



HOLDING FACILITIES

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I. POLICY

Prisoners will at all times be secure in order to prevent escape and injury to themselves or others. The responsibility for the security of a prisoner may be transferred as the prisoner is processed through the system of fingerprinting, photographing, arraignment, etc. Therefore, it is critically important each employee of the department with job tasks involving prisoners assume these responsibilities as the situation presents itself.

Prisoners in police custody will at all times be guaranteed their constitutional rights. They will be treated civilly and with appropriate respect.

II. AUTHORITY

Patrol District Commanders are responsible for the safe operation of the holding facilities in their district stations. This responsibility includes the management of the holding facility's physical plant, supervision of detainees, and supervision and training of all employees.

This directive is the governing authority for the operation and maintenance of holding facilities by the Anne Arundel County Police Department. It is supplemented by a manual of standard operating procedures for use by booking personnel. District Commanders are required to issue additional SOPs to implement this directive. District SOPs may not contradict any provision of this directive.

III. ADMINISTRATION & MANAGEMENT

A. Training

All applicable personnel (*Police Officers and Booking Officers*) who work in or around a holding facility are required to receive initial training on the operations of the holding facility, to include AEDs (Automated External Defibrillators), fire suppression (*fire extinguishers*), *the use of physical restraints*, and equipment provided for use by the agency, *to ensure safety and security of staff and detainees. This initial training will be provided by the Police Academy.*

Booking Officers will receive refresher training on fire suppression, equipment, and physical restraints, at least once every three years. Booking Officers will receive CPR/AED training every two years as required by the American Heart Association. Annual In-Service Training for Booking Officers will be conducted to address any appropriate training needs.

B. Access

Platoon Commanders will control access to the holding facility. Authority for routine access decisions (access of essential persons in the normal course of business) may be delegated to booking personnel.

Access of all nonessential persons is prohibited in emergency situations.

Nonessential persons will be granted access to holding facilities only for a legitimate law enforcement or public safety purpose. When granting such access, Platoon Commanders will ensure that the nonessential person's presence does not violate a detainee's privacy, impede facility operations, or obstruct or frustrate acquisition and development of information for presentation in court by either the prosecution or the defense.

C. Safeguarding Detainee Records

Booking personnel are responsible for safeguarding detainee records from unauthorized disclosure.

In the booking room, detainee records will be placed in locations so they cannot be viewed by other prisoners or civilian personnel. Records hung on peg boards pending release of detainees will face the wall to prevent observation from within the room.

Detainee records may be released only to department employees or other law enforcement or criminal justice agency personnel having a legitimate law enforcement or criminal justice function involving the detainee, such as:

1. Arrest, interview, interrogation
2. Criminal investigation
3. Booking, in-processing, receiving-screening
4. Evidence collection
5. Transportation to commissioner, court, or another holding facility
6. Prosecutorial review
7. Juvenile placement authorization, or waiver to adult court
8. Bail review, initial court appearance, trial
9. Probation, parole hearing

A prisoner's constitutional right to privacy can be violated if records are improperly disseminated. Members of the department are prohibited by law from releasing criminal history record information to non-criminal justice agencies or personnel.

IV. PHYSICAL PLANT - Minimum Conditions

District Commanders will ensure holding facilities provide the following minimum conditions for detainees:

1. Adequate lighting as required by local code or ordinance;
2. Circulation of fresh or purified air in accordance with local public health standards;
3. Access to a toilet and drinking water;
4. Access to wash basin or shower for detainees held in excess of eight hours, and
5. A bed and bedding for each detainee held in excess of eight hours.

Platoon Commanders are authorized to deny bed and bedding to detainees who are deemed to be suicidal.

District Commanders will coordinate any necessary modifications, repairs, or equipment acquisition with Management & Planning in order to meet these standards.

V. SAFETY AND SANITATION

District Commanders will ensure the following safety and sanitation standards exist in the holding facilities:

A. Fire Alarms & Detectors

Each holding facility will have an automatic fire alarm, heat and smoke detection system, fire equipment approved in writing by state or local fire officials, and a standard operating procedure prescribing fire prevention practices and procedures, to include:

1. A weekly documented visual inspection and a semi-annual documented testing of fire equipment; and
2. A daily visual inspection and monthly documented testing of the automatic fire detection devices and alarm systems.

