

	DELMAR POLICE DEPARTMENT	
	Policy 10.2 Prisoner Processing & Holding Facility	
	Effective Date: 07/04/14	Replaces: N/A
	Approved: <u>Ivan Barkley</u> Chief of Police	
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I. POLICY

It shall be the policy of the Delmar Police Department to process and detain all individuals in custody in a manner that provides maximum safety to the prisoner, the custodial officers, and the community. In addition, it shall be the policy of the Delmar Police Department to comply with both the spirit and the letter of all laws regarding the custody and processing of arrested persons in its custody.

The Chief of Police shall be responsible for the maintenance and fiscal affairs of the Holding Facility and shall delegate authority to his subordinates as necessary to fulfill his responsibilities.

All police personnel shall receive training on the operations of the Holding Facility, to include the use of fire suppression and other emergency equipment provided by the department.

II. PURPOSE

This policy outlines the procedures which will be adhered to when processing prisoners as well as the manner in which they are detained at the facility located at 102 S. Pennsylvania Avenue.

III. DEFINITIONS

- A. **Holding Facility** – The Booking area, the cellblocks, and the holding facility garage.
- B. **Officer in Charge** – The “on duty” shift supervisor
- C. **Prisoner** – Any person under arrest or under protective custody.

IV. PROCEDURES

- A. Booking

Booking is both a law enforcement process and a holding facility procedure. As a law enforcement action, it is the official recording of an arrest and identification of the arrested person, place, time, arresting officers, and the reason for arrest. In the holding facility, it is a procedure for the admission of a person charged with an

offense and includes searching, the collection of personal history data, medical screening, and taking into account any injuries, or special needs of the prisoner, inventory and storage of the individual's personal property, and fingerprinting and photographing of the prisoner when applicable.

It should be remembered that Supreme Court decisions indicate that the booking procedures constitute "a critical stage of the proceedings against a defendant." Members of the department shall carry out the booking procedures in a firm, efficient, and business-like manner.

The booking officer shall be in complete charge of the booking procedure, subject to orders from the Officer in Charge. Officers not involved in the arrest or booking shall not congregate in the booking area; they shall not comment adversely toward the prisoner, and shall not carry on a conversation with the arresting officer(s) during the booking procedure.

1. Department Arrest Report

The Delmar Police Department Arrest Report shall serve as the arrest record of all persons arrested for crimes by members of the Delmar Police Department. It is a computer generated report form containing the information needed to develop a profile on the subject and is used by the booking officer for gathering all pertinent and mandatory information regarding the prisoner. Whenever possible, a female officer, shall be called in for every female arrest, and shall be charged with the overall supervision of female detainees.

2. Booking Forms

The booking officer shall be familiar with all departmental booking forms, computer operations associated with booking procedures, and make certain that the appropriate forms are completed during the booking process. *ALL INFORMATION SHALL BE CONFIRMED WITH THE PRISONER.*

3. Booking Forms to Be Complete

It is the responsibility of the booking officer and Officer in Charge to make certain that all booking forms are as complete and as accurate as possible. **Every detainee will be positively identified before release.**

B. Booking Security

1. During the booking of any prisoner, the arresting officer(s) or, if not present, the transporting officer(s) shall remain in the booking area with the prisoner. The presence of the arresting or transporting officer(s) during the entire booking procedure is mandatory, unless excused by the booking officer. Additional restraints and monitoring may be needed and will be accomplished after an assessment is made by the Officer in Charge.

2. Violent, self destructive and severely intoxicated prisoners may be immediately searched and placed in a cell if the booking officer determines that immediate confinement is appropriate for the safety of the officers and/or prisoner. If the prisoner is physically out of control, violent or becomes an apparent threat to himself and/or others, the officer will request assistance and place the detainee in the restraint chair. Such prisoners will be segregated from all other detainees in the cell area.
3. Handcuffs shall remain on the prisoner until the booking officer authorizes their removal.
4. Other prisoners awaiting booking shall be kept under constant observation and shall be controlled in such a manner as to prevent their interfering with the booking process.
5. In the interest of security, when booking a prisoner into or out of the facility, all entry doors to the booking area shall be closed.

