

Stowe Police Department

General Order: 2.05	Related Policies: 2.04 Use of Handcuffs
Transportation and Restraint of Prisoners	
This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Vermont Statutes: 18 V.S.A. § 7511 (2010)	
Date Implemented: 05/22/2014	Date Revised: 03/08/2016

I. PURPOSE:

1. To establish guidelines for the reasonable and safe transportation and restraint of prisoners.

II. POLICY: Transportation and restraint by law enforcement agencies of persons who are in custody is a constant requirement and a frequent activity. Two general time periods are involved. The first is immediately after arrest, when the arrestee is taken to the agency's holding facility for booking, processing and short-term holding. The second concerns the movement of prisoners from the police department to a correctional facility, hospital or other medical facility and for other reasons. Regardless of the reason for the transportation of prisoners, potential hazards are always present. Therefore, it is the policy of this agency to establish uniform procedures that provide adequately for the safety and security of prisoners, transporting officers, and the public during prisoner transport.

III: DEFINITIONS:

CONTRABAND: Articles or substances prohibited from the possession of prisoners.

HANDICAPPED PRISONER: A prisoner with an anatomical, physiological, or mental impairment that hinders mobility.

PRISONER: A person who has been arrested and/or taken into custody.

PROPER SEARCH: The physical inspection of a prisoner's person, clothing, and effects for weapons or potentially hazardous articles to be used against law enforcement personnel. This search shall also have consideration for contraband, such as narcotics, narcotic paraphernalia

and implements which may facilitate an escape from custody or confinement. A proper search shall be conducted in accordance with federal and state constitutions and statutes and be consistent with this agency's policy on searches.

RESTRAINING DEVICES: Equipment such as handcuffs, flex-cuffs, leather or chain restraint belts, leg irons, and hobble devices used to restrain the movement of the prisoner.

SECURITY HAZARD: Any threat to the security of the prisoner, to the facility in which he/she is held, or to others with whom the prisoner may come into contact. Estimations of the degree of security hazard will govern the means of transport, the kinds of restraining devices to be used, and other actions to be taken by agency personnel to provide proper protection for and security of the prisoner.

TRANSPORTING OFFICER: An agency employee who is responsible for transporting a prisoner from one point to another.

IV. PROCEDURE:

1. Prior to placing a prisoner in a vehicle for transport or detention, the officer shall inspect the interior for weapons and contraband. An additional inspection shall be conducted after the prisoner has been delivered to the detention facility or other destination.
2. Officers shall use only those restraining devices for which they have been trained and issued.
3. With few exceptions, all prisoners shall be handcuffed, double locked and checked for proper application and tightness, with their hands behind their back, unless the officer is using a transport belt or belly chain.
4. Officers shall document, in their report that "subject was handcuffed, checked for fit and double-locked."
5. Officers may use discretion in restraining persons or using other restraining devices in cases such as, but not limited to:
 - A. Obvious state of pregnancy;
 - B. Prisoner has a physical handicap;
 - C. Prisoner has injuries that could be aggravated by standard handcuffing procedures;
 - D. Elderly; and very young persons.

6. All prisoners shall be secured with seatbelts. No prisoner shall be handcuffed to any part of the police vehicle.

7. Transport belts, leg irons, hobbles or flex-cuffs may be applied to a prisoner who violently resists arrest, is an escape risk, is prone to violent behavior, or manifests mental disorders that pose a threat to the prisoner, the transporting officer, or the public. Leg irons and transport belt should be used by officers when transporting a prisoner to a correctional facility or when traveling an extended distance.

8. All transports involving the special circumstances outlined above shall be documented as to the occurrence as well as the action taken.

9. Escape: In the event of an escape during transport.

A. The transporting officer shall:

- a. Immediately notify the dispatcher and supervisory personnel.
- b. Immediately coordinate with responding officers to establish a perimeter.
- c. Brief responding supervisory personnel.

B. The responding supervisor shall:

- a. Take command of the perimeter and search operation.
- b. Determine the need for additional agency/inter-agency resources.
- c. Ensure that all proper notifications are made up the chain of command.
- d. Ensure that the events surrounding the escape and search operation are properly documented through a report from each officer involved in the event.

10. Prior to transport, the officer shall thoroughly search all prisoners for any weapons, tools of escape, or contraband.

11. In the event that the transporting officer and prisoner are of the opposite sex, the transporting officer may conduct a pat-down frisk for the purpose of seizing any weapons, tools of escape or contraband. This search should be observed, if possible, by a witness or in front of the vehicle video camera. When possible and practicable, any police officer of the same sex should be requested for these types of searches.