B. Emergency Evacuation Plans & Exits

Each holding facility will have a written and posted emergency evacuation plan for the facility, along with a designated signed emergency exit directing evacuation of persons to hazard-free areas.

If possible, two separate means of emergency exit should be provided. The evacuation plan should specify route of evacuation with a subsequent disposition for housing of detainees. The plan also should include provisions for first aid and hospital transportation.

C. Weekly Sanitation Inspection

District Commanders will ensure a documented weekly sanitation inspection of the facility is conducted. Any condition conducive to harboring or breeding insects, rodents, or other vermin must be eliminated. If necessary, Management & Planning will hire pest control professionals to clean or fumigate the facility. The facility may not be used to house detainees until the unsanitary condition is eliminated.

VI. SECURITY AND CONTROL

A. Firearms in Holding Facilities

Firearms will be secured before entering the holding facility. No firearms are permitted in holding facilities.

If the holding facility becomes the scene of a police emergency, such as a hostage or barricade situation, the Incident Commander may authorize exceptions to this policy.

B. Entering Occupied Cell

Officers or booking personnel may not enter an occupied cell alone, unless they are being monitored by visual or audio surveillance devices, have a portable police radio, and/or a panic alarm in their possession.

C. Control & Use of Keys

Booking personnel are responsible for controlling the holding facility's keys.

District Commanders will require a documented weekly accounting of the location and possessor of all holding facility keys, and will ensure duplicate emergency keys or a master key are readily available in emergency situations.

D. Holding Facility Door Security

Booking personnel will ensure the door(s) permitting entry to and from the holding facility are closed and locked at all times.

Booking personnel will ensure doors to vacant units, unoccupied cells, and storage rooms are locked when not in use. Doors will be tested for vulnerability after they are secured.

E. Security Check of Unoccupied Cell

Booking personnel will conduct a security check, including searching for weapons and contraband, prior to each use of an unoccupied cell. In addition, booking personnel will check each cell immediately after it becomes unoccupied. Any adverse or unusual conditions observed are to be reported immediately to supervisory personnel verbally and in writing.

F. Weekly Documented Security Inspection

District Commanders will require a documented security inspection, including searching for weapons and contraband, of the holding facility at a minimum weekly.

At least once a week, bars, locks, windows, walls, floors, ventilator covers, glass panels, access plates, protective screens, doors, and other security devices will be checked carefully for operational wear and detainee tampering. Inspections will include occupied and unoccupied cells. All holding areas and other locations where detainees have access will be searched for weapons and contraband. Results of these inspections will be submitted in writing to the District Commander.

All defective security equipment will be replaced or repaired immediately, through Management & Planning. No detainee may be placed in an unsafe or unsecured facility.

G. Tools & Culinary Equipment

No culinary or kitchen equipment will be allowed in the *holding facility (booking room or cell blocks.)* Maintenance tools will be allowed within *holding facility areas* only for maintenance purposes, and only when *these areas contain no detainees or all detainees are secured in cells. Maintenance tools must be removed and safeguarded prior to the movement of prisoners not secured in a cell.* Booking personnel will account for all tools upon the completion of repairs.

H. Emergency Alert Systems

The distress alarms are the emergency button on the portable police radio, which alerts directly to the Communications Section, and the panic alarm button system installed at each of the four district stations.

Booking Officers are **required** to wear the portable police radio and the portable panic alarm button on their belt at all times while on duty.

District Commanders will ensure there is a working audio communication system in the holding facility to alert a designated control point in the event of an emergency. The system may be enhanced by the use of video equipment to supplement personal supervision by staff. Detainees also can use the system to advise staff of emergency needs.

In no event is this system to be turned off. The district commander will have any malfunctions repaired through Management & Planning immediately. Detainees may not be housed in the facility until the equipment is repaired.

District Commanders will ensure the panic alarm system is tested at a minimum monthly.

I. Security Threats to be Documented

Any employee having knowledge of any incident or condition that threatens the holding facility security or any person therein, is required to submit a written report to the District Commander.

VII. DETAINEE PROCESSING

A. Booking Prisoners

Booking Officers are responsible for booking prisoners. This includes the collection of DNA, when required by law, using a Maryland State Police Collection Kit.

