

Cobb County Police Department

Policy 5.14

HOSPITALIZED PRISONER GUARD DUTY

Effective Date: May 1, 2016
Rescinds: Policy 5.14 (February 1, 2015)
Related Orders: None
Issued By: Chief J.R. Houser Page 1 of 4
The words “he, his, him,” which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.

The purpose of this policy is to outline the procedures for the security of persons who are in custody that have to be hospitalized due to a medical emergency and to establish responsibility for the safety and security of the public, medical staff, Department employees, and prisoners.

I. AUTHORITY

The decision to establish a guard over a prisoner who has been hospitalized shall be the responsibility of the Deputy Chief of the Bureau having custody of the prisoner. Both Deputy Chiefs will work jointly to ensure adequate supervision and staffing of the hospital guard post.

II. ESTABLISHING THE GUARD POST

The decision to establish a guard over a hospitalized prisoner should be based upon, but not limited to, the following factors:

- Seriousness of the offense (capital offenses should be guarded in all cases)
- Mental state or capacity of the prisoner.
- The risk or danger to the public or medical staff posed by the prisoner.
- Escape risk posed by the offender.
- Prisoner’s criminal history.
- Prisoner’s home address (local or out-of-state).
- Time frame and method of the offense for which the prisoner is in custody.
- Age of the prisoner (if a juvenile, has the Juvenile Court committed to incarceration of the prisoner once he is released from medical care).

III. GUARDING OF PRISONERS

- A.** Officers assigned to hospital guard duty will remain with the prisoner at all times unless:

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1. Relieved by another officer.
 2. Requested to leave by hospital staff due to a medical emergency. If possible, the officer should place himself in area that would allow him to thwart an escape attempt by the prisoner.
 3. The prisoner is of the opposite sex and the officer must leave the room to allow privacy during direct medical examinations or services. The officer shall leave the room, but will maintain visual contact with the entry area to the room and will stay within hearing distance of the room.
 4. The prisoner has such a condition that the attending physician recommends total isolation. The officer should post himself outside the isolation area and notify his supervisor.
 5. The prisoner's attorney requests the officer leave the immediate area in accordance with this policy.
- B.** Prisoners will be secured to the bed at all times by the use of leg restraints or handcuffs, whichever is applicable based on the potential violent actions of the prisoner. If the attending physician rules against the use of restraints, the officer shall immediately notify his supervisor.
- C.** The prisoner and his clothing will be searched.
- D.** Prisoners will not be allowed to receive anything from anyone other than assigned medical staff without prior approval from the investigative supervisor.
- E.** Prisoners will not be allowed to make or receive any phone calls without prior approval of the investigative supervisor.
- F.** Officers will not question the prisoner regarding the offense. In the event a prisoner makes any statement relating to an offense, a Supplemental Report will be used to document the statements and the investigating detective will be notified.
- G.** Officers should remain abreast of the condition of the prisoner (medical condition, estimated release, etc.).
- H.** Officers will remain constantly alert and aware that ordinary objects such as eating utensils, medical supplies, etc., could be utilized as weapons, and pose a safety risk to both officers and hospital staff. A visual inspection of the room and bathroom should be made for likely escape routes which might be available to the prisoner.
- I.** Officers will maintain an extended detention log sheet which will be used to record all relevant events occurring during the watch (relief, hospital staff visits.

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The log sheets will remain at the guard post until the detail ends. The completed log sheets will be placed in the case file.

- J.** Officers should observe hospital rules and regulations as informed by hospital staff. If the officer is asked to comply with a rule/regulation that is in conflict with this policy the officer will observe the request and:
 - 1. Notify his supervisor; and
 - 2. On the log sheet, document the name/title of the person making the request as well as the time/details of the requested action.

IV. DETAIL SUPERVISION

Supervisors will be responsible for monitoring the activity of their personnel assigned to hospital guard duty. They will ensure that officers are relieved for breaks.

V. VISITORS

- A.** Visitors must have written permission from the appropriate Bureau Deputy Chief, or his designee, to visit a prisoner. The written permission will include the visitor's name and date of birth, and date, time, and length of visit. Additional comments/instructions may be included if necessary.
 - 1. Visitors will be required to show identification.
 - 2. All handbags, purses, etc. will be searched for weapons or contraband.
 - 3. Physical contact between visitors and the prisoner is prohibited.
 - 4. Visitors may not give or leave any items for the prisoner.
 - 5. Only one visitor will be permitted in the room with the prisoner at any time.
- B.** The visitor's name, as well as the date/times of the visit will be documented on the log sheet, and the visitor's authorization will be attached to the log sheet.
- C.** The officer will remain with the prisoner and visitor at all times (with the exception of the attorney-of-record as explained in this policy).

VI. VISITATIONS BY THE ATTORNEY-OF-RECORD

The attorney-of-record for the prisoner is allowed to see his client whenever he deems it necessary.

- A.** The attorney-of-record will notify the appropriate Bureau Deputy Chief of his status as the prisoner's attorney and will be issued a written authorization to visit with the prisoner whenever necessary.
- B.** The attorney-of-record will identify himself to the hospital guard officer and show his written authorization. The authorization should remain with the attorney and

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will not be retained by the officer. All information concerning the date, time, and length of the attorney's visit will be documented on the log sheet.

- C.** During the visitation of the prisoner's attorney, the officer may be asked to leave the immediate area. The officer will honor the request and post himself outside the room, remaining in visual contact with the entry to the room, but outside normal hearing range.
- D.** The attorney may not authorize any other person, including his staff or secretarial support, to visit with the prisoner (except in cases where the prisoner is a juvenile.) The appropriate Bureau Deputy Chief will be the only person authorized to allow such accommodation.
- E.** If the prisoner is a juvenile, the appropriate Bureau Deputy Chief, or his designee, may authorize one parent or legal guardian to accompany the attorney during the visit. This authorization must be in writing and presented before the visit.

VII. RELEASE FROM THE HOSPITAL

If, during the officer's tour of duty, the prisoner is discharged from the hospital, the officer will immediately notify his supervisor, who will notify the appropriate Deputy Chief (through the chain of command).

- A.** The prisoner will then be processed (following any special instruction provided) and transportation will be arranged to the Detention Center for book-in processing.
- B.** If the prisoner is a juvenile, the Youth Detention Center intake section will be contacted.