

	DELMAR POLICE DEPARTMENT	
	Policy 7.11 Prisoner Transportation	
	Effective Date: 05/01/15	Replaces: N/A
	Approved: <u>Ivan Barkley</u> Chief of Police	
	Reference: DPAC: 3.1.1, 3.1.2, 3.1.5, 3.1.6, 3.1.7	

I. POLICY

Transportation of persons in custody is a constant requirement and a frequent activity. Transportation usually occurs in two instances. The first is immediately after arrest when the arrestee is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of prisoners from a detention facility or court, to another facility or for other reasons. Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of this law enforcement agency to take the precautions necessary while transporting prisoners to protect the lives and safety of officers, the public, and the person in custody.

II. PURPOSE

The purpose of this policy is to establish procedures to ensure that prisoners are transported safely.

III. PROCEDURES

A. General

1. Unless no other type of vehicle is available, all prisoners shall be transported in secure, caged vehicles.
2. In no case shall a juvenile known or believed to be under the age of 17 years be transported with adults suspected of or charged with criminal acts.
3. When picking up a prisoner from any facility, the officer shall verify the identity of the prisoner.
4. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.

B. Searching the prisoner

1. The transporting officer shall always search a prisoner before placing him or her into the vehicle. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the

prisoner. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer.

2. When handling and searching prisoners, officers shall remain mindful of the department's infectious diseases exposure control plan and shall use personal protective equipment when necessary.
3. Any items removed from the prisoner prior to transport will be securely maintained and returned to the prisoner or turned in to the booking officer upon arrival at the location of detention for placement in the prisoner's property.

C. Searching the police vehicle

The transporting officer shall search the vehicle immediately before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his or her destination, officers shall again search the police vehicle to ensure that the prisoner did not hide contraband or other evidence.

D. Transport equipment

1. Marked patrol vehicles may be equipped with physical barriers separating the front and rear compartments. Normally, these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.
2. Patrol vehicles equipped with physical barriers and used in transporting prisoners shall have the rear interior door and window activation switches deactivated in order to minimize the risk of escape by prisoners while transporting.
3. If the physical barrier is equipped with a sliding partition, it must be closed and locked to prevent prisoner access to the driver's compartment.
4. Vehicles used for transporting prisoners should be checked for proper security measures and any contraband at the beginning of each shift and before transporting prisoners.

E. Positioning of prisoners in the transport vehicle

1. When an officer transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with seat belts. Prisoners shall be handcuffed with their hands behind their backs, palms outward, except for the exceptions detailed in Policy 7.10.
2. When a single officer transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back, palms outward. A

single officer shall never transport two or more suspects in a non-caged vehicle unless directed by the on-duty supervisor.

3. If more than one officer transports prisoners in a non-caged vehicle, the following procedures shall be observed.
 - a. One officer shall position him or herself in the rear of the transporting vehicle behind the driver with the prisoner (seat belted) on the rear passenger side.
 - b. In a situation where more than one prisoner is transported by two officers in the same vehicle, the prisoners shall be positioned on the front and rear passenger side (seat belted) and the assisting officer should position himself behind the driver's seat in order to see the prisoners at all times and protect the driver.
4. Officers shall not transport prisoners who are restrained in a prone position. Doing so increases the risks of medical complications.

F. Notification of transport

Without exception, officers transporting non-department civilians (non-employees, arrestees, suspects, witnesses, courtesy rides) shall notify the dispatcher of the transport. The report shall include the point of origin, vehicle odometer reading (only required for juveniles and those of the opposite sex from officer), and the destination. Upon arriving, the officer shall notify the dispatcher and give the odometer reading (if applicable). If an unforeseen circumstance arises during transport (e.g. road closure, traffic congestion, railroad crossing, etc.), the officer shall notify the dispatcher of the location and reason for delay. When transport is resumed, the officer shall notify the dispatcher of such. The emergency communications operator shall log all transport information provided by the officer and record the time of each notification.

G. Control of prisoners while transporting

Observation and Medical Assistance

1. During custody and transportation, officers shall continually observe the prisoner, even when it becomes necessary to allow the prisoner the use of a toilet.
2. If a prisoner appears lethargic, particularly after an active confrontation with officers, or appears unresponsive, immediate medical help may be necessary. Observe the suspect carefully and if the officer is in any doubt about the prisoner's health, summon medical assistance immediately. Officers should ask an apparently ill prisoner if he or she wishes medical assistance.
3. The transporting officer shall advise the receiving officer, deputy or trooper of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's medical or mental health state.

4. Prisoners shall not be left unattended at any time during transport with the exception of situations in Section H. below.

H. Stopping to provide law enforcement services while transporting

1. When transporting a prisoner, the transporting officer shall provide law-enforcement services only when:
 - a. A need exists for the transporting officer to act immediately in order stop or prevent a violent act and prevent further harm to a victim.
 - b. A person has been injured and assistance is required immediately.
2. In all of the above situations, the transporting officer shall ensure at all times that the prisoner is secured and protected.
3. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

I. Escape

If a prisoner escapes while being transported, the transporting officer shall observe the following procedures.

1. Request assistance immediately from the jurisdiction the officer is in at the time of the escape. The transporting officer shall immediately provide dispatch with the following information:
 - a. Location.
 - b. Direction and method of travel, and means of escape.
 - c. Name, physical description of escapee.
 - d. Possible weapons possessed by the escapee.
 - e. Pending charges.
2. Try to recapture the escapee as soon as possible.
 - a. The transporting officer shall submit a written report to the Chief of Police as soon as practicable explaining the circumstances of the escape.