1. *A Police Officer will be present during the collection of DNA. When the collection of DNA is finished, the Booking Officer will ensure that the DNA sample is placed in the DNA Collection Kit bin, and the collection is entered into the DNA Collection logbook.*
2. If a prisoner refuses to submit to a DNA test, the amount of force an officer can apply to obtain a DNA sample is subject to the following guidelines:
 - a. Physical force may be applied, if necessary, to get the sample. The same amount of force that is reasonable to arrest an unarmed person would apply to obtaining the sample.

- b. Officers will not do anything that overtly or intentionally endangers the prisoner or is physically harmful. However, officers may physically restrain and immobilize the prisoner while booking officers obtain a DNA sample.

Note: Unless the officer exhibits gross negligence, he/she is not civilly liable for their actions.

- 3. DNA Collection Kits must be mailed to the Maryland State Police within 24 hours of collection. Midnight Supervision will ensure all collected DNA Kits collected each day are transported to a U.S. Mail Facility and placed in a mailbox. The transporting officer delivering the Kits must initial the DNA Collection Log before transport.

B. Weapon Search

Any officer who brings a prisoner to a holding facility will search the prisoner, removing and safeguarding any weapons found on the prisoner before taking the prisoner into the booking *room* or placing him in a holding cell.

C. Inventory Search

Once inside the booking area or holding facility, the officer in custody of the prisoner will conduct an inventory search of the prisoner before the prisoner *is un-handcuffed*. The officer will seize and remove any contraband, evidence, and property that is not permitted to accompany the prisoner into the holding cell, prior to proceeding with booking or placing the prisoner in a holding cell. *The officer will also utilize a metal detector wand on the prisoner, if available, during this search. Any weapons or items that could be used as weapons found during the inventory search will be removed and safeguarded prior to un-handcuffing the prisoner.*

Booking personnel will ensure that the only property accompanying a prisoner into a lockup or holding cell is any non-evidentiary paper currency in the prisoner's possession and the immediate clothing except for belts. Prisoners will retain their footwear with the laces or anything else attached removed, just leaving the prisoner with the basic footwear. Footwear with laces or similar ties of length (some styles of women's shoes) which could be removed, and sandal type footwear that could be pulled apart, will be taken from prisoners.

D. Itemized Inventory of Prisoner Property

Booking personnel *or a police officer* will inventory and prepare an itemized list of all property taken from a prisoner. Along with property (including paper currency) retained by the prisoner. The inventory will be documented on the "Holding Facility Intake" form (PD 2004). Booking personnel will sign and date the property inventory sheet.

The prisoner will be asked to sign the inventory form acknowledging the property that was taken. Prisoners with no property will sign an inventory form marked "No Property". If the prisoner refuses to sign, another employee will sign the form as a witness to its accuracy.

E. Prisoner Search Limitations

1. Pat-Down Searches

A pat-down search is defined as an inspection of the prisoner's clothing to determine whether that person is secreting any property which is unlawful to possess, or any property that may be utilized as a means to effect an escape, or cause injury to another person, or may enable the prisoner to destroy evidence.

Pat-down searches of persons of the opposite sex, which are conducted incident to arrest, are permissible if no police officer of the same sex as the arrestee is immediately available to respond to the scene and conduct the search. Officers conducting pat-down searches under these circumstances will exercise the utmost discretion and will ensure the extent of the search does not exceed the purposes or limits stated above.

Subsequent pat-down searches of prisoners, which are required prior to transporting the prisoner from one location to another, will be conducted by police officers or booking personnel of the same sex as the prisoner.

2. Strip Searches

A strip search is defined as when an arrested person's clothing is removed or rearranged so as to permit a visual inspection or a physical examination of the genitals, buttocks, anus, breasts, or undergarments of such person, which does not meet the definition of a body cavity search.

Strip searches of prisoners require the permission of a Police Lieutenant or above, and must be based on reasonable suspicion and exigent circumstances relating to an imminent threat to officer or facility safety, or to the destruction of vital evidence. Persons will not be strip-searched in public, nor will persons be strip-searched by or in the presence of persons of the opposite sex. Whenever a member of this department is required to strip-search a prisoner, he/she will write an incident report describing the circumstances.

