

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 34-03

EFFECTIVE: MARCH 19, 2014 CANCELS: GENERAL ORDER 7-07
TO: ALL PERSONNEL INDEX AS: FIT FOR CONFINEMENT
SUBJECT: FIT FOR CONFINEMENT MEDICAL TREATMENT
PRISONER MEDICAL TREATMENT

I. PURPOSE

The purpose of this General Order is to establish policy and procedures for obtaining "Fit for Confinement" examinations for suspects who are physically arrested and are believed to have a medical condition or illness that would likely endanger the health of the suspect if incarcerated.

II. POLICY

- A. It is the policy of this department that "Fit for Confinement" examinations for medical complaints, injuries or illness be conducted at St. Luke's Hospital, 232 South Woods Mill Road, Chesterfield, Missouri. Psychiatric "Fit for Confinement" examinations will be conducted at Mercy Hospital, 615 S. New Ballas Road, Creve Coeur, Missouri. These facilities can provide "Fit for Confinements" on a 24 hour, 7 days a week, basis.
- B. In all cases, a supervisor must authorize a "Fit for Confinement". Supervisors shall utilize a common sense approach when considering whether to authorize a Fit for Confinement. Often other options, such as out right release of a prisoner in certain situations, are available and appropriate.
- C. "Fit for Confinements" shall not be an issue in situations where it is deemed that a suspect is in need of emergency medical care. In such emergency cases, the Fire Protection District paramedics shall be summoned to examine and assist with the medical emergency of the suspect.

III. PROCEDURE

- A. A "Fit for Confinement" is required when a suspect is physically arrested and there is a reasonable assumption the suspect has a medical condition or illness that would likely endanger the health of the suspect if incarcerated. In all cases, a supervisor must authorize a "Fit for Confinement".

- B. A "Fit for Confinement" should be obtained when:
1. The suspect complains of an existing medical condition, either physical or mental, that would likely endanger the health of the suspect if incarcerated. Supervisors should be cognizant of the fact that many experienced prisoners may feign illness or exaggerate their medical condition in an attempt to obtain a premature release. A prisoner shall not be taken to the hospital for a "Fit for Confinement" examination if, in the supervisor's judgment, they are feigning an illness or medical condition.
 2. When a suspect is charged with resisting arrest where deadly or non-deadly physical force was used to subdue the suspect. A "Fit for Confinement" examination is not required in cases where non-force anti-resistance measures are used in order to encourage a suspect to comply, or OC spray and/or Tasers are used unless it is necessary for other reasons.
 3. In cases involving drug or alcohol intoxication, supervisors should consider both the BAC level, when available, and the apparent physical/medical condition of the prisoner. Any prisoner with a BAC of .30 or higher shall be taken for a "Fit for Confinement" regardless of their apparent physical/medical appearance. Likewise, an individual who appears to be "passed out" or otherwise highly intoxicated shall also be taken for a "Fit for Confinement", regardless of their BAC level.
 4. When, in the opinion of the on-duty supervisor, a "Fit for Confinement" should be obtained for reasons other than those articulated in this order.
 5. Obtaining a "Fit for Confinement" is limited to suspects who require non-emergency medical treatment. In an emergency situation Fire Protection District paramedics shall be summoned to examine and assist with the medical emergency of the suspect. If prisoners are transported to the hospital an officer will either accompany or follow the paramedics to the hospital.
- C. Hospital Fit For Confinement Procedures
1. In cases that require the patient to be examined at St. Luke's or Mercy Hospitals, officers must communicate to the emergency registration personnel, that the individual in question is a City of Ballwin "Fit For Confinement" case and the prisoner should, if possible, sign his/her own billing responsibility form. Officers are authorized to sign the treatment authorization form, but should not sign a financial responsibility form. General Order 35-07 addresses the ultimate financial responsibility regarding individuals in custody.

2. After obtaining a "Fit for Confinement", the arresting officer shall transport the prisoner to the appropriate detention facility. The original "Fit for Confinement" form obtained at the hospital should be routed through the officer's immediate supervisor. The original form will be attached to the prisoner's booking sheet and filed accordingly.
3. Anytime a prisoner is transported to the hospital a notation of same shall be made in the police report (original or supplemental). Prisoners will be secured by the use of handcuffs or other restraint devices that are appropriate as to the charges and condition of the prisoner. One page arrest reports shall use the Supplemental Prisoner Fit For Confinement Report (BPD # 78).
4. Supervisors shall avoid, when possible, the authorization of a "Fit for Confinement" for a prisoner being held exclusively on another agency's charges. In such cases, the charging agency shall be contacted and told that the prisoner will be released unless they respond within a reasonable time (usually within 2 hours) to take over custody of the prisoner. Supervisors shall consider providing for a "Fit for Confinement" in such cases when the serious nature of the illness, medical condition, or criminal charges so indicates.
5. Prisoners who are disabled will be transported in the most appropriate vehicle and officers will insure safety is not compromised. Walking assist devices will be transported with the prisoner.

