

## TRANSPORTATION OF DETAINEES

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| POLICY & PROCEDURE NO.<br><br><b>3.01</b>                                                                                                                                                                       | ISSUE<br>DATE: April 16, 2014     |
|                                                                                                                                                                                                                 | EFFECTIVE<br>DATE: April 16, 2014 |
| MASSACHUSETTS POLICE<br>ACCREDITATION STANDARDS<br><br>REFERENCED: <b>70.1.1; 70.1.2;<br/>         70.1.3; 70.1.4; 70.1.5; 70.1.6;<br/>         70.1.7; 70.2.1; 70.3.1; 70.4.1;<br/>         70.4.2; 70.5.1</b> | REVISION<br>DATE: _____           |

### I. GENERAL CONSIDERATIONS AND GUIDELINES

The proper transporting and handling of detainees is essential to ensure the safety of both officers and detainees. A person who faces the loss of freedom may become desperate and dangerous. [S]he may be ready to attack and flee at any time the opportunity presents itself.

Escape is not only embarrassing but may also create a serious danger to the community or to other police officers before the detainee is recaptured. At all times, an officer should expect the unexpected. [S]he should not be "lulled" by the apparent cooperation of the detainee. Every precaution should be taken to be prepared to handle sudden dangerous activity. The purpose of the procedures outlined below is to assist an officer in avoiding such problems.

The transportation of detainees by law enforcement officers is a frequent requirement. Detainees are transported under many circumstances, such as transport by the arresting officer immediately after arrest; transfer to or from other agencies or holding facilities; movement of detainees from holding facilities to medical treatment centers; and transfer to court. The adherence to proper procedures for handling and transporting detainees is essential to ensure both the rights of the detainee and the safety of the transporting officer(s), the detainee(s), and the general public. Adherence to proper procedures will also minimize the possibilities of injury, escape, or accusations of mistreatment.

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## II. POLICY

It is the policy of this department that:

- A. Arresting officers, in handling and transporting detainees, will use only such force as is reasonable and necessary to control the detainee 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 detainees and to prevent their escape.

## III. PROCEDURE

### *A. Transport Vehicles*

1. TYPES OF VEHICLES: The following vehicles may be used to transport detainees, listed in order of preference:
  - a. Caged one-person cruiser;
  - b. Caged two-person cruiser (if possible);
  - c. Uncaged vehicle;

NOTE: A vehicle without a barrier shall be used only if there is no caged cruiser available, or at the discretion of the chief.

2. SAFETY MODIFICATIONS
  - a. All department vehicles normally used to transport detainees shall have:
    - 1) A safety barrier to protect the front occupants; [70.4.1]
    - 2) A fiberglass prisoner seat (replaces the rear bench seat); and
    - 3) Rear window security bars.
  - b. All vehicles used for transporting detainees shall be modified to minimize opportunities for the detainee to exit from the rear compartment of the vehicle without the aid of a transporting officer. Such modifications may include: [70.4.2]
    - 1) Disable rear passenger power window controls;
    - 2) Remove rear passenger window hand cranks; and
    - 3) Disable or remove rear passenger interior door latch handles.
3. TRANSPORT VEHICLE SEARCHES [70.1.2]
  - a. All vehicles normally used for transporting detainees shall be checked for operational suitability, and searched for weapons and contraband at the beginning of each shift.

- b. Before placing a detainee 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 subsequently found (e.g., contraband, evidence, etc.) can be more easily attributed to the detainee.
- c. At the completion of all detainee transports, the officers assigned to the vehicle will conduct a search of the area within the vehicle where the detainee was located for evidence and/or contraband that may have been discarded by the detainee.

## **B. Detainees**

### 1. DETAINEE SEARCHES [70.1.1]

- a. All detainees shall be thoroughly searched immediately prior to being transported.
- b. Whenever an officer takes custody of a detainee to transport, **the officer should never assume that the detainee has already been searched.** The officer shall conduct a thorough search of the detainee himself/herself, provided the officer is of the same sex.
- c. If the detainee is of the opposite sex of the transporting officer:
  - 1) An officer or trained police employee of the same sex may search the detainee.
  - 2) If such officer or employee is not available, an officer of the opposite sex may conduct the search if there is reason to believe the detainee is armed with an item with which [s]he could cause harm to himself/herself or the officer.
  - 3) The officer should conduct this search in the presence of another officer or a reasonable adult witness to minimize any accusation of misconduct.
- d. Juvenile detainees shall be processed in the same manner as adult detainees with regard to searches; however, consideration shall be given to the age and sensitivity of the juvenile detainee.