3. Body Cavity Searches

A body cavity search is defined as a visual or physical examination into the body's recesses, including the anus, vagina, and internal organs of the body.

A body cavity search requires a search warrant, and may be conducted only by a licensed medical professional, such as a physician, physician's assistant, or nurse.

A body cavity search may be conducted based on probable cause relating to the concealment or potential destruction of vital evidence. Such searches will be initiated only on the approval of an officer of the rank of Police Lieutenant or above. The officer requesting the body cavity search will submit an incident report detailing the reasons for the search, results of the search, name of the person conducting the search, and all other relevant details.

F. Secure Storage of Prisoner Property

Booking personnel are responsible for the secure storage of all property taken from a prisoner. Each prisoner's property will be segregated from all other property and locked in secure facilities until it is returned to the prisoner or placed into the property management system.

G. Intake & Medical Screening

Booking personnel will record the following information on the "Holding Facility Intake" form (PD 2004) for every prisoner who is booked into the facility, and before transfer to another facility:

1. Arrest information;
2. Property inventory and disposition;
3. Current health of the detainee;
4. Medications taken by or given to a detainee;
5. Behavior, including state of consciousness and mental status; and
6. Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.

The purpose of the screening is to account for the prisoner and his/her property, and to determine if medical attention is required. Female detainee screening should take into account the special needs of women. In addition, a record will be kept of all treatment and medication administered to a detainee, including circumstances or events necessitating such treatment.

H. Prisoner Separation

If males, females and/or juveniles are required to be detained at the same time, booking personnel will ensure that their holding areas are separated from each other by sight and sound. Juveniles may not be processed in the presence of adult violators and will be held in areas away from adult detainees. Females will be separated from areas where males are detained.

"Sound," for the purpose of this requirement, is defined as normal/loud conversation and does not include deliberate yelling or screaming. Yelling and screaming should be controlled by booking personnel.

If it is physically impossible to comply with this requirement, the booking officer is to notify a patrol supervisor, who will make arrangements for detention of the prisoner at another holding facility.

I. Intoxicated or Violent Prisoners

Prisoners under the influence of alcohol or other drugs, or who are violent or self destructive, will be segregated from other prisoners. The arresting or transporting officer will remain with the prisoner until booking is completed and the prisoner is placed in a cell. Such prisoners will remain under close observation by the booking personnel in order to minimize the potential for injury to themselves or others. A separate Cellblock Inspection Form (PD 291) will be used to document inspections of prisoners who are security risks, suicidal, mentally ill, or who are demonstrating unusual or bizarre behavior.

J. Prisoners of Outside Agencies

If detainees are received from an outside agency, a patrol supervisor will ensure positive identification is made of the person presenting the detainee for detention, including verification of the person's authority to make the commitment. If unknown, the person presenting the detainee for detention will be required to produce appropriate identification, and evidence of his or her legal authority to make the commitment. Phone calls may be necessary to verify the identity of the presenting party.

K. Group Arrests

In the event of a group arrest that exceeds the maximum capacity of the holding facility, a supervisor will coordinate the transportation of prisoners to other district stations for processing and detention. If all department holding facilities are full, the Platoon Commander will contact the Detention Center through Communications and arrange for temporary detention facilities to be made available at the gymnasium located in the Ordnance Road Correctional Center. If necessary, police officers and/or booking officers will be called in from other districts or home.

L. Positive Identification Upon Release

Booking personnel will positively identify each detainee before releasing him or her.

M. Return of Property

Booking personnel will return prisoners' property at the time of their release, except for evidence and contraband. Property will be compared with the inventory list, and if everything is in order, the prisoner will sign a receipt for the property returned. Property retained as evidence or for other purposes will be noted on the receipt.

If the prisoner is released to a transporting officer for transfer to another facility or a judicial officer, the property will be given to the transporting officer, who will sign the receipt. The district station will maintain a copy of the receipt.

If the prisoner refuses to sign the receipt for the return of property, booking personnel will have another employee sign and date the inventory form witnessing the return of the listed property. Should the prisoner refuse to accept the property, it will be processed as recovered property and forwarded to Property Management.