C. **Firearms: No firearms shall be allowed in the booking or cell areas during the processing, detention, or release of prisoners.**

1. Officers transporting prisoners to the station by cruiser, upon arrival, park in the detention area garage (sally port), secure the garage door, and then secure their service pistols in the weapons lockers. The garage door and service pistols shall be secured before prisoner(s) are removed from the transporting vehicle.
2. Inside officers who are called upon to assist in booking or controlling a prisoner shall place their firearms in the lockers provided for this purpose in the hall prior to entering the booking area.
3. Officers who enter the cellblock areas during the normal course of business shall, prior to entry, secure their firearms in the lockers provided in the squad room.

D. **Inventory Check of Prisoners**

A routine inventory check is justified when a prisoner is booked. The inventory of a suspect's personal belongings has been upheld as necessary both to preserve them while he is incarcerated and to safeguard the police from a later groundless claim that some item has not been returned (U.S. v Lipscomb, 435 F. 2nd 796, 5th Cir. [1970]).

1. **Time of Inventory Check**

No search of a prisoner shall be conducted, except in cases of emergency, until directed by the booking officer. Maximum safety is provided if the search is conducted before handcuffs are removed.

2. Method of Inventory Check

All prisoners upon being booked shall be searched (including body searches if deemed appropriate by the Officer in Charge) for contraband. Officers are to be aware of the fact that prisoners will frequently attempt to secrete contraband on their persons and shall conduct all searches in such a manner that all articles that can present any threat to the prisoner, officers, or the facility are found.

3. Extent of Inventory Check

Prisoners shall be checked for all personal property. This shall include the clothing, all articles in possession of the person, such as contents of suitcases, handbags, shopping bags, and any other place on or in possession of the prisoner where property could be maintained or concealed.

Any container (or any item reasonably appearing to be a container) found on the arrestee's person or carried by him at the time of his arrest shall be opened and its contents inventoried. Any locked container for which the arrestee has a key among his other personal belongings shall be opened and its contents inventoried. Any locked container for which the arrestee does not have a key among his other personal belongings shall be opened only if there is reasonable suspicion to believe that the container contains any item posing a threat to the safety and security of the station or its personnel. The rule set forth in this paragraph applies equally to any container within any other container searched.

4. Body Searches

The following guidelines and procedures shall be followed: **In all cases where a strip search or manual body cavity search is conducted, a report shall be submitted.** (DPAC 1.2.5)

A. Strip Searches

The United States Supreme Court has described examinations of a person's genital and anal areas without any sort of touching to be a practice which distinctively gives... the most pause. *Bell v. Wolfish*, 441 U.S. 520 (1979).

Definition: A strip search is defined as when an arrested person's clothing is removed or rearranged so as to permit a visual inspection or a physical examination of the genitals, buttocks, anus, breasts, or undergarments of such person, which does not meet the definition of a body cavity search.

1. Strip searches shall be conducted only when, due to the circumstances and/or nature of arrest, the booking or arresting officer has probable cause to believe that a

weapon(s), item(s) of evidentiary value, and/or contraband may be concealed upon the prisoner in a manner that would not lead to discovery of such by a conventional prisoner inventory search or search incident to arrest.

2. Strip searches shall be conducted only upon the authorization of the Officer in Charge, Chief of Police, or his designee, and shall be conducted in a manner that will minimize any embarrassment to the prisoner. Such searches must be performed by members of the same sex as the prisoner being searched, and conducted in a private room or area. Under no circumstances will a location be chosen, so as to humiliate or embarrass a prisoner.
3. Strip searches are distinguishable from body cavity searches. A strip search shall be limited to examining the prisoner's body as it exists, naked to ensure that weapon(s), item(s), of evidentiary value and/or contraband are not concealed under garments, with the exception of separating the prisoner's buttocks to ensure weapon(s), item(s), of evidentiary value and/or contraband are not concealed just outside the anus.
4. If the booking officer has reason to believe that weapon(s), item(s), of evidentiary value and/or contraband may be secreted inside a body cavity, such as the anus or vagina, refer to section below. (Body Cavity Search)

B. Manual Body Cavity Search

Where an officer seeks to conduct a search in someone's body, **a warrant must be issued by a judge, supported by a strong showing of particularized need and a high degree of probable cause.**

Definition: A body cavity search is defined as a visual or physical examination into the body's recesses, including the anus, vagina, and internal organs of the body.

