabe v. Life-Line Ambulance Service, Inc.*, 77 F.3d 540 (1st Cir. 1996).

⁵ M.G.L. c. 123, §12(a).

⁶ M.G.L. c. 123, § 12(a); *Ahern v. O'Donnell*, 109 F.3d 809 (1st Cir. 1997).

⁷ M.G.L. c. 123, §30.

⁸ M.G.L. c. 123, §30.

⁹ M.G.L. c. 123, §30.

¹⁰ M.G.L. c. 123, §22.

TRANSPORTATION OF DETAINEES

BOXBOROUGH POLICE POLICY & PROCEDURE NO. 3.01	ISSUE DATE: _____
	EFFECTIVE DATE: _____
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 70.1.1; 70.1.2; 70.1.3; 70.1.4; 70.1.5; 70.1.6; 70.1.7; 70.2.1; 70.3.1; 70.4.1; 70.4.2; 70.5.1	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

The proper transporting and handling of detainees is essential to ensure the safety of both officers and detainees. A person who faces the loss of freedom may become desperate and dangerous. [S]he may be ready to attack and flee at any time the opportunity presents itself.

Escape is not only embarrassing but may also create a serious danger to the community or to other police officers before the detainee is recaptured. At all times, an officer should expect the unexpected. [S]he should not be "lulled" by the apparent cooperation of the detainee. Every precaution should be taken to be prepared to handle sudden dangerous activity. The purpose of the procedures outlined below is to assist an officer in avoiding such problems.

The transportation of detainees by law enforcement officers is a frequent requirement. Detainees are transported under many circumstances, such as transport by the arresting officer immediately after arrest; transfer to or from other agencies or holding facilities; movement of detainees from holding facilities to medical treatment centers; and transfer to court. The adherence to proper procedures for handling and transporting detainees is essential to ensure both the rights of the detainee and the safety of the transporting officer(s), the detainee(s), and the general public. Adherence to proper procedures will also minimize the possibilities of injury, escape, or accusations of mistreatment.

II. POLICY

It is the policy of this department that:

- A. Arresting officers, in handling and transporting detainees, will use only such force as is reasonable and necessary to control the detainee and to ensure the safety of the officers; and
- B. Arresting and transporting officers shall take all appropriate measures to ensure the preservation of the rights and safety of detainees and to prevent their escape.

III. PROCEDURE

A. *Transport Vehicles*

1. TYPES OF VEHICLES: The following vehicles may be used to transport detainees, listed in order of preference:
 - a. Caged two-person cruiser;
 - b. Caged one-person cruiser;
 - c. Uncaged vehicle.

NOTE: A vehicle without a barrier shall be used only if there is no patrol wagon or caged cruiser available.

2. SAFETY MODIFICATIONS
 - a. All department vehicles normally used to transport detainees shall have:
 - 1) A safety barrier to protect the front occupants; [70.4.1]
 - b. All vehicles used for transporting detainees shall be modified to minimize opportunities for the detainee to exit from the rear compartment of the vehicle without the aid of a transporting officer. Such modifications may include: [70.4.2]
 - 1) Disable rear passenger power window controls;
 - 2) Disable or remove rear passenger interior door latch handles.
3. TRANSPORT VEHICLE SEARCHES [70.1.2]
 - a. All vehicles normally used for transporting detainees shall be checked for operational suitability, and searched for weapons and contraband at the beginning of each shift.
 - b. Before placing a detainee in a police vehicle, the vehicle shall be searched to ensure that there are no articles present that can be used as weapons. This will also ensure that items subsequently found (e.g., contraband, evidence, etc.) can be more easily attributed to the detainee.

- c. At the completion of all detainee transports, the officers assigned to the vehicle will conduct a search of the area within the vehicle where the detainee was located for evidence and/or contraband that may have been discarded by the detainee.

B. Detainees

1. DETAINEE SEARCHES [70.1.1]

- a. All detainees shall be thoroughly searched immediately prior to being transported.
- b. Whenever an officer takes custody of a detainee to transport, the officer should never assume that the detainee has already been searched. The officer shall conduct a thorough search of the detainee himself/herself, provided the officer is of the same sex.
- c. If the detainee is of the opposite sex of the transporting officer:
 - 1) An officer or trained police employee of the same sex may search the detainee.
 - 2) If such officer or employee is not available, an officer of the opposite sex may conduct the search if there is reason to believe the detainee is armed with an item with which [s]he could cause harm to himself/herself or the officer.
 - 3) The officer should conduct this search in the presence of another officer or a reasonable adult witness to minimize any accusation of misconduct.
- d. Juvenile detainees shall be processed in the same manner as adult detainees with regard to searches; however, consideration shall be given to the age and sensitivity of the juvenile detainee.

2. DETAINEE RESTRAINING DEVICES [70.2.1]

- a. All detainees shall be handcuffed prior to being placed into the transport vehicle. Officers may use:
 - 1) Metal handcuffs, or
 - 2) "Flex Cuffs."
- b. Detainees shall be handcuffed with their hands behind their back, palms facing outward unless there are exigent circumstances (such as an injury, etc.).
- c. Handcuffs shall be double locked. Handcuffs shall be placed on the skin above the wrists, securely, but not so tightly as to affect circulation. Handcuffs shall not be placed over sleeves or clothing.
- d. At no time will a detainee be handcuffed to any part of the transport vehicle during transport.

- e. Leg restraints may be used in addition to handcuffs when the officer believes the detainee has a potential for violent behavior or flight; leg restraints may be used in lieu of handcuffs due to injury or disability.
- f. Officers shall not transport detainees who are restrained in a prone position.
- g. Officers should be aware of the issue of positional asphyxia when placing restrained detainees into a vehicle.
- h. Officers may transport without handcuffs provided there are extenuating circumstances (e.g., very young juvenile, handicapped, injured).

3. MULTIPLE DETAINEES

- a. Whenever several similar suspects (adult males, juvenile males, etc.) who have been arrested as participants in the same criminal activity are to be transported:
 - 1) They should be handcuffed in the standard way.
 - 2) Their arms may be interlocked and their hands handcuffed behind their backs, palms facing outward.

4. SEATING IN POLICE PATROL VEHICLES

- a. Officers shall ensure that detainees being transported are visually observable at all times.
- b. Detainee Transport with Two Officers, Caged Vehicle
 - 1) The detainee(s) will be seated in the rear seat. Both officers will be seated in the front seat.
 - 2) The officer in the passenger position will maintain visual contact with the detainee(s).
 - 3) Safety belts with a shoulder harness shall be used if available.
- c. Detainee Transport with Single Officer, Caged Vehicle: If the transporting officer cannot be provided with a backup and must transport the detainee alone, [s]he will follow this procedure:
 - 1) Handcuff the detainee with his/her hands behind his/her back, palms facing outward;
 - 2) The detainee will be seated in the right rear seat; and
 - 3) Safety belts with a shoulder harness shall be used if available.
- d. Detainee Transport in Uncaged Vehicle: When transporting a detainee in an unmarked vehicle or cruiser without a cage: [70.1.3]
 - 1) Only one detainee at a time will be transported;

- 2) The detainee shall be placed in the front seat, passenger side;
- 3) If there is a second officer available, [s]he will ride in the front seat with the operator and the detainee will be placed in the rear seat behind the passenger; and
- 4) Safety belts with a shoulder harness shall be used if available.

NOTE: This type of transport should only be made in situations where the offense is minor in nature and the detainee is cooperative.

C. Transport to Booking Facility

1. **GENERALLY:** An officer shall not attempt to transport more persons than [s]he can safely control.
2. **FEMALES AND JUVENILES:** Whenever possible, male and female detainees and juvenile detainees will be transported separately from each other.
3. **ESCORTING DETAINEES TO TRANSPORT VEHICLE:** A time of potential danger to the officers and detainee is when the detainee is being escorted to the transporting vehicle. To help reduce the danger, officers should keep the detainee isolated from other persons in the area when going to the transport vehicle and during the transport.
4. **COMMUNICATING WITH DISPATCH:** Immediately upon commencing the transport, the officer shall communicate the following information to the dispatcher:
 - a. The number and sex of arrestees, and whether the arrestee(s) are juveniles;
 - b. The reason for the arrest;
 - c. The present location and the vehicle's odometer reading; and
 - d. The destination.
5. **TRANSPORT ROUTE**
 - a. A detainee in custody shall be transported directly to the station, using an expedient route from the scene of custody to the booking facility.
 - b. All traffic regulations shall be observed, unless an emergency exists.
6. **COMMUNICATION WITH DETAINEE DURING TRANSPORT [70.1.5]**
 - a. Because an arrestee in a police vehicle is in custody, no questioning of the arrestee shall be initiated by officers unless and until the arrestee has been fully advised of the Miranda Warnings and has knowingly and intelligently waived those rights.

- b. Unless a situation exists that makes a verbal exchange necessary, transporting officers should not allow detainees to communicate with other persons while being transported.
 - c. If a citizen, including the detainee's attorney, requests to speak with a detainee, the officer should advise that person of the destination of the detainee transport.
7. ARRIVAL AT BOOKING FACILITY
- a. Upon arrival at the booking facility, notify the dispatcher of the time of arrival and the vehicle's odometer reading.
 - b. Booking will be accomplished according to the department policy on ***Detainee Processing***.

D. Transport of Detainee to Another Facility

1. PREPARING DETAINEE FOR TRANSPORTATION: When a detainee is to be transported from the holding facility to another holding facility or to court, the officers involved will comply with the following procedures:
 - a. Detainee Identity: Verify which detainee is to be transported.
 - b. Positively Identify the Detainee Prior to Transport: The transporting officer shall positively identify that the detainee to be transported is, in fact, the correct detainee. Positive identification may be ascertained from another employee, or by checking the identification of the detainee against the description, booking photo, cell number, and booking photo, etc. [70.5.1(a)]
 - c. Destination: Verify the destination of the detainee transport.
2. HEALTH SCREENING: Before transfer to another facility, the detainee shall be screened by the officer preparing the detainee for transport. This screening shall consist a brief inquiry into:
 - a. The current health of the detainee;
 - b. Any medications being taken;
 - c. Behavioral observations, including consciousness and mental status; (also see Suicide Risk Screening in this department's policy on ***Detainee Processing***); and
 - d. A notation of any obvious body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.

Note: All observations shall be noted on the intake form.
3. VIOLENT/ESCAPIST DETAINEES: If a detainee to be transported to court or another custody facility has been or is extremely violent or is an escape risk, the officer-in-charge will make this fact known to the

receiving agency prior to the detainee's being transported, so that the receiving agency is prepared to accept the detainee. [70.1.6(d)]

4. SUICIDAL DETAINEES: If the detainee is or is felt to be a suicide risk, the receiving agency will be advised in writing of the exact nature of the threat or attempt and the appropriate CJIS entry will be made in accordance with M.G.L. c. 40, §36A. [70.5.1(c)]
5. DOCUMENTATION: The transporting officer shall ensure that the proper documentation, as appropriate, accompanies the detainee. [70.5.1(b)]
 - a. Court [If court paperwork is not transported separately from the detainee]:
 - 1) Police report;
 - 2) Statement of Facts form;
 - 3) Application for complaint or criminal citation;
 - 4) Served arrest warrants; and
 - 5) Suicide risk evaluation, if appropriate.
 - b. Juvenile holding facility:
 - 1) Booking sheet;
 - 2) Suicide risk evaluation; and
 - 3) Mental health evaluation: Application for mental health evaluation if issued.
 - c. Other police agency:
 - 1) Booking sheet;
 - 2) Served arrest warrants; and
 - 3) Suicide risk evaluation.
 - d. Property:
 - 1) Transfer the detainee's property to the custody facility or court, provided that the court will accept the property.
 - 2) Any property not accepted by the receiving facility shall be turned over to the property officer to be held for safe keeping.
6. UPON ARRIVAL AT ANOTHER FACILITY: Upon arrival at the custody facility or court, the officers will:
 - a. Advise the dispatcher of their location and the vehicle's odometer reading at the beginning and end of the transport;
 - b. Secure firearms at the accepting facility in accordance with the procedures of the receiving agency; [70.1.6.a]

- c. Escort the detainee into the facility and deliver all necessary documentation and personal property to the receiving officer; [70.1.6.c]
 - d. Maintain control of the detainee until relieved by the receiving agency;
 - e. Advise the receiving agency personnel of any potential medical issues, disease, suicide risk, infectious disease, open wounds, sores, vermin or security risks; [70.1.6(d)]
 - f. Remove restraining devices only if directed to do so by the receiving agency; and [70.1.6(b)]
7. TRANSPORT OF DETAINEE FROM ANOTHER AGENCY'S CUSTODY:
When transporting a detainee from another facility to the department's holding facility (e.g., picking up a detainee arrested on a warrant by another agency), the transporting employees will:
- a. Upon arrival at the holding agency, notify the dispatcher;
 - b. Secure their firearms in accordance with the procedures of that agency;
 - c. Verify the identity of the detainee by checking any description of the detainee contained on the warrant or other documents;
 - d. Ensure that all required paper work is properly signed and executed and accompanies the detainee;
 - e. Obtain the detainee's property;
 - f. Prepare the detainee for transport according to department procedure:
 - 1) Search,
 - 2) Restraints,
 - 3) Seating in the transport vehicle;
 - g. Notify the dispatcher when they are beginning their return transport, and give the vehicle's odometer reading at the beginning and end of the transport; and
 - h. Transport the detainee directly to the department's holding facility.

E. Special Transport Situations

- 1. TRANSPORTING DETAINEES OF THE OPPOSITE SEX
 - a. When transporting a detainee of one sex by an officer of the opposite sex, an additional officer may be requested to accompany the transport whenever practical.

-
- b. Whenever one or two officers transport a detainee of the opposite sex, the following procedures will apply:
 - 1) The transporting officers will call in the mileage on their patrol vehicle and their location. The dispatcher will make an entry into the log.
 - 2) The transporting officers will proceed directly to their destination using the shortest practical route.
 - 3) Upon arrival at the destination of the transport, the transporting officers will call in the ending mileage on their patrol vehicle. This information will be noted by the dispatcher in the log.
 2. SICK, INJURED, OR HANDICAPPED DETAINEES [70.3.1]
 - a. If medical care is necessary:
 - 1) The officers shall arrange for Emergency Medical Technicians to come to the scene and evaluate the detainee's medical needs.
 - 2) The detainee will either be transported by ambulance or police vehicle to a hospital or be treated and released to the officers' custody.
 - b. If hospital care is necessary:
 - 1) An officer shall transport the detainee or accompany the detainee in the ambulance.
 - 2) Handcuffing of Sick, Injured, or Handicapped Detainees
 - a) When handcuffs are used, they should be used in a manner so as not to further aggravate the handicap or injury. If Emergency Medical Technicians are present, handcuffs should be applied as suggested by them.
 - b) Leg shackles may be used when handcuffs are not appropriate.
 - 3) Upon arrival at the hospital, the officer shall accompany the detainee through triage.
 - 4) The detainee shall remain in custody and in the presence of the officer (unless emergency circumstances prevent it) until his/her release from the treating facility and/or release from custody (such as bail).
 - c. For further information, see the department policy on ***Detaining Prisoners.***
-

3. TRANSPORTING HANDICAPPED DETAINEES

- a. Officers will make reasonable accommodations when transporting handicapped detainees.
- b. When it is necessary to lift a wheelchair or bed-ridden detainee, two or more persons shall be used.
- c. A non-emergency ambulance may be used if appropriate.
- d. Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the detainee.

4. TRANSPORTING MENTALLY DISTURBED DETAINEES: Mentally disturbed detainees may pose a significant threat to themselves and/or the transporting officers. If required, handcuffs should be used until a more appropriate restraining device can be applied.