VIII. MEDICAL & HEALTH CARE SERVICES

A. Prisoner Medical Emergencies

Under no circumstances will an unconscious prisoner be placed or allowed to remain in a cell without medical treatment. This includes intoxicated prisoners.

Whenever a holding facility detainee needs or requests emergency medical treatment, the employee having custody of the prisoner will immediately summon an ambulance and render first aid.

The employee having custody of the detainee will submit an incident report describing the circumstances and all subsequent actions taken. A patrol supervisor will assign an officer to respond to the hospital, guard the prisoner, and investigate the incident. The officer will submit a supplement report describing the medical emergency and subsequent treatment, and will request a copy of the hospital report of the prisoner's medical treatment. If obtained, it will be included with the police reports on the incident.

Patrol supervisors will coordinate guarding the prisoner until he or she is released from the hospital.

Refer to Index Code 1830 if dealing with a suicidal prisoner.

B. First Aid Kit

District Commanders will ensure a first aid kit is available in all holding facilities and is subjected to a documented weekly inspection and it will be replenished, as necessary.

C. AED (Automated External Defibrillator)

An AED Unit will be placed at all district stations. The unit will be kept inside a wall cabinet that will be mounted in close proximity to the holding facility, within the district stations. Only trained personnel (Officers, Booking Personnel, and trained civilian staff) will be allowed to operate the AED, in an emergency situation. Training and certification will be maintained by the Training Academy. Booking personnel (daywork shift) will be responsible for daily inspections of the AED unit within the district stations. This inspection will consist of a check of the battery indicator and a visual inspection that all equipment is present. The battery indicator should display "OK". An equipment list will be kept inside the wall cabinet. Missing equipment or a non-functioning AED unit should be reported to the Training Academy. The daily AED inspection sheet will be filled out upon completion of the inspection, and kept inside the wall cabinet.

All patient uses of the AED will be documented immediately on the Maryland Facility AED Report Form. A Police Incident Report will be completed by the main caregiver at the discretion of a supervisor. Blank Maryland Facility AED Report Forms will be kept with the AED unit. The completed form will be submitted to the Training Academy, attn: Commander, Training Academy, immediately after any use. The main caregiver should also notify the Training Academy immediately by telephone of any patient use, so that the Training Academy can have stored medical information within the AED downloaded. If there are any malfunctions that occur with the AED Unit during a patient use, the Training Academy should be immediately notified by the main caregiver. The Training Academy (only) will complete the FDA Incident Form that is referred to on the Maryland Facility AED Report Form upon notification of a malfunction. The Training Academy will have ultimate responsibility over the maintenance/upkeep of all AED units.

D. Posted Medical Advice

District Commanders will ensure procedures for gaining access to medical services are conspicuously posted in areas used by detainees, in the language(s) prevalent to the area. Signs will be permanently mounted and legible. Access procedures will be explained orally to detainees unable to read.

E. Pharmaceuticals & Medication

The department does not stock pharmaceuticals or over-the-counter medications for administration to prisoners. Prisoners in need of any medication in their possession (prescription or over-the-counter) will be permitted to take the medicine according to written instructions available on the prescription bottle/vial or package.

Booking personnel will monitor the process to prevent overdose and document the date, time, type of medication, and amount given to a prisoner on the Holding Facility Intake Form (revised 6/98).

IX. DETAINEE RIGHTS

A. Length of Detention - Adults

Maryland Rule 4-212, section (e) and (f) provides defendants must be taken before a District Court Commissioner *"... without unnecessary delay and in no event later than twenty-four hours after arrest."*

It is the department's goal prisoners should not be held in a holding facility for more than six (6) hours. However, the department recognizes there are periods when this goal is unattainable because of excessive workload or unavailability of transportation officers. In cases where an adult prisoner must be detained in a holding facility longer than six hours, a patrol supervisor must briefly note the reason in the prisoner log. No negative consequences will accrue to booking personnel or police supervisors for detention of adults in excess of six hours, as long as there is a justifiable reason that is documented in the prisoner log.

B. Length of Detention - Juveniles

Juveniles may not be held in excess of six hours without authorization from the Department of Juvenile Services or a court. See Index Code 1702, section V, for details.

C. Opportunity to Make Bail

A prisoner's opportunity to make bail will not be impeded by department employees.