1. Probable cause to believe that the contraband or other items of evidentiary value is actually inside the cavity must exist independent of whether there is probable cause to believe that the individual searched is hiding contraband elsewhere in his home or on his person.
2. Manual body cavity searches are extremely intrusive and are only to be conducted when a search warrant has been obtained. The search warrant must be authorized by a Judge and not an Alderman. Once a search warrant has been

obtained the body cavity search shall take place as soon as practicable.

3. All body cavity searches require special hygienic procedures and shall be conducted only by qualified medical personnel. The prisoner shall be transported to a medical facility, pursuant to department policy to accommodate such a procedure.

4. The medical facility shall be notified in advance so that a qualified medical professional may be located to conduct the search. Upon arrival at the facility, the staff of the medical facility shall be provided with a copy of the search warrant. Should the search reveal any contraband, items of evidentiary value and or weapons, such items shall be confiscated, tagged, and placed into evidence pursuant to department policy guidelines. (see Procedures for Handling Property and Evidence, 12.2)

5. Discovery of Weapons/Drugs/Ect.

If, during the inventory search of a prisoner, items are discovered which are unlawful to possess, criminal complaints shall be initiated. These items will be submitted into evidence.

6. Papers/Documents or Other Writings Found on Prisoner

Papers, documents, or other writings found on the prisoner may be examined only to the extent necessary to:

- a. Check the prisoner's identity;
- b. Ensure the prisoner's physical safety;
- c. Ensure the removal of items dangerous to cell administration;
- d. To protect the department from charges of theft.

Any search of prisoner's papers or other possessions for investigative purposes may be affected only upon obtaining either the prisoner's written consent or a search warrant.

7. Males

All male prisoners shall be searched before being placed into a cell. There shall be no exceptions to this procedure. Male prisoners shall be searched by male officers before being placed in a cell or as soon as practical. Male prisoners may be searched by female officers in the presence of another

officer or video surveillance. Males shall be sight and sound separated from females.

8. Females

All female prisoners shall be searched before being placed into a cell. There shall be no exceptions to this procedure. Female prisoners shall be searched by female officers before being placed in a cell or as soon as practical. Female prisoners may be searched by male officers in the presence of another officer or video surveillance. Females shall be sight and sound separated from males.

E. Prisoner Property

The following procedures will be used to ensure the security of the facility and of prisoner property:

1. Inventory and Keeping of Prisoner Property: An accurate inventory of all prisoner property shall be conducted and recorded on the Prisoner Property report (DPD Form 10.2) by the booking officer. An effort to make a full description of the property will be made. Property shall be secured in the prisoner property box corresponding in number to the cell assigned to the prisoner. The key to the locked cabinets shall be placed on the hook attached to the window of the prisoner's cell. When not in use, the key shall remain in the lock. **Evidence is not to be placed in the property box.** No property, whether personal property or evidence, is to be kept in the possession of the arresting officer.
2. All prisoner property shall be released upon release of a prisoner. The booking officer, or officer in charge of the release, shall cause the Prisoner Property form to be signed by the prisoner at the time of release. If the Delmar Police are transferring custody to another jurisdiction, court, etc., this will be considered a release for this purpose, and the transference of prisoner property shall be recorded in the same way. If there is a discrepancy in the property returned, or a prisoner complains that items are missing, an incident report to that affect will be submitted with a copy forwarded to the Patrol Lieutenant immediately.

Under no circumstances will the Delmar Police hold prisoner property if the prisoner is not at the station unless said prisoner is transferred to a Correctional Institution. If a prisoner is transferred to a Correctional Institution, the Officer in Charge shall release the property, and cause the property to be re-entered into the property file under safe keeping. All property items should be individually listed. The property shall be placed into an prisoner evidence locker(s) in the processing area.