5. LONG-DISTANCE TRANSPORTATION

- a. Two officers shall be used in any long-distance transport of a detainee of over 100 miles. There should be at least one officer or police employee of the same sex as the detainee being transported.
- b. The use of optional restraints should be considered, such as:
 - 1) Waist chains, or
 - 2) Leg shackles.
- c. Visual Contact: Transporting employees should maintain visual contact with the detainee at all times.
- d. Use of Toilet Facilities: The officers shall contact the nearest available police department to make arrangements for the use of their facilities.
- e. Food: If transporting officers must provide food for detainees during transport:
 - 1) Fast food may be provided and consumed in the transportation vehicle.
 - 2) The officer may contact a police facility to make arrangements for the detainee to be placed in a cell and fed.

6. INTERRUPTION OF TRANSPORT [70.1.4]

- a. The primary duty of the transporting officers is the safe delivery of detainees in their care to the proper destination.
- b. While transporting a detainee, the transporting officers will stop to provide police services only in the following circumstances and

only if this activity can be accomplished without serious risk of injury to the detainee or escape of the detainee:

- 1) Where immediate response is required to prevent severe bodily injury or death to an individual;
- 2) Where serious injury has occurred requiring immediate attention; and
- 3) Where a serious or violent crime is in progress and/or a criminal is fleeing and immediate apprehension is required to ensure public safety.

7. SPECIAL SITUATIONS

- a. Officers shall not transport detainees to visit critically ill persons, to attend funerals or other such special situations.
- b. Where circumstances warrant, an officer should explain bail procedures to a detainee or his/her family and assist in having the detainee's request for bail addressed promptly. [70.3.3]

F. Detainee Escape

1. TRANSPORTING OFFICERS

- a. If a detainee escapes during arrest, transportation, or booking, the officers will notify the dispatcher giving as much information as possible, including the following: [70.1.7(c)]
 - 1) Detainee's name, if known;
 - 2) Description, including clothing;
 - 3) Area where escape occurred;
 - 4) Direction of flight;
 - 5) Probable destination, if known; and
 - 6) Any other pertinent information available.
- b. Begin an area search and attempt to regain custody of the detainee.
- c. The officer from whose custody the detainee escaped shall submit a written report, before the end of the shift, detailing the events leading to the escape to the supervisor. [70.1.7(b)]

2. DISPATCHER [70.1.7(A)]

- a. The dispatcher will immediately notify the officer-in-charge of the detainee escape, and [s]he will deploy additional officers as necessary.

- b. The dispatcher shall call additional resources at the request of the supervisor:
- 1) Canine Teams;
 - 2) State Police Air Wing; and
 - 3) Other law enforcement agencies.
3. OFFICER-IN-CHARGE: The officer-in-charge will submit a written report concerning the events leading to the escape, the actions taken to regain custody, and any recommendation concerning possible corrective measures or department disciplinary proceedings.
[70.1.7(b)]
4. DEPARTMENT COMMAND STAFF: Review reports and take actions to prevent any recurrence.

HOLDING FACILITY

BOXBOROUGH POLICE POLICY & PROCEDURE NO. 3.02	ISSUE DATE: _____
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 72.1.1; 72.1.2; 72.2.1; 72.3.1; 72.3.2; 72.4.3; 72.4.4; 72.4.6; 72.4.7; 72.4.8; 72.4.9; 72.4.11; 72.5.3; 72.6.2; 72.6.4	EFFECTIVE DATE: _____
	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

This policy addresses the operation of the police lockup facility.

The authority to operate a lockup facility by a municipality is rooted in Massachusetts General Law: "Each community containing more than five thousand inhabitants shall, and any town may, maintain a lockup facility."¹ A keeper of the lockup must be appointed.²

"Cities with a population over thirty thousand shall, and any other city may, designate one or more police stations for the detention of females and one or two matrons shall be appointed to each designated station."³

The proper operation of the police lockup is critically important to the safety of police personnel and the well-being of prisoners or detainees. A special relationship exists between a police department and a person occupying a cell in its holding facility.

By statute, the obligation to maintain a lockup includes the provision of any prescribed medication and nutritionally adequate meals.⁴ In addition, detailed statutory requirements exist concerning suicide prevention.⁵ Department of Public Health regulations at 105 CMR 470 provides detailed requirements for the maintenance and construction of lockup facilities.

II. POLICY

It is the policy of this department to:

- A.** Operate a safe and sanitary lockup facility in compliance with state and local codes and regulations;
- B.** Care for detainees, being attentive to their security and medical needs; and
- C.** Provide special care for juveniles, separate from adults and only in approved facilities.

III. DEFINITIONS

- A. Cell:** Any room within a lockup used or intended to be used by a police officer for forced detention of an adult for longer than eight hours until such time as [s]he is released, bailed, or arraigned. Cell shall also mean a juvenile detention room.
- B. Cell Block:** The area(s) within the lockup facility designed for the custody of male, female or juvenile detainees.
- C. Holding Facility: Lockup;** those facilities, or parts of facilities, within police station houses that are used for forced detention of individuals. The lock-up area includes holding cells and common hallways to which the cells open.

IV. PROCEDURES

A. Management and Administration

1. **HOLDING FACILITY MANAGER:** The Chief of Police shall designate an officer to be responsible for the management and administration of the Lock-Up and Holding Facility. The Holding Facility Manager shall be responsible for:
 - a. Periodic inspection of the facility to ensure compliance with this policy, applicable laws, and Codes of Massachusetts Regulations;
 - b. Complying with changes to law or regulation regarding the operation of the holding facility;
 - c. Reviewing and publishing the evacuation plan;
 - d. Coordinating corrections to any deficiencies; and
 - e. Reporting to the Chief of Police any deficiencies to the facility or security issues that the Holding Facility Manager does not have the authority or resources to address.
2. **HOLDING FACILITY RENOVATIONS:** No lockup shall be built or renovated until the Department of Public Health has approved, in

writing, the plan of lighting, heating, ventilation and plumbing; the dimensions and form of construction; and the location of the cells.⁶

B. Training [72.1.1]

1. INITIAL TRAINING

- a. Initial training, as indicated below, shall be provided when new employees are hired, consistent with each employee's duties and responsibilities.
- b. Suicide prevention: Any employee assigned to the position of desk officer, sworn officers and all matrons, whether full-time or part-time, shall be trained in accordance with the Municipal Police Training Committee guidelines for preventing suicide of detainees in the lockup.⁷
- c. Training
 - 1) Sworn police employees shall be trained in:
 - a) Holding facility operations, including policies, rules and procedures relative to the holding facility;
 - b) Application of physical restraints;
 - c) Search of detainees;
 - d) Emergency and fire suppression equipment and procedures;
 - e) Holding facility equipment:
 - i. Cell check recorder;
 - ii. Cell Cameras;
 - iii. Cell Audio; and
 - f) Suicide prevention.⁸
 - 2) Communications Personnel shall be trained in:
 - a) Holding facility operations, including policies, rules and procedures relative to the holding facility;
 - b) Emergency and fire suppression equipment and procedures;
 - c) Holding facility equipment:
 - i. Cell check recorder;
 - ii. Cell Cameras;
 - iii. Cell Audio; and
 - d) Suicide prevention.⁹

- 3) All employees charged with physical supervision of detainees (clerks or dispatchers who participate in matron duties, matrons, etc.) shall be trained in:
 - a) Holding facility operations, including policies, rules and procedures relative to the holding facility;
 - b) Application of physical restraints;
 - c) Search of detainees;
 - d) Emergency and fire suppression equipment and procedures;
 - e) Holding facility equipment:
 - i. Cell check recorder;
 - ii. Cell Cameras;
 - iii. Cell Audio; and
 - f) Suicide prevention.¹⁰

2. IN-SERVICE TRAINING

- a. Employees shall be re-trained at least once every three (3) years, as applicable to their duties in the lockup, in the following areas:
 - 1) Holding facility operations including policies, rules and procedures relative to the holding facility;
 - 2) Application of physical restraints;
 - 3) Search of detainees;
 - 4) Emergency and fire suppression equipment and procedures;
 - 5) Holding facility equipment:
 - a) Cell check recorder;
 - b) Cell Cameras;
 - c) Cell Audio; and
 - 6) Suicide prevention.¹¹
- b. Completion of a refresher seminar in suicide prevention shall be a condition of promotion for all police officers.

3. DOCUMENTATION: Training documentation shall be filed in the employees' personnel and training folders.

C. Access to Cell Block [72.1.2]

1. LIMITATION TO ACCESS: Nonessential persons, including department employees, shall not be allowed unescorted access to the cell block at any time without the permission of the officer-in-charge.

This includes maintenance personnel, the press and tour groups. See department policy on ***Detaining Prisoners***.

2. SANITATION AND MAINTENANCE EMPLOYEES
 - a. Sanitation and maintenance employees shall not enter the detainee holding area unescorted when a detainee occupies any holding cell.
 - b. No maintenance or cleaning shall be conducted in any occupied cell.
3. VISITORS: Due to the short term that detainees are held in custody, visitors are discouraged. Visits of detainees may be made at the discretion of a supervisor, so long as they do not interfere with the operation of the department. For further information, see the department policy on ***Detaining Prisoners***.

D. Lockup Facility [72.2.1]

1. HOLDING FACILITY CONDITIONS: The holding facility shall provide the following minimum conditions for detainees:¹²
 - a. Adequate lighting;¹³
 - b. Circulation of fresh or purified air;¹⁴
 - c. Access to drinking water;¹⁵
 - d. Access to a flushing toilet;¹⁶
 - e. Access to a wash basin or shower for detainees held in excess of eight hours;¹⁷
 - f. Hot water within a range of 110 to 130 degrees Fahrenheit;¹⁸ and
 - g. A bed and access to sufficient blankets to maintain warmth for each detainee held in excess of eight hours.¹⁹
2. AUDIO AND VIDEO MONITORING
 - a. Holding cells shall be equipped with video and audio surveillance which is viewable in the Communications Center. For further information on monitoring, see the department policy on the ***Communications Center***.
 - b. Cell audio and video that is captured on a digital video recorder will be preserved until it is overwritten by the recorder.
 - c. Cells in which audio is captured shall be conspicuously marked on a cell wall with the following warning, "YOU ARE BEING AUDIO AND VIDEO RECORDED."

3. FIRST AID KIT [72.6.2]
 - a. A first aid kit shall be maintained in a prominent location within the holding facility and shall contain material necessary for light emergency medical treatment.
 - b. The kit shall be inspected as part of the weekly inspection and restocked as necessary by the person conducting such inspection.
4. FIRE PREVENTION/DETECTION/SUPPRESSION [72.3.1]
 - a. Fire Detection: The lockup shall be equipped with functional automatic smoke detectors in compliance with 780 CMR Chapter 9, Fire Protection Systems, Massachusetts Building Code.²⁰
 - b. Fire Suppression: The lockup shall be equipped with a functional fire suppression system in compliance with 780 CMR Chapter 9, Fire Protection Systems, Massachusetts Building Code.
 - c. Fire Prevention Practices
 - 1) Detainees shall not have smoking materials, lighters, matches or other sources of flame while in the lockup.
 - 2) Detainee bedding and blankets shall be fire or fire-resistant construction.²¹
 - 3) The lockup shall be equipped with functional fire suppression equipment.
5. INSPECTIONS [72.4.6]
 - a. Any employee who places a detainee in a holding cell shall visually inspect the cell for weapons, contraband, and any security deficiencies.
 - b. Deficient cells shall be taken out of service until the deficiency is corrected. Security deficiencies include:
 - 1) Inoperative lighting;
 - 2) Inoperative locks;
 - 3) Inoperative video; and
 - 4) Broken windows or handcuffing ports.
 - c. The Holding Facility Manager shall be responsible for ensuring periodic inspections of the holding facility:
 - d. Weekly Inspection: The weekly security inspection of the lockup shall be conducted by the Assistant Holding Facility Manager. The inspection and findings shall be annotated on the department's Weekly Lockup Inspection form.

- e. Semi-Annual Inspection: The Lockup Facility Manager shall conduct a facility inspection of the lockup in the months of April and October. The inspections shall be annotated on the department's Semi-Annual Lockup Facility Inspection form.
- f. Periodic inspections are done by the Department of Public Health.
 - 1) Such inspections are mandated to be done at least once per year.²²
 - 2) Noted deficiencies are reported to the Chief of Police.²³
 - 3) The Holding Facility Manager shall:
 - a) Coordinate corrections to any noted deficiencies;
 - b) Report to the Chief any deficiencies that are not within the manager's authority to correct; and
 - c) Forward a plan of action to the Department of Public Health within twenty-one (21) days of the receipt of the notice of non-compliance.²⁴
- g. Fire Protection System
 - 1) Smoke detector/alarm system shall be inspected/tested as required by the Fire Chief.²⁵[72.3.1]
 - 2) Fire suppression equipment shall be inspected/tested as required by the Fire Chief.²⁶ [72.3.1]
 - 3) All inspection documents shall be filed with the Holding Facility Manager and Chief of Police.

E. Security

- 1. KEYS [72.4.3]
 - a. See the department policy on **Uniforms and Equipment** for more information on the issue and control of manual keys.
 - b. Employees who are issued keys to the holding facility may use them for authorized access purposes only. Such keys may be issued to:
 - a) Sworn officers;
 - b) Dispatchers; and
 - c) Maintenance and cleaning personnel.
 - c. Holding Cell Keys:
 - 1) Individual employees shall not be issued keys to holding cells.
 - 2) Holding cell keys shall be stored in the booking desk while not being used.

- 3) Spare holding cell key(s) are located in the communication center.
2. DOORS: [72.4.4]
 - a. All unoccupied cell doors shall be left unlocked and open so as to facilitate the confining of a detainee after booking.
 - b. The outer door(s) into the holding facility shall be kept locked at all times.
3. SUPPLIES AND EQUIPMENT [72.4.7]
 - a. Supplies and equipment not specifically needed to operate the holding facility may not be kept or stored in the holding facility.
 - b. No tools are allowed in the cell block area, except with the specific authorization of the officer-in-charge.
 - 1) All tools and equipment used for cleaning and maintenance shall be removed from the cell block when not under the direct control of cleaning or maintenance personnel.
 - 2) After sanitation or maintenance personnel have left the cell area, the officer-in-charge will ensure that the cell block is inspected for tools or other items that may have been left behind. [72.4.7]
 - c. Detainees shall not have access to metal eating utensils.
 - 1) All eating utensils, if any, shall be of flexible, disposable plastic.
 - 2) All eating utensils, if any, shall be discarded immediately following the finishing of a meal.
4. THREATS [72.4.11]
 - a. Any threat, indicated or perceived, against the structure of the police facility or departmental personnel, which an officer considers to be serious in intent, shall be reported immediately to the officer-in-charge.
 - b. Upon being notified of the threat, the officer-in-charge shall take whatever action [s]he deems necessary to negate the effect or consequences of the threat and shall file a written report of the incident to the Chief of Police.
 - c. ALERTING CONTROL POINT: The holding area shall be equipped with an audio system so that a detainee may alert the dispatcher in the event of an emergency. [72.4.8]
5. OBTAINING MEDICAL ATTENTION: Procedures for gaining access to medical services shall be posted in the holding facility in English [72.6.4]

6. PANIC ALARMS [72.4.9]: Officers in the holding facility shall be equipped with an "alert" or "panic alarm" system or a means of two-way communications.

