

THURMONT POLICE DEPARTMENT			
GENERAL ORDER	Date Issued: June 6, 2007	Effective Date: June 6, 2007	Order No: Chapter 11 .0
Authority: Chief of Police Gregory L. Eyer		Manual Page No:	
Subject: Prisoner Transportation		Replaces Page No:	
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This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

I. PURPOSE:

To provide guidelines for the transportation of arrestees by members of the Thurmont Police Department.

II. POLICY:

It shall be the policy of the Thurmont Police Department to transport arrestees in a manner that will adequately provide for the safety and security of the arrestee, transporting officer(s), and the general public.

III. DEFINITIONS:

NONE.

IV. PROCEDURE:

A. Search of Transport Vehicle

1. At the beginning of their tour of duty, all vehicles that may be used for prisoner transport will be inspected by the operator for readiness, which will include:
 - a. Free of weapons/contraband;

- b. Mechanically safe;
 - c. Free of damage or defect; and
 - d. Properly equipped for use – Doors and windows of the prisoner compartment in all such vehicles will be rendered inoperable from inside the compartment.
2. It shall be the responsibility of the transporting officer to search thoroughly the rear area of the transport vehicle prior to and immediately following the transport of the arrestee.

B. Prisoner Search Prior to Transport

1. All prisoners will be searched prior to transport unless exigent circumstances exist. If so, at a minimum, a “Frisk” will be conducted for weapons prior to transport, with a more thorough search conducted immediately upon arrival at the destination.
2. When a search by an officer of the same sex as the prisoner is not practical, the transporting officer will conduct a pat down search adequate to ensure officer safety. Refer to Chapter 1, “Limits of Authority,” Section 1.2.8 (Searching of Prisoners).
3. It should never be assumed by the transporting officer that someone else has searched the prisoner. Therefore, the transporting officer will search the prisoner regardless of searches that may or may not have been conducted by arresting officers (if different).

C. Handcuffing/Use of Restraints

1. The use of handcuffs shall include, but are not limited to the following:
 - a. Restricting the movement of a person placed under arrest;
 - b. Transporting a prisoner;
 - c. Detaining a person who is violent when placed under arrest;
 - d. Immobilizing a violent or mentally disturbed person.
2. Arrestees will be handcuffed (double-lock) with their hands behind their back, palms pointing outward unless a transport belt is used.

3. Officers may handcuff the prisoner with their hands in front, or use other appropriate and approved restraining device(s) when the prisoner:
 - a. Is in an obvious state of pregnancy;
 - b. Will be transported for a great distance (i.e., extradition transport);
 - c. Has a physical handicap; or
 - d. Has injuries that could be aggravated by standard handcuffing procedures.
4. Females will be subject to the same handcuffing and restraint policy as males unless in an obvious state of pregnancy or otherwise exempted by this order.
5. Officers may use discretion in handcuffing juveniles under the age of thirteen (13) based upon the behavior of the child, but will use authorized restraints necessary to control unruly or potentially violent juveniles of any age. If not handcuffed, a Prisoner Containment Module (PCM) will be utilized. Also referred to as protective shield.
6. Prisoners will not be handcuffed to any part of the vehicle. Hobble straps may be used when necessary to restrain leg movement.
7. Additional approved restraint devices may be used to secure a prisoner who violently resists arrest or who manifests behavior indicators such that they pose a threat to themselves or to the public. In such cases, the officer should request another officer to assist in the transport.
8. Officers are prohibited from transporting prisoners in a prone position. In such cases, the officer should request another officer to assist in the transport.
9. Absent exigent circumstances, an adult and a juvenile, or members of the opposite sex who have both been arrested, will not be transported together. Officers must have supervisory approval prior to transporting the prisoners together.
10. Special precautions will be employed when transporting high-risk prisoners. The receiving agency or court will be notified in advance of the transport so they will be prepared to accept the prisoners.

D. Restraining Devices – Special Situations

1. Use of restraining devices other than handcuffs, such as leg restraints and spit shields, are governed by considerations of safety for the officers and others, and will be at the transporting officer's discretion. Officers should take care when transporting handicapped or injured arrestees to use these devices humanely, but should not assume that an injury or handicap rules out their use if the officer reasonably believes an arrestee may pose a threat to any person's safety.
2. Handcuffs may not be useable on a disabled prisoner due to the nature of the disability. Flexcuffs may be an alternative. If a disabled prisoner is an obvious threat to him/herself, the officer, and/or citizens, the officer should use reasonable force to apply restraints for everyone's protection.
3. Casts, braces, or artificial limbs should be examined for hidden weapons.
4. Alternative equipment, such as crutches, wheelchairs, or other items may be required. These items will be removed and placed in the trunk of the vehicle until transport is completed.
5. Plastic "flex-cuffs" are authorized as temporary restraining devices (Primary for use in mass arrest situations), and shall be applied so that officer safety is not jeopardized and injury is not caused to the prisoner. An officer applying the flex-cuffs will ensure that the device to remove them is readily available to the officer.