### 2. DETAINEE RESTRAINING DEVICES [70.2.1]

- a. All detainees shall be handcuffed prior to being placed into the transport vehicle. Officers may use:
  - 1) Metal handcuffs, or
  - 2) "Flex Cuffs."
- b. Detainees shall be handcuffed with their hands behind their back, palms facing outward unless there are exigent circumstances (such as an injury, etc.).

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- c. Handcuffs shall be double locked. Handcuffs shall be placed on the skin above the wrists, securely, but not so tightly as to affect circulation. Handcuffs shall not be placed over sleeves or clothing.
  - d. At no time will a detainee be handcuffed to any part of the transport vehicle during transport.
  - e. Leg restraints may be used in addition to handcuffs when the officer believes the detainee has a potential for violent behavior or flight; leg restraints may be used in lieu of handcuffs due to injury or disability.
  - f. Officers shall not transport detainees who are restrained in a prone position.
  - g. Officers should be aware of the issue of positional asphyxia when placing restrained detainees into a vehicle.
  - h. Officers may transport without handcuffs provided there are extenuating circumstances (e.g., very young juvenile, handicapped, injured).

### 3. MULTIPLE DETAINEES

- 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:
  - 1) They should be handcuffed in the standard way.
  - 2) Their arms may be interlocked and their hands handcuffed behind their backs, palms facing outward.
  - 3) The detainees 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 two or three.

### 4. SEATING IN POLICE PATROL VEHICLES

- a. Officers shall ensure that detainees being transported are visually observable at all times.
- b. Detainee Transport with Single Officer, Caged Vehicle: If the transporting officer cannot be provided with a backup and must transport the detainee alone, [s]he will follow this procedure:
  - 1) Handcuff the detainee with his/her hands behind his/her back, palms facing outward;
- c. The detainee will be seated in the right rear seat; and Detainee Transport with Two Officers, Caged Vehicle

- 1) The detainee(s) will be seated in the rear seat. Both officers will be seated in the front seat.
  - 2) The officer in the passenger position will maintain visual contact with the detainee(s).
  - 3) Safety belts with a shoulder harness shall be used if available.
  - 4) Safety belts with a shoulder harness shall be used if available.
- d. Detainee Transport in Uncaged Vehicle: When transporting a detainee in an unmarked vehicle or cruiser without a cage: [70.1.3]
- 1) Only one detainee at a time will be transported;
  - 2) The detainee shall be placed in the front seat, passenger side;
  - 3) If there is a second officer available, [s]he will ride in the front seat with the operator and the detainee will be placed in the rear seat behind the passenger; and
  - 4) Safety belts with a shoulder harness shall be used if available.

NOTE: This type of transport should only be made in situations where the offense is minor in nature and the detainee is cooperative.

### ***C. Transport to Booking Facility***

1. **GENERALLY:** An officer shall not attempt to transport more persons than [s]he can safely control.
2. **FEMALES AND JUVENILES:** Whenever possible, male and female detainees and juvenile detainees will be transported separately from each other.
3. **ESCORTING DETAINEES TO TRANSPORT VEHICLE:** A time of potential danger to the officers and detainee is when the detainee is being escorted to the transporting vehicle. To help reduce the danger, officers should keep the detainee isolated from other persons in the area when going to the transport vehicle and during the transport.
4. **COMMUNICATING WITH DISPATCH:** 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(s) are juveniles;
  - b. The reason for the arrest;
  - c. The present location and the vehicle's odometer reading; and
  - d. The destination.

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## 5. TRANSPORT ROUTE

- a. A detainee in custody shall be transported directly to the station, using an expedient route from the scene of custody to the booking facility.
- b. All traffic regulations shall be observed, unless an emergency exists.

## 6. COMMUNICATION WITH DETAINEE DURING TRANSPORT [70.1.5]

- a. Because an arrestee in a police vehicle is in custody, no questioning of the arrestee shall be initiated by officers unless and until the arrestee 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 detainees to communicate with other persons while being transported.
- c. If a citizen, including the detainee's attorney, requests to speak with a detainee, the officer should advise that person of the destination of the detainee transport.

## 7. 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.
- b. Booking will be accomplished according to the department policy on ***Detainee Processing***.