F. Emergency Evacuation of Holding Facility [72.3.2]

1. The lockup shall have a written evacuation plan which specifies the route of evacuation to a hazard-free area, and subsequent disposition and housing of detainees. ²⁷
2. An evacuation route shall be posted in the holding facility, and evacuation route signs or emergency exit signs shall also be posted.
3. In the event of a fire or other emergency that requires the lockup to be evacuated:
 - a. Upon discover of such a condition, the reporting party shall immediately notify communications.
 - b. The dispatcher shall:
 - 1) Request a fire response if appropriate;
 - 2) Notify the shift supervisor; and
 - 3) Notify all police patrols.
 - c. Police personnel shall immediately begin an evacuation of the lockup to a hazard-free area. The primary goal shall be the preservation of life.
 - 1) Detainees shall be escorted to the evacuation destination points whenever possible.
 - 2) When staffing does not permit detainees to be escorted, they shall be directed to the evacuation destination and may proceed on their own, unescorted.
 - 3) High security detainees, high risk detainees, and detainees who are believed to have started the fire shall be handcuffed and escorted, if possible.
 - 4) When all detainees have been removed from the holding area, the officer in charge of the evacuation shall account for the detainees.
 - 5) Detainees may be disbursed or relocated by the following options:
 - a) Make arrangements with other holding facilities to hold the detainees.
 - b) Bail allailable detainees. This may necessitate the police department's paying the bail commissioner's fee. The police department will not, however, post bail.

- c) Relocate detainees to an unaffected area of the police facility.
- 6) Warrants will be sought for detainees who are unaccounted for.

G. Separation of Detainees [72.5.3]

1. JUVENILES

- a. Lockup and other detention facilities shall be such as to prevent juveniles who are detained from coming in contact with adult detainees.
- b. Juveniles shall be separated by sight and sound from adult detainees.
- c. The facility must be approved in writing by the Commissioner of Youth Services. See department policy on **Handling Juveniles**.

2. FEMALES

- a. Female detainees shall be separated by sight and sound from male detainees.²⁸
- b. A Matron shall be called whenever a female prisoner is to be searched and placed in the holding facility.

¹ M.G.L. c. 40, §34.

² M.G.L. c. 40, §35.

³ M.G.L. c. 147, §18.

⁴ M.G.L. c. 40, §34.

⁵ M.G.L. c. 40, §36A-C.

⁶ 105 CMR 470.800 (A).

⁷ M.G.L. c. 40, §36C.

⁸ M.G.L. c. 40, §36A-C.

⁹ M.G.L. c. 40, §36A-C.

¹⁰ M.G.L. c. 40, §36A-C.

¹¹ M.G.L. c. 40, §36A-C.

¹² 105 CMR 470.

¹³ 105 CMR 470.375.

¹⁴ 105 CMR 470.350.

¹⁵ 105 CMR 470.310.

¹⁶ 105 CMR 470.302.

¹⁷ 105 CMR 470.303; 304(C.)

¹⁸ 105 CMR 470.305.

¹⁹ 105 CMR 470.102.

²⁰ 105 CMR 470.430.

²¹ 105 CMR 470.102.

²² 105 CMR 470.500.

²³ 105 CMR 470.510.

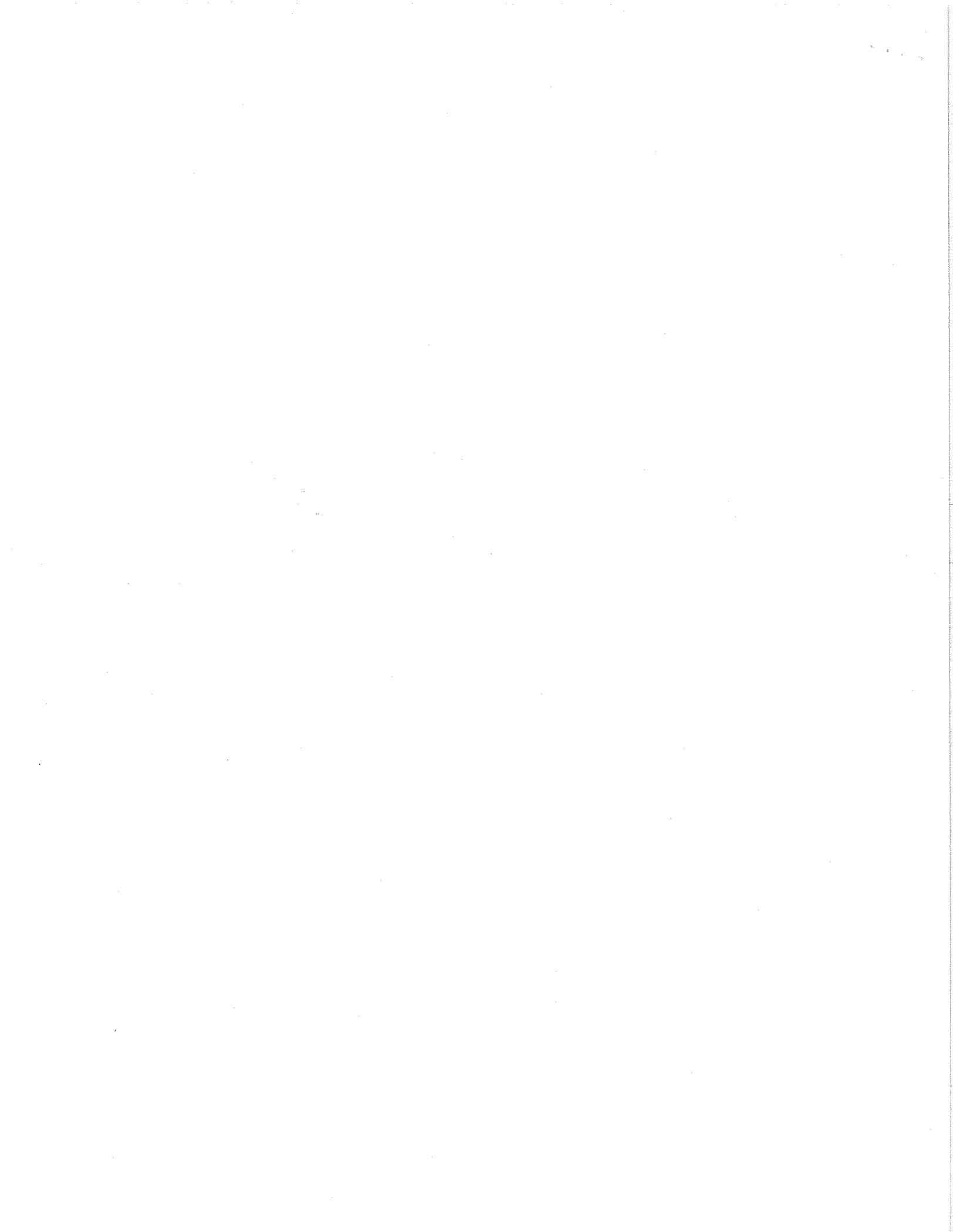
²⁴ 105 CMR 470.520.

²⁵ As specified in 780 CMR Chapter 9, Fire Protection Systems, Massachusetts Building Code.

²⁶ As specified in 780 CMR Chapter 9, Fire Protection Systems, Massachusetts Building Code.

²⁷ 105 CMR 470.440.

²⁸ 105 CMR 470.402.



DETAINEE PROCESSING

BOXBOROUGH POLICE POLICY & PROCEDURE NO. 3.03	ISSUE DATE: _____
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.2.5(b)(c); 1.2.8; 72.1.3; 72.4.1; 72.4.5; 72.5.1; 72.5.2; 72.5.5; 72.5.6; 72.6.3; 72.7.1; 82.3.6	EFFECTIVE DATE: _____
	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

This policy addresses processing of detainees from their arrival at the police station to transfer or release. The actual detainment is addressed in the policy on *Detaining Prisoners*.

During this stage the detainee is searched, advised of rights, photographed, and fingerprinted, and the custody is documented. In addition, the presence or lack of injuries is documented, true identity may be validated, and the appropriateness and timing of their release is determined. For those charged with a crime, a criminal history file is created for each arrest.

Processing of detainees is a critical step in the custody process. It is during this stage that officers processing the detainee must take steps to ensure that the rights of the detainee are advised and honored. An omission of this responsibility may result in damage to the ability to prosecute the case, complaints against employees, or civil liability against employees, supervisors and the municipality.

II. POLICY

It is the policy of this department to protect the constitutional rights of detainees during booking while protecting the safety of department employees and detainees.

III. DEFINITIONS

- A. *Strip Search:*** An inspection of a naked individual, or the movement or removal of clothing to expose for inspection the buttocks, pubic area, or female breast area, without any scrutiny of the body cavities.
- B. *Visual Body Cavity Search:*** A visual inspection of the anal and genital areas.
- C. *Body Cavity Search:*** A search involving an internal physical examination of body cavities including the anal and genital areas.

IV. PROCEDURES

A. *Arrival at Station*

1. NOTIFICATIONS

- a. When officers transporting a detainee arrive at the police facility, transporting officers shall:
 - 1) Request that the available garage door be opened.
 - 2) Notify the dispatcher, using the police radio, of their arrival and the odometer reading of their vehicle.
- b. Once inside, request that the garage door be closed.

2. POLICE FIREARMS [72.4.1]

- a. The transporting officers shall remove and secure their firearms prior to handling detainees in the garage.
- b. All persons, including but not limited to assisting officers, booking officers, detectives, and supervisors shall secure their firearms prior to entering the booking area.
- c. No firearms are allowed in the booking room or holding facility during the processing or detention of detainees.

3. DOORS: All doors to the booking area will be secured during the entire booking process.

4. BOOKING ROOM ACCESS: Only authorized personnel are allowed in the booking area during processing.

5. VIOLENT OR UNCONTROLLABLE DETAINEES

- a. Detainees who are violent, intoxicated, or uncontrollable may be placed directly into a holding cell until such time as they are calm enough to process.
- b. Officers shall not remove restraints if the behavior of the detainee poses an excessive risk of injury to officers or the detainee.

B. Examination by Officer in Charge: Upon the arrival of a person in custody, the shift supervisor shall:¹

1. Examine the detainee for injuries and note any medical complaints.
2. If any injuries do exist, inquire as to whether these injuries were sustained during or prior to the arrest.
3. Instruct the Booking Officer to make a notation of the injuries on the intake form.
4. Report to the Chief of Police, in writing, any cuts, bruises or injuries found.
5. If a detainee complains of any medical problems, the shift supervisor should follow the department's procedure on **Detaining Prisoners**.

C. Booking

1. STAFFING: At least two officers, if available, will conduct detainee booking whenever possible.
2. DETAINEE SEARCH FOR WEAPONS
 - a. Prior to the removal of handcuffs, a full and thorough search shall be conducted of the detainee's person for weapons.
 - b. An officer of the same sex as the detainee shall conduct the search whenever possible.
 - 1) A trained department employee or an officer from another police agency of the same sex as the detainee may conduct the search, if necessary.
 - 2) If no officer or trained employee of the same sex is available, a search for weapons may be conducted by an officer of the opposite sex.
 - a) Depending upon the circumstances, a search may be able to be conducted without actually touching the detainee.
 - i. Some portion of clothing may be such that the outline of a weapon may be obvious.
 - ii. Pockets may be turned inside out.
 - iii. The waist band may be exposed and rolled outward to expose the body side.
 - iv. A hand-held metal scanner may detect the presence of metal items.
 - b) At no time will the safety of employees, other detainees or the detainee be placed in jeopardy by a detainee suspected of concealing a weapon.

- i. The detainee may continue to be restrained until an officer of the detainee's same sex can be located to conduct a search.
- ii. Detainees of the opposite sex may conduct the search, if necessary. Such search must be witnessed by another employee and conducted in view of booking video cameras, if possible.

3. HANDCUFFS

- a. The transportation handcuffs shall remain on detainees until the booking officer instructs that they be removed.
- b. Detainees shall generally be handcuffed to the cuffing bar which is specifically designated for that purpose. Handcuffs may be removed:
 - 1) For the purpose of conducting a booking inventory;
 - 2) For the purpose of fingerprinting; or
 - 3) At the discretion of the booking officer.
- c. In making the decision to remove handcuffs from a detainee, the booking officer should consider the conduct of the arrestee, the offense for which the arrest has been made, and the recommendations of the arresting and/or transporting officers.

4. BOOKING INVENTORY

- a. An inventory of the detainee's property shall be conducted.
[72.5.1(a)]
 - 1) When the handcuffs are removed, the detainee shall be directed to remove all articles or items of personal property that [s]he is carrying on his/her person. This will include:
 - a) All items in all pockets;
 - b) Items secreted on the detainee's person;
 - c) Belts; and
 - d) Jewelry. Note: In the event a piece of jewelry cannot be removed without damaging it, the jewelry may remain with the detainee.
 - 2) If the detainee is expected to be placed in a holding cell or taken directly to court after booking, the following items shall also be removed and placed with the detainee's property:
 - a) Shoe laces;
 - b) Draw strings; and

- c) Other similar items.
- 3) After the arrestee claims to have removed all personal effects from his/her person, [s]he will be subject to a full search of his/her person by an officer of the same sex. If such an officer is not available:
 - a) A trained department employee or an officer from another police agency, of the same sex as the detainee, may conduct the search, if necessary.
 - b) If no officer or trained employee of the same sex is available, as a last resort a search may be conducted by having the person:
 - i. Turn pockets inside out, if possible.
 - ii. Lift the shirt off of the waist band and roll the waist band.
 - iii. Expose the interior of cuffs.
 - 4) The following items should be searched as part of the inventory:
 - a) All outer clothing worn by the arrestee;
 - b) Wallets;
 - c) Purses; and
 - d) Packs, bags, or other containers brought in as personal property.
 - 5) Any container or article found on the detainee's person or carried by the detainee shall be opened and its contents inventoried.
 - 6) Papers, documents or other writings found on the detainee's person may be examined only to the extent necessary to check the person's identity, ensure his/her physical safety, ensure the removal of items dangerous to cell administration, and protect the department from charges of theft. Any search of a detainee's papers or other possessions for investigative purposes may be conducted only upon obtaining either the arrestee's consent, preferably in writing, or a search warrant.
 - 7) The officer conducting the inventory shall list the inventoried items under the detainee property section of the booking program. The items should be exposed to the view of the booking video camera if possible. [72.5.2(b)]
 - 8) The property form should be signed by the arrestee. If the arrestee refuses to sign the report, the booking officer should insert "REFUSED" on the signature line.
- b. STORAGE

- 1) All items removed from the detainee shall be marked with the detainee's identification and placed in the detainee property locker. [72.5.1(c)]
 - 2) Large, bulky items which do not fit into the detainee's property locker shall be placed in a large plastic bag, tied shut and tagged with the detainee's identification. The bag shall be placed in proximity of the detainee property storage area in view of the security camera.
- c. RETURN OF PROPERTY [72.5.1(d)]
- 1) Items removed from the detainee which are not taken as evidence shall be:
 - a) Returned to the detainee upon release from the facility; or
 - b) Transported to court or to the receiving agency and turned over to the custody of the receiving officials.

Note: Bulky items which will not be accepted by the court shall be turned over to the property officer for safe keeping.
 - 2) The inventory of property shall be viewed with and signed by the arrestee and witnessed. If the arrestee refuses to sign the inventory form, the booking officer should insert "REFUSED" on the signature line.

5. STRIP SEARCH/VISUAL BODY CAVITY SEARCHES

- a. A strip search or visual body cavity search of an arrestee is warranted only if officers have probable cause to believe that the arrestee is concealing contraband or weapons on his/her body.²
- b. All strip searches and visual body cavity searches must be approved by the officer-in-charge. [1.2.8(a)]
- c. Strip searches shall be conducted in a professional manner so as not to humiliate the detainee.
- d. All strip searches and visual body cavity searches shall be conducted by an officer/employee of the same sex as the detainee and out of the public view. Only the individual(s) conducting or witnessing the search should be able to see the person being searched. For safety purposes, additional employees may also witness the search in the event that it appears that the detainee may become violent.
- e. A private room shall be used when available. Video cameras and recorders, if active in the search area, shall be set so as not to display or record the search. Audio recordings are authorized. [1.2.8(b)]

- f. The officer/employee conducting the strip/visual body cavity search shall not touch or prod any body part.
- g. A suspect need not be completely naked to conduct a strip search. The removal of clothing and search of the upper body may be followed by the suspect's replacing the clothing, and the process then followed for the lower body.
- h. A report shall be made of all incidents where a strip search is conducted, identifying: [1.2.8(c)]
 - 1) The probable cause for the search;
 - 2) The supervisor giving authority for the search;
 - 3) The officer conducting the search and assisting officers;
 - 4) The location where the search was conducted; and
 - 5) The results of the search.