E. Spit Shields

1. Spit shields are authorized devices that prevent a prisoner from spitting on another person. A spit shield may be applied to any prisoner who intentionally spits directly on or at any person or reasonably appears to intend to spit at or on another while in custody and/or during transport. The spit shield will be applied over the head of the prisoner ensuring that the soft elastic band at the bottom of the spit shield does not restrict the prisoner's breathing. Spit shield are disposable, one-time-use devices that will be disposed of in an appropriate "biohazard" container.
 - a. The use of OC spray on a prisoner does not prohibit the application of the spit shield if he/she presents a biohazard to others.
 - b. The prisoner must remain under direct and constant observation by an officer (or medical personnel during treatment) whenever the device is being used.

- c. Spit shields will not be applied on prisoners who are left unattended in detention cells.
 - d. Application of spit shields on prisoners is not prohibited in public but once employed, the prisoner should be removed from public view as quickly as possible.
2. Documentation of spit shield use will be included in the narrative section of the Incident Report or Petition for Emergency Evaluation. A copy of the report will then be forwarded to the Chief of Police via the chain of command. The report narrative will include the following information:
 - a. The name(s) of the officer(s) who applied the spit shield;
 - b. Why the spit shield was applied; and
 - c. How long the spit shield was used.
3. If reportable force accompanies the application of a spit shield, the use of the spit shield may be mentioned in the Use of Force Report as appropriate, but the Incident Report/Petition for Emergency Evaluation submission will still be required.

F. Transport of Arrestees

1. Prior to initiating transport, the officer will:
 - a. Verify the identity of the arrestee by available means, such as comparison of arrest paperwork with identification, verifying physical description, etc. In most cases, arrestees will be housed separately in holding cells pending transport, and will be transported by or with the assistance of the arresting officer.
 - b. Provide Communications with:
 - i. Arrest location and destination of transport; and
 - ii. Mileage readings before and after transport of a person of the opposite sex.
 - c. Ensure that all appropriate arrest paperwork and personal property accompanies the arrestee.
2. Officers will use care when assisting a prisoner into the vehicle for transport.

3. Prisoners will be transported in a manner that allows for constant visual observation. Seating of officers and prisoners will conform to the following:
 - a. Vehicles with “Prisoner Containment Modules” (PCM) will be utilized whenever practical.
 - b. Prisoners will always be placed in the right rear seat and secured by a seat belt.
 - c. A PCM and leg restraints will be used when an officer believes the prisoner has a potential for violent behavior.
4. One (1) officer will not attempt to transport more than one (1) prisoner without first obtaining supervisory approval.
 - a. If approved, both prisoners should be transported in a vehicle containing a PCM.
 - b. If a PCM is not available, two (2) officers must be utilized for transport of the two (2) prisoners. Both prisoners will be placed in the rear seat, and the passenger – officer will be seated in the front passenger seat, turned sideways to be able to constantly observe the prisoners.
5. Prisoners will not be transported in the front seat.
6. Officers will keep their firearms and other weapons from being accessible to the prisoner(s) at all times.
7. Transporting officers will keep prisoners under observation at all times (as safety allows), remaining alert for any diversionary incidents by either the prisoner or outside source. The prisoner will not be left unattended in the transport vehicle.
8. Transporting officers will transport directly to their specified destination, unless there is a clear and present risk of serious bodily injury or death to some person and no one else is available to take action.
9. Except for unavoidable contact, prisoners being transported will not be permitted to communicate or have physical contact with other persons unless in the officer’s judgment the communication is essential. No relatives, attorneys, or other associates of a prisoner are authorized to accompany a prisoner in the transport vehicle.

10. All prisoners will be secured in the vehicle by proper use of a seat belt.
11. Officers needing to transport violent prisoners to Headquarters will utilize the Sallyport to enter, and will secure the garage door prior to removing the prisoner.
12. Information relating to the arrestee's escape or suicide potential or other information relative to security of the arrestee will be documented prominently in the paperwork that accompanies the arrestee.