### ***D. Transport of Detainee to Another Facility***

1. PREPARING DETAINEE FOR TRANSPORTATION: When a detainee is to be transported from the holding facility to another holding facility or to court, the officers involved will comply with the following procedures:
  - a. Detainee Identity: Verify which detainee is to be transported.
  - b. Positively Identify the Detainee Prior to Transport: The transporting officer shall positively identify that the detainee to be transported is, in fact, the correct detainee. Positive identification may be ascertained from another employee, or by checking the identification of the detainee against the description, booking photo, cell number, and booking photo, etc. [70.5.1(a)]
  - c. Destination: Verify the destination of the detainee transport.
2. HEALTH SCREENING: Before transfer to another facility, the detainee shall be screened by the officer preparing the detainee for transport. This screening shall consist a brief inquiry into:

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- a. The current health of the detainee;
  - b. Any medications being taken;
  - c. Behavioral observations, including consciousness and mental status; (also see Suicide Risk Screening in this department's policy on ***Detainee Processing***); and
  - d. A notation of any obvious body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.

Note: All observations shall be noted in a supplemental narrative to the arrest report.

3. VIOLENT/ESCAPIST DETAINEES: If a detainee to be transported to court or another custody facility has been or is extremely violent or is an escape risk, the officer will make this fact known to the receiving agency prior to the detainee's being transported, so that the receiving agency is prepared to accept the detainee. [70.1.6(d)]
4. SUICIDAL DETAINEES: If the detainee 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 M.G.L. c. 40, §36A. [70.5.1(c)]
5. DOCUMENTATION: The transporting officer shall ensure that the proper documentation, as appropriate, accompanies the detainee. [70.5.1(b)]
  - a. Court [If court paperwork is not transported separately from the detainee]:
    - 1) Police report (three -3- copies plus original);
    - 2) Statement of Facts form;
    - 3) Application for complaint or criminal citation;
    - 4) Served arrest warrants; and
    - 5) Suicide risk evaluation, if appropriate.
    - 6) Copy of face sheet w/photo for lock up personnel.
  - b. Juvenile holding facility:
    - 1) Booking sheet;
    - 2) Suicide risk evaluation; and
    - 3) Mental health evaluation: Application for mental health evaluation if issued.
  - c. Other police agency:
    - 1) Booking sheet;

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- 2) Served arrest warrants; and
  - 3) Suicide risk evaluation.
- d. Property:
- 1) Transfer the detainee's property to the custody facility or court. The court will only accept personal property that will fit in a single 8"x11" clear plastic property bag.
  - 2) Any property not accepted by the receiving facility shall be turned over to the property officer to be held for safe keeping.
6. UPON ARRIVAL AT ANOTHER FACILITY: 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. Secure firearms at the accepting facility in accordance with the procedures of the receiving agency; [70.1.6.a]
  - c. Escort the detainee into the facility and deliver all necessary documentation and personal property to the receiving officer; [70.1.6.c]
  - d. Maintain control of the detainee until relieved by the receiving agency;
  - e. Advise the receiving agency personnel of any potential medical issues, disease, suicide risk, infectious disease, open wounds, sores, vermin or security risks; [70.1.6(d)]
  - f. Remove restraining devices only if directed to do so by the receiving agency; and [70.1.6(b)]
  - g. Obtain the name and signature of the receiving agency official if possible. [70.1.6(e)]
7. TRANSPORT OF DETAINEE FROM ANOTHER AGENCY'S CUSTODY: When transporting a detainee from another facility to the department's holding facility (e.g., picking up a detainee arrested on a warrant by another agency), the transporting employees 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 detainee by checking any description of the detainee contained on the warrant or other documents;
  - d. Ensure that all required paper work is properly signed and executed and accompanies the detainee;
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- e. Obtain the detainee's property;
  - f. Prepare the detainee for transport according to department procedure:
    - 1) Search,
    - 2) Restraints,
    - 3) Seating in the transport vehicle;
  - g. Notify the dispatcher when they are beginning their return transport, and give the vehicle's odometer reading at the beginning and end of the transport; and
  - h. Transport the detainee directly to the department's holding facility.