D. Confidential Access to Attorney

The department is not obligated to permit attorney access to a holding facility detainee unless the detainee specifically requests access to an attorney. If a detainee makes such a request, then the detainee is entitled to, and the department will permit, confidential access to the attorney while the detainee is confined in a holding facility. Such visits will be limited and consistent with the need for prisoner security.

Booking personnel or a police officer will search visiting attorneys and relieve them of potential weapons prior to entering the holding area or cell. Anyone who refuses to allow themselves to be searched will not be permitted access to the prisoner or the holding facility under any circumstances. In addition, booking personnel will record the name and identity of the visiting attorney in the prisoner log, and the times in and out of the facility.

E. Prisoner Access to Telephone

Detainees are entitled to reasonable use of the telephone. No long distance calls will be allowed unless prior arrangements are made for the charges to be reversed. If the prisoner is unable to complete the call without assistance, booking personnel will provide assistance. If the prisoner wants to call someone but is unable to communicate effectively, the arresting officer should make the call and provide a responsible adult with sufficient details to assist the detainee.

F. Monitoring/Recording Telephone Calls

Department employees may not monitor or record detainees' telephone calls.

G. Prisoner Meals

Three meals will be provided to prisoners during each 24-hour period (*0600 hours, 1200 hours, and 1800 hours*) *Meals will be provided to prisoners, during these times, that are held over 6 hours (except, if needed, prisoners suffering from diabetic medical issues)*. All meals furnished to prisoners will be at the expense of the department, and will be obtained from authorized restaurants.

X. SUPERVISION OF DETAINEES

A. 24-Hour Supervision

Booking personnel are responsible for twenty-four (24) hour supervision of prisoners.

B. Population Count

Booking personnel will conduct a face-to-face count of the prisoner population in the holding facility at least once every 8 hours, at the beginning of each shift. This count will be documented on the Cellblock Inspection & Prisoner Count Report (PD 291).

C. Visual Observation of Prisoners

Booking personnel will visually observe each prisoner at least every thirty (30) minutes. Care should be taken during physical checks so the prisoners do not anticipate the appearance of department personnel. This inspection will be documented on PD 291 (Cellblock Inspection & Prisoner Count Report.)

Prisoners who are security risks should be under closer surveillance and may require more frequent observation. These inspections will be documented on a separate Cellblock Inspection Form (PD 291.) Security risk prisoners include not only prisoners who are violent, but also those who are suicidal, mentally ill or demonstrating unusual or bizarre behavior.

D. Prisoner Privacy

Audio and visual equipment such as television cameras and listening devices will be used at critical locations in the holding areas to provide for prisoner and personnel safety. Booking personnel will ensure the equipment is not used in such a way that violates the personal privacy of prisoners.

E. Supervising Detainees of Opposite Sex

Members of the department, including booking personnel, are prohibited from visiting the cells in which prisoners of the opposite sex are confined, except to perform necessary tasks related to law enforcement or prisoner detention. In such cases, a second employee will witness the visit, either in person or via a video monitor.

F. Prisoner Mail or Packages

Mail intended for prisoners will not be accepted. Only items of personal necessity to a prisoner will be accepted. These items may include: one set of clean clothing, medication, house/vehicle keys, identification, etc. If any of these items are accepted for a prisoner, the booking officer **must inspect** each item received for any weapons, contraband, or any possible threats to the security of the holding facility. After this inspection is completed, the booking officer must add the item(s) to the prisoner's property inventory form and ensure that the item(s) are properly secured in the property locker assigned to the affected prisoner.

G. Visitation Rights

Detainees in department holding facilities may be visited only by:

1. Their attorneys (see section IX.D, above); and
2. Their parent or guardian, if the detainee is a juvenile.

Booking personnel will search all visitors and their belongings, and remove potential weapons, before allowing them direct contact with the prisoner. Anyone who refuses to allow themselves to be searched will not be permitted access to the prisoner or the holding facility under any circumstances.

In addition, booking personnel will record the name and identity of the visitor in the prisoner log, and the times in and out of the facility.

XI. PROPONENT UNIT: Patrol Services Bureau.

XII. CANCELLATION: This directive cancels Index Code 2004, effective 12-08-08.