6. MANUAL BODY CAVITY SEARCHES

- a. A body cavity search of an arrestee is warranted only if officers have probable cause to believe that the arrestee is concealing contraband or weapons in his/her body.³
- b. Body cavity searches shall not be conducted without the express approval of the officer-in-charge and a search warrant signed by a judge (not a Magistrate or Assistant Clerk Magistrate).⁴ [1.2.8(a)]
- c. Manual body cavity searches shall be conducted by medical personnel, in a private and hygienic setting, and in a medically approved manner.⁵ [1.2.8(b)]
- d. A report shall be made of all incidents where a body cavity search is conducted identifying: [1.2.8(c)]
 - 1) The probable cause for the search: this may be accomplished by referencing the search warrant;
 - 2) The supervisor giving authority to request the search warrant;
 - 3) The names of medical staff conducting the search;
 - 4) The location where the search was conducted; and
 - 5) The results of the search.

7. DETAINEE RIGHTS

- a. During the booking process, the booking officer shall:
 - 1) Inform the detainee of his/her rights pursuant to Miranda by reading the Miranda Warning from a printed card or form.
 - 2) Inform the detainee again of his/her right to the use of the telephone. [S]he shall be allowed to exercise his/her right in

order to contact family or friends, to arrange for bail, or to contact an attorney at the completion of the booking process.⁶

- b. The detainee shall be advised of his/her right to use the telephone and afforded the use of a telephone within one hour of being brought into the police station in custody.
- c. Toll calls will be made at the detainee's expense.
- d. Officers shall allow calls of a type, number and duration that are reasonable and practical, including access to an attorney.
[72.7.1(c)]
- e. If a detainee is provided a monitored or recorded telephone, [s]he shall be informed of the monitoring (unless by court order), and a sign shall be posted in English and other language(s) prevalent in the community unless an audible signal is given on the telephone after detainees are told they are recorded or monitored. [72.7.1(e)]
- f. When arrested on a warrant, the arrestee shall, upon request, be provided with a printed copy of the warrant contained in the warrant management system within six hours of the request.⁷
- g. **OUI Arrest Rights:** Any person arrested and held in custody for operating a motor vehicle while under the influence of intoxicating liquor shall be afforded all applicable rights and processed in accordance with department policy. (See department policy on ***Impaired Drivers***)

8. CJIS CHECKS

- a. A computer "wanted" check shall be run on all persons arrested or held in protective custody. The printed query sheet produced will be attached to the intake form.
 - b. A Board of Probation check shall be run on all persons arrested by this department. The hard copy produced will be attached to the intake form.
 - c. A suicide check (Q5) query shall be run on every person to be detained in the department's holding facility, and the hard copy produced shall be attached to the intake form.
9. **IDENTIFICATION:** Any detainee who is unknown to the personnel on duty at the station should be positively identified. Identification may be determined through:
- a. A government photo identification;
 - b. An investigative identification (name check, booking or RMV photo, etc.); or
 - c. Fingerprint-based criminal history.

10. BOOKING [72.5.2(A)]

- a. All persons taken into custody under arrest or in protective custody by members of this department shall be booked using the department booking software.
- b. The booking process creates a criminal history and custodial history of each person arrested. An RMS number for internal records and offense base tracking number (OBTN) are created for each arrest. [82.3.6]
- c. The booking program gathers the following information:
 - 1) Biographical data on the arrestee, including name, address, social security number, telephone number, date and place of birth, age, marital status, and names of parents and spouse. Any refusal to answer any of these questions shall be noted on the form.
 - 2) Information about the crime, including the offense(s) with which the individual is charged and the arresting officer's name(s).
 - 3) Physical description of the arrestee, including sex, race, height, weight, color of hair and eyes, complexion, build, scars, marks, tattoos, and physical condition, e.g., body deformities, trauma markings, bruises, lesions, and ease of movement.
 - 4) Property inventory and disposition. [72.5.2]
 - 5) CJIS query results.
- d. All bookings shall be printed and the records shall be kept in central records, a secure area with access limited to authorized persons. These forms shall serve as the permanent arrest/detention record of the individual arrested/detained. [72.1.3]

11. FINGERPRINTING

- a. All persons arrested by this department shall be fingerprinted each and every time that they are arrested, using live scan fingerprinting. The fingerprints shall be downloaded to the state to create or be added to the detainee's fingerprint-based criminal history.⁸ [1.2.5(b)]
- b. Fingerprints should not be submitted until all charges have been listed in the fingerprinting program.
- c. In the event that the live scan fingerprinting equipment is not available or functioning, the arrestee shall be fingerprinted using ink, and the fingerprint card shall be forwarded to the State Police Identification Section for entry into I.A.F.I.S.

- d. The booking officer shall check the message log on the live scan system for fingerprint-based criminal history responses.
12. PHOTOGRAPHING: All persons arrested by this department shall be photographed each and every time they are arrested in accordance with current department policy and procedures.9 [1.2.5(c)]
 13. SUICIDE RISK EVALUATIONS
 - a. All detainees shall be screened for suicidal tendencies using the suicide evaluation screening in RMS. This may help to establish the detainee's suicide risk.
 - b. A detainee shall be placed on suicide watch if:
 - 1) The risk screening indicates a suicide risk;
 - 2) The detainee exhibits signs or symptoms of suicidal behavior;
 - 3) The detainee threatens to commit suicide;
 - 4) The detainee attempts to commit suicide;
 - 5) The detainee's name appears on the Q5, Suicide Risk File; or
 - 6) The detainee is brought to a hospital for a mental health evaluation, released, and returned to the police holding facility.
 - c. The officer-in-charge shall consider the detainee's charges, mental state, behavior and other factors and determine if the detainee should be transported to the hospital for a mental health evaluation (Section 12). See the department policy on **Handling the Mentally Ill**.
 - d. For further information, see the department policy on **Detaining Prisoners**.

D. Holding Cells

1. REMOVAL TO CELL: Prior to placing a detainee in a cell within the holding facility, the booking officer shall conduct a security search of the cell, including a search for weapons and contraband. [72.4.5]
 - a. If any weapons or contraband are found, the detainee should be placed in another cell and the supervisor notified.
 - b. The officer finding the item shall submit a report regarding the item found.
 - c. The supervisor shall place the item into evidence and conduct an investigation into the matter.
2. PLACING IN CELL: Whenever an officer closes a cell door to incarcerate a detainee, [s]he shall test the door to be sure it is securely locked. Any problems in securing a cell door shall be

reported to the officer-in-charge, who may take the cell out of service and report the problem to the holding facility manager.

E. Medical Screening and Treatment Procedures

1. INTAKE SCREENING: The prisoner shall, upon arrival at the station and before transfer to another facility, be received and screened by the booking officer. This screening shall consist a brief inquiry into:
 - a. The current health of the detainee; [72.6.3(a)]
 - b. Any medications being taken; [72.6.3(b)]
 - c. Behavioral observations, including consciousness and mental status (also see **Suicide Risk Screening** in this policy); and [72.6.3(c)]
 - d. A notation of any obvious body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc. [72.6.3(d)]

Note: All observations shall be noted on the intake form.

2. TREATMENT

- a. Medical treatment shall be arranged for any detainee in need of medical treatment. See department policy on **Detaining Prisoners**.
- b. No employee shall be allowed to go beyond the scope of his/her training in administering to the emergency or special medical needs of any person held in the custody of this department. This scope is determined by the level of emergency medical training of the individual members of the department (i.e., CPR, First Responder, EMT, etc.).

F. Group Arrests and Overflow Situations [72.5.6]

1. DETAINEE INTAKE

- a. In the event of a group arrest, detainees arriving at the station will be placed in a holding cell, with multiple detainees in a single cell if necessary, or otherwise secured as directed by the officer-in-charge.
- b. If, as the result of a group arrest, or at any other time, the officer-in-charge determines that the number of persons to be detained in the holding facility will exceed the number for which the facility was designed, [s]he may authorize the overcrowding on a temporary basis.
 - 1) Non-violent, low security risk detainees may be held as a group, if from the same incident or by sex and age in **Police Garage or conference room**.

- 2) The temporary overcrowding of this area is permitted under these circumstances until such time as the overcrowding situation can reasonably be relieved, typically through the transfer or release of persons being held.
 - 3) In order to accomplish this, the officer-in-charge shall examine the list of detainees and attempt to expedite the bail or release of the less serious offenders.
 - 4) If release of a sufficient number of detainees to relieve the overcrowding of the holding facility is not possible, the officer-in-charge may request the use of a neighboring police department's holding facilities, with the use of this department's personnel to maintain security and control, if requested by the other department.
- c. The officer-in-charge is authorized to call in such additional personnel as may be necessary to satisfy the staffing requirements of the overflow situation.
2. DETAINEE PROCESSING: Each detainee will be brought to a booking area to be booked and fully processed.

G. Handling Juveniles and Females

1. DETAINEE PROCESSING
 - a. When a child between the ages of seven (7) and seventeen (17) is arrested with or without a warrant, the department policy and procedure ***Handling Juveniles*** shall be followed. Persons age seventeen (17) and older are considered adults for the purposes of criminal law.
 - b. Juveniles shall not be booked at the same time as adult arrestees.
 - c. Females shall not be booked at the same time as male arrestees.
2. DETAINEE HOLDING: See the department policy on ***Holding Facility***.

H. Bail and Arraignment

1. COURT BUSINESS HOURS: If the court is in session when the booking process and all related arrest reports are completed, it shall be the responsibility of the officer-in-charge to ensure that the arrestee is transported to the court without delay.¹⁰ [72.7.1(a)]
2. COURT NOT IN SESSION: If the court is not in session when the booking process and all related reports are completed, the arrestee shall be confined in the holding facility until bail can be arranged, or if bail cannot be arranged, until the next session of the court.¹¹

3. BAIL

- a. Arrestees shall be informed of the right to bail and afforded the opportunity for bail.¹²
- b. It shall be the responsibility of the officer-in-charge to ensure that an arrestee's opportunity to make bail is not impeded.
- c. Bail shall be determined by the bail clerk.
- d. Requesting Bail:
 - 1) Prior to contacting the bail clerk, officers should have the following information available:
 - a) Identity of the person for whom bail is to be determined. If the identity is in question, the bail clerk shall be so advised.
 - b) Residence of the person.
 - c) Age of the person.
 - d) Offenses charged.
 - e) Criminal history (BOP).
 - f) History of court defaults (BOP).
 - g) Issues relating to dangerousness, if appropriate.
 - h) Detainee funds and whether or not the detainee wishes to be bailed.
 - 2) The detainee shall be advised of his/her bail status. If the detainee has funds and wishes to be bailed, the bail clerk should be so advised.
 - 3) If the detainee does not have funds and wishes to be bailed, the detainee may attempt to call others for funds.
- e. When the bail money is at the police station, the bail clerk shall be called and so advised.
 - 1) Police employees shall not take bail money from persons wishing to bail the detainee. They must wait with the funds for the arrival of the bail clerk.
 - 2) The bail clerk shall be provided with the booking paperwork, application for complaint, criminal citation, or served warrant.
 - 3) The detainee's cell shall be inspected for contraband and fresh damage caused by the detainee. The detainee shall be escorted to the bail clerk from the holding cell by a police officer to be processed for bail.
 - 4) Detainees under arrest that are also in protective custody may be returned to custody after being bailed until such time as

they may be released. See the department policy on ***Protective Custody***.

4. PROBABLE CAUSE HEARING

- a. Detainees who are not released on bail within twenty-four hours following an arrest on charges for which probable cause has not been determined by a judge or magistrate are entitled to a probable cause hearing.¹³
- b. The arresting officer or shift supervisor shall report the facts, orally or in writing, to a neutral magistrate (usually the Clerk of Courts).
- c. The probable cause review must take place within twenty-four hours.
- d. In the event that the review cannot take place due to extraordinary circumstances, the hearing should take place as soon as possible and the reason for the delay documented.

5. VIOLENT OR UNCONTROLLABLE DETAINEES: See the department policy on ***Detaining Prisoners***.

I. Release of a Detainee

1. RETURN OF PROPERTY

- a. All items of property shall be compared to the items listed on the inventory report and the individual shall be requested to sign the form indicating that [s]he has received the property. A refusal to sign shall be noted in writing on the inventory report.
- b. Any items which were held for evidence or as contraband shall be indicated on the inventory report.

2. CHANGE OF MEDICAL CONDITION: The medical screening information shall be rechecked, and any changes from the condition at entry shall be noted on the intake form. An inquiry shall be made as to the origin of any changes in condition, and the answers shall be documented on the intake form.

3. HOLDING CELL INSPECTION: The cell shall be searched for weapons, contraband, damages and the detainee criminally charged for any damage caused by him or her. Any unusual conditions shall be reported to the Chief of Police or his/her designee.

J. Receiving Persons from Outside Agencies [72.5.5]

1. INTAKE OF DETAINEE

- a. Upon receiving a detainee from another law enforcement agency, the in-processing officer shall:

- 1) Ensure the identity of the officer in whose custody the detainee is being held.
 - a) If the officer is known to the receiving officer, no further identification is necessary.
 - b) Obtain and make a photocopy for the file of a government (police, parole, federal government) identification card or document.
 - 2) Verify the authority of the person making the commitment. Commitments must be made under the authority of the individual's employment. The following persons may request that this department accept their prisoner:
 - a) A law enforcement officer;
 - b) A corrections officer;
 - c) A deputy sheriff authorized to serve criminal process; and
 - d) A constable provided that the detainee is charged with a criminal offense.
 - 3) Obtain detainee information from the delivering officer. The information should include:
 - a) A copy of any booking sheet;
 - b) Any court documents if the detainee is to be bailed; and
 - c) A point of contact and telephone number where a responsible member of the delivering agency can be reached at any time during the day or night.
 - 4) The delivering officer shall fill out this department's detainee intake form.
 - 5) The detainee shall be screened for medical issues. See **Medical Screening and Treatment Procedure** in this policy.
 - 6) Notify the Supervisor or shift commander of the intake.
2. DETAINEE PROPERTY
- a. Detainee property will not be accepted. It is the responsibility of the agency for which the detainee is being held.
 - b. The detainee shall be searched and then placed in a cell.
3. SPECIAL DETAINEE HANDLING: Supervision for hospitalization, high level suicide watch, or other special handling shall be the responsibility of the delivering agency.
4. BAIL: Detainees may be bailed from custody if bail is set by the bail clerk in the jurisdiction of the delivering agency.

¹ M.G.L. c. 276, §33.

² *Com. v. Thomas*, 429 Mass. 403, 708 N.E.2d 669 (1999); *Swain v. Spinney*, 117 F.3d (1st Cir. Mass 1997).

³ *Com. v. Thomas*, 429 Mass. 403, 708 N.E.2d 669 (1999); *Swain v. Spinney*, 117 F.3d (1st Cir. Mass 1997).

⁴ *Rodrigues v. Furtado*, 410 Mass. 878, 575 N.E.2d 1124 (1991).

⁵ *Rodrigues v. Furtado*, 950 F.2d 805 (1st Cir. Mass. 1991).

⁶ M.G.L. c. 276, §33A.

⁷ M.G.L. c. 248, §26.

⁸ M.G.L. c. 63, §A.

⁹ M.G.L. c. 63, §1A.

¹⁰ M.G.L. c. 276, §58.

¹¹ M.G.L. c. 276, §58; *Com. v. Finelli*, 422 Mass. 860, 666 N.E.2d 144 (1996).