D. Hospital Admission - Procedures

1. If the prisoner is admitted to the hospital, and may not be released from custody due to the seriousness of a given offense or other factors, the Department shall provide additional security.
 - a. Visitors shall be prohibited, including telephone contact with the prisoner. Long tedious hours with little activity easily lead to complacency and carelessness: Therefore, officers assigned to guard the prisoner should be cautioned to not become lax while performing their duty.
 - b. Officers should also avoid fraternizing with the prisoner at any time.
 - c. When released from treatment, the prisoner's condition should be carefully recorded.
 - d. All instructions for future treatment and medication should be obtained in writing and signed by the attending physician.
 - e. Before moving the prisoner, he/she should be searched and restrained

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GENERAL ORDER 34-04

EFFECTIVE:	MARCH 19, 2014	CANCELS:	GENERAL ORDER 6-07
TO:	ALL PERSONNEL	INDEX AS:	PRISONER SEARCH SEARCHES
SUBJECT:	PRISONER SEARCH		STRIP SEARCHES BODY CAVITY SEARCHES

The purpose of this General Order is to establish procedure for the searching of prisoners:

I. DEFINITIONS

- A. Search - to examine a person for something concealed, as by running one's hands over the clothing, through the pockets, etc.
- B. Strip Search - The removal or rearrangement of some or all of the clothing of a person so as to permit an inspection of the genitals, buttocks, anus, breasts, or undergarments of such person, including, but not limited to, inspections conducted visually, manually or by means of any physical instrument.
- C. Body Cavity Search - The inspection of a person's anus or genitalia, including but not limited to inspections conducted visually, manually, or by means of any physical instrument under sanitary conditions by a physician, registered nurse or practical nurse, licensed to practice in the State of Missouri.
- D. Commanding Officer - The senior officer on duty and in charge of Bureau of Field Operations.

II. PROCEDURE

A. Search

Upon arrest (including protective custody) the police department shall conduct a search of the individual arrested and at that time shall include an inventory of all property on that person.

1. Any person taken into custody, including protective custody, by an officer of this department shall be searched by a frisk of the person's outer clothing to protect the officer's safety from concealed weapons. This search shall be conducted by the transporting officer before the prisoner is placed in a police vehicle. The person shall be transported to police headquarters, and shall be thoroughly searched and the property inventoried.
2. This thorough search shall be conducted by a police officer of the same sex as the prisoner. If the same sex officer is not available, a survey of surrounding municipalities and County precincts shall be conducted in an effort to locate an officer of the same sex. If this action fails to locate a same sex officer, the

prisoner shall be conveyed to St. Louis County Intake for the appropriate search. Any evidence or contraband shall be seized and placed in a properly designated evidence locker.

3. When an officer is confronted with the need to search, arrest or identify an individual who is wearing a religious head scarf/clothing, the following procedures shall be utilized:
 - a. It is acceptable for officers to search beneath the head scarf (e.g. hijab used by Muslim women to cover the head/neck in public) or any religious clothing for any contraband and/or weapons if legal grounds exist for the search;
 - b. When legal grounds exist and when feasible, an officer of the same sex as the subject shall, with as much privacy as safety allows, remove the head scarf, search the item, and immediately return the scarf to the subject, who can place it back on their head.
 - c. If the subject's head and face are fully covered (e.g. only the eyes are visible) and identification is necessary, and officer may remove any headgear/clothing that would allow for such identification if legal grounds exist. When feasible, and officer of the same sex as the subject shall, with as much privacy as safety allows, remove the head scarf, search the item, and immediately return it.

B. Strip Searches

1. Persons arrested or detained for felony offenses may be subject to a strip search after obtaining written permission of the officer in command of the department (i.e. Watch Commander, Bureau Commander) at the time of the strip search. The officer conducting or causing the strip search shall complete the appropriate prisoner search form (Form BPD #14).
2. No person arrested or detained for a traffic offense, city ordinance violation or misdemeanor may be subjected to a strip search unless there is probable cause to believe that such person is concealing a weapon, evidence of commission of a crime or contraband.
3. If, in the judgment of the arresting officer, a strip search of a person in custody for a non-felony offense is necessary, the officer shall obtain the written permission of the Commanding Officer.
4. The strip search shall be conducted by a person of the same sex as the person being searched, and shall be conducted in an area where the search cannot be observed by any person other than the person physically conducting the search. Nothing in this Order shall prohibit a readily available person from being present as a witness at the request and consent of the person being searched.