3. Prisoners, upon their release or return from a Correctional Institution, or their spouse, must personally request that their property be released to them. Any prisoner authorizing any other person to retrieve their belongings for

them must have such authorization in writing, and their signatures notarized. The original, notarized authorization shall be retained by the Delmar Police Department and kept in the arrest file. The property shall be released pursuant to departmental guidelines. (see Withdrawal and Return of Property/Evidence, 12.3)

4. Due to the temporary nature of their stay at the police facility, detainees are not allowed to receive mail or packages of any kind while incarcerated. Persons who wish to deliver money for the purposes of bail will be requested to deal directly with the District Court Commissioner or proper Delaware court upon his/her arrival.
5. No contraband items shall be allowed in the cells. Contraband items include, but are not limited, to the following:
 - a. Any weapon or item that could be used as a weapon.
 - b. Any drugs (prescription or otherwise).
 - c. Matches, lighters, or cigarettes (smoking is not allowed in cells).
 - d. Any item that could be used to tamper with a cell lock or assist in escape.
 - e. Money, checks, money orders, or other negotiable.
 - f. Any article that could be used in a self-destructive attempt.
 - g. Any article that could in any way be used to threaten or harm the facility, its occupants, or detainee care takers.
 - h. Any article that could be used to mar, deface, or otherwise damage the cells.

F. Cell Block Security

The safety of custodial officers and prisoners requires strict adherence to proper security measures. No prisoner, whether male, female, or juvenile, shall be allowed to roam around the cellblock or other areas in the police station. Officers shall inspect all cellblocks at the beginning of each shift. The cell check shall include searching for weapons and contraband, and shall include and observations of operation wear, defective equipment, and/or any hazards or potential dangers that could threaten security. Officers shall check cells for any unauthorized objects or problems prior to placing a detainee in the cell, and immediately after release.

Any unauthorized objects, paraphernalia, problems or potential hazards shall be recorded in the log and investigated by Officer in Charge.

1. Placing Prisoners in Cells

Whenever possible, prisoners should be placed in a cell by two officers and handcuffs should be removed.

2. Doors

The cellblock and cell doors shall remain open when no prisoners are in custody.

3. Entry into Cells

Officers shall not enter occupied cells while alone, unless for the purpose of releasing a prisoner or in the case of extreme emergency. Officers entering a cell under emergency circumstances shall notify the Officer in Charge, any officer in the station, and communications.

4. Unauthorized Items in Cell Block

No tools, culinary equipment, or other potentially dangerous items will be allowed in the cell block without prior approval of the Officer in Charge. Exceptions shall be noted and articles removed after use.

5. Prisoner Checks

Detainees will be physically (visually) checked every thirty (30) minutes, and monitored continuously by camera.

- a. If an officer is working alone and an arrest is made, a second officer shall be called in whenever possible.
- b. The officer called in shall report to duty ready for patrol duties.
- c. Suicidal prisoners will be checked every fifteen minutes.

6. Temporary Detention

At no time will any officer of this department leave a detainee unattended outside the confines of the holding facility. Whenever a detainee is held in any room, space or area outside the confines of the holding facility, he/she is to be under the continual, direct, personal supervision of an officer or who can immediately intervene on behalf of the department or the detainee.

G. Access to Cell Blocks/Police Personnel

Only those officers removing or placing prisoners in cells or providing a safety or security function may enter the cell blocks without the express permission of the Officer in Charge. No persons visiting detainees are allowed in the holding area at any time, unless specified in section "M" of this policy.

H. Incidents/Conditions Threatening the Holding Facility of Occupants

All members of the department shall report all incidents, conditions, or potential problems, including instances of operational wear that could pose a threat to the safety and/or security of the holding facility, prisoners, or staff.

1. Verbal Notification

An officer who has knowledge of such threatening condition or situation shall immediately report this information to the Officer in Charge. The Officer in Charge may close the cell(s) and the booking area if needed. A notice in the cell log will be made.

2. Written Report

After notifying the Officer in Charge, the officer or the Officer in Charge shall submit a written memo to the Chief of Police through the chain of command regarding the matter.

I. Emergency Evacuation Routes and Procedures

In the event of fire or other situation that presents a hazard or danger to those being held in the holding facility area, it shall be the responsibility of the Officer in Charge or in the absence of the Officer in Charge, the booking officer or any other officer present to oversee the safe evacuation of all prisoners.

The first obligation in an emergency evacuation of prisoners will be the safety of the prisoners. While important, the maintenance of custody must be secondary to the safe removal of prisoners from the area of danger.