¹² M.G.L. c. 276, §42.

¹³ *Jenkins v. Chief Justice of Dist. Court Dept.* 416 Mass. 221, 619 N.E.2d 324 (1993).

DETAINING PRISONERS

BOXBOROUGH POLICE POLICY & PROCEDURE NO. 3.04	ISSUE DATE: _____
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 70.3.2; 72.1.2; 72.4.1; 72.4.2; 72.4.5; 72.4.7; 72.4.10; 72.5.4; 72.5.5; 72.5.7; 72.6.1; 72.6.5; 72.7.1; 72.8.1; 72.8.2; 72.8.3; 72.8.4; 72.8.5	EFFECTIVE DATE: _____
	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

The focus of this policy is the care, safety and security of detainees being held in the custody of this department.

While detainees are being held in police custody, their well-being is the responsibility of the department. Even though prisoners are normally housed for only short periods of time, the environment of police lockups can become volatile and emotionally charged, as evidenced by incidents of prisoner suicide and injury. Post-arrest detention is a time when the emotional impact of the arrest becomes evident to many prisoners. Particularly prone to actions which may cause injury to themselves or others are persons with mental illness, persons who are intoxicated due to drug or alcohol use, drug addicts, and persons who have other arrest warrants against them. Strict adherence to procedures governing the monitoring of prisoners and the bringing of weapons and tools into the cell block area is necessary to ensure facility security and prisoner well-being.

II. POLICY

It is the policy of this department to operate the holding facility in a manner which ensures detainee and officer safety and protects the constitutional rights of detainees.

III. PROCEDURES

A. Prisoner Supervision

1. ACCOUNTABILITY FOR DETAINEES

- a. Upon each change of shift, the off-going supervisor shall inform the incoming supervisor of the number of persons being detained in the holding facility.
- b. The off-going dispatcher shall inform the incoming dispatcher of the number of persons being detained in the holding facility.
- c. This briefing shall include:
 - 1) Any bail status;
 - 2) Suicide risks;
 - 3) Injuries, medical or medication issues;
 - 4) Need for Jenkins hearings; and
 - 5) Detainees at other facilities (hospital, KEY program, etc.).
- d. The incoming supervisor shall conduct a physical check of each detainee to verify the number of persons being held. In any event, such detainee count shall be done at least once every eight hours.

2. DETAINEE MONITORING UNDER NORMAL CONDITIONS [72.8.1]

- a. There shall be a twenty-four-hour per day supervision of detainees by department staff.
- b. The officer-in-charge shall be responsible to ensure that regular checks are made of each detainee and that such checks are properly recorded.
- c. Detainee checks may be made by physically looking in the cell to observe the detainee and listening to the sounds emanating from the cell area to ensure that the detainee is all right. Such physical checks shall normally be made at least every thirty minutes.
- d. Additional detainee checks may be augmented by:
 - 1) Looking at the detainee on the cell video monitor and listening to the sounds emanating from the holding cell; and
 - 2) If either audio or video is inoperative, or there is any question as to the condition of the detainee, making the checks physically.
- e. Checks of the detainee shall be documented by using the cell check recording system or, if such system is inoperative, by logging the checks on paper.¹

3. SUICIDAL DETAINEES

- a. For any detainee who exhibits any signs or symptoms of suicidal behavior, obtains a medium or higher rating on the suicide risk screening during booking, or whose name appears on the Q5 query, the supervisor shall be immediately notified.
- b. The supervisor shall determine if a detainee should be placed on suicide watch. A detainee shall be placed on suicide watch if:
 - 1) The risk screening indicates a medium or higher suicide risk;
 - 2) The detainee exhibits signs or symptoms of suicidal behavior;
 - 3) The detainee threatens to commit suicide;
 - 4) The detainee attempts to commit suicide;
 - 5) The detainee's name appears on the Q5, Suicide Risk File; or
 - 6) The detainee is brought to a hospital for a mental health evaluation, released, and returned to the police holding facility.
- c. The level of a suicide watch shall be proportional to the degree of the detainee's suicide risk.
- d. The officer-in-charge shall consider the detainee's charges, mental state, behavior and other factors and determine if the detainee should be transported to a hospital for a mental health evaluation. See the department policy regarding ***Handling the Mentally Ill***.
- e. In-Station Incidents: Whenever any detainee attempts or threatens suicide within the holding facility, the officer-in-charge shall do the following:
 - 1) Write or cause to be written an incident report.
 - 2) Prior to the end of the shift, but within twenty-four hours of such incident, enter the detainee's name and other required information into the CJIS Suicide Risk File.²
 - 3) If a detainee attempts or threatens suicide while in police custody and is transferred to another holding facility, the shift supervisor is responsible to notify the receiving facility, in writing, of the exact nature of the attempt or threat. A copy of the suicide risk form shall accompany the detainee to the next facility and shall be given to the accepting staff.³
- f. In the event that an individual brought to a hospital or medical facility for a suicide evaluation is returned to the holding facility for detainment, the officer-in-charge shall institute a suicide watch until such time as the detainee is released from custody or transferred to another agency.

4. SUICIDE WATCH

- a. Low Risk suicide watch may include:
 - 1) Awareness of the detainee's condition and behavior;
 - 2) Physical checks of the detainee every thirty minutes; and
 - 3) Periodic audio monitoring of the detainee's cell.
- b. Medium Risk suicide watch may include, at the supervisor's discretion:
 - 1) A more heightened awareness of the detainee's condition and behavior;
 - 2) Checks of the detainee every fifteen minutes; and
 - 3) Periodic audio monitoring of the detainee's cell.
- c. High Risk suicide watch may include, at the supervisor's discretion:
 - 1) Heightened vigilance of the detainee's condition and behavior;
 - 2) Physical checks of the detainee at ten minute intervals; and
 - 3) More frequent audio monitoring of the detainee's cell.
- d. Very High Risk suicide watch may include, at the supervisor's discretion, any of the following:
 - 1) A very high degree of vigilance of the detainee's condition and behavior;
 - 2) Constant observation of the detainee; and
 - 3) Constant monitoring of audio from the detainee's cell.

5. MONITORING DETAINEE ACTIVITIES

- a. Monitoring detainees of the opposite sex
 - 1) Detainees should be supervised by department staff of the same sex as the detainee. When this is not possible, there should be at least two employees present during all physical contact with detainee(s) of the opposite sex.
 - 2) Employees monitoring detainees of the opposite sex shall respect the detainee's privacy rights within the limits of facility security. A matron shall supervise all female detainees at all stations to which a matron is assigned.⁴ [72.8.3]
- b. Audio and video monitoring
 - 1) Any video monitors and audio listening devices installed in the cell block areas shall be turned on whenever a person is placed

into one of the cells in the holding facility and shall be left on as long as anyone is being detained there.

- 2) In order to accommodate the personal privacy rights of individuals held in the facility: [72.8.2]
 - a) When a detainee speaks to his/her attorney, the audio listening devices will be turned off during the visit. The video shall remain on and be monitored for the protection of the attorney. [72.7.1(c)]
 - b) When a detainee is using the toilet facility, the audio and visual devices will be turned off for a short time if an officer or other monitor is present to help ensure security and safety.
- 3) Cell monitoring equipment is never to be used for covert purposes.

B. Medical Care [72.6.1]

1. FIRST RESPONDER

- a. No department employees shall be allowed to go beyond the scope of their training in administering to the emergency or special medical needs of any person held in the custody of this department (i.e., CPR, First Responder, EMT, etc.).
- b. An ambulance shall be called when any detainee requests and/or is deemed in need of medical attention.
- c. A log entry shall be created for all medical assistance received by a detainee.
- d. When a detainee is transferred to an area hospital, [s]he shall be transported by ambulance to the Emergency Room of the departmentally specified hospital. For further information, see the department policy on **Transportation of Detainees**.

2. MEDICATION

- a. Detainees are permitted to take any necessary medication, over-the-counter or prescription, specifically prescribed in writing by a licensed medical provider, provided that the administration of the drugs is requested by the detainee. [72.6.5]
 - 1) Only the quantity of medication specified by the prescribing practitioner shall be given to the detainee.
 - 2) Any medications brought in by a detainee, or given to him/her in the course of any treatment [s]he may require while in department custody, shall be retained with the detainee's property.

- 3) If there is any question concerning the administration of medications, the officer-in-charge may either confer by telephone with a qualified medical physician or pharmacist before administering the medication, medics may be called, or the detainee may be transported to the hospital and the medication administered there.
- 4) The detainee may only receive the dosage of medication as noted on the label, and the administering officer must witness the detainee taking the medication.
- 5) A written record of any medications administered to a detainee shall be maintained.

NOTE: G.L. c. 94C, § 9 prohibits the administration of a controlled substance by non-licensed persons. This policy simply affords a detainee the opportunity to self-administer prescribed medicine in accordance with label directions.

C. Handling Violent, Intoxicated, Self-destructive Persons **[72.5.4]**

1. DETENTION

- a. The priority of police actions in dealing with violent, self-destructive, or intoxicated detainees is the protection from injury of the police staff, other detainees, and the detainee.
- b. Segregation or additional restraints shall not involve any other penalty other than the segregation or restraint. There shall be no abridgment of rights or privileges that would normally be granted to any other detainee.
- c. Any detainee who is uncontrollable due to the influence of alcohol or drugs, or is violent or otherwise self-destructive, shall, if transportation or removal to a detoxification or other mental health facility is not feasible, be placed in a single occupancy cell as deemed appropriate by the officer-in-charge. Under no circumstances shall this type of detainee be placed in a cell occupied by another person.
- d. All detainee behavior which requires segregation, restraint, transfer, or police response shall be included in an incident report.
- e. Such detainee shall be continuously monitored. The detainee's behavior should be taped or otherwise captured on video and audio, and the recording preserved, if the agency is so equipped.

2. IN-CELL RESTRAINT

- a. If, in the judgment of a supervisor, a detainee becomes violent or uncontrollable, the detainee may be restrained while in the cell. Such restraint may include the use of:
 - 1) Handcuffs;
 - 2) Waist chains; and
 - 3) Restraint chair.
- b. Detainees should not be "hogtied" due to the risk of positional asphyxia.

3. HARMFUL CONDITIONS

a. Conditions

- 1) If the suspect displays impaired thinking, disorientation, hallucinations and/or delusions, intense paranoia, violent and/or bizarre behavior AND during the arrest exhibited great strength and/or a diminished sensitivity to pain, the individual may be showing signs of excited delirium. Immediately after a struggle, sudden death may ensue.
- 2) Persons suffering from cocaine intoxication, particularly if additional alcohol is used, are subject to increased blood pressure, heart rate and body temperature. Sudden death may occur in such persons.
- 3) Psychiatric patients who display hyperthermia (over heating), are in and out of consciousness and have lumpiness of skeletal muscles may be suffering from neuroleptic malignant syndrome and may also be prone to sudden death.

b. Precautions

- 1) Detainees displaying these symptoms should be checked by ambulance personnel.
- 2) Such detainees should be closely monitored through video and audio monitoring or physical monitoring, if such monitoring can be done without further exciting the detainee.

4. TRANSFER OF CUSTODY: In cases where the detainee's actions pose a definite threat to the safety of the staff, other detainees, the detainee, or the security of the holding facility, the supervisor may attempt to make arrangements with corrections officials for transfer to their custody.

5. IN-CELL ARRAIGNMENT

- a. In the event that detainee's actions pose a definite threat to the safety of the staff, other detainees, the detainee, or the security of

the holding facility, the supervisor may request that the detainee be arraigned in the holding cell.

- b. Such arraignment may be followed up by a release from custody or transfer to the Sheriff's Department.

D. Meals

1. Three meals will be provided to each detainee during each twenty-four hour period. Meals shall be provided at regular meal times; however, no more than fourteen hours shall elapse between any meals.
[72.7.1(f)]
2. The morning meal should be provided in time to be consumed prior to being transported to court on any day that court is in session.
3. Detainee meals shall be provided by a vendor designated by the department.
4. The content of meals shall be designated by the department and should be substantial enough to provide adequate nourishment for the detainee.⁵
5. Any special diet that is required in accordance with treatment prescribed by a licensed physician will be granted whenever possible, within the parameters of cost effectiveness and available resources.
6. Meals and food brought to a detainee by a family member or friend are discouraged, but may be provided at the discretion of a supervisor. All meals or food shall be subject to search prior to being allowed into the holding facility.
7. No metal eating utensils or containers are allowed in the cell block area. All eating utensils shall be flexible, disposable plastic and shall not be re-used. [72.4.7]
8. Drinking cups shall be disposable plastic or paper. No common cups shall be shared among detainees. ⁶ No cups shall be re-used.
9. All containers shall be removed from the cell upon completion of the meal.
10. A record of meals served shall be kept by creating a log entry.

E. Entering Cell Area

1. GENERALLY
 - a. Except during an emergency, such as a fire, firearms are not allowed in the cell area. [72.4.1]
 - b. Whenever an officer closes a cell door to secure a detainee, the officer shall check the door to ensure that it is securely locked.

- c. If any problems in securing a cell door are encountered:
 - 1) The detainee shall be moved to an operational cell;
 - 2) The cell shall be taken out of service;
 - 3) The supervisor shall be notified; and
 - 4) The holding facility manager shall be notified to make arrangements for repair.

2. OCCUPIED CELLS

- a. An officer or medic may only enter an occupied cell when: [72.4.2]
 - 1) At least one other officer is present, the officer is being actively monitored by another employee through audio-visual equipment, or is carrying a panic alarm;
 - 2) A medical or other emergency exists; or
 - 3) When releasing a prisoner from custody.
- b. Cells may be entered for the purpose of:
 - 1) Feeding the detainee;
 - 2) Providing blankets to the detainee;
 - 3) Removing refuse;
 - 4) Providing medication;
 - 5) Checking on the status of a sleeping or unconscious detainee;
 - 6) Conducting medical evaluations;
 - 7) Restraining the detainee; and
 - 8) Other necessary law enforcement purposes.
- c. Nonessential personnel [72.1.2]
 - 1) Nonessential personnel will generally not be allowed access to the holding area while any cell in that area is occupied by a detainee. Escorted access may be authorized by a supervisor.
 - 2) Repairs or maintenance shall not be conducted in an occupied cell.
 - 3) Members of the media shall have access to the cell block area only when the area is unoccupied, unless specifically authorized by the Chief of Police.
 - 4) Tour groups shall be allowed in the cell block area only when the cell block is unoccupied.
 - 5) When nonessential persons are granted access to the detainee holding area, their presence should not violate a detainee's

privacy, impede facility operations, or frustrate future prosecutions.