G. Transport of Sick or Injured Arrestees

1. If a person who is placed under arrest at the scene requires immediate medical attention due to injury or illness the arresting Officer will, notify the Ambulance Company to respond to the scene. If hospital emergency room treatment is required the arrestee will be transported by ambulance. If the arrestee refuses treatment and attending Paramedics determine that immediate treatment is **not** necessary, the arrestee will be allowed to sign a release of treatment waiver and be transported by a Police Vehicle.
2. Arrestees in the Police Department holding facility who require medical attention will be attended to in the same manner.

H. Prisoner Escapes

1. A transporting officer will take all reasonable and necessary precautions to avoid prisoner escapes and attempted escapes. In the event of an escape, officers will immediately notify Communications of the following:
 - a. Location of escape;
 - b. Physical description and name of escapee;
 - c. Escapee's direction and method of travel;
 - d. The crime for which the escapee was in custody, and whether weapons and/or accomplices were involved.
 - e. Any injuries to officers or escapees, and whether medical assistance is required.
2. During transport, under no circumstances will any remaining prisoners be left unattended.

3. Communications will simulcast the information, assign backup units, notify the supervisor, and make notification to outside law enforcement agencies if appropriate. Upon apprehension, Communications will make notifications to the units and agencies involved in the search. The supervisor will assign a member to investigate the escape, or attempted escape, and prepare an appropriate police report and submit it via chain of command to the Office of the Chief of Police.
4. The transporting officer will charge the escapee with the appropriate criminal charges concerning the escape.

I. Arrival at Central Booking

1. Upon arrival, the transporting officer will follow the rules and policies of the facility.
2. Weapons will be secured before entering the holding cell and handcuffs will continue to be utilized until the prisoner is in the holding cell area.
3. Officers will ensure all required documentation and signatures to process the prisoner are completed prior to leaving the facility.
4. Officers will communicate any special needs of their prisoner, or any security risks pertaining to the particular prisoner such as suicidal, escape risk, mentally ill, medical needs, etc.
5. Any inventory procedures mandated by the Central Booking Unit will be completed prior to the officer leaving the detention facility.

J. Arrival at Headquarters

1. Immediately upon arrival at the location where a prisoner will be processed or interrogated, the arresting officer will conduct at least a thorough field search. This search is in addition to the search conducted at the scene prior to transport.
2. Any officer present during processing/interrogation will secure their firearm in the designated lock box while handling the prisoner.
3. No prisoner will be left unguarded when not in a holding cell. All detention procedures will be adhered to.
4. Officers will ensure that prisoners have an initial hearing before a District Court Commissioner (if needed) prior to release to any outside agencies on other outstanding charges.

K. Transport to Medical Facilities

1. Arrestees requiring medical attention shall be transported to the hospital by the Thurmont Ambulance Company. Police vehicles will **NOT** be utilized.
2. When an arrestee is transported for medical attention an Officer will either accompany the arrestee in the ambulance or follow the ambulance in a police vehicle.
3. Unless the arrestee's medical condition or treatment procedures prevent the use of restraining devices, the arrestees will be handcuffed or restrained by another method prior to their transport in the ambulance.
4. Officers will remain with the arrestee during medical treatment unless requested to leave the treatment area by the attending physician. If this occurs, Officers will position themselves to prevent escape.
5. Should the arrestee be released, a police vehicle shall be utilized for transport back to the Police Department or to Central Booking.
6. Should the arrestee be admitted, the Shift Supervisor shall be notified. The Shift Supervisor shall make the determination of security needs based upon the severity of the crime and escape risk.
7. Visitors will not be permitted except in cases of critical case situations.
8. The Officer will monitor treatment and be attentive to prisoner attempts to conceal contraband or potential weapons.
9. The prisoner will not be permitted any telephone conversation and the officer will answer all incoming calls.
10. The Officer will maintain a log of all events and activities for submission on completion of their assignments.
11. Some level of illumination will be maintained in the prisoner's room.
12. The Officer will advise the supervisor of their status at least hourly.
13. If a prisoner is treated and released, a hospital release form will accompany the prisoner to his/her final destination.
14. The Officer will not leave the prisoner until properly relieved.