1. The fire department will be immediately notified of any circumstance warranting emergency evacuation of the cellblocks.
2. Prisoners will be removed from their cells and handcuffed, if time and circumstances allow.
3. The Evacuation Plan for the Prisoner Processing and Holding Area shall be followed as part of this policy.
4. Prisoner Security after Evacuation: After prisoners have been removed from the holding facility, the following measures may be taken, depending upon the circumstances:
 - a. Prisoners shall be taken to a neighboring facility. The Wicomico County Sheriff's Department (WCSD) shall be utilized first, then Salisbury City Police if WCSD cannot accommodate the request.
 - b. Prisoners shall be transported to the Wicomico County Detention Center or Sussex Correctional Institution.

J. Prisoner Escapes

In the event a prisoner escapes from the Delmar Police Department while in custody, the Officer in Charge shall:

1. Immediately notify Communications
2. Attempt to recapture the prisoner using on duty personnel, and assistance from other agencies if needed.
3. Notify the Patrol Lieutenant and the Chief of Police.

In cases where a prisoner escapes. The Officer in Charge shall submit an incident report as soon as practical after the incident. In cases where the prisoner is suspected to have committed a crime involving personal injury, violence or is the suspect of domestic abuse, all means to contact the victim shall be accomplished.

Unless otherwise ordered by the Chief of Police, the holding facility shall be closed until such time as the investigation and causes of the escape can be determined, and the physical integrity of the holding facility can be assured. Maryland Prisoners shall be taken to the Wicomico County Detention Center and DE Prisoners shall be booked and at the Laurel Police Department.

If there are other detainees held in the holding facility at the time of the escape, then they shall be transported to WCSD as quickly as possible prior to closing the holding facility.

K. Detainees Rights

1. Length of Detention – Adults

Maryland Rule 4-212, section (e) and (f) provides defendants must be taken before a District Court Commissioner "... without unnecessary delay and in no event later than twenty-four hours after arrest." This pertains to defendants who are going to be charged on a Statement of Charges. If a defendant is going to be released on an Adult Uniform Criminal Citation after certain criteria is met, then the defendant will be released immediately after the entire Booking Process is complete (Fingerprint, Photograph, etc.)

Delaware Title 11, Chapter 19 sub section 1909 (a) provides if not otherwise released, every person arrested shall be brought before a magistrate without unreasonable delay, and in any event the person shall be so brought within 24 hours of arrest, unless the court, for good cause shown, orders that person be held for a further period not to exceed 48 hours.

It is the department's goal prisoners should not be held in a holding facility for more than six (6) hours. However, the department recognizes there are periods when this goal is unattainable because of excessive workload or

unavailability of transportation officers. In cases where an adult prisoner must be detained in a holding facility longer than six hours, the Officer in Charge must briefly note the reason in the prisoner cell log. No negative consequences will accrue to booking personnel or police supervisors for detention of adults in excess of six hours, as long as there is a justifiable reason that is documented in the prisoner cell log.

2. Length of Detention – Juveniles

Juveniles may not be held in excess of six hours without authorization from the Department of Juvenile Services, Division of Family Services or a court.

3. Opportunity to Make Bail

A prisoner's opportunity to make bail will not be impeded by department employees.

4. Confidential Access to an Attorney

The department is not obligated to permit attorney access to a holding facility detainee unless the detainee specifically requests access to an attorney. If a detainee makes such a request, then the detainee is entitled to, and the department will permit, confidential access to the attorney while the detainee is confined in a holding facility. Such visits will be limited and consistent with the need for prisoner security.

Booking personnel or a police officer will search visiting attorneys and relieve them of potential weapons prior to entering the processing or holding area. Anyone who refuses to allow themselves to be searched will not be permitted access to the prisoner or the holding facility under any circumstances. In addition, booking personnel will record the name and identity of the visiting attorney in the prisoner log, and the times in and out of the facility.

5. Prisoner Access to Telephone

Detainees are entitled to reasonable use of the telephone. No long distance calls will be allowed unless prior arrangements are made for the charges to be reversed. If the prisoner is unable to complete the call without assistance, booking personnel will provide assistance. If the prisoner wants to call someone but is unable to communicate effectively, the arresting officer should make the call and provide a responsible adult with sufficient details to assist the detainee.

6. Monitoring/Recording Telephone Calls

The Delmar Police Department monitors and records all out-going telephone calls, including those by detainees.

