

CHAPTER 642

LOCKUPS

<p>Sec. 642.01 Lockups; how established 642.02 Construction; approval by commissioner 642.03 Temporary police stations and lockups in certain cases in cities of first class 642.04 Cities may send prisoners to jails outside 642.05 Not to jeopardize lawful custody of person 642.06 County jail, use by city first class 642.07 Duties of chief of police and village marshal</p>	<p>Sec. 642.08 Matron 642.09 Health officer to inspect 642.10 Commissioner of public welfare may condemn 642.11 Condemnation, how enforced 642.12 Furnishing liquor to inmates 642.13 Penalties 642.14 Patrol wagon to be closed</p>
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642.01 LOCKUPS; HOW ESTABLISHED. The governing body of any city or village may purchase, build, or lease, maintain and regulate, one or more lockups for the detention of persons charged with offenses against its ordinances and by-laws, or for the confinement of persons sentenced to imprisonment for violation of such ordinances and by-laws; and, under regulations prescribed by such governing body, it may be used for the temporary detention of any prisoner under arrest. No such purchase or lease, and no plans for building or repairing any such lockup at an expense of more than \$100, shall be finally adopted until the same shall have been approved by the commissioner of public welfare, and no contract for such erection or repair shall be valid unless the suggestions and advice of the commissioner shall have been filed with the clerk of such municipality before its execution.

[R. L. s. 5487] (10875)

642.02 CONSTRUCTION; APPROVAL BY COMMISSIONER. The commissioner of public welfare shall not approve any plan for a lockup unless the plan makes provision for the following essentials of construction and conditions: the building shall be fire-proof and be not less than 16 feet by 20 feet in area inside; and the ceiling shall be not less than eight feet in height at the lowest point. It shall be built upon durable foundations and have floors of stone or cement or other fire-proof material laid over cement-concrete. The walls shall be protected against frost by hollow walls, tile or otherwise. There shall be an outside door, two separate rooms, satisfactory cells not less than five feet by seven feet in area and seven and one-half feet in height; and the lockup shall be well lighted, comfortably heated when in use and occupied by any person, ventilated, and comply with reasonable sanitary requirements.

[R. L. s. 5488; 1913 c. 438 s. 1] (10876)

642.03 TEMPORARY POLICE STATIONS AND LOCKUPS IN CERTAIN CASES IN CITIES OF FIRST CLASS. When, in the opinion of the board of police commissioners of any city of the first class in the state, or of any board of such city having charge, control, and direction of the administration of the police department of such city, it shall be necessary to remove from and destroy any existing police station or lockup, and to provide and equip new temporary central police stations and lockups, pending the erection by such city, upon the site of such abandoned police station, of a new and permanent central police station and lockup, any such city is hereby authorized and empowered, acting by and through its board of police commissioners, or other board having the control and direction of the administration of the police department, of such city, to lease a new site for such temporary central police station and lockup, and to provide and equip the same.

Section 642.02 shall not apply to, or be binding upon, any such city in the providing of a temporary central police station and lockup, under the circumstances hereinbefore stated.

[1911 c. 304 ss. 1, 2] (10877, 10878)

642.04 CITIES MAY SEND PRISONERS TO JAILS OUTSIDE. When, in any city of the fourth class, no jail exists, which in the judgment of the city council, or other governing body, is sufficient or suitable for the detention of persons lawfully under arrest in the city, the council, or other governing body, may cause persons

lawfully arrested to be detained in any city or county jail or lockup in the same or in an adjoining county; provided, that such detention shall be with the consent of the city or county where such persons are detained, and that there shall be paid to such city or county the necessary cost and expense which may be incident to taking care of such persons while lawfully detained or imprisoned.

[1921 c. 251 s. 1] (10879)

642.05 NOT TO JEOPARDIZE LAWFUL CUSTODY OF PERSON. The detention or imprisonment of any person lawfully arrested in one city but detained or imprisoned in another under the provisions of sections 642.04 and 642.05 shall in no manner jeopardize the lawful custody or detention of such person.

[1921 c. 251 s. 2] (10880)

642.06 COUNTY JAIL, USE BY CITY FIRST CLASS. Any city of the first class in this state, now or hereafter operating under a home rule charter, and now or hereafter containing a city hall building on land contiguous to the county court-house and jail grounds, may enter into contract with the county in which such city is located, for the furnishing to such city by such county of jail facilities in the county jail building for the care of persons who are usually confined in the city jail and for the furnishing of heating and lighting service to such city, and for the construction and maintenance of a tunnel connecting the court-house, county jail, and city hall buildings, for use as a passage-way between these buildings and for other public purposes, upon such terms and conditions, for such consideration, and for such period of time not exceeding five years at a time, with right of successive renewals as shall be agreed upon between the county board of such county and the city council of such city, acting for their respective political subdivisions.