J. Prisoner communication

The transporting officer shall not allow prisoners to communicate with other people while secured or in transit unless the situation requires it. The officer shall use his or her judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party. This includes communication via cellular telephone.

K. Arrival at destination

When transporting prisoners from one facility to another, upon arriving at the destination, the transporting officer shall observe the following procedures:

1. Firearms shall be secured in the designated place at the facility being entered. If there are none, secure firearms inside the secure lock box or locked trunk of the police vehicle.
2. Restraining devices shall be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
3. The proper paperwork (warrant, statement of charges, committal, etc.) shall be submitted to the receiving facility and, in situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the department.

L. Sick/injured prisoners and medical facilities

1. At any time before, during, or after the arrest that the prisoner is injured, becomes sick, or complains of a potentially serious medical condition, the officer shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to a detention facility if the injury/sickness happens before arrival there.
2. If the prisoner refuses treatment, the prisoner shall be asked to sign a Medical Refusal or notation of such on an EMS, hospital or medical facility release form. Have the paramedic, attending physician or a nurse sign the form as witnesses. If the prisoner refuses to sign the form, obtain two witnesses to the refusal (hospital staff, another officer, or fire/rescue personnel). The form must be given to the detention facility personnel upon arrival.
3. If the prisoner must be admitted to the hospital, the officer shall release the prisoner only after consulting the on-duty supervisor. The supervisor shall observe the following procedures to ensure control of the prisoner:
 - a. If the prisoner is admitted and the prisoner was arrested for a felony involving a violent or deadly crime, arrangements should be made to ensure that there is an officer guarding the prisoner until which time the prisoner is released from medical care. The following procedures will be followed while prisoner is located within a medical facility:

- i. Officers will ensure the hospital room and the prisoner are thoroughly searched before and after all room changes or movements within the hospital facility and during shift changes.
- ii. Officers assigned to the prisoner detail will stay in the prisoner's room at all times unless it has been determined by the physician that the presence of the officer is medically detrimental to the officer or the prisoner's care. In these cases, officers will station themselves immediately outside the doorway while maintaining an unobstructed view of the prisoner. Officers will remain alert at all times during their tour of duty.
- iii. The officer(s) and prisoner will comply with hospital rules unless they interfere with good security practices. If hospital rules do interfere with appropriate institutional security, officers will contact his/her supervisor immediately. The supervisor will resolve the conflict, acting in accordance with established policies and procedures, and if necessary, in consultation with the hospital staff and security.
- iv. If the prisoner needs care in another hospital department, the officer(s) will accompany the hospital staff on all movements and assure hospital security personnel are notified of any movement. During prisoner movements within the hospital, the prisoner will be transported on a stretcher, gurney or in a wheelchair with leg irons and handcuffs. The restraints should never be concealed under sheets, towels, etc. unless directed by medical staff for a specific medical condition.
- v. If an officer must use the restroom, another police officer or security will be informed. Officers will not leave their post until another officer or security arrives. An officer's absence from the area will be kept to a minimum. If only one officer is assigned as a guard, supervisors will provide relief as needed.
- vi. If the prisoner becomes violent or disruptive, the assigned officer(s) will assist and protect the hospital staff to the best of their ability. Proper use of force in accordance with department guidelines is authorized to protect the public, prevent escape and maintain order. The use of pepper spray is strongly discouraged due to the possibility of cross contamination of the medical facility and negative, complicating effects the spray may cause to other patients under the hospital's care.
- vii. The officer being relieved from the security detail will ensure that all appropriate information regarding the prisoner is provided to the oncoming security officer(s). This will include,

but is not limited to, information such as the charges against the prisoner, any known security threats, the status of any allowable visitors, and any known medical updates that would require changes to the detail.

- b. If the prisoner is admitted and the prisoner was arrested for a misdemeanor, or non-violent felony the prisoner may be released from custody. The officer shall ensure the following:
 - i. The officer will complete DPD Form 7.11 (Request for Advance Notification for Discharge) and provide medical facility security personnel with a copy.
 - ii. The officer will obtain a Criminal Summons or an Arrest Warrant for individual.
 - iii. The officer will forward the approved warrant to the communications section for filing.

M. Special transport problems

1. When transporting a prisoner of the opposite sex as the transporting officer, an additional officer may be requested to accompany the transport. Officers shall comply with Section F. of this policy.

N. Prisoner with disabilities

1. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably, and safely for both the prisoner and the officer. The officer may request the dispatcher to contact the fire department or ambulance for assistance in transporting. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.
2. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists, then restraining devices may be inappropriate.
3. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
4. Transportation of dangerous/security-risk prisoners. When a prisoner is considered dangerous or a security hazard, the receiving agency shall be notified before the transport takes place in order to plan how best to minimize any chance of escape, or injury to the prisoner or anyone else.

O. Restraining devices

1. When prisoners are restrained during transport, the following procedures shall be followed unless circumstances require an alternate method.
 - a. A single prisoner shall be handcuffed with both hands behind his or her back.
 - b. Leg and waist belt restraints may also be used in order to minimize the risk of injury or escape.
 - c. Under no circumstances shall a prisoner be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
 - d. Officers shall use ankle shackles or plastic handcuffs to immobilize legs when transporting any prisoner that might pose an escape risk.

P. Documentation

Officers shall document all prisoner transports and shall note any unusual circumstances or events in the incident report. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment.