

Standards for Monitoring Human Rights of People in Police Lockups

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Despite the fact that every year a large number of persons are detained in police cells, little is known about who is detained in them, for what reasons, the circumstances they are held in and the conditions they experience. There are no statistics published on a regular basis. Nor are police cells subject to regular external scrutiny or annual reporting. There are no official visitors of police cells as there are in the prison system. Mostly invisible to the public eye, it is generally only when a death occurs in police custody and through coronial findings that police cells come to the public's attention (Office of Police Integrity, 2006, p. 16).

Introduction

A police lockup is neither a jail nor a prison. Based on the federal Prison Rape Elimination Act of 2003 (P.R.E.A.), a police lockup is a temporary holding facility of a federal, state, or local law enforcement agency used to hold suspects waiting for interrogation, arrest processing, transfer to jail or for other administrative procedures, or juveniles pending parental custody or shelter placement (Layman & McCampbell, 2007). A police cell is any room within a police lockup used or intended to be used for forced detention of an adult for longer than eight hours until such time as [s]he is released, bailed, or arraigned (Municipal Police Institute, n.d.). Yet, in some police stations, a police cell is differentiated from a holding cell. A police cell is primarily understood as a cell to accommodate detainees who have not been brought before a court; such detainees can be referred to as pre-charge suspects--they have not yet been charged with any crime. As for a holding cell, it is understood as a cell for detainees who have made a first appearance in court but whose cases have been postponed for one reason or another; such detainees are called trail awaiting prisoners (Ruppel & Groenewaldt, 2008). However, in practice, pre-charge suspects and trail awaiting prisoners are incarcerated together, resulting into overcrowded police cells.

Various police lockup inspection reports in different countries document unsuitable detention conditions and treatments of detainees in police lockups including: overcrowding and long stays for persons in police cells, substandard physical conditions and design faults, lack of access to health and mental health care, vulnerable persons being inappropriately held in police cells, abuse of detainees, poor sanitary conditions, lack of adequate accommodation, juveniles being held with adults, and absence of consistent training in duty of care and custodial role of police lockup staff (Dissel & Ngubeni, 2000; H.M. Inspectorate of Prisons & HM Inspectorate of Constabulary, 2008; Office of Police Integrity, 2006; Rosenbaum & Collins, 2002; Ruppel & Groenewaldt, 2008; Walters, 2006). Thus, the monitoring of conditions of detention in police lockups is important because first, persons in police custody are mostly pre-charge suspects. Second, having temporarily lost their freedom, detainees have limited recourse to any remedy or assistance. Third, as human beings, their basic human rights have to be upheld and protected. Fourth, police view themselves less in the role of custodians than in that of law enforcers.

Considering that many police appear reluctant to perform their custodian role, one could understand difficulties or scruples they have to humanely treat suspects in their custody, and consequently the potential abuses detainees can experience in a police lockup. It is difficult to imagine the police respecting the human rights of detainees without an external monitoring system. Then, the question would be to know who should monitor police lockups to see if their human rights are respected.

The *United Nations Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment* of 1988 states that “Places of detention shall be visited regularly by qualified and experienced persons appointed by and responsible to a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.”¹ Yet, in contrast to prison systems, there is a lack of inspection programs of police lockups in many countries (Office of Police Integrity, 2006). Very few countries have independent agencies to monitor conditions of persons in police lockups. In countries such as Scotland, United Kingdom, Namibia and Australia, there are independent inspectors of police lockups or volunteer community members who visit and report on detention conditions of persons in police lockups. Public and community efforts are needed to effectively monitor and protect the human rights of detainees in police lockups, who are mostly invisible to the public eye. Human rights advocacy groups, civil rights organizations, police accountability groups, and other community-based organizations have a central role to play in the monitoring of police lockups. Some of these organizations have long experiences of advocating for prison reforms and monitoring prisons. Such experiences would be very helpful in addressing issues of violations of the human rights of persons in police custody.

The treatment of people in police lockups is a major human rights issue because most people in police custody have not been found guilty of any crime and convicted. The problems they face in police lockups concern infringements of their human rights, mainly the right to privacy, the right to be treated with dignity when deprived of liberty, and the right to health (S.C.O., 2009). The United Nations Organization, the U.S. Constitution, and most states’ laws uphold certain rights available to detainees while at a police holding facility. Though police lockup standards may vary from one state to another, or from one police department to another, they are grounded on international human rights standards stipulated in various documents including the *Universal Declaration of Human Rights* of 1948, the *United Nations Standard Minimum Rules for the Treatment of Prisoners* of 1955, the *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment* of 1984, the *United Nations Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment* of 1988, and the U.S. Constitution. Principle 1 of the *United Nations Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment* states that “All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person,” whereas Principle 6 states that “No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Three important convergent points are upheld in the policy and standards of most police departments in the world regarding treatment of detainees: a) police departments shall operate a safe and sanitary lockup facility in compliance with state and local codes and regulations; b) they shall care for detainees, being attentive to their security and medical needs; and c) they shall provide special care for juveniles, separate from adults and only in approved facilities.

