PRI-001

TRANSPORTATION OF PRISONERS

I. POLICY

It is the policy of the Wilmington Police Department that:

A. Arresting officers, in handling and transporting prisoners, will use only such force as is reasonable and necessary to control the prisoner and to ensure the safety of the officers; and

B. Arresting and transporting officers shall take all appropriate measures to ensure the preservation of the rights and safety of prisoners and to prevent their escape.

II. PROCEDURE

A. Transport Vehicle

1. Types of Vehicles

a. The following vehicles may be used to transport prisoners, listed in order of preference:

i. Caged two-person cruiser;

ii. Caged one-person cruiser;

2. Modifications

a. All department vehicles normally used to transport prisoners shall have a safety barrier installed. **(70.4.1)**

b. All officers transporting prisoners shall ensure the "child safety lock" is engaged on the rear doors to minimize opportunities for the prisoner to exit from the rear compartment of the vehicle without the aid of a transporting officer. **(70.4.2)**

3. Seating

Officers shall ensure that prisoners being transported are visually observable at all times.

a. Prisoner Transport with Two Officers, Caged Vehicle.

i. The prisoner(s) will be seated in the rear seat. Both officers will be seated in the front seat.

ii. The officer in the passenger position will maintain visual contact with the prisoner(s).

iii. Safety belts with a shoulder harness shall be used if available.

b. Single Officer Transport, Caged Vehicle.

i. If the arresting officer cannot be provided with a backup and must transport the prisoner alone, [s]he will:

(a) Preferably seat the prisoner on the rear passengers side of the vehicle with rearview mirror adjusted to view the prisoner;

[b] Handcuff the prisoner with his/her hands behind his/her back, palms facing outward; and

[c] Safety belts with a shoulder harness shall be used if available.

c. Uncaged Vehicle.

i. When transporting a prisoner in an unmarked vehicle or cruiser without a cage:

[a] Only one prisoner at a time will be transported;

[b] The prisoner shall be placed in the rear seat, passenger side;

[c] If there is a second officer available, [s]he will ride in the rear seat, and the prisoner will be placed in the front passengers seat; and

[d] Safety belts with a shoulder harness shall be used if available.

NOTE: This type of transport should only be used as a last resort when no other means are available or in an emergency situation. **(70.1.3)**

B. Searches

1. Transport Vehicle

a. All vehicles normally used for transporting prisoners shall be checked for operational suitability, and searched for weapons and contraband at the beginning each shift.

b. Before placing a prisoner in a police vehicle, the vehicle shall be searched to ensure that there are no articles present that can be used as weapons. This will also ensure that items (e.g., contraband, evidence, etc.) subsequently found can more easily be attributed to the prisoner.

c. At the completion of all prisoner transports, the officers assigned to the vehicle will conduct a search of the area within the vehicle where the prisoner was located for evidence and/or contraband that may have been discarded by the prisoner. **(70.1.2)**

2. Prisoners

a. Officers who will be transporting a prisoner shall perform a thorough search of the prisoner prior to transporting the prisoner. Whenever an officer takes custody of a prisoner [s]he is to transport, [s]he should never assume that the prisoner has already been

searched. [S]he shall conduct a thorough search of the prisoner himself/herself. **(70.1.1)**

b. Officers will also search the area within the immediate reach or control of the prisoner for weapons, contraband, and evidence. Any such items will be seized, including any item that could be used by the prisoner to inflict injury to the officer and/or to himself/herself.

c. Juvenile prisoners shall be processed in the same manner as adult prisoners with regard to searches; however, every consideration shall be given to the age and sensitivity of the juvenile prisoner.

C. Prisoner Restraining Devices

1. All prisoners shall be handcuffed prior to being placed into the transport vehicle, unless there are extenuating circumstances (e.g. very young juvenile, handicapped, injured].

2. Prisoners shall be handcuffed with their hands behind their back, palms facing outward unless there are mitigating circumstances such as handicaps, illness or injury. Handcuffs shall be double locked. Handcuffs shall be placed on the skin above the wrists, securely, but not so tight as to affect circulation.

3. At no time will a prisoner be handcuffed to any part of the transport vehicle during transport.

4. Leg restraints may be used when the officer believes the prisoner has a potential for violent behavior.

5. Officers shall not transport prisoners who are restrained in a prone position.

6. Officers should be aware of the issue of positional asphyxia when placing restrained prisoners into a vehicle. **(70.2.1)**

7. Multiple Prisoners

a. Whenever several similar suspects (adult males, juvenile males, etc.) who have been arrested as

participants in the same criminal activity are to be transported:

i. Their arms should be interlocked and their hands handcuffed behind their backs, palms facing outward.

ii. If the number of persons arrested exceeds the number of pairs of handcuffs available, the prisoners may be cuffed together by handcuffing the right wrist of suspect #1 to the right wrist of suspect #2. The left wrist of suspect #2 would then be handcuffed to the left wrist of suspect #3. If there are four or more suspects, they should be handcuffed in groups of 2 or 3.