F. Detainee Visitors [72.8.5]

1. DETAINEE VISITS

a. Generally

- 1) Person held in police holding facilities do not have a right to visits.
- 2) Visits to detainees are discouraged.
- 3) No visits shall take place unless authorized by a supervisor.

b. Approved Visitors

- 1) Parents or guardians of juveniles may be approved.
- 2) An attorney representing the detainee may be approved.
- 3) Consular officials (foreign nationals) may be approved. See the department policy on **Consular Notifications**.
- 4) Immediate family members may be approved.
- 5) Relatives who are not immediate family or friends of the detainee do not have visitation rights. It will be the decision of the officer-in-charge regarding any special or extenuating circumstances which might justify such individuals being allowed to visit the detainee.

c. Visitor Security

- 1) Visitors must show positive picture identification, preferably a driver's license;
- 2) Visitors must be notified; prior to gaining access to the cell block area, that [s]he and his/her belongings are subject to a search and, at the discretion of the officer-in-charge, submit to a such search upon entrance to and exit from the area.
- 3) Visitors must sign-in and record name, address, and relationship to the prisoner.
- 4) The time the visitor enters and leaves the cell block is recorded.
- 5) An officer shall be in the cell block area during any visit, except an attorney's visit with his/her client.
- 6) No personal belongings of visitors (including pocketbooks and backpacks) are allowed into the cell block. [72.8.4]

2. ITEMS LEFT FOR DETAINEE

- a. Friends and family members may be requested by a detainee to leave change of clothing for court, medications, and other personal items.
- b. Any mail, packages, or other items to be given to a detainee shall be examined thoroughly by a police officer before being given to the detainee. [72.8.4(a)]
- c. The supervisor shall have full authority to prohibit mail, a package, or any item in a package from being delivered. The following list of items is authorized: [72.8.4(a)]
 - 1) Clothing and shoes for court;
 - 2) Medications;
 - 3) Identification;
 - 4) Food (see meals, this policy); and
 - 5) Personal hygiene items (deodorant, tooth brush/paste)
- d. A record shall be made of all items received by the detainee in his/her property record. No item will be given to a detainee without the approval of the officer-in-charge. [72.8.4(c)]
- e. Items not specifically authorized under this policy or allowed by the supervisor may not be left for or provided to detainees. [72.8.4(b)]
- f. Distribution of items:
 - 1) Clothing may be exchanged for clothing worn by the detainee. Detainee shall not have extra clothing in the cell.
 - 2) Food items may be given to the detainee.
 - 3) Medication may be given to the detainee in accordance with this policy. See **Medication** in this policy.
 - 4) Other items shall be stored with the detainee's property unless otherwise directed by a supervisor.

3. ACCESS TO COUNSEL

- a. Attorneys do not have an absolute right of access to a detainee.
- b. Barring a specific right to counsel, attorneys may have access to a detainee: [72.7.1(c)]
 - 1) If approved by a supervisor;
 - 2) If the detainee wants to meet with the attorney;
 - 3) If the operation of the Police Department will not be unduly disrupted; and

- 4) If staffing allows.
- c. Attorneys shall comply with visitor security rules, or they will not be admitted.
- d. An attorney may meet with a detainee in the detainee's cell or an interview room, provided: [72.7.1(c)]
 - 1) Audio monitoring devices are turned off in respect to the attorney to client privilege;
 - 2) An officer remains in the general vicinity of the cell or room, out of hearing, but within sight if possible; and
 - 3) The visit is monitored via video by a department employee for the safety of the attorney.

G. Release/Transfer of a Detainee

1. BAIL AND PROBABLE CAUSE HEARINGS: Bail is determined by the bail commissioner. Probable cause is determined by the Clerk or Assistant Clerk of Courts. For further information see the department policy on **Detainee Processing**.
2. RELEASING DETAINEE [72.5.7]
 - a. Detainee Identity: Verify which detainee is to be released.
 - b. Positively Identify the Detainee Prior to Release: The releasing officer shall positively identify that the detainee to be released is, in fact, the correct detainee. Positive identification may be ascertained from another employee, or by checking the identification of the detainee against the description, booking photo, cell number, and booking photo, etc.
3. TRANSFER TO ANOTHER AGENCY: See department policy **Transportation of Prisoners** for procedures to follow when a detainee is transferred to another agency or to court.
4. JUVENILES: See department policy on **Handling Juveniles** for procedures to follow when a juvenile is to be released.

H. Supervising Detainees at the Hospital [70.3.2]

1. GENERALLY
 - a. Trips outside of the confines of the holding facility present detainees with an increased opportunity to assault staff members or escape. Accomplices mixed in with the public may take supervising officers by surprise. Officers must remain vigilant while supervising detainees at a hospital.

- b. Supervisors should consider rotating staff through hospital posts every few hours to relieve boredom and complacency on the part of the officers.
- c. Supervisors should consider providing officers with a copy of this section of this policy when detainees are transported to a hospital for treatment.

2. TRANSPORTATION

- a. The dispatcher shall log an incident for detainees transported to a hospital.
- b. See the department policy on ***Transportation of Detainees***.

3. ACCOUNTABILITY

- a. Detainees brought to a hospital for a mental health evaluation shall remain the responsibility of the transporting officer until such time that custody is transferred to the receiving hospital's personnel.
- b. Detainees brought to a hospital under arrest shall remain the responsibility of the supervising officer until relieved by another officer, the custody of the detainee is transferred to another entity, the detainee is bailed, or the detainee is returned to the holding facility.

4. NOTIFICATION OF HOSPITAL POLICE

- a. When a detainee is transported to a hospital, the dispatcher or another department member shall notify the hospital police or security.
- b. If there are any unusual risks or circumstances, the hospital police or security shall be advised.

5. SECURITY OF DETAINEE

- a. Violent or high security risk detainees may be accompanied by more than one officer while at the hospital, at the discretion of a supervisor.
- b. Officers may employ a higher level of security and vigilance for such detainees than is presented in this policy.
- c. The detainee shall remain restrained while at the hospital unless the removal of restraints is required for medical reasons. The following restraints are acceptable:
 - 1) Detainee handcuffed with hands in front and hands together;
 - 2) Detainee handcuffed one hand to the bed, stretcher or gurney;
and

3) Leg restraints.

- d. The supervising officer shall remain in the area of the detainee at all times, unless medical necessity dictates otherwise. In such an event, the officer should attempt to remain in a position to monitor the detainee as best [s]he can to prevent the escape of the detainee.
- e. The supervising officer must remain alert for others who may assist the detainee in escaping or harm the detainee.
- f. The supervising officer must be aware of potential weapons in the immediate are of the detainee.

6. EMERGENCY TREATMENT

- a. The supervising officer shall accompany the detainee through registration and triage. His/her knowledge may be helpful to medical staff in evaluating the detainee's claims of sickness or injury.
- b. The officer should make periodic inquiries as to the progress of the evaluation and treatment, and keep the supervisor up to date for the purpose of planning for staffing.

7. ADMITTANCE

- a. In the event that the detainee is admitted, the officer should request that the detainee be placed in a private room for security purposes and the safety of other patients and staff members. A private bathroom with a single door is desirable.
- b. Advise the dispatcher of the nature of the situation, room number, room telephone number and estimated length of in-patient treatment.
- c. The dispatcher shall relay this information to the shift supervisor and the hospital police or security department.
- d. The officer shall sweep the interior of the room, closets, and bathroom for unnecessary potential weapons within reach of the detainee.
- e. The officer must remain in the room or just outside of the room, but always within site of the detainee.

8. EATING

- a. The officers should advise hospital staff that the detainee should be fed using disposable plates, cups and dinnerware.
- b. The officer should visually inspect any meals or beverages prior to their being given to the detainee.

9. BATHROOM

- a. The bathroom should be checked for potential weapons or routes of escape prior to being used by the detainee.
- b. If the bathroom is shared with an adjoining room, the door for the other room should be locked prior to being used by the detainee. If the door locks from the inside only, the adjoining room door should be locked and the detainee's door should remain open. The officer may be mindful of the detainee's privacy, but must remain vigilant for signs of the detainee's using the other door to escape.
- c. The detainee may be un-restrained, if necessary, to use the bathroom. The officer shall stay within sight/sound of the detainee.
- d. If the detainee needs assistance in using the bathroom, hospital staff must assist the detainee. The armed officer should not lift or steady the detainee.

10. VISITORS

- a. Detainees are under arrest and in police custody.
- b. The visitation policy that applies to the holding facility applies to the hospital as well.

11. BAIL OR ARRAIGNMENT

- a. In the event that a detainee will be admitted to a hospital for an extended period of time, a supervisor may consider bailing the detainee at the hospital.
- b. The supervisor may also request that the court arraign the detainee at the hospital.

12. RELEASE: Upon release of the detainee from the hospital, the supervising officer shall:

- a. Obtain any prescriptions and dosage instructions;
- b. Obtain any instructions for care of the detainee, including follow-up visits, while in custody;
- c. Advise the dispatcher of the release from the hospital and the return trip to the holding facility;
- d. Transport the detainee back to the holding facility;
- e. Return the detainee to the holding cell;
- f. Brief the dispatcher on any medications, care, or return visits while in custody, and create written instructions for subsequent shifts, if necessary; and
- g. Have the dispatcher annotate the return time in the log.

I. Receiving Persons from Outside Agencies [72.5.5]

1. M.G.L. c. 40 §37 requires that “lockups shall at all reasonable hours be accessible to the state police, sheriffs, constables and police officers for any legal and proper use.” ⁷
2. Detainees may be held for other agencies. For information on detainee intake, see the department policy on Detainee Processing.
3. Unless bailed, released, or transferred, detainees shall be returned to the custody of the delivering agency.
4. For further information, see **Release/Transfer** of Detainees in this policy.

J. Escapes

1. In the event of an escape of a detainee from the department's holding facility: *[72.4.10]*
 - a. The dispatcher shall immediately broadcast to all patrol units the name and a description of the escapee, the estimated time of escape, whether armed, whether on foot or in a vehicle, the possible direction of travel, and any other pertinent information.
 - b. An immediate search shall commence under the direction of the officer-in-charge and the patrol supervisor. The use of a K-9 should be considered.
 - c. The dispatcher should consider contacting local cab companies to inquire if requests have been made for pick-ups and to alert them for possible fares.
 - d. The dispatcher shall then broadcast the same information to other area departments and agencies over the radio system.
 - e. As soon as possible, a message shall be sent over the CJIS system, advising other departments and agencies of the situation.
2. Should the escapee be caught, the dispatcher shall notify other law enforcement agencies of this fact through the appropriate communications channels, according to the time frame of the capture.

¹ M.G.L. c. 40, §36B.

² M.G.L. c. 40, §36A.

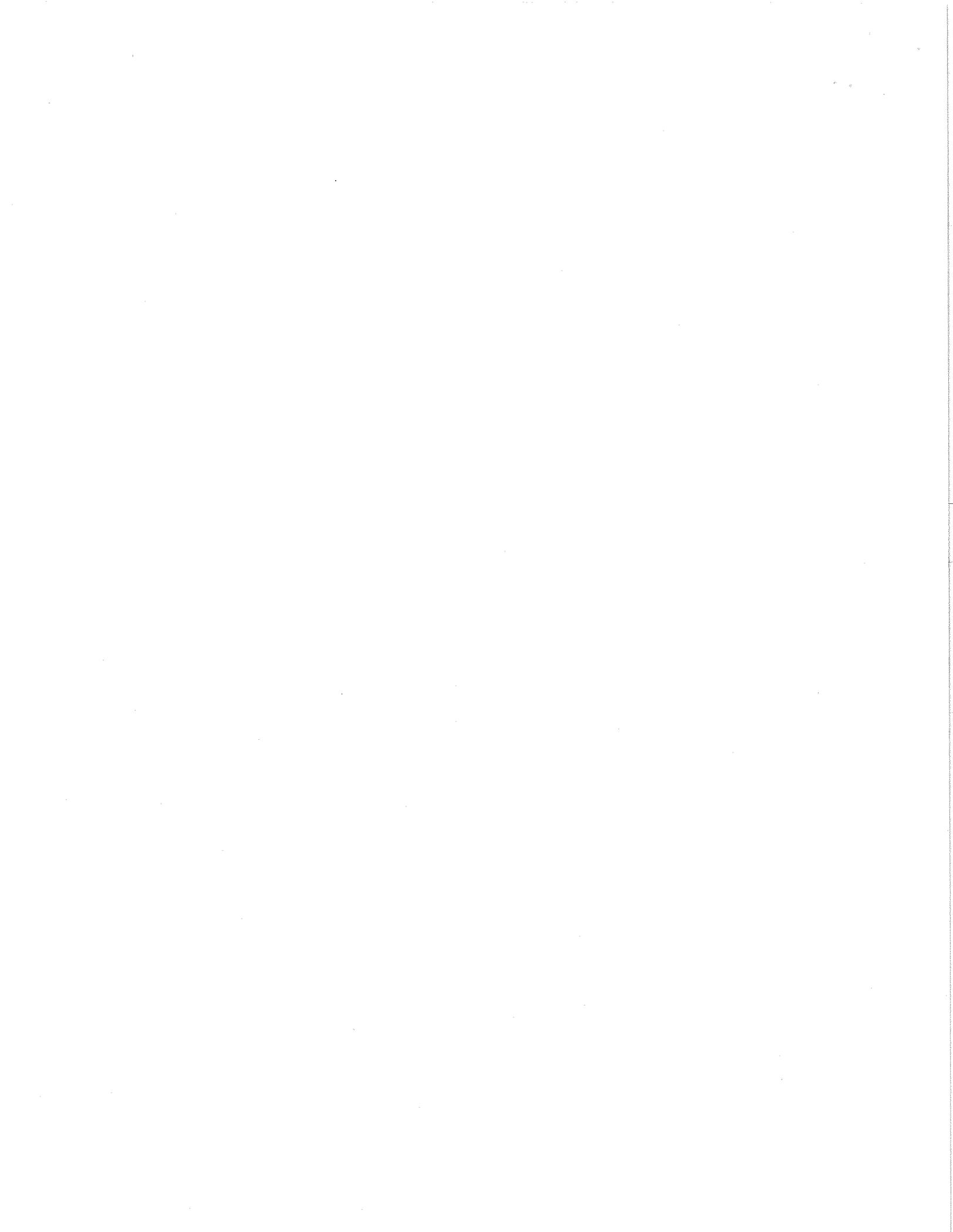
³ M.G.L. c. 40, §36A.

⁴ M.G.L. c. 147, §19.

⁵ M.G.L. c. 40, §34.

⁶ 105 CMR 470.150; 151.

⁷ M.G.L. c. 40, §37: "...and a keeper thereof neglecting to keep it so accessible, or refusing to said officers the use of the same, shall be punished by a fine of not less than five nor more than twenty dollars."



TEMPORARY HOLDING FACILITIES

BOXBOROUGH POLICE POLICY & PROCEDURE NO. 3.05	ISSUE DATE: _____
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 71.1.1; 71.2.1; 71.3.1; 71.3.2; 71.3.3; 71.4.1; 71.4.2; 71.4.3	EFFECTIVE DATE: _____
	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

This policy applies to the Boxborough Police Department that may occasionally hold a detainee unattended in a room or area outside the cell block, such as an interview room, for the purpose of processing, questioning, or testing. Processing includes pre-booking activities involving detainees in custody (such as interviewing, etc.).

II. POLICY

It is the policy of this department that detainees may be held in a temporary holding area, without continuous control or supervision of department employees, for a period not exceeding two hours.

III. DEFINITIONS

- A. *Temporary Holding Area:*** A room, space or area, for the processing, questioning or testing of detainees where they may not be subject to the continuous control or supervision of department personnel in the same room, space or area. The time period for which a detainee may be held under these circumstances may not exceed two hours. In rare circumstances, a detainee may be restrained to a fixed object, designed and intended only for such use, for no longer than two hours. Such areas usually include booking areas, interview rooms, processing rooms, and other detainee waiting areas or rooms.

IV. PROCEDURES

A. Designation of Temporary Holding Areas

1. One or more rooms or areas shall be designated as temporary holding areas. [71.1.1]
2. The department has determined that the following may be used as a temporary holding area: Interview and conference rooms.