The following checklist of standards against which the human rights of people in police lockups can be monitored is based on standards set out in: the United Nations conventions and protocols regarding treatment of detainees; the P.R.E.A.; and standards and policies of treatment of

¹ United Nations Organizations (1988). *Body of principles for the protection of all persons under any form of detention or imprisonment*, principle 29. Retrieved from <http://www.un.org/documents/ga/res/35/a35r178e.pdf>

detainees in police departments in the U.S.A., the United Kingdom, the European Union, Australia, and some African countries. The human rights framework used to develop this checklist is made of eight key areas adapted from a set of standards developed by the Office of Police Integrity (Kamolins & Tait, 2008; Office of Police Integrity, 2008). The checklist¹ is neither comprehensive, nor prescriptive. It should be considered just a guideline for human rights advocacy groups, civil rights organizations, police accountability groups, and other community-based organizations that are engaged or plan to engage into the work of monitoring the adequate treatment of people in police lockups. Some of these organizations have long experiences of advocating for prison reforms and monitoring prisons, and such experiences would be very helpful in addressing issues of violations of the human rights of persons in police custody.

Checklist of Standards

The following eight main areas of standards could be considered for monitoring human rights of people in police lockups: 1) detainee safety; 2) detainee accommodation; 3) detainee medical/mental health; 4) food; 5) detainee psychological well-being; 6) detainee discipline and restraint; 7) treatment of detainees with specific needs; and 8) awareness of lockup facility staff about detainees' human rights.

1. Detainee Safety

- *Police shall take steps to ensure detainees' safety and wellbeing.*
- *Officers shall be held strictly responsible for the safe custody of the detainees under their care and this responsibility is theirs at all times.*
- *Suspects shall be treated in a fair and humane manner, and the rights to which they are entitled shall be respected.*²
- *A system of screening and housing detainees based on objective, behavior-based criteria is an important component of providing a reasonably safe environment.*³
- *In an emergency evacuation of detainees, the maintenance of custody must be secondary to the safe removal of detainees from the area of danger.*⁴

Indicators

- The lockup facility complies with federal, state and local health, life and fire safety codes.⁵
- Prior to admission into a police cell, detainees are assessed in relation to risks including mental health, suicide, criminal history and potential for sexual violence, and vulnerability for victimization.⁶
- Detainees are provided with information in a format they can understand about the reason for their detention and their rights and responsibilities.⁷ They are notified of their right to

¹ Most of the standards suggested in the checklist are applicable to detainees in any other type of jail apart from police lockups.

² Boston Police Department (1995, May). *Rules and procedures—Rule 318: Prisoners*, p. 1. Retrieved from <http://www.cityofboston.gov/police/pdfs/rule318.pdf>

³ Rosenbaum, R. S., & Collins, J. G. (2002, April 2). *Holding cell findings letter*. Michigan: Detroit Police Department, p. 12. Retrieved from http://www.justice.gov/crt/split/documents/dpd/detroit_4_4.php

⁴ Truro Police Department (2008). *Truro police department manual: Holding facility and prisoner processing*, p. 11.

⁵ Oklahoma State Department of Health (2005). *Jail standards—Standards for lockup facilities*, p. 11.

⁶ Layman, E. p., & McCampbell, S. W. (2007). *The Prison Rape Elimination Act of 2003 and law enforcement agencies: Policy development guide*, p. 10.

