

FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT PROCESSING, TESTING AND TEMPORARY DETENTION AREAS	POLICY NUMBER 22.13
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22.13.01 PURPOSE

To provide guidelines for the use of Florida Highway Patrol facilities specifically designated for processing, testing or the temporary detention of detainees.

22.13.02 POLICY

Section 321.05, Florida Statutes, states that, "In all cases of arrest by patrol officers, the person arrested shall be delivered forthwith by said officer to the sheriff of the county..." Therefore, detainees may be taken to a Florida Highway Patrol facility to be processed or tested only. Such use of a Florida Highway Patrol facility will be limited to only that time necessary to complete the processing or testing of the detainee and in compliance with this policy and the facility's Temporary Detention Plan. The Florida Highway Patrol does not and shall not maintain any holding facility as defined in this policy.

22.13.03 DEFINITIONS

- A. **CHIEF INVESTIGATOR** – Bureau Commander, Bureau of Criminal Investigations and Intelligence
- B. **DETAINEE** – A person that a member has in custody whose freedom of movement is at the will of such member.
- C. **HOLDING FACILITY** – Confinement facilities outside of a jail where detainees are housed, receive meals, and can be detained for periods involving days and overnight stays for a period of not more than 72 hours.
- D. **PROCESSING** – Includes pre-booking activities, such as breath testing and fingerprinting, involving detainees in custody, and prior to them being transported to Sheriff of the county.
- E. **TEMPORARY DETENTION** – When detainees are transported to a law enforcement facility, other than a holding facility (i.e. a municipal police station with a few individual holding cells for example), jail, or corrections facility, but under the control of the agency, for the purpose of temporary detention, the following shall apply:

1. The length of time a detainee is held in temporary detention is measured in hours, not days and does not involve overnight housing or the provision of meals except in extenuating circumstances.
2. Temporary detention usually involves being in close proximity with detainees, such as fingerprinting or administering breath tests or other procedures.
3. Detainees shall be kept in temporary detention areas no longer than necessary and shall be monitored at all times. In compliance with the Juvenile Justice and Delinquency Prevention Act of 2002, as this section relates to juveniles, under no circumstance shall a juvenile be securely detained in a temporary detention area longer than four (4) hours. During such detention, doors leading directly into or out of the temporary detention area shall be unlocked.
4. For the purposes of this policy, temporary detention requires confinement within a facility and is not referring to detention of persons in public places.
5. A contact between a member and a person does not become “temporary detention” nor does the person become a “detainee” until such time as the person is in the custody of agency personnel.
6. This definition does not apply to rooms designed for interviews.

22.13.04 PROCEDURES

- A. The Troop Commander will determine which facilities within his/her troop detainees may be taken for processing or testing. For General Headquarters (GHQ) and any facility that houses Bureau of Criminal Investigations and Intelligence personnel only, the Chief Investigator shall determine whether detainees can be taken to the facility to be tested or processed.
- B. For each facility authorized for the processing and testing of detainees the Troop Commander shall ensure that a Temporary Detention Plan is completed.
- C. All personnel assigned to or use the facility on a regular basis shall receive initial training on the facility’s Temporary Detention Plan and shall receive retraining at least every three years or anytime the plan is updated.
- D. The rooms and areas designated as temporary detention areas shall be inspected at least annually. The facility inspection required by FHP Policy 9.01 shall serve as the inspection report for this provision.
- E. At least once every three years, the Troop Commander (or Chief Investigator at GHQ) shall ensure that each Temporary Detention Plan is reviewed and updated as necessary. The review shall include:
 1. Whether policies and procedures regarding the temporary detention areas are being followed.

2. Whether the need to maintain temporary detention areas at the facility continue to be necessary.

FLORIDA HIGHWAY PATROL
TEMPORARY DETENTION PLAN
TROOP

FACILITY NAME:
FACILITY ADDRESS:

DEFINITION:

DETAINEE – A person that a member has in custody whose freedom of movement is at the will of such member.

PROCEDURES:

- A. Rooms and areas that are authorized for use for detainee processing, testing, and temporary detention must have, at a minimum:
1. A desk for the member to complete necessary reports.
 2. Seating, sufficient in number for the detaining member and each detainee.
 3. Telephone
 4. Must be situated away from areas of the facility open to the public.
 5. Must include access to water and restrooms.
 6. As a security measure, during processing, testing and/or temporary detention situations, rooms will not have access doors locked.
- B. The following room(s) and area(s) within the above listed Florida Highway Patrol facility are authorized for use for detainee processing, testing, and temporary detention:
- List specific rooms and areas (access to water and restrooms must be included in the list)
- C. The attached log shall be maintained in a room designated for processing, testing, and temporary detention. Members that bring a detainee to the facility shall complete the log.
- D. The arresting member is responsible for overseeing the supervision, processing of the detainee while within the facility.
- E. The arresting member shall conduct a thorough search of the detainee or cause such a search to be conducted at the time of arrest or as soon as practical if the detainee was not arrested prior to arrival at the facility.
- F. **NO DETAINEE SHALL EVER BE LEFT UNATTENDED FOR ANY LENGTH OF TIME WHILE WITHIN A FLORIDA HIGHWAY PATROL FACILITY.**
- G. A detainee may be secured temporarily to a fixed object only if the object is designed and intended for such use. The securing of a detainee to a fixed object does not permit the leaving of the detainee unattended. At no time shall a juvenile be secured to a fixed object.

- H. In accordance with 985.115 F.S., there shall be no regular sight and sound contact between juvenile and adult detainees.
- I. Male, female detainees shall not be detained in the same room.
- J. **No firearms or weapons are permitted in the temporary detention rooms or areas.** All weapons shall be secured before entering the temporary detention room or area in the member's vehicle trunk or if provided, a weapon lock box located just outside the temporary detention room or area.
- K. The detaining member shall have their issued handheld radio on their person and turned on at all times. The emergency button shall be used as a panic or duress alarm should an emergency occur.

NOTE: In the event of an emergency situation whereby the need arises to utilize the handheld radio panic or duress alarm, it is important to remember to announce your location immediately.

Members conducting any processing or testing shall notify the appropriate Regional Communications Center (RCC) of their arrival at and departure from the facility and the reason for taking a detainee to that location.

- a. Notification to the appropriate RCC may be made via the use of the issued hand held radio, creation of a CAD incident via the member's MDC or via telephone.
 - b. At the conclusion of any processing or testing, members shall notify the appropriate RCC in the manner noted above.
- L. Due to limited facilities, only Florida Highway Patrol employees and other law enforcement personnel shall be permitted access to the detainee or the detention areas while occupied by a detainee. The only exceptions are the parents or legal guardian of a juvenile detainee and attorneys representing the detainee. Attorneys shall be informed that due to the need to maintain constant contact with the detainee, confidential conversation should be avoided and delayed until the detainee is delivered to the county jail or released.
- M. Detainees shall be handcuffed at all times while in the facility and members shall maintain constant sight contact with the detainee to reduce the likelihood of an escape attempt. However, no juvenile taken into custody for a status, non-offender, or civil-type offense shall be handcuffed or restrained in any manner. For additional information, see FHP Policy 11.03 – Juvenile Operations.
- N. **FIRE PREVENTION, EVACUATION, AND SUPPRESSION**
 - 1. No lighters, matches or other ignition devices are permitted in the detention rooms or areas while a detainee is present. This includes detainee, arresting member, and any other person authorized to be in the detention area.
 - 2. A fire evacuation diagram is attached to this plan and posted in each room or area designated for temporary detention. The diagram shall include at a minimum the evacuation routes for all rooms and areas authorized as detention areas and location of all fire extinguishers.

This plan is effective:

Troop Commander:

Signature

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