

SPECIAL ORDER



DISTRICT OF COLUMBIA

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| Subject The "Lively Standard" |
| Number 15-03 |
| Effective Date January 29, 2015 |
| Related to: GO-PCA-502.01 (Transportation of Prisoners) SOP (Booking Team Procedures) |
| Rescinds: SO-04-05 (The "Lively Standard"), Effective Date March 23, 2004 TT-08-023-06 ("Lively Standard"), Effective Date August 11, 2006 TT-01-046-13 (Timely Processing of Prisoners), Effective Date January 16, 2013 TT-08-055-13 (Timely Processing of Prisoners), Effective Date August 19, 2013 |

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I. BACKGROUND

The purpose of this order is to ensure members are familiar with prisoner processing requirements that resulted from *Lively v. Cullinane*, 451 F. Supp. 1000 (1978). The U.S. District Court for the District of Columbia issued an Interim Order (an order in effect until a final order was entered), which required the Metropolitan Police Department (MPD) to process prisoners within a four hour time period. This four hour period starts at the time of arrest and ends at the time the prisoner is ready to be transported to court or released from custody.

The "Lively" case was dismissed in November, 1989. However, in requesting dismissal of the case, the Department agreed that it would continue to process prisoners within the timeframe established by the Court, and would also adopt the four hour time limit as official Department policy.

II. POLICY

It is the policy of the MPD to process prisoners coming into custody of the Department in the most reasonable time required for the collection of information to positively identify and process the individual in custody.

III. DEFINITION

Central Cell Block (CCB) – area designated within the Metropolitan Police Department Headquarters where prisoners are live scanned, photographed, and

detained pending arraignment. This facility is operated and maintained by the District of Columbia Department of Corrections.

IV. REGULATIONS

- A. In all circumstances, the "Lively" four hour time period begins at the time of arrest and will end at the time the prisoner is ready to be transported to court or is released from custody.
- B. Members are reminded to accurately document the time of arrest on the arrest report.
- C. Members shall make all reasonable efforts to ensure that prisoners are processed and either released (i.e., citation release, post bond, and post or forfeit collateral) or presented to the Central Cellblock (CCB) or court in accordance with the following requirements:

- 1. Lockup Cases

- a. When processing lockup cases for transport to the CCB, members shall have up to three hours from the time of the arrest to complete their arrest paperwork, process the arrest, book the arrest, and transport the prisoner to the CCB for Live Scanning and subsequent presentment at court.

NOTE: This provides CCB with the remaining hour to Live Scan the prisoner and complete the processing of the case for presentment in court.

- b. When processing lockup cases for transport directly to the U.S. Marshal's Service Cellblock, members shall have four hours from the time of the arrest to complete their paperwork, process the arrest, and transport the prisoner to the Marshal's Cellblock.

- 2. Arrestees Eligible for Release

Members shall process arrestees eligible for early release (i.e., citation release, bond, and post and forfeit) within the four hour time requirement.

- D. In all cases where the "Lively" time requirements are not met, members shall provide justification to the district Watch Commander, who shall:
 - 1. Ensure that the "Lively" violation is investigated to determine the

contributing factors that led to the violation (e.g., prisoner was transported to the hospital, prisoner was debriefed or interviewed by a detective).

2. Complete a PD Form 256B (Prisoner Lively Report) (Attachment A) documenting the reason why the prisoner was not processed within the time periods specified by this order.
3. Attach the completed PD Form 256B to the PD Form 150 (Tour of Duty Supervisor's Report), forward a copy of the PD Form 256B to CCB with the arrest paperwork, and ensure that a copy is maintained in the patrol district's administration files.

V. PROVISION

The provisions contained in this Special Order shall supersede any conflicting information in related directives.



Cathy L. Lanier
Chief of Police

CLL:PAB:MOC:BNB



PRISONER LIVELY REPORT

Prisoner/Case Information

| | | | |
|-------------------|-------------|---|--|
| PRISONER'S NAME | | CENTRAL COMPLAINT NUMBER (CCN) | |
| ARRESTING OFFICER | | DISTRICT CELL BLOCK OFFICER | |
| ARREST DATE | ARREST TIME | ARRIVAL TIME TO CELL BLOCK | |
| ARREST NUMBER | CHARGES | DV CASE? <input type="checkbox"/> YES <input type="checkbox"/> NO | |

Lively Justification

| | | | |
|---|--|--|---------|
| DETECTIVE'S NAME | | DETECTIVE INTERVIEW <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| TIME TO DETECTIVES' OFFICE | | TIME RETURNED FROM DETECTIVES' OFFICE | |
| HOSPITAL CASE? | <input type="checkbox"/> YES <input type="checkbox"/> NO | HOSPITAL: | ROOM #: |
| TIME DEPARTMENT OF CORRECTIONS NOTIFIED | | NAME OF D.O.C. STAFF | |
| TRANSPORT OFFICER | | TIME TRANSPORTED TO HOSPITAL | |
| DATE/TIME RETURNED FROM HOSPITAL | | PAPERWORK ARRIVAL TIME | |

Arrest Accountability

| | | | |
|--|---|--------------------|-------------------|
| PAPERWORK COMPLETE TIME | | LIVE SCAN TIME | AFIS PRINT RETURN |
| DISPOSITION: | LOCK-UP? <input type="checkbox"/> YES <input type="checkbox"/> NO | CITATION: | DATE TIME |
| CO-DEFENDANTS <input type="checkbox"/> YES <input type="checkbox"/> NO | CO-DEFENDANTS' NAME(S): | | |
| TRANSPORT CALLED IN | DISPATCHER# | TRANSPORT OFFICER: | |
| TRANSPORT TIME | <input type="checkbox"/> CELL BLOCK <input type="checkbox"/> MARSHALL BLOCK <input type="checkbox"/> _____ DISTRICT | | |

Remarks