⁷ Office of Police Integrity (2008, December). *Policing and human rights – Standards for police cells*, p. 4. Retrieved from <http://www.opi.vic.gov.au/index.php?i=22>

- be safe while in custody as well as the prohibited acts and ways to report allegations.
- ❑ Security and wellness checks of detainees are conducted on a regular basis.
 - ❑ A surveillance system of detainees (video monitoring, visual line-of-sight, etc.) is in place, regularly maintained and checked to ensure it is in good working order.¹
 - ❑ The video/audio monitoring is used to ensure the safety and security of detainees; it is not intended for and is not to be used to violate the personal privacy of detainees.²
 - ❑ The use of close circuit television to visually monitor holding cells in which persons are detained is an adjunct to, and not a substitute for, actual physical supervisory visits by police staff responsible for the lockup.³
 - ❑ 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.*”⁴
 - ❑ There is a close monitoring of any detainee who exhibits any intent toward suicide, and an appropriate medical personnel is dispatched to the scene to make an evaluation as to whether medical treatment is required or whether the detainee should be hospitalized.⁵
 - ❑ There is an adequate number of holding cells to separate detainees for their safety.
 - ❑ The holding cells are equipped with functional automatic smoke detection devices and fire suppression equipment approved by local and state fire officials.⁶
 - ❑ Emergency evacuation route signs that comply with the Fire Safety Code are posted in the lockup facility.⁷
 - ❑ A system for detainees to alert employees of the lockup of an emergency is available and known to detainees.⁸
 - ❑ There is a zero tolerance policy for staff sexual misconduct with detainees, and sexual contact or violence between detainees.⁹
 - ❑ Prior to booking a suspect in a holding cell, attempt is made to determine if the suspect is under any prescribed medication, and ensure that the medication accompanies the suspect in sufficient quantity to cover the anticipated time in the lockup.¹⁰
 - ❑ No detainees may be held in a police lockup facility beyond the length of time permitted by the state’s law.

2. Detainee Accommodation

- *All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.*¹¹

¹ *Ibidem*, p. 5.

² Truro Police Department, *op. cit.*, p. 3.

³ New York State Commission of Correction (2009). *Adult lockup management manual*, section 7504-01. Retrieved from www.scoc.state.ny.us/pdfdocs/lockupmanual_2_09.pdf

⁴ Municipal Police Institute (n.d.). *Holding facility. Policy and procedure No. 3.02*. Massachusetts Police Accreditation Standards, p. 5. Retrieved from www.municipalpoliceinstitute.org/.../3.02%20Holding%20Facility.doc

⁵ Boston Police Department, *op. cit.*, p. 9.

⁶ National Law Enforcement Policy Center (1995). *Lockups and holding facilities: Model policy*. IACP, p. 2.

⁷ Oklahoma State Department of Health (2005). *Jail standards – Standards for lockup facilities*, p. 5.

⁸ Layman, E. p., & McCampbell, S. W. (2007). *The Prison Rape Elimination Act of 2003 and law enforcement agencies: Policy development guide*, p. 11.

⁹ National Prison Rape Elimination Commission (n.d.). *Standards for the prevention, detection, response, and monitoring of sexual abuse in lockups*, p. 6. Retrieved from www.mopca.com/members/documents/vol3/MODLOCKU.doc

¹⁰ Baltimore City Policy Department, (1997, September). *General Orders--Persons in Police Custody: General Responsibilities*, p. 3. Retrieved from www.aele.org/law/2009all10/baltimore-transport.pdf

¹¹ See United Nations Standard Minimum Rules for the Treatment of Prisoners, article 10.

- *The physical conditions of the holding cells and the lockup facility provide for the humane treatment of detainees.*
- *Detainees are provided with an appropriate standard of accommodation that ensures the respect of their human rights, and balances individual rights with the rights of others.*¹

Indicators

- Holding cells are clean, kept at a comfortable temperature and well ventilated.²
- Heating systems in the holding facility are capable of maintaining a range of temperature between 65 degrees Fahrenheit and 80 degrees Fahrenheit.^{3 4}
- All cells and living areas have at least forty (40) square feet of floor space for the initial detainee and at least twenty (20) square feet of floor space for each additional detainee occupying the same cell. Double-celling of detainees is permitted if there is at least sixty (60) square feet of floor space for two (2) persons.⁵
- Detainees have access to natural light during the day and access to artificial lighting in the evening.
- Cells are clean, free from hanging points and have a basin with access to drinking water and a toilet in working order.
- Items to meet detainees' basic needs such as toilet paper and sanitary products are routinely available unless their removal can be justified by an individual risk assessment.⁶
- Detainees who need a shower for decency and good hygiene reasons are able to take daily warm showers in clean conditions that allow for privacy.
- Detainees are provided with toilet articles including toilet paper, soap, and oral hygiene equipment on a regular basis.
- Detainees have access to an operable lavatory with hot and cold potable water on a 24-hour a day basis.^{7 8}
- Women are routinely offered suitable sanitary items.
- Detainees held for more than 24 hours are allowed to receive visits in a welcoming and comfortable environment.⁹
- A stock of suitable reading material, including newspapers, religious texts and material in relevant languages should be available to detainees.
- Immigration detainees are only held in police custody for the minimum period possible.
- There is one person per cell overnight.¹⁰
- Each detainee held in excess of eight hours, and for the night, has clean bedding suitable for the climate.
- A standard issue of bedding include an approved mattress with a cleanable surface, and enough clean blankets to provide comfort under the existing weather conditions.¹¹
- Detainees with no family or local support who need a change of clothing are offered basic

¹ Office of Police Integrity (2008), *op. cit.*, p. 5.