The sheriff of any such county shall accept and hold in any such county jail building any person placed under arrest by the city police department and delivered to the sheriff for incarceration in the county jail. The city shall pay the county for the care and detention of each such prisoner such amount as shall be fixed by the county board but not in excess of the actual cost.

[1927 c 176 s 1; 1953 c 325 s 1] (10880-1)

642.07 DUTIES OF CHIEF OF POLICE AND VILLAGE MARSHAL. The chief of police or village marshal, as the case may be, shall cause every lockup under his care, and the bedding therein, to be kept clean, wholesome, and free from vermin. Such lockup shall be swept daily and thoroughly cleansed with water at least once every two weeks when occupied. Such chief of police or marshal shall keep in a book furnished by the municipality a complete register of all prisoners committed thereto, and all persons admitted as lodgers therein, in the form prescribed by the commissioner of public welfare.

[R. L. s. 5489] (10881)

642.08 MATRON. The chief executive officer of every city or village having a lockup shall appoint some competent woman of good character as matron, who shall have exclusive charge of all women committed thereto, and see that they are kept in a room separate from male prisoners. She shall receive such compensation as the governing body shall determine, not less than 50 cents for each day during which a female prisoner is confined therein.

[R. L. s. 5490] (10882)

642.09 HEALTH OFFICER TO INSPECT. The health officer of every city and village having a lockup shall inspect the same once a year, with reference to its sanitary condition, make a written report thereof to the commissioner of public welfare upon blanks prescribed by him, and deliver a copy of such report to the governing body of such city or village. Upon filing such report he shall receive from the treasurer of such municipality a fee of \$2.00.

[R. L. s. 5491] (10883)

642.10 COMMISSIONER OF PUBLIC WELFARE MAY CONDEMN. When the commissioner of public welfare shall become satisfied, from the report of a local health officer or from the report of any agent he may appoint and authorize to examine lockups, or from his inspection that any lockup does not reasonably conform to essential conditions and details of construction, such as are prescribed by law for plans for lockups, and that such lockup is in a condition or of a construction such as to endanger the well-being, health, security or life of any person confined therein, he shall condemn such lockup by his written order and it shall not be further used while such order is in force.

[R. L. s. 5492; 1913 c. 438 s. 2] (10884)

642.11 CONDEMNATION, HOW ENFORCED. If any lockup condemned by the commissioner of public welfare shall thereafter be used while the order of condemnation is in force, it shall be the duty of the commissioner to bring an action in the district court in the county where the lockup is, for the purpose of enforcing his order of condemnation, and upon the trial of the action a copy of such order, certified in the usual form by the commissioner, shall be conclusive evidence that such lockup has been condemned by the commissioner and shall be prima facie evidence that the lockup does not comply with the requirements of sections 642.02, 642.10 and 642.11 and is unfit for use as a lockup, and that its future use should be enjoined by the court. Evidence to sustain the order of condemnation may be received in rebuttal.

[1913 c. 438 s. 3] (10885)

642.12 FURNISHING LIQUOR TO INMATES. No sheriff, jailer, police officer, marshal, or other person in charge of any jail or lockup, under any pretense, shall give, sell, or deliver to any prisoner therein any spirituous liquor, or any mixed liquor, part of which is spirituous, or any wine, cider, or beer, unless a reputable physician certifies in writing that the health of such prisoner or inmate requires it, in which case he may be allowed the prescribed quantity, and no more.

[R. L. s. 5493] (10886)

642.13 PENALTIES. Every sheriff, jailer, police officer, marshal, or other officer or person in charge of any jail or lockup who shall violate any preceding provision of this chapter shall, for each such violation, be guilty of a misdemeanor, and on a second conviction shall be adjudged to be incapable of holding the office of sheriff, jailer, police officer, marshal, or keeper of any jail or lockup, as the case may be, for the period of six years.

[R. L. s. 5494] (10887)

642.14 PATROL WAGON TO BE CLOSED. In cities of the first class, every transfer of persons charged with or convicted of crime from one place of detention to another, or to or from the place of trial, in a vehicle at public expense, shall be made in a closed conveyance, so as to screen such person from the public view. Every person who shall violate the foregoing provisions shall be guilty of a misdemeanor.

[R. L. s. 5495] (10888)