B. Use of Temporary Holding Facilities

1. GENERALLY
 - a. Prior to taking a detainee into a temporary holding area, the officer taking custody of the detainee shall:
 - 1) Notify the dispatcher;
 - 2) Search the area for weapons, contraband or other unauthorized items; and
 - 3) Search the detainee.
 - b. The dispatcher shall document the reason, date, and time in and out of the facility, as well as any meals or personal service provided while the detainee is in a temporary holding area. [71.3.1(a)]
 - c. Males, females and juveniles shall not be detained in the same area. Juveniles shall be detained in accordance with the department policy on **Handling Juveniles**. [71.3.1(e)]
 - d. Detainees shall be allowed reasonable access to a restroom, drinking water, and other needs as appropriate. [71.4.1]

C. Safety and Security

1. SECURITY: All the procedures outlined below are intended to prevent the escape of detainees. [71.3.3(d)]
 - a. Officers shall secure their weapons in an approved storage device prior to entering a temporary holding area containing a detainee. [71.3.3(a)]
 - b. The officer taking custody of the detainee shall be responsible for inspecting the area for weapons, contraband, or objects that could be used as weapons before placing a detainee in a temporary holding area, and immediately after removal from the detention area. [71.3.1(b)]
 - c. The officer taking custody of the detainee shall be responsible for the supervision and monitoring of the detainee. Detainees should be physically observed and/or electronically monitored continuously, but in any event, there shall be a visual observation

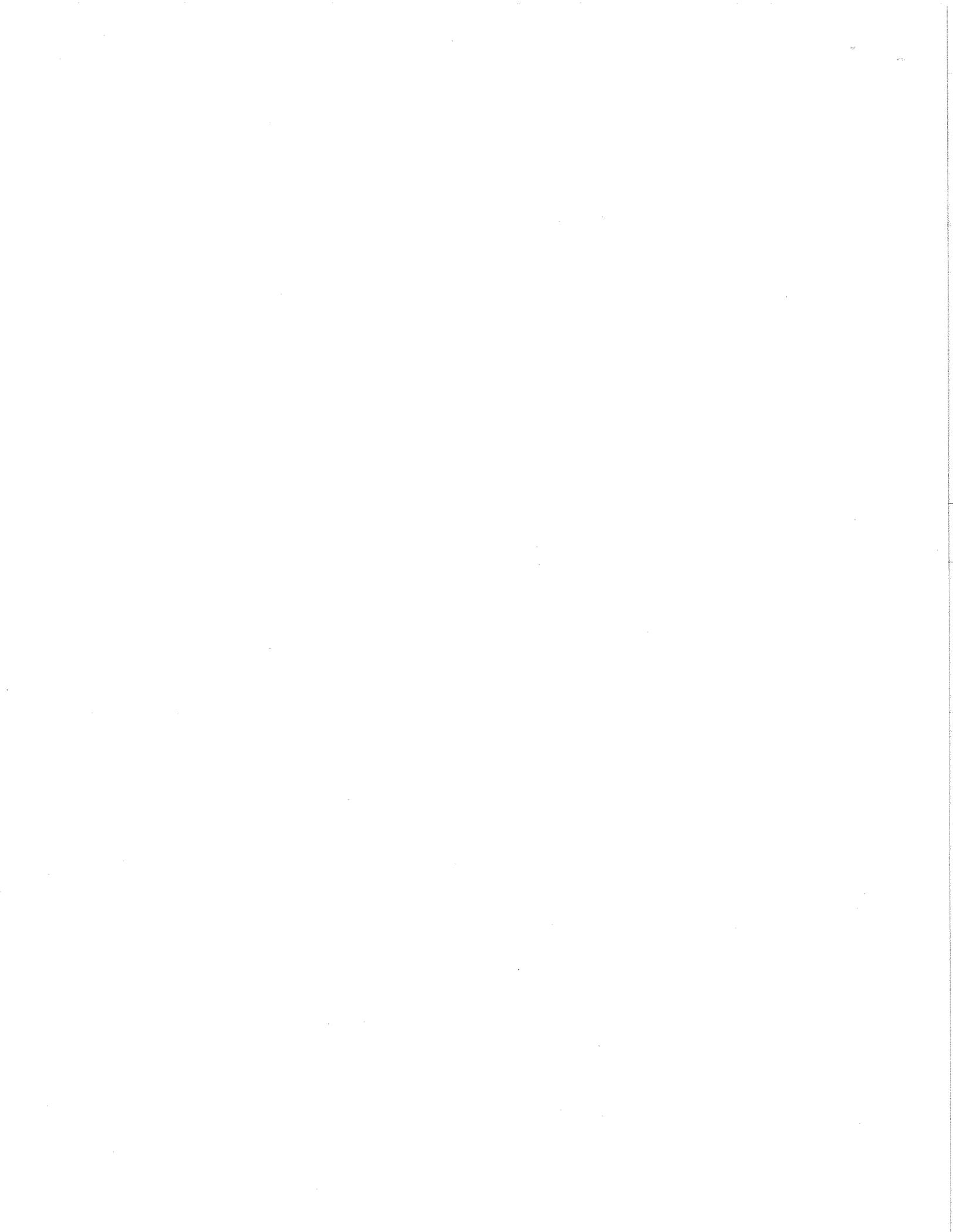
of each detainee at least every thirty minutes, with the checks properly recorded. [71.3.3(e)(f); 71.3.1(c)]

- d. The officer taking custody of the detainee is responsible for ensuring that detainees are properly restrained. At the discretion of the officer, the detainee may be secured to a fixed object. [71.3.1(d)]
 - e. Detainees may only be secured to an immovable object, such as a bar or ring, when it is designed or intended for the purpose of temporarily securing a detainee. [71.3.2; 71.3.1(d)]
 - f. Access to in-use temporary detention areas and detainees shall be limited to the arresting officer(s), supervisors, and investigating officers. [71.3.3(c)]
 - g. Any officer entering the holding area may use a radio duress button, radio, telephone, oral alarm or any other available means of communication to obtain assistance. [71.3.3(b)]
2. FIRE/EMERGENCY
- a. Fire suppression equipment shall be located in easily accessible locations out of reach of a detainee.
 - b. An emergency evacuation, fire prevention, and fire suppression plan shall be posted at the entrance to each temporary holding area. [71.4.2]

D. Training: Personnel authorized to temporarily detain individuals in the facility are provided initial training on the use of the temporary detention room(s) or area(s) and re-training at least once every three years. [71.2.1]

E. Inspections / Review [71.4.3]

1. PERIODIC INSPECTION: All temporary detention areas shall be inspected monthly by the Holding Facility Manager. The inspection shall cover:
 - a. Search for weapons or contraband;
 - b. Removal of unauthorized items; and
 - c. Operability of door locks, communications equipment, audio and video equipment and fixed restraint points.
 - d. The inspection reports shall be filed with the Holding Facility Manager and Chief of Police.
2. REVIEW: The Chief shall cause an administrative review of the areas and procedures to be conducted at least once every three years.



PROTECTIVE CUSTODY

BOXBOROUGH POLICE POLICY & PROCEDURE NO. 3.06	ISSUE DATE: _____
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 74.2.1	EFFECTIVE DATE: _____
	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

The abuse of alcohol is a serious, nationwide public health problem. Excessive drinking often results in serious breaches of the public peace, damage to property, assault and battery, and other more serious crimes. Family neglect and domestic violence situations requiring police attention often involve alcohol abuse. The broken homes which often result are considered a major factor contributing to juvenile delinquency.

Intoxication, under Massachusetts law, is not a crime. Alcoholism is a disease. By statute, detoxification facilities and related programs are provided for the treatment and rehabilitation of persons suffering from alcoholism.¹ Chapter 111B provides for the protective custody of persons incapacitated from consuming alcohol.² **A person who is incapacitated from drugs alone does not fall under the provisions of this law.** A person who has been taken into protective custody is not considered to have been arrested or charged with a crime.

Nothing contained in Chapter 111B shall affect any laws, ordinances, by-laws, resolutions or regulations against driving after drinking alcohol, driving under the influence of alcohol, or other similar offenses that involve the operation of motor vehicles, machinery or other hazardous equipment.

II. POLICY

It is the policy of this department to comply with the requirements of Massachusetts General Law Chapter 111B when taking an incapacitated person into protective custody.

III. DEFINITIONS

- A. *Alcoholism*: A medically diagnosable disease characterized by chronic, habitual or periodic consumption of alcoholic beverages resulting in (1) the substantial interference with an individual's social or economic functions in the community or (2) the loss of powers of self-control with respect to the use of such beverages.
- B. *Facility*: Any public or private place, or portion thereof, providing services especially for the detoxification of intoxicated persons or alcoholics.
- C. *Incapacitated*: The condition of an intoxicated person who, by reason of the consumption of intoxicating liquor, is (1) unconscious; (2) in need of medical attention; (3) likely to suffer or cause physical harm or damage property; or (4) disorderly.
- D. *Protective Custody* - "PC": The taking of a person who is intoxicated by alcohol consumption into custody in order to protect that person from suffering or causing physical damage or harm. This is not an arrest.

IV. PROCEDURES

A. Taking into Custody

1. GENERALLY

- a. An officer may take custody of a person who is intoxicated by the consumption of intoxicating liquor and:
 - 1) Unconscious;
 - 2) In need of medical attention;
 - 3) Likely to suffer or cause physical damage or harm; and/or
 - 4) Disorderly.
- b. The officer may assist the person, with or without his/her consent to:
 - 1) His/her residence;
 - 2) A treatment facility; or
 - 3) The police station.

2. DETERMINING INTOXICATION

- a. Officers may use observations of the person's condition and behavior, the odor of fresh alcoholic beverages, and field sobriety tests of coordination or speech in determining intoxication.
- b. Officers should be aware of the possibility of other ailments.

- c. An incoherent, unsteady or unconscious person might be suffering from an epileptic seizure, insulin shock, diabetic coma, stroke, heart attack, or brain injury.
3. PROTECTIVE CUSTODY FROM THE HOME: A person may be taken into protective custody from his or her own home.³
4. ARRESTS: In addition to protective custody, persons may also be placed under arrest. In such cases, qualifications for bail as well as protective custody release apply.
5. USE OF FORCE: An officer may use such force as is reasonable and necessary to carry out the procedures herein, with the exception of tests for determining intoxication. Persons may not be forced to take a breath test or to perform sobriety tests.

B. Search and Transportation

1. UNCONCIOUS PERSONS
 - a. Officers shall call for an ambulance assist for medical evaluation when an intoxicated person is unconscious.
 - b. Unconscious persons should be transported to a medical facility.
2. PERSONS IN NEED OF MEDICAL ASSISTANCE: Such persons shall be evaluated by medical personnel prior to being transported to the police station, home, or an alcohol treatment facility.
3. LIKELY TO SUFFER OR CAUSE PHYSICAL HARM OR DAMAGE
 - a. Non-violent or non-disorderly persons may be taken directly home or to a treatment facility at the discretion of the officer and with the authorization of a supervisor.
 - b. Persons believed to be highly intoxicated and juveniles may be returned home, provided they are delivered into the custody of a responsible adult.
 - c. Prior to transport, such persons shall be thoroughly searched for weapons.
 - d. Such persons may be transported with or without handcuffs at the discretion of the transporting officer.
 - e. In all cases, the transporting officer shall provide Communications with starting and ending mileage and the destination, and take a direct route to the destination.
4. DISORDERLY PERSONS
 - a. Disorderly, unruly or belligerent persons, unless in need of medical or mental health assistance, will normally be transported to the police station.

- b. Any person transported to the police station as a protective custody shall be searched and restrained in the same manner as an arrest. For further information, see the department policy on ***Transportation of Detainees***.
- c. The transporting officer shall notify Communications that they will be transporting a person in protective custody to the police station.

C. Protective Custody Processing

1. BOOKING: Detainees in protective custody shall be booked. For further information, see the department policy on ***Detainee Processing***.
2. RIGHTS⁴
 - a. TELEPHONE CALLS
 - 1) IN PROTECTIVE CUSTODY: Any person presumed intoxicated and to be held in protective custody at a police station shall, immediately after such presumption, have the right and be informed of the right to make a telephone call at his/her own expense and on his/her own behalf.
 - 2) DETOXIFICATION FACILITY: Any person presumed intoxicated who is assisted by a police officer to a detoxification facility shall have the right to make one phone call at his/her own expense and on his/her own behalf and shall be informed forthwith upon arriving at the facility of said right.
 - b. BREATH TEST
 - 1) Any incapacitated person assisted to the police station shall have the right, after arriving at the station, to request and be administered a breath test and shall immediately be informed in writing of such right.
 - 2) Breathalyzer test results shall be utilized as follows:⁵
 - a) 0.10 OR GREATER: If the breath test result is 0.10 or more, the person shall be presumed to be intoxicated and shall be placed in protective custody at the police station or transferred to a detoxification facility. (This is a different standard than the .08 for operating a motor vehicle or boat under the influence of alcohol.)
 - b) 0.05 OR LESS: If the reading is 0.05 or less, the person shall be presumed not to be intoxicated and shall be released from custody forthwith.
 - c) 0.06 AND 0.09: If the reading is 0.06 to 0.09, no presumption based solely on the breathalyzer test shall be made. In this event, a determination of intoxication must be

based upon field sobriety tests of coordination or speech coherency. If not previously given, they must be administered.

- c. NOTICE OF RIGHTS: Protective custody cases shall be administered the following rights. Such rights are printed on the detainee rights form.

THIS IS TO INFORM YOU THAT PURSUANT TO CHAPTER 111B, SECTION 8 OF THE MASSACHUSETTS GENERAL LAWS, YOU HAVE THE RIGHT TO REQUEST AND BE ADMINISTERED A BREATHALYZER TEST. IF YOU ARE TO BE HELD IN PROTECTIVE CUSTODY, YOU ALSO HAVE THE RIGHT TO MAKE ONE TELEPHONE CALL AT YOUR OWN EXPENSE ON YOUR OWN BEHALF.

3. JUVENILES: The parent or guardian of any person under the age of eighteen to be held in protective custody at a police station shall be notified forthwith upon his/her arrival at said station or as soon as possible thereafter. Upon the request of the parent or guardian, such person shall be released to the custody of the parent or guardian.⁶
4. NOTIFICATION OF DETOX FACILITY: If an incapacitated person is assisted to the police station, the Officer-in-Charge or his/her designee shall immediately notify the nearest treatment facility that an incapacitated person is being held under protective custody. If suitable treatment services are available, the Massachusetts Department of Public Health shall thereupon arrange for the transportation of the person to the facility.
5. LENGTH OF CUSTODY: If a treatment facility is not available, the person may be held in protective custody at the station until [s]he is no longer incapacitated, but not for more that twelve hours.

D. Detaining Persons in Protective Custody

1. DETAINING

- a. Persons in protective custody shall be detained as would an arrest. For further information, see the department policy on ***Detaining Prisoners***.
- b. An unconscious person shall never be placed in a cell unattended. In such cases, immediate medical care shall be provided in accordance with departmental procedures.

2. RELEASING

- a. Persons may be released from protective custody prior to the expiration of the maximum statutory twelve-hour holding period, provided that they are no longer intoxicated.

- 1) Those who would be released into their own care and custody may, if in the opinion of the releasing officer still appear intoxicated, be offered a breath test.
 - a) Those who obtain a reading of 0.10 or higher, or who decline to take a breath test (which is their right), should not be released to their own custody.
 - b) Those who obtain a result between 0.06 and 0.09 may be subject to field sobriety testing.
 - c) NOTE: Individuals who are released on bail following an arrest may be placed in protective custody if they are still "incapacitated" as defined in c. 111B. The foregoing considerations regarding release will govern a decision to release such individuals from protective custody.
 - 2) Persons may be released to the custody of a responsible adult.
 - 3) Juveniles, upon the request of the parent or guardian, shall be released to the custody of the parent or guardian.⁷
- b. A person who has been in protective custody must not be held for more than twelve hours.

E. Reports

1. INCIDENT REPORT: An incident report of the protective custody shall be made and must include:
 - a. The date, time, and place of custody;
 - b. The name of the assisting officer and Officer-in-Charge;
 - c. Whether the person held in custody exercised his/her right to make a phone call; and
 - d. Whether the person held in custody exercised his/her right to take a breathalyzer test, and the results of the breathalyzer test if taken.
 - e. The report must indicate the nature of the incident that gave rise to any police involvement, the method of handling the problem, and any injuries observed on the incapacitated person, including their cause and medical treatment, if any.
2. NON-CRIMINAL
 - a. Such record shall not be treated, for any purposes, as an arrest or criminal record.
 - b. Criminal offenses committed during the incident that involved the protective custody may, however, be treated as criminal offenses.