² Office of Police Integrity (2008), *op. cit.*, p. 5.

³ Oklahoma State Department of Health, *op. cit.*, p. 17.

⁴ Ohio Department of Rehabilitation and Correction (2003, January). *Minimum Standards for Jails in Ohio*, p. 19. Retrieved from www.drc.ohio.gov/web/ThirtyTwoHourStandards2003-01.pdf

⁵ *Ibidem*, p. 20.

⁶ H.M. Inspectorate of Prisons & H.M. Inspectorate of Constabulary (2008). *Report on an inspection of police custody suites in Gloucestershire*, p. 29.

⁷ Municipal Police Institute, *op. cit.*, p. 5.

⁸ Ohio Department of Rehabilitation and Correction, *op. cit.*, p. 21.

⁹ H.M. Inspectorate of Prisons & HM Inspectorate of Constabulary (2008), *op. cit.*, p. 29. Retrieved from <http://www.justice.gov.uk/inspectors/hmi-prisons/docs/gloucester-pcs-2008-rps.pdf>

¹⁰ Office of Police Integrity (2008), *op. cit.*, p. 5.

¹¹ Oklahoma State Department of Health, *op. cit.*, p. 15.

- clothes, including a change of underwear.¹
- Efforts are made to ensure that no detainee is transferred from a station to a court, or elsewhere, without decent clothes.²

3. Detainee Medical/Mental Health

- *Detainees are held in a clean environment that enables them to maintain self respect and provides for their physical and mental health, and well-being.*³
- *Effective intake and screening procedures are crucial to the early identification of medical and mental health issues and thereby the prevention of injury, illness, and death among detainees.*⁴
- *Early identification of individuals with infectious diseases is critical to providing adequate healthcare and preventing the spread of disease.*
- *A police lockup facility is not intended for or equipped to handle detainees who require immediate or sustained medical attention.*⁵

Indicators

- Written policies and procedures for complete emergency medical and health care services are developed and implemented.⁶
- The lockup facility complies with state and local sanitation and health codes.
- When occupied, the lockup facility is cleaned on a daily basis in accordance with routines and procedures established by the holding facility management.⁷
- Any condition conducive to harboring or breeding insects, rodents or other vermins are eliminated immediately.
- Periodic inspections are conducted to identify any conditions that are unsanitary or conducive to infestation by vermin, and provide time frames for correction or recommendations for facility improvements necessary to rectify the problem.⁸
- Detainees should always be asked if they would like to see a doctor on admission.⁹
- Every detainee who appears to be physically incapacitated due to drug or alcohol intoxication should preferably be examined by a physician.¹⁰
- Detainees should be able to continue to receive any prescribed clinical management for drug dependency while in custody.¹¹
- Detainees who meet the criteria for emergency psychiatric evaluation are transported immediately to the appropriate medical facility, with the supportive documentation.¹²
- Detainees held for more than 24 hours have access, for at least an hour a day, to an outdoor exercise yard that provides shelter from the weather.¹³
- A first aid kit is available within the holding facility and contains material necessary for light emergency medical treatment.

¹ *Ibidem*, p. 15.

² Boston Police Department, *op. cit.*, p. 10.

³ Office of Police Integrity (2008), *op. cit.*, p. 6.

⁴ Rosenbaum, R. S., & Collins, J. G., *op. cit.*, p. 7.

⁵ National Law Enforcement Policy Center, *op. cit.*, p. 2.

⁶ Oklahoma State Department of Health, *op. cit.*, p. 18.

⁷ National Law Enforcement Policy Center, *op. cit.*, p. 5.

⁸ *Ibidem*, p. 4.

⁹ H.M. Inspectorate of Prisons & H.M. Inspectorate of Constabulary, *op. cit.*, p. 47.

¹⁰ New York State Commission of Correction, *op. cit.*, section 7503-1.

¹¹ H.M. Inspectorate of Prisons & H. M. Inspectorate of Constabulary, *op. cit.*, p. 55.

¹² Baltimore City Policy Department, *op. cit.*, p. 3.