L. Aircraft Transports

1. Department personnel will comply with all requirements of the Airport Authority regarding airline travel while on official business. Armed personnel must have their official Department identification and badge in their possession at all times when conducting business at the airport.
2. Officers who transport prisoners aboard aircraft must submit a letter of introduction to the carrying airline, stating their purpose, names of all officers involved in the transport, and the circumstances that warrant the need to be armed during the flight(s) being utilized. The letter will be presented on Department letterhead, be signed and approved by the Deputy Chief of Police or the Chief of Police, and contain a 24-hour verification telephone number.
3. Officers will notify the appropriate airline at least one (1) hour, or in an emergency as soon as practical, before departure, of the identity of the escorted person and the flight on which he/she will be escorted on.
4. Officers will notify the airline as to whether the escorted person is considered dangerous by the government entity housing custody over him/her.
5. Officers will become familiar with all the requirements of the airline carrier prior to boarding.
6. Officers will board the aircraft before all other passengers and deplane after all other passengers have left the aircraft, or as directed by the airline.
7. Officers will take the rear most passenger seats that are neither located in any lounge area, nor located as otherwise directed by the airlines.
8. Officers will ensure that at least one escort sits between the prisoner and the aisle.
9. Officers will assure that no food, beverages, or metal eating utensils are provided to a prisoner unless authorized by the Officer.
10. Officers will not assist during any attempted hijacking or other disturbances unless requested to do so by the Captain of the aircraft.
11. It will remain ultimately the decision of the aircraft Captain whether a weapon can be carried on board by an Officer. If the officer is permitted to carry his/her weapon on board, it shall remain concealed at all times.

M. Assistance to Others

1. The primary duty of the transporting officer is the safe delivery of the prisoner in his/her care. Officers should not stop to render law enforcement assistance to third parties along the route except under extreme emergency conditions where the risk to the third party is clear and present and the risk to custody of the prisoner is minimal. Should the officer find it proper to stop, Communications will be immediately notified of the following:
 - a. Identity of the Officer.
 - b. Officer's status (prisoner in transport)
 - c. Nature and location of incident
2. The transporting officer will only consider stopping when arriving first on the scene, and will remain only until other emergency assistance arrives.
3. The transporting officer will not become involved in a pursuit, roadblock, or other situations which might create a risk of harm to the prisoner.

N. Accident or Disabled During Transport

1. If involved in a crash during prisoner transport, the following action shall occur:
 - a. The officer will verbally inquire as to prisoner injuries and observe the seating arrangements for later reporting.
 - b. Contact Communications Center and advise of the crash, the number of prisoners, injuries, and the need for ambulance dispatch if required.
 - c. Request Communications Center to dispatch an officer to assist, and investigate the crash.
 - d. Provide emergency care to injured persons.
 - e. Secure and safeguard the scene as needed by use of flares, emergency lights, checking for gasoline and oil spills, and directing bystanders.
 - f. If needed, exit the vehicle and remove prisoners to a close, safe, conspicuous and visible area until other transportation arrives.

- g. Complete the required reports as soon as the incident is over.
- 2. If radio is not operable, summon citizen assistance for notification to the Communications Center by telephone. At no time should prisoners be left unattended.
- 3. If a vehicle becomes disabled during prisoner transport, the Officer will contact the Communications Center to advise of the situation, request an Officer be dispatched to complete the transport, and request a tow service.

O. Special Circumstances

- 1. During long distance transports, special care will be taken when stopping for fuel, meals, or between breaks. Transport belts should be utilized for safety and comfort of the prisoner.
- 2. During any special transport, precautions will be taken to minimize prisoner contact with outside people; to minimize escape; and to prevent injury to himself or others. The Sheriff's Office may assist with the unusual transports.

P. Documentation

- 1. Prisoner Identification Procedures
 - a. Before transporting an arrestee to another facility, the transporting Officer will verify the identification of the arrestee to ensure that the proper person is being transported.
 - b. When receiving an arrestee from another agency or jurisdiction, the receiving Officer will verify the identification of the arrestee with the required written documentation. Arrestees will not be accepted without proper identification and/or written documentation.
- 2. Prisoner Written Documentation
 - a. When arrestees must be transported to another facility or court, the transporting Officer is to ensure that the necessary written documentation accompanies the arrestee. Such written documentation may include, but is not limited to the following:
 - i. Arrestee's name,
 - ii. Criminal Complaints,

- iii. Copies of criminal records,
- iv. Copies of medical records,
- v. Arrestees personal property,
- vi. Arrestees lock-up record,
- vii. Intake sheets, and
- viii. Any pertinent documents deemed necessary.

- b. When transporting an arrestee interstate, the transporting Officer will have a properly executed Governor's warrant or a properly executed waiver.

3. Special Notices Required

- a. Police reports shall clearly indicate if an arrests is a security risk, such as "escape risk," "combative," "suicidal," "substance abuser," and "prescribed medication."

ATTACHMENTS:

DOCUMENT DATES:

Amended Date:

Review Date:

Review Date:

Rescinds:

Order Written by: Lt. Shawn R. Tyler

Order Edited and Approved by: Chief Gregory L. Eyler

CALEA Standards included in this Order
Chapter 70.1-70.5