### ***E. Special Transport Situations***

- 1. TRANSPORTING DETAINEES OF THE OPPOSITE SEX
  - a. When transporting a detainee of one sex by an officer of the opposite sex, an additional officer may be requested to accompany the transport whenever practical.
  - b. Whenever one or two officers transport a detainee of the opposite sex, the following procedures will apply:
    - 1) The transporting officers will call in the mileage on their patrol vehicle and their location. The dispatcher will make an entry into the log.
    - 2) The transporting officers will proceed directly to their destination using the shortest practical route.
    - 3) Upon arrival at the destination of the transport, the transporting officers will call in the ending mileage on their patrol vehicle. This information will be noted by the dispatcher in the log.
- 2. SICK, INJURED, OR HANDICAPPED DETAINEES [70.3.1]
  - a. If medical care is necessary:
    - 1) The officers shall arrange for Emergency Medical Technicians to come to the scene and evaluate the detainee's medical needs.
    - 2) The detainee will either be transported by ambulance to a hospital or be treated and released to the officers' custody.
  - b. If hospital care is necessary:
    - 1) An officer may, at the discretion of a supervisor, or at the request of medical personnel, accompany the detainee in the ambulance.

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- 2) If an officer does not ride in the ambulance, the officer shall follow the ambulance to the hospital.
  - 3) Handcuffing of Sick, Injured, or Handicapped Detainees
    - a) When handcuffs are used, they should be used in a manner so as not to further aggravate the handicap or injury. If Emergency Medical Technicians are present, handcuffs should be applied as suggested by them.
    - b) Leg shackles may be used when handcuffs are not appropriate.
  - 4) Upon arrival at the hospital, the officer shall meet the ambulance and accompany the detainee through triage.
  - 5) The detainee shall remain in custody 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).
- c. For further information, see the department policy on ***Detaining Prisoners***.

### 3. TRANSPORTING HANDICAPPED DETAINEES

- a. Officers will make reasonable accommodations when transporting handicapped detainees.
- b. When it is necessary to lift a wheelchair or bed-ridden detainee, two or more persons shall be used.
- c. A non-emergency ambulance may be used if appropriate.
- d. Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the detainee.

### 4. TRANSPORTING MENTALLY DISTURBED DETAINEES: Mentally disturbed detainees 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.

### 5. LONG-DISTANCE TRANSPORTATION

- a. Two officers shall be used in any long-distance transport of a detainee of over 100 (one hundred) miles. There should be at least one officer or police employee of the same sex as the detainee being transported.
- b. The use of optional restraints should be considered, such as:
  - 1) Waist chains, or
  - 2) Leg shackles.

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- c. Visual Contact: Transporting employees should maintain visual contact with the detainee at all times.
  - d. Use of Toilet Facilities: The officers shall contact the nearest available police department to make arrangements for the use of their facilities.
  - e. Food: If transporting officers must provide food for detainees during transport:
    - 1) Fast food may be provided and consumed in the transportation vehicle.
    - 2) The officer may contact a police facility to make arrangements for the detainee to be placed in a cell and fed.
6. INTERRUPTION OF TRANSPORT [70.1.4]
- a. The primary duty of the transporting officers is the safe delivery of detainees in their care to the proper destination.
  - b. While transporting a detainee, 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 detainee or escape of the detainee:
    - 1) Where immediate response is required to prevent severe bodily injury or death to an individual;
    - 2) Where serious injury has occurred requiring immediate attention; and
    - 3) Where a serious or violent crime is in progress and/or a criminal is fleeing and immediate apprehension is required to ensure public safety.
7. SPECIAL SITUATIONS
- a. Officers shall not transport detainees to visit critically ill persons, to attend funerals or other such special situations.
  - b. Where circumstances warrant, an officer should explain bail procedures to a detainee or his/her family and assist in having the detainee's request for bail addressed promptly. [70.3.3]

## ***F. Detainee Escape***

- 1. TRANSPORTING OFFICERS
  - a. If a detainee escapes during arrest, transportation, or booking, the officers will notify the dispatcher giving as much information as possible, including the following: [70.1.7(c)]
    - 1) Detainee's name, if known;

- 2) Description, including clothing;
  - 3) Area where escape occurred;
  - 4) Direction of flight;
  - 5) Probable destination, if known; and
  - 6) Any other pertinent information available.
- b. Begin an area search and attempt to regain custody of the detainee.
  - c. The officer from whose custody the detainee escaped shall submit a written report, before the end of the shift, detailing the events leading to the escape to the supervisor. [70.1.7(b)]
2. DISPATCHER [70.1.7(A)]
    - a. The dispatcher will immediately notify a supervisor and the chief of the detainee escape, and [s]he will deploy additional officers as necessary.
    - b. The dispatcher shall call additional resources at the request of the supervisor:
      - 1) Canine Teams;
      - 2) State Police Air Wing; and
      - 3) Other law enforcement agencies.
  3. OFFICER-IN-CHARGE: 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. [70.1.7(b)]
  4. DEPARTMENT COMMAND STAFF: Review reports and take actions to prevent any recurrence.