¹³ Office of Police Integrity (2008), *ibidem*.

- Any detainee in need of medical attention is examined by a qualified health practitioner.
- Efforts are made to ensure medical treatment for a detainee is obtained, when necessary, at the nearest emergency medical facility.
- No detainee who has injuries or illnesses that require hospitalization or attention of a health care professional is booked into a police lockup facility or otherwise held for interrogation or other purposes.¹
- When a detainee is unconscious, every effort is made to restore consciousness and medical assistance is summoned.²
- The police lockup has a memorandum of agreement or similar documentation with local emergency medical providers for the care of detainees, and also has specific procedures for detainee suicide prevention.³

4. Food

*Detainees are provided with quality food that takes into account individual religious or dietary needs, is of good nutritional value, and is well prepared and presented.*⁴

Indicators

- Each detainee is provided at least three (3) meals every twenty-four (24) hours that meet the national recommended allowance for basic nutrition.
- There shall not be more than fourteen (14) hours between the breakfast and the evening meals.⁵
- Detainees' food is palatable, of good nutritional value and supplied in sufficient quantities with additional food available on reasonable request.⁶
- Detainees are provided with drinks between meals at least three times a day.
- Special dietary requirements including religious, cultural or health needs are catered for.⁷
- Food is not used as a reward or punitive action, nor is the menu varied for the same reason.⁸

5. Detainee Psychological Well-Being

- *All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.*⁹
- *Persons in detention shall be subject to treatment appropriate to their unconvicted status.*¹⁰
- *The conduct of custodial officers provides a good role model for detainees and encourages detainees to have self-respect and a sense of responsibility.*¹¹

Indicators

- Detainees are treated with dignity and respect.
- Detainees are protected from torture and cruel, inhuman treatment.

¹ National Law Enforcement Policy Center, *op. cit.*, p. 3.

² Boston Police Department, *op. cit.*, p. 2.

³ Layman, E. p., & McCampbell, S. W., *op. cit.*, p. 11.

⁴ Office of Police Integrity (2008), *op. cit.*, p. 6.

⁵ Oklahoma State Department of Health, *op. cit.*, p. 4.

⁶ Office of Police Integrity (2008), *ibidem*.

⁷ *Ibidem*.

⁸ Oklahoma State Department of Health, *op. cit.*, p. 17.

⁹ United Nations Organizations (1988). *op. cit.*, principle 1.

¹⁰ *Ibidem*, article 8.

¹¹ Office of Police Integrity (2008), *op. cit.*, p. 7.

- ❑ At all times, custodial officers act professionally and with integrity to maintain and uphold the human rights of detainees.¹
- ❑ Female detainees are separated by sight, sound, and touch from male detainees, and a regularly appointed matron or other qualified person is called whenever a female detainee is to be searched.²
- ❑ On admission, detainees are given written information about details of visits, fire safety procedures, meals, how to make requests or complaints and other basic entitlements and amenities.
- ❑ Detainees have access to legal counseling; they have access to their lawyers, without restriction to the number or length of visits.
- ❑ When a detainee has retained counsel he/she is allowed to consult with the counsel in a secured area, within the sight of, but not within hearing of an officer assigned for that purpose.³
- ❑ Each detainee has reasonable access to telephones and letter writing facilities to contact legal representatives and family.
- ❑ As soon as practicable after being taken into custody, each detainee has the opportunity to communicate with his/her family or friends about their whereabouts, or to arrange for release on bail, or to engage the services of an attorney.
- ❑ Clean rooms are available for visitors to meet privately with detainees.
- ❑ Where a decision has been made to conduct search, officers conducting the search have regard to the privacy and dignity of the detainee.
- ❑ Detainees who do not read or speak the language in use in the precincts, or those who are deaf or hearing impaired, have access to translated information or an interpreter and receive information about the reason for their detention and the lockup rules in a format they understand.⁴
- ❑ At night, custodial officers try not to wake detainees who are sleeping and refrain from turning on lights and loudly opening or closing doors.
- ❑ Detainees who want to make a formal complaint about their arrest or treatment are allowed to do so while in custody, and they should be given information about how to complain about treatment by police.⁵
- ❑ Efforts are made to providing suitable specialist immigration advice and assistance for immigration detainees.
- ❑ Detainees are allowed to participate in a police custody survey that may be conducted by an external service to the police with the goal of improving treatment received in custody.
- ❑ Whenever possible detainees who are in detention for more than a day are allowed to have access to fresh air for one hour per day, particularly where cells have no access to fresh air and/or natural light.⁶

6. Detainee Discipline and Restraint

- *Detainees are protected from degrading treatment or punishment.*⁷

¹ Office of Police Integrity (2008), *op. cit.*, p. 7.