F. Commitment of Alcoholics or Substance Abusers [74.2.1]

1. PETITION FOR COMMITMENT

- a. M.G.L c. 123, §35 authorizes police officers and certain other persons to file a petition in an appropriate district or juvenile court requesting that a person who is an alcoholic or drug dependent be committed for a period not to exceed thirty days to an in-patient public or private facility approved by the Department of Public Health.⁸
- b. Where appropriate, police officers should advise the family and friends of the procedures available under this law.
- c. Persons who may petition for commitment are:
 - 1) Any police officer;
 - 2) Physician;
 - 3) Spouse;
 - 4) A blood relative;
 - 5) Guardian; and
 - 6) Court official.

2. WARRANT OF APPREHENSION

- a. The court may issue a warrant for the apprehension for the individual to appear before the court, provided there are reasonable grounds to believe that:
 - 1) Such person will not otherwise appear; and
 - 2) Any further delay in the proceedings would present an immediate danger to the physical well-being of the respondent.
- b. No arrest on the warrant of apprehension shall be made unless the person may be presented immediately before a judge of the district court.
 - 1) The court must be in session at the time of arrest or shortly thereafter.
 - 2) The arrest must not be made so late in the day that the court cannot process the person.
- c. Under proper conditions, a warrant of application shall be promptly served.

¹M.G.L. c. 111B.

²M.G.L. c. 111B, §8.

³ Lally v. Carmichael, 56 Mass.App.Ct. 1103, 776 N.E.2d 1309.

⁴ M.G.L. c. 111B, §8.

⁵ M.G.L. c. 111B, §8.

⁶ M.G.L. c.111B, §8.

⁷ M.G.L. c.111B, §8.

⁸M.G.L. c. 123, §35.





8c

Suburban Coalition

P.O. Box 103
Concord, MA 01742
Phone (781) 326-2473
suburbancoalition.org

received
12-21-2011

Dear Local Board:

For over twenty-five years, the Suburban Coalition has had a consistent mission: to strengthen the voice of our member communities at the state level. Working together, we are more effective in addressing issues that face our communities and in creating a partnership between our communities and the Commonwealth.

We encourage you to add your board's name to our membership list. The more boards we actively represent, the larger our reach and the stronger our voice. As one member put it, "For a token amount in dues, our board benefits by empowering the Suburban Coalition to advocate more forcefully for our community."

In these very difficult fiscal times, it is critical that Beacon Hill understands the challenges our communities face in providing the essential services of public safety, education and infrastructure maintenance to our citizens.

Through our annual Legislative Breakfast, meetings with state officials, participation in various forums and speaking with the media, the Suburban Coalition works to bring this message to the Statehouse. We continue to address such issues as the over-reliance on the property tax, adequate and equitable state funding for education and sufficient funding for public safety and infrastructure maintenance. In addition, we provide information to our members that will assist them in their own advocacy efforts.

We would welcome your board's participation in our efforts for Fiscal Year 2011. For more information about the Coalition, including our Position Paper, please visit us at suburbancoalition.org. For specific questions, please contact dorothyprasser@suburbancoalition.org.

Sincerely,

Dorothy Presser
President



Suburban Coalition
P.O. Box 103
Concord, MA 01742

Account Information:

Invoice Number: 20101

Invoice Date: 20111

Membership Dues:

FY 2012 Membership: \$250.00

Total Balance: 250.00

Payment Coupon: Please detach and return with payment. Thank you.

1 year Membership: \$250.00

Amount Enclosed:

Please provide us with the following information:

Town

Board Type Board of Selectmen School Committee Finance Committee

Contact Name

Mailing Address

Phone Number

E-Mail Address

Please send payment to:

Suburban Coalition
P.O. Box 103
Concord, MA 01742



Thank you for your membership!

The Suburban Coalition provides a great opportunity to:

- Advocate for your community and the needs of your townspeople.
- Share your opinions and concerns with elected officials and their aides from all across the state.
- Network with the opinion leaders and policy shapers from other communities.
- Make sure you have the most accurate and up-to-date information on the issues that concern you the most.

We are on the web: www.suburbancoalition.org



Internal Communications and Outgoing Communications
December 5, 2011

1. Copy of a letter from Airport Study Committee Chair, Anne Canfield, dated December 14, 2011, to MASS DOT Aeronautics Division Administrator, Christopher Willenborg, requesting notification of any proposed legislation or change in legislation that MASS DOT intends to propose during the 2012 legislative year. *
2. Letter from MMA Executive Director, Geoffrey Beckwith, dated December 15, 2011, to "Municipal Leader", regarding the upcoming MMA Annual Meeting & Trade Show to be held January 20-21, 2012.
3. Letter and informational material from Comcast's Senior Mgr of Gov't & Community Relations, Timothy Kelly dated December 20, 2011 to the Board of Selectmen advising of Xfinity Price Adjustments.
4. Email communication and informational materials from Verizon Communications, Mary L. Frere, dated December 22, 2011, providing Verizon's 2011 Annual Notices for FiOS TV Residential and FiOS TV Business subscribers.
5. December 2011 Monthly Construction Activity Report from the Building Department, dated January 3, 2012.*
6. Letter from Dept. of Veterans Services Training & Compliance Director, Evan Maktrnikolas, dated December 22, 2011, to Mayor/ Town Manager advising of upcoming Veterans' Service Officer training session being offered March 5 – March 8, 2012.
7. Copy of letter from Town Counsel, Jeffery Ugino, Kopelman & Paige, PC, dated January 3, 2012, to Attorney Gary Daddario, in the matter of Harvard Ridge Condominium Association V. Bank of America NA.
8. Letter from MPO's Chair, David Mohler, dated December 22, 2011, to Selectmen Chair Raid Suleiman, advising of a changing in the schedule for developing the TIP and that they are hosting TIP-Building Workshops.

* Indicates that the item is included in the agenda packet as well as in the general notebook.

92 (11)

*

Boxborough Town Hall
29 Middle Road
Boxborough, MA 01719
14 December 2011

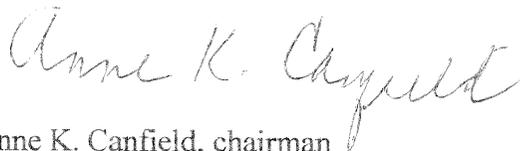
Mass DOT Aeronautics Division
ATTN: Christopher Willenborg, Administrator
Logan Office Center
One Harborside Drive
Suite 205N
East Boston, MA 20128-2909

Dear Mr. Willenborg:

On behalf of the Town of Boxborough Airport Study Committee, I formally request prior notification of any proposed legislation or change in legislation that the Mass DOT Aeronautics Division intends to propose to the Massachusetts Legislature during the 2012 legislative year.

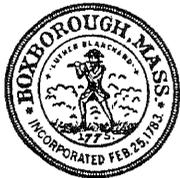
Thank you in advance for your assistance in this matter.

Sincerely yours,



Anne K. Canfield, chairman
Boxborough Airport Study Committee

CC:
Senator James Eldridge
Representative Jennifer Benson
✓ Boxborough Board of Selectmen



92 (5) *

BOXBOROUGH BUILDING DEPARTMENT
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 263-1116 • Fax: (978) 264-3127
www.town.boxborough.ma.us

To: Board of Selectmen ✓
Town Planner
Town Assessor
Town Clerk
Finance Committee
School Committee

From: Building Department

Date: January 3, 2012

RE: Building Department Monthly Construction Activity Report

The Building Department has released the December 2011 Construction Activity Report. A copy is attached.

/ma

Building Department Monthly Construction Activity CY 2011

	January	February	March	April	May	June	July	August	Sept.	October	November	December	Y-T-D Total
Residential:													
Single Family - new			1	1									2
Additions/Alterations	4	9	7	12	10	11	10	4	9	10	9	7	102
Repairs		1	2	5	8	4	4	4	2				30
Foundation Only													0
Pool						1							1
Accessory Apartment													0
Business:													
New													0
Additions/Alterations	1		2	1	1	1	2	2	2		2	5	17
Other:													
Construct. trailers													0
Tents					1	1	1	1					4
Cell Tower / Antenna							1		1				2
Demolition	1						1	1			1		4
Foot Bridge													0
Mechanical													0
Woodstove								3		3	2	1	9
Signs	1	1		1	2			2	1				8
Shed/Barn						1	1	2		1			5
Change of Use	1												1
Totals:													0
Number of Permits	8	11	12	20	22	18	19	19	15	14	14	13	185
Construction Cost	1,097,114	239,280	671,924	735,007	531,410	254,307	115,577	124,133	332,795	60,405	658,650	193,880	5,014,482
Total Fees	11,057	2,432	7,620	7,430	5,475	2,710	6,216	1,633	3,079	866	6,837	2,387	57,742
Fines Collected													0

New Construction: 1081 Hill Road
 March: 983 Depot Road
 April:

Permit Listing Report

by District

Date Range: Issued between 12/01/2011 And 12/31/2011
 SQL Statement: ((Type of Permit)="Building")

Printed On: Tue Jan 03, 2012

District	Address (Work Location)	District	Zoning Owner	Work Category	Est. Cost	Proposed Use And Detail	
Permit Type	Permit No	Online Permit No	Permit Status	Contractor (Phone #)	Work Description	Fees Paid	Check #
	159 SWANSON RD						
	RAPPAPORT, JEROME L JR						
	COMMERCIAL - \$66,310.00						
	ALTERATION OR FIT-UP						
Building	BP-2012-0078		OPEN	WFM Builders (774) 219-7676	Construct New Offices at Setra Facility	\$663.00	9841
	1744 MASS AV						
	CREEK CROSSING DEV LLC GOLD, Siding * Commercial \$45,000.00						
	STEPHEN TRUSTEE						
Building	BP-2012-0079		OPEN	Joseph Cormier (508) 331-1163	Siding	\$450.00	3568
	115 MIDDLE RD						
	A/R Peter Vehdecker						
Building	BP-2012-0080		OPEN	Home Depot	Attic Insulation	\$50.00	36254
	1-96 LEONARD RD (20 LEONARD RD)						
	SAMILJAN, GEORGE						
Building	BP-2012-0081		OPEN	SAMILJAN, GEORGE	Replacement Windows	\$50.00	26042
	716 LIBERTY SQ RD						
	A/R Zhao						
Building	BP-2012-0082		OPEN	Zhao	Finish Attic	\$80.00	221
	333 DEPOT RD						
	TAYLOR, BRUCE J & PAULA F						
Building	BP-2012-0083		OPEN	NorthEast Bath Builders (978) 467-4647	Bathroom Remodel	\$190.00	6250

Permit Listing Report

by District

District	Address (Work Location)	District	Zoning	Owner	Date Issued	Contractor (Phone #)	Work Category	Work Description	Est. Cost	Proposed Use	And Detail	Check #
Permit Type	Permit No	Online Permit No	Permit Status									
	155 SWANSON RD			RAPPAPORT, JEROME L JR				\$2,500.00				
Building	BP-2012-0084		OPEN		Dec-06-2011	A&R Carpentry (978) 490-7354	Windows	Commerical Renovation	\$50.00			CASH
	27-45 LIBERTY SQ RD			CARLEY, GILBERT E, TR & LIBERTY SQUARE NOMINEE TRUST				\$4,000.00				
Building	BP-2012-0085		OPEN		Dec-15-2011	Pella Windows and Doors	Windows	Replace 2 windows and sliing door	\$50.00			7703
	48 MEADOW LN			REICHLIN, HARRY E & ELIZABETH A ROOF				\$15,000.00				
Building	BP-2012-0086		OPEN		Dec-19-2011	Advanced Building Concepts	ROOF	Strip and Reroof	\$150.00			121
	155 SWANSON RD			RAPPAPORT, JEROME L JR				\$24,000.00				
Building	BP-2012-0087		OPEN		Dec-19-2011	Ross Courtemanche	COMMERCIAL - ALTERATION OR FIT-UP	Renovation interior only	\$240.00			320
	119 STEELE LN			GREEN, MARTIN C & SUSAN W				\$5,000.00				
Building	BP-2012-0088		OPEN		Dec-28-2011	GREEN, MARTIN C & SUSAN W	Alteration	Roof Over Half of Back Deck	\$50.00			4301
	242 ADAMS PL			RFP VI HOTEL BOXBOROUGH-O,LLC				\$0.00				
Building	BP-2012-0089		OPEN		Dec-29-2011	RFP VI HOTEL BOXBOROUGH-O,LLC	Re-Roof Commerical Hotel		\$314.00			9902
	654 HILL RD			GORMAN, JAMES J & INGRID L				\$0.00				
Building	BP-2012-0090		OPEN		Dec-29-2011	GORMAN, JAMES J & INGRID L	Woodstove	Install Woodstove	\$50.00			295

Permit Listing Report

by District

District	Address (Work Location)	Permit No	Online Permit No	District	Zoning Owner	Date Issued	Contractor (Phone #)	Work Category	Work Description	Est. Cost	Proposed Use And Detail	Fees Paid	Check #
District () TOTALS: ESTIMATED COST: \$193,880.00 NUMBER OF PERMITS: 13													
Fees Invoiced: \$2,387.00 FEES PAID: \$2,387.00													
BALANCE: \$0.00													
GRAND TOTALS: ESTIMATED COST: \$193,880.00 NUMBER OF PERMITS: 13													
Fees Invoiced: \$2,387.00 FEES PAID: \$2,387.00													
BALANCE: \$0.00													



Minutes, Notices and Updates
January 9, 2012

Minutes

1. Minutes of Conservation Commission meeting held November 16, 2011.

Notices

1. Notices of Board of Selectmen – Contract Negotiating Team meetings:
 - a. Held December 22, 2011.
 - b. To be held January 11, 2012
 - c. To be held January 19, 2012.
2. Notices from the Information Technology Comm.:
 - a. Meeting to be held December 27, 2011 [cancelled]
 - b. Meeting schedule from January – December 2012.
3. Notice of Joint meetings of the Boxborough School Committee and Finance Committee:
 - a. To be held December 20, 2011 [cancelled].
 - b. To be held January 17, 2012.
4. Notice of an Energy Committee meeting to be held January 17, 2012.
5. Notice of a Joint Acton/Acton-Boxborough School Committee's Negotiations Subcommittee to be held January 19, 2012.
6. Notices of Steele Farm Advisory Committee meetings:
 - a. Held December 28, 2011.
 - b. Meeting schedule from January – December 2012.
7. Notice of a Sargent Memorial Library Board of Trustees meeting held January 5, 2012.
8. Notice of an Acton-Boxborough Cultural Council meeting to be held January 9, 2012.
9. Notice of an Emergency Reserve Corps meeting to be held January 10, 2012.
10. Notice of a Board of Selectmen meeting to be held January 9, 2012.
11. Notice of a Boxborough Leadership Forum meeting to be held January 10, 2012.
12. Notice of a Board of Health meeting to be held January 11, 2012.

13. Notices from the Boxborough School Committee:
 - a. Regular Session meeting to be held January 12, 2012.
 - b. Executive Session meeting to be held January 12, 2012.
14. Notice from the Boxborough School District regarding registration for 2012-2013 for the Early Childhood and Kindergarten Programs.
15. Legal notice of a Zoning Board of Appeals Public Hearing to be held on February 7, 2012, to consider the application for a Special Permit filed by Kaizen Tuning, LLC to operate an auto repair business and for a free-standing sign at the property located at 873 Mass. Ave.
16. Notice from The Central Mass. Mosquito Control Project of a meeting to be held January 11, 2012, to present & discuss its preliminary proposed FY 13 budget.
17. Notice & Agenda Packet for the MBTA Advisory Board meeting to be held January 9, 2012.

9c



General Correspondence
January 9, 2012

1. Winter 2011 Newsletter, *Changing Lives*, from Concord Family & Youth Services.