D. Transport Procedures from Place of Arrest to Booking Facility

1. An officer should always call for assistance before attempting to transport an arrestee unless circumstances require otherwise. An officer shall not attempt to transport more persons than [s]he can safely control.

2. FEMALES AND JUVENILES:

   a. Females shall be transported separately from males.

   b. Juveniles shall be transported separately.

3. ESCORTING PRISONERS TO TRANSPORT VEHICLE: A time of potential danger to the officers and prisoner is when the prisoner is being escorted to the transporting vehicle. To help reduce the danger, officers should keep the prisoner isolated from other persons in the area when going to the transport vehicle and during the transport.

4. COMMUNICATION TO DISPATCHER: Immediately upon commencing the transport, the officer shall communicate the following information to the dispatcher:

   a. The number and sex of arrestees, and whether the arrestee is a juvenile;

   b. The reason for the arrest;

c. The present location, time, and the vehicle's odometer reading (if the prisoner is of the opposite sex or a juvenile); and
d. The destination.

5. TRANSPORT ROUTE: When a prisoner is in custody, [s]he shall be transported directly to the station, using the quickest route known from the scene of the arrest to the booking facility. However, all traffic regulations shall be observed, unless an emergency exists.

6. Communication with Prisoner During Transport

a. Because an arrestee in a police vehicle is in custody, no questioning of the arrestee shall be initiated by officers unless and until [s]he has been fully advised of the Miranda Warnings and has knowingly and intelligently waived those rights.

b. Unless a situation exists that makes a verbal exchange necessary, transporting officers should not allow prisoners to communicate with other persons while being transported. If a citizen, including the prisoner's attorney, requests to speak with a prisoner, the officer should advise him/her of the destination of the prisoner transport so that [s]he can make arrangements to see the prisoner.

7. Interruption of Transport

a. The primary duty of the transporting officers is the safe delivery of prisoners in their care to the proper destination. While transporting a prisoner, the transporting officers will stop to provide police services only in the following circumstances and only if this activity can be accomplished without serious risk of injury to the prisoner or escape of the prisoner:

i. Where immediate response is required to prevent severe bodily injury or death to an individual;

ii. Where serious injury has occurred requiring immediate attention; and

iii. Where a serious or violent crime is in progress and/or a criminal is fleeing and immediate apprehension is required to ensure public safety. **(70.1.4)**

8. Arrival at Booking Facility

a. Upon arrival at the booking facility, notify the dispatcher of the time of arrival and the vehicle's odometer reading (if the prisoner is of the opposite sex or a juvenile).

b. Upon arrival at the booking facility, transporting officers shall secure their weapons. **(70.1.6a)**

c. In the Booking Officer's presence, and prior to the handcuffs being removed, the escorting officers will conduct a full and thorough search of the prisoner. Once this security search has been completed to the Booking Officer's satisfaction, the handcuffs may be removed and the booking process completed. Restraining devices shall be removed prior to placing a prisoner in a cell. **(70.1.6b)**

d. Prisoners shall be searched immediately upon arrival at the station by an officer (or other department employee with proper training).

e. Arresting officers will advise the booking officer of any potential medical issues or security risks.

E. Transportation After Booking

1. When a prisoner is to be transported from the station to another facility to be held in custody or to court, the officers involved will comply with the following procedures:

a. Prisoner Identity: Verify the identity of the prisoner to be transported through the officer-in-charge. The prisoner shall be positively identified before beginning such transport by checking the identification of the prisoner against the description and cell number on the booking sheet (where applicable). Positive identification through comparison of mug shots should be done when available. **(70.5.1a)**

b. Destination: Verify the destination of the prisoner transport.

c. Medical Conditions: Advise the receiving agency of any potential medical hazards. **(70.1.6d)**

d. Violent/Escapist Prisoners: If a prisoner to be transported to court or another custody facility has been or is extremely violent or is an escape risk, the officer-in-charge will make this fact known to the receiving agency prior to the prisoner being transported so that the receiving agency is prepared to accept the prisoner. **(70.1.6d)**

e. Suicidal Prisoners: If the prisoner is, or is felt to be, a suicide risk, the receiving agency will be advised in writing of the exact nature of the threat or attempt and the appropriate CJIS entry will be made in accordance with G.L. c. 40, s. 36A. **(70.5.1c)**

f. Paperwork: Ensure that all the necessary paperwork accompanies the prisoner to the custody facility or the court house (i.e., booking sheet, arrest report, copy of the warrant, medical records, suicide/escape potential documentation etc.); and **(70.5.1b)**

g. Property: Transfer the prisoner's property to the custody facility or court in a sealed and labeled property bag, provided that the court will accept the property.