² New York State Commission of Correction, *op. cit.*, section 7504-1.

³ Boston Police Department (1995, May), *op. cit.*, p. 10.

⁴ *Ibidem*, p. 8.

⁵ H.M. Inspectorate of Prisons & H.M. Inspectorate of Constabulary, *op. cit.*, p. 57.

⁶ Office of Police Integrity (2006, July). *Conditions for persons in custody*. Report of Ombudsman Victoria and Office of Police Integrity. Australia: Melbourne, p. 56. Retrieved from <http://www.opi.vic.gov.au/index.php?i=22>

⁷ United Nations Organizations (n.d). *Body of principles for the protection of all persons under any form of detention or imprisonment*, principle 6.

- *The degree of force used should be the minimum required to control or manage detainees' behavior.*
- *Force should be used as a means of control, and not as a method of punishment; it should be discontinued as soon as practicable and alternatives to force such as negotiation and conflict resolutions techniques wherever possible should be used.*¹

Indicators

- Efforts are made to ensure that all detainees being held at the police lockup are aware of the facility rules and the consequences of breaching them.
- Standard information about the police lockup rules is displayed in reception areas of the police lockup so it is visible to detainees and also securely displayed on the wall within internal yards.
- Any alleged breach of a police lockup regulations is adequately investigated, and a detainee who is alleged to have breached a rule is given the opportunity to be heard in any investigation into the breach. Where an investigation establishes that a breach has occurred, the person is dealt with in accordance with the law.²
- Any restriction on the personal rights or freedom of a detainee is only made after the officer in charge has decided such restriction is necessary for the safety of the individual or others or for the orderly conduct of the cell complex.³
- A detainee is only subject to restraint if restraint is authorized by the officer in charge and, if the officer in charge believes restraint is necessary to secure the safe transfer of the detainee; or the officer in charge believes on reasonable grounds that:
 - exceptional circumstances exist; and
 - restraint is necessary to prevent an assault or injury to any person or substantial damage to property.⁴
- Only restraints authorized for use are applied (handcuffs or a restraint waist belt).⁵
- Where a restraint is applied to a detainee, policies and procedures are complied with including appropriate recording and documentation.
- Police lockup staff do not strike or lay hands on a detainee unless it be in self defense, to prevent escape or serious injury to person or property, or to effect detention. In such cases, only the amount of physical force to accomplish the desired result is authorized.⁶
- Detainees who are intoxicated or under the influence of a controlled substance are housed separately from other detainees until such time as the medical authority or the lockup facility administrator determines their suitability for placement with others.⁷

7. Treatment of Detainees with Specific Needs.

- *Every person is equal before the law and has legal protection to enjoy his or her human rights without discrimination.*⁸
- *Particular efforts shall be made to protect the rights of children and young people in a police lockup.*

¹ Office of Police Integrity (2006), *op. cit.*, p. 50.

² Office of Police Integrity (2008), *op.cit.*, p. 8.

³ *Idem.*

⁴ *Idem.*

⁵ *Ibidem*, p. 9.

⁶ New York State Commission of Correction, *op. cit.*, section 7507-1.

⁷ Oklahoma State Department of Health, *op. cit.*, p. 14.

⁸ Office of Police Integrity (2008), *op. cit.*, p. 9.

- *Detainees with health and mental health needs must be provided with appropriate services and assistance.*

Indicators

For children and young people

- Children and young people are detained in police custody as a last resort and for the shortest possible time.¹
- Particular effort is made to contact a responsible family member or lawful guardian of the child or young person and facilitate the attendance at the police station of the family member or guardian.
- Children and young people in police custody are segregated by sight, sound, and touch from adult detainees.
- Young people under 18 should be held in appropriate well supervised accommodation and dealt with taking into account their legal status and vulnerabilities as children, including an awareness of child protection issues.²
- The treatment of children and young people should go beyond procedural compliance and address more fully the distinctive needs of young people in custody.³

For detainees with health needs⁴

- Custody officers are familiar with procedures for contacting appropriate health care professionals.
- Detainees who become unconscious require immediate medical attention or are considered at high risk of harming themselves or others are immediately transferred to a prison, secure health facility or other appropriate health care facility.
- Detainees who require less urgent medical attention and who are waiting for a health examination are monitored at least every 15 minutes, or as otherwise prescribed by a health care professional.
- Detainees suffering serious medical or mental health conditions are transferred to an appropriate health care facility.
- Detainees who are assessed as suffering from a serious medical condition are not held in police cells overnight.
- Detainees with pre-existing medical conditions have access to their prescribed medication and, where practicable, access to their current treating medical practitioner.
- Detainees requiring medication have access to appropriately prescribed, dispensed and administered medication by a medical practitioner, pharmacist or nurse.
- Detainees undergoing any special drug treatment continue to receive treatment administered by an appropriate health care professional.
- Medical advice is obtained for detainees appearing to withdraw from drug or alcohol addiction.
- Drug or alcohol addicted or affected persons are monitored in accordance with their physical condition and conscious state. In-cell contact with an intoxicated person or a person withdrawing from drugs or alcohol takes place at least every half hour, until the person responds to verbal prompting and is properly oriented in time and place.
- Under no circumstances will officers whose primary goal was to proceed with the investigation of their case take advantage of drug or substance users' vulnerable state

¹ *Ibidem.*

² H.M. Inspectorate of Prisons & H.M. Inspectorate of Constabulary, *op. cit.*, p. 58.

³ *Ibidem*, p. 59.

⁴ Office of Police Integrity (2008), *op. cit.*, p. 10.

during withdrawal while in detention.¹

- Reasonable accommodations are made for any handicapped detainees.
- Any detainee who appears to be mentally ill is monitored continuously until he or she has been examined by a doctor or qualified mental health practitioner.
- A register is kept of any in-cell contact, including the time and duration of the contact, the custodial officers involved and the results of observations about the condition of any person who appears to be mentally ill or who is intoxicated.
- Any person apprehended by police and assessed as having a mental illness by a registered mental health practitioner is transferred to an appropriate health care facility as a matter of urgency.

8. Awareness of Lockup Facility Staff about Detainees' Rights

Police officers responsible for a lockup facility must be trained about its operations, its policies, and the human rights of detainees.

Indicators

- All personnel who work directly in holding facility duties shall be familiar with and receive initial training, and every three years, retraining in the following: safety and security procedures, holding facility operations, supervision and physical restraint of detainees and such other matters consistent with assigned responsibilities, or deemed necessary by the holding facility supervisor.²
- No person may be designated as a booking officer unless they have been adequately trained in the operation of the lockup facility.
- Any police employee assigned to the police lockup, - full-time or part-time – are appropriately trained for preventing suicide of detainees in the lockup.
- Custody staff should receive specialist self-harm training that takes into account the needs of specific groups and individual risk.³

Conclusion

Monitoring that the human rights and the standards for decent custodial conditions in police lockups are complied with is critical in ensuring accountability and in attending to early warning signs of bad treatment of persons in police custody (Ruppel & Groenewaldt, n.d.). For Kamolins and Tait (2008), an effective monitoring to protect human rights of people in police custody calls for a multi-faceted approach. Thus, it is important to raise awareness of human rights of detainees among police officers. Likewise, it is important for police sections that set rules and policies in the department to re-examine their standards and procedures of treatment of people in custody. Any set of human rights standards will not have the expected outcomes without a transparent monitoring of detainees from outside the police. An appropriate way for human rights activists to contribute to the improvement of the detention of suspects in police custody is to advocate for appropriate training and professional development for officers and associates working in police lockups. It is expected that this checklist of human rights standards would serve as a basis for a constructive dialogue between the police and community-based bodies committed to monitor police lockups and jails, with a view to help improve physical conditions at police lockups as well the general state of health and well-being of detainees.

¹ MacDonald, M. et al., (2007, November). *Servizi a Favore di Persone con Uso Problematico di Alcol e Droghe in Stato di Arresto. Studio Comparativo tra Alcune Nazioni dell'Unione Europea*, p. 11. Retrieved from http://www0.bcu.ac.uk/crq/Executive_Summary_Italy_FV.doc

² National Law Enforcement Policy Center, *op. cit.*, p. 2.

³ H.M. Inspectorate of Prisons & HM Inspectorate of Constabulary, *op. cit.*, p. 59.

References

- Baltimore City Police Department (1997, September). *General orders - Persons in police custody: General responsibilities*. Maryland: Baltimore. General Order K-14. Retrieved from www.aele.org/law/2009all10/baltimore-transport.pdf
- Benicia Police Department (n.d.). *Holding facility - Policy and procedures*. 2008-2009 Grand Jury Report. Retrieved from www.solano.courts.ca.gov/materials/beniciapd.pdf
- Boston Police Department (1995, May). *Rules and procedures – Rule 318 – Prisoners*. Retrieved from <http://www.cityofboston.gov/police/pdfs/rule318.pdf>
- H.M. Inspectorate of Prisons & HM Inspectorate of Constabulary (2008). *Report on an inspection of police custody suites in Gloucestershire*. Retrieved from <http://www.justice.gov.uk/inspectors/hmi-prisons/docs/gloucester-pcs-2008-rps.pdf>
- Kamolins, L. & Tait, S. (2008, December). *Protecting human rights for people in police custody*. Paper presented at the Australasian Human Rights and Policing Conference, Australia: Melbourne. Victoria--Office of Police Integrity. Retrieved from www.opi.vic.gov.au/file.php?i=66
- Layman, E. p., & McCampbell, S. W. (2007). *The Prison Rape Elimination Act of 2003 and law enforcement agencies: Policy development guide*. The Center for Innovative Public Policies, Inc.
- MacDonald, M. et al., (2007, November). *Servizi a favore di persone con uso problematico di alcol e droghe in stato di arresto: Studio comparativo tra alcune nazioni dell'Unione Europea*. Retrieved from http://www0.bcu.ac.uk/crq/Executive_Summary_Italy_FV.doc
- Municipal Police Institute (n.d.). *Holding facility. Policy and procedure No. 3.02*. Massachusetts Police Accreditation Standards. Retrieved from www.municipalpoliceinstitute.org/.../3.02%20Holding%20Facility.doc
- National Law Enforcement Policy Center (1995). *Lockups and holding facilities: Model policy*. The International Association of Chiefs of Police (IACP). Retrieved from www.mopca.com/members/documents/vol3/MODLOCKU.doc
- National Prison Rape Elimination Commission (n.d.). *Standards for the prevention, detection, response, and monitoring of sexual abuse in lockups*. Retrieved from <http://www.ncjrs.gov/pdffiles1/226685.pdf>
- New York State Commission of Correction (2009). *Adult lockup management manual*. New York: Albany. Retrieved from www.scoc.state.ny.us/pdfdocs/lockupmanual_2_09.pdf
- Office of Police Integrity (2008, December). *Policing and human rights—Standards for police cells*. Australia: Melbourne. Retrieved from <http://www.opi.vic.gov.au/index.php?i=22>
- Office of Police Integrity (2006, July). *Conditions for persons in custody*. Report of Ombudsman Victoria and Office of Police Integrity. Australia: Melbourne. Retrieved

from <http://www.opi.vic.gov.au/index.php?i=22>

Office of the United Nations High Commissioner for Human Rights. (n.d.) (c). *Standard Minimum Rules for the Treatment of Prisoners*. Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955. Retrieved March 4, 2010 from <http://www2.ohchr.org/english/law/pdf/treatmentprisoners.pdf>

Ohio Department of Rehabilitation and Correction (2003, January). *Minimum standards for Jails in Ohio -Twelve hour Jails*. Bureau of Adult Detention. Retrieved from www.drc.ohio.gov/web/TwelveHourStandards2003-01.pdf

Oklahoma State Department of Health (2005). *Jail standards – Standards for lockup facilities*. OAC 310: 670. Retrieved from www.ok.gov/health/documents/Jail%20Standards.pdf

Rosenbaum, R. S., & Collins, J. G. (2002, April 2). *Holding cell findings letter*. Michigan: Detroit Police Department. Retrieved from http://www.justice.gov/crt/split/documents/dpd/detroit_4_4.php

Ruppel, O.C., & Groenewaldt, A. L. (2008). *Conditions of police cells in Namibia*. University of Namibia, Human Rights and Documentation Centre. Retrieved from <http://www.kas.de/namibia/en/publications/14189/>

Society for Community Organization (2009, November). *Improve the detention conditions at police stations*. Hong Kong: Society for Community Organization – Civil Rights Law Center. Retrieved from http://www.soco.org.hk/publication/press_release/crec/2009/pr_detention_2009_11_1_eng.doc

Truro Police Department (2008). *Truro Police department manual: Holding facility and prisoner processing*. Policy number: OPS-7.01.

United Nations Organizations (n.d). *Body of principles for the protection of all persons under any form of detention or imprisonment*. Adopted by General Assembly resolution 43/173 of December 9, 1988. Retrieved from <http://www.un.org/documents/ga/res/35/a35r178e.pdf>

Walters, J. R. (2006). *Special Report on Conditions Prevailing at Police Cells throughout Namibia*, Windhoek, John Meinert Printing.