

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

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| DIRECTIVE TYPE General Order | EFFECTIVE DATE September 10, 2006 | NUMBER 2028 |
| SUBJECT Detention Center: Detainee Rights | | |
| REVISED | | |
| REFERENCE SCLEA 20.1.28, Series 100, & 1800 | AMENDS/SUPERSEDES All Others | |
| DISTRIBUTION All Personnel | RE-EVALUATION DATE Annual | NO. PAGES 3 |

A. Policy

Members of the City of Anderson Police Department will ensure that a detainee’s constitutional and legal rights are honored while the detainee is being held within the City of Anderson Police Department detention facility.

B. Procedures

1. A newly admitted detainee shall be permitted to make two (2) telephone calls during the admission process.
 - a. These calls may be suspended due to the level of intoxication and or behavior of the individual.
 - b. Additionally, if necessary, the detainee shall have reasonable use of the telephone to consult with an attorney or to attempt to make bond. If phones are monitored, a notice will be displayed at the telephone informing detainees that telephone calls are subject to being monitored by detention and/or police personnel and/or an audible signal on the phone line will inform the detainee of the monitoring, unless a legal exception exists. (SCLEA 20.1.28, b-5)
 - (1) The sign and/or signal will be in a language prevalent in the area wherein the detainee is utilizing the telephone. (SCLEA 20.1.28, b-5)
 - (2) An example of a legal exception is a warrant allowing “bugging” of the telephone.

2. Detainees have the right to a timely court appearance. (SCLEA 20.1.28, b-1)
 - a. Under normal circumstances detainees will be presented before a Municipal Judge at approximately 08:00 on the first business day following arrest.
 - (1) The purpose of this hearing is for a trial, arraignment, bond hearing, or other judicial proceeding required by the detainee's circumstance(s) and/or charge(s).
 - b. The Municipal Judge will conduct bond hearings at other necessary times to accommodate weekends, holidays, and times other than normal business hours.
3. Detainees have the right to confidential access to an attorney. (SCLEA 20.1.28, b-3)
 - a. If the detainee wishes to talk privately with the attorney, the detainee will be allowed to do so.
 - b. The conversation between the detainee and the attorney is a privileged communication and will not be monitored by any City of Anderson Police Department Police employee.
4. Detainees have telephones available to use to attempt to make bond. (SCLEA 20.1.28, b-2)
 - a. Telephones in the Detention Center will be maintained in good working order. Detainees housed more than eight hours in the Detention center will have reasonable access to the telephones. (SCLEA 20.1.28, b-4)
5. Detainees have the right to avoid any unsolicited counseling.
6. City of Anderson Police Department Police employees are not trained counselors; they are prohibited from engaging in conversation with detainees wherein any kind of counseling - legal, religious or otherwise - is offered.
7. Detention Officers will not discuss the merits of the charge against the detainee or any material fact stemming from the events or investigation leading to the charge.
8. Detainees will not be forced to involuntarily listen to or observe any kind of religious broadcast or recording.
9. There will be no contact visits between detainees and family members and/or friends.
10. Detainees must take a shower unless there is a medical reason not to do so.

11. Detainees will be provided three meals during a 24-hour period. (SCLEA 20.1.28, b-6)
 - a. These meals will consist of breakfast, lunch, and dinner.
 - b. The on-duty detention officer will prepare a "meal count".
 - c. Meals will be delivered to the detainees cell area.
 - d. The following schedule is the approximate time that meals will be delivered to detainees and should be adhered to, barring exigent circumstances:
 - (1) Breakfast (0700 - 0800)
 - (2) Lunch (1200 - 1300)
 - (3) Dinner (1800 - 1900)
 - e. Detainees will have reasonable time to consume their meal.
12. Detainees have the right to file a grievance concerning their treatment from officers.
 - a. Such a grievance shall be in writing. The written complaint will be immediately delivered to the Chief of Police with a copy going to the Internal Affairs Coordinator for that type of investigation.
 - (1) For more information regarding Internal Affairs Investigations and the position most likely to be assigned to investigate this type of complaint, see series 1800.
 - b. The Internal Affairs Coordinator will investigate and formulate a written decision within 24 hours of receipt.
 - c. After review and approval by the Chief of Police the written decision will be provided to the detainee.

By order of:


Martin D. Brown, Chief of Police

9-7-2006
Date