2. Upon arrival at the custody facility or court, the officers will:

a. Advise the dispatcher of their location and the vehicle's odometer reading at the beginning and end of the transport;

b. Escort the prisoner into the facility and deliver all necessary papers and personal property to the receiving officer; **(70.1.6c)**

c. Secure firearms in accordance with the procedures of the receiving agency; **(70.1.6a)**

d. Maintain control of the prisoner until relieved by the receiving agency;

e. Remove restraining devices only when directed to do so by the receiving agency; and **(70.1.6b)**

f. Have dispatch make a log entry documenting the transfer of custody of the prisoner to the receiving agency. **(70.1.6e)**

3. When transporting a prisoner from another facility to the department's holding facility (e.g., picking up a prisoner arrested on a warrant by another agency), the transporting officers will:

a. Upon arrival at the holding agency, notify the dispatcher

b. Secure their firearms in accordance with the procedures of that agency;

c. Verify the identity of the prisoner by checking any description of the prisoner contained on the warrant or other documents;

d. Ensure that all required paperwork is properly signed and executed and accompanies the prisoner;

e. Prepare the prisoner for transport according to proper procedure;

f. Notify the dispatcher when they are beginning their return transport and the vehicle's odometer reading at the beginning and end of the transport; and

g. Transport the prisoner directly to the department's holding facility.

F. Prisoner Escape

1. Transporting Officers

a. If a prisoner escapes during arrest, transportation, or booking, the officers will notify the dispatcher giving as much information as possible, including the following:

i. Prisoner's name, if known;

ii. Description, including clothing;

iii. Area where escape occurred;

iv. Direction of flight;

v. Probable destination, if known; and

vi. Any other pertinent information available. **(70.1.7a)**

b. Begin an area search and attempt to regain custody of the prisoner.

c. Submit a written report, before the end of the shift, detailing the events leading to the escape to the officer-in-charge. **(70.1.7b)**

2. Dispatcher

a. The dispatcher will immediately notify the officer-in-charge of the prisoner escape and [s]he will deploy additional officers as necessary.

3. Officer-In-Charge

a. The officer-in-charge will submit a written report concerning the events leading to the escape, the actions taken to regain custody, and any recommendation concerning possible corrective measures or department disciplinary proceedings.

4. Department Command Staff

a. Review reports and take actions to prevent any reoccurrence.

G. Special Transport Situations

1. Sick, Injured, or Handicapped Prisoners

a. Medical Care.

i. If medical care is necessary, the officers shall arrange for Emergency Medical Technicians to evaluate the prisoner's medical needs whether it be at the scene or the holding facility. The prisoner will either be transported by ambulance to a hospital or be treated and released to the officers' custody.

ii. If hospital care is necessary, one officer shall accompany the prisoner in the ambulance. The prisoner ***shall remain*** in custody, in restraints and in the presence of the officer (unless emergency circumstances prevent it) until his/her release from the treating facility and/or release from custody (such as bail). Visitors should not be allowed to the detainee. If emergency circumstances dictate the allowance of a visitor or the detainee's Attorney seeks to visit, the visitor or Attorney should be identified, searched for weapons and a written log kept of name and time of visit. Detainees should not be allowed the use of the telephone unless emergency circumstances necessitate. Every effort should be made to ensure Detainees are not given access to materials which may aid in their escape or ability to injure an officer or others. **(70.3.2)**

b. Handcuffing of Sick, Injured, or Handicapped Prisoners

i. When handcuffs are used, they should be used in a manner so as not to further aggravate existing handicaps, illness or injury. If

Emergency Medical Technicians are present, handcuffs should be applied as suggested by them. **(70.3.1)**

c. Transporting Handicapped Prisoners

i. Officers will make reasonable accommodations when transporting handicapped prisoners.

ii. When it is necessary to lift a wheelchair or bed-ridden prisoner, two officers shall be used.

iii. Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the prisoner.

2. Transporting Mentally Disturbed Prisoners

a. Mentally disturbed prisoners may pose a significant threat to themselves and/or the transporting officers. If required, handcuffs should be used until a more appropriate restraining device can be applied.

3. Long-Distance Transportation

a. Ideally, Two officers should be used in any long-distance transport of a prisoner. There should be at least one department employee of the same sex as the prisoner being transported.

b. Visual Contact: In a situation where visual contact at all times is not possible, e.g., a female prisoner needing toilet facilities and transported by a male officers, the officers should ensure that they have as much control of the situation as possible.

c. Use of Toilet Facilities: The officers shall contact the nearest available police department to make arrangements for the use of their facilities.