7. Prisoner Meals

Three meals will be provided to prisoners during each 24-hour period (0600 hours, 1200 hours, and 1800 hours) Meals will be provided to prisoners, during these times, that are held over 6 hours (except, if needed, prisoners suffering from diabetic medical issues). All meals furnished to prisoners will be at the expense of the department, and will be obtained from authorized restaurants.

L. Video/Audio Recording & Monitoring

The prisoner processing and holding facility, including the garage, booking area, and cellblock detention area are video monitored, and recorded. In addition to video monitoring, the interview room in the processing area is also audio monitored.

Video/audio monitoring shall be used to ensure the safety and security of prisoners; and the officers handling them. It is not intended for and will not be used to violate the personal privacy of prisoners.

M. Non-Essential Persons in Booking Area

Only those persons authorized by the Chief of Police, or his designee, may enter into the secure booking area while a prisoner is in custody.

1. Persons affiliated with law enforcement, medical services, or an attorney retained by the arrestee, are essential for the purposes of this section.

If an attorney is retained and wishes to see the detainee, he shall be permitted to do so. The detainee shall not be released from the cell, nor shall the attorney be permitted to enter the cell. The attorney shall be instructed to contact the Officer in Charge or booking officer when he/she wished to leave. An officer will leave the attorney with the client alone, but shall monitor the conversation via camera for safety purposes only. For safety reasons, the attorneys request may be denied by the Officer in Charge if any threat, security risk, or conditions involving any detainee or the facility exist. The visit shall be documented in the cell log.

2. Non-essential persons are custodial staff, repair persons, etc.
3. Visitors are not allowed in the holding area when occupied.

N. Provisions of Medical Services

- A. If an officer becomes aware of an illness or injury of a detainee, the Delmar Fire Department Emergency Medical Services' will be called at all times, no matter what the complaint, or the level of seriousness. If a detainee requires immediate medical attention and needs to be transported by an ambulance to a hospital, the following guidelines will be followed:

1. An officer shall accompany the prisoner in the ambulance, being alert for any attempts of the prisoner to steal implements that may be used as weapons, or to take medical personnel as hostages, or to escape. Officers are reminded that the lack of obvious physical injury does not preclude the possibility of serious or life-threatening trauma.
 2. On arrival at the medical facility, the officer shall make a reasonable effort to segregate the prisoner from other patients and limit access to necessary medical personnel only. The officer should consider the safety of both the prisoner and the public. He/She shall take the appropriate measures to ensure the safety of medical personnel, other patients, and other people, not only at the medical facility, but also during transport, and elsewhere. The officer should make prior arrangements with the medical facility, notifying the security division.
 3. The transporting officer must use discretion as to the use of restraining devices. Obviously, if a prisoner is injured or sick enough to be totally incapacitated, restraining devices may not be appropriate. It is left to the officer's discretion as to when to use restraining devices in these particular situations.
- B. Under no circumstances will an officer of the Delmar Police Department directly dispense any pharmaceuticals or other medication, including any over the counter medication, to a detainee. If a detainee needs medications, officers shall contact Delmar EMS to assist them in taking any prescription as prescribed on the medicine label, following all warnings. Dosages shall not be exceeded. Detainees who appear to be intoxicated, on other drugs or narcotics, or seem otherwise not suitable for taking their medications shall not be allowed to do so. Examples of this would be a detainee who is suicidal, or potentially suicidal.
- C. An incident report will be created each time a detainee is assisted in taking prescribed medicines. The incident shall include the medicine, dosage, date and time of the dosage, and detail of who assisted. Conversely, an incident report will be created if the medicine was requested by the detainee, but not given due to factors, such as intoxicants.



Evacuation Plan for Processing and Holding Area

IN THE EVENT THAT THE PRISONER PROCESSING AND HOLDING AREA HAS TO BE EVACUATED THE FOLLOWING STEPS SHALL BE TAKEN.

1. COMMUNICATIONS SHALL NOTIFY ALL ON DUTY PERSONNEL WHO SHALL REPORT TO THE PROCESSING & HOLDING AREA IMMEDIATELY.
2. OFFICERS WILL REMOVE ALL PERSONS FROM THE CELLS EXITING OUT THROUGH THE SALLY PORT
IN THE EVENT THE SALLY PORT IS IMPASSABLE, EXIT WILL BE THROUGH THE SQUAD ROOM AND OUT THE EXIT DOOR ON THE EAST SIDE OF THE FACILITY.

