



Florida Highway Patrol Policy Manual

SUBJECT PROCESSING, TESTING, AND TEMPORARY DETENTION AREAS	POLICY NUMBER 22.13	ISSUE DATE 07/01/2007
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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 in part 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 (HSMV 61085). 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 the sheriff of the county.

- E. **TEMPORARY DETENTION** – When detainees are transported to a law enforcement facility other than a holding facility (e.g., a municipal police station with a few individual holding cells), 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, as this section relates to juveniles, under no circumstance shall a juvenile be securely detained in a temporary detention area longer than six (6) 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 their troop detainees may be taken to 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 (HSMV 61085) is completed.
- C. The Detainee Processing Log (HSMV 61084) 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. 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 four years or anytime the plan is updated.
- E. 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.
- F. Annually, 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.