12. Any search shall be documented by the transporting officer.

13. Prior to transporting a prisoner, the transporting officer shall notify the dispatcher:

- A. Identity of the prisoner (if applicable);
- B. Arrest location and destination; and

- C. Vehicle odometer mileage; and
 - D. Vehicle odometer mileage at time of arrival at the intended destination.
14. Prisoners shall be transported in the following manner:
- A. If the transport vehicle is equipped with a safety barrier, the prisoner shall be placed in the rear, right-side seat, if allowable.
 - B. If the transport vehicle is equipped with a safety barrier, and two prisoners are being transported, then two officers should make the transport if possible.
 - C. A prisoner may be transported in a vehicle not equipped with a safety barrier. Where possible two officers should conduct this type of transport. When two officers are not available best safety practices should be followed.
 - D. Two Officers will be utilized to transport any prisoner to a correctional facility or any other location where the travel time is longer than normal.
 - E. All prisoners being transported shall wear properly fastened seat belts.
 - F. Prisoners shall not be transported in a reclined position.
 - G. Standard transport procedures may be dangerous for many people with mobility disabilities. Officers should use caution not to injure the person or damage their wheelchair or other mobility device. The best approach when possible is to ask the person what type of transportation he or she can use, and how to lift or assist him or her in transferring them in or out of the vehicle.
 - H. Prisoners shall not be left unattended while being transported.
 - I. Unless approved by a supervisor, no stops will be made while transporting a prisoner.
 - J. A transporting officer shall not respond to the need for law enforcement services or back-up unless the risk to other citizens or law enforcement officers is both clear and serious and the risk to the prisoner(s) is minimal. When the need for these services is of a non-serious nature, the officer shall notify dispatch.
 - K. Prisoners of the opposite sex shall not be transported in the same vehicle unless extraordinary circumstances exist.

- L. If a prisoner is to be transported to court or any other facility, the prisoner is believed to be a security hazard, the transporting officer(s) shall inform the receiving court law enforcement personnel in order that they may prepare to accept custody of the prisoner.
- M. If the vehicle is equipped with a camera capable of in-car recording the camera will be positioned for in-car recording and kept operational during the transport.

15. Special Transport Situations.

- A. If a prisoner becomes sick or injured incidental to arrest, the transporting officer, when possible, shall summons emergency medical support to examine the prisoner prior to transport.
- B. If emergency hospital treatment is necessary, the prisoner and at least one officer shall be transported by the rescue to the hospital or the officer will follow to the hospital. The officer shall remain with the prisoner (unless prevented by emergency circumstances or treatment needs) until the hospital personnel release the prisoner or until appropriate security can be arranged.
- C. Prisoners with physical handicaps may be transported in agency vehicles. All reasonable precautions shall be taken by the transporting officer to ensure the security and reasonable comfort of the prisoner, without compromising the safety of the transporting officer(s).
- D. Appropriate measures for the security and control of prisoners in medical facilities shall be taken. Whenever an officer transports a prisoner, or is transported with a prisoner, to a medical facility, the officer shall:
 - a. Maintain a constant view of the prisoner, if possible;
 - b. Ensure that proper restraints are applied to the prisoner until the medical staff needs them removed for medical treatment. Once treatment is completed, proper restraints shall be reapplied;
 - c. Guard against any injury to the officer and all medical staff;
 - d. If required to guard the prisoner, and when possible, rotate guarding assignments at regular intervals to avoid complacency;
 - e. Ensure that the prisoner does not have contact with visitors;
 - f. If the prisoner is admitted to the medical facility, and cannot be arraigned by a judicial officer or appropriate official, or issued a summons, notify a Supervisor to arrange for 24 hour guard coverage;
 - g. Upon the prisoner's release from the medical facility, and prior to transport, the prisoner shall be thoroughly searched; and

- h. Upon the prisoner's release from the medical facility, the transporting officer shall ensure that all medical records and instructions for future treatment are in the prisoner's possession and are provided to the detention facility.

16. Whenever a prisoner is to be transported and has been involved in the following types of incidents special safety considerations shall be adhered to:

A. When the prisoner:

- a. Was involved in a violent struggle during apprehension,
- b. Was subjected to the use of a chemical agent, Taser, neck restraint hold, multiple body weight control, or impact strikes to the body,
- c. Is highly intoxicated on either alcohol or drugs or a combination.
- d. Evidences of difficulty in breathing, **the transporting officers shall:**
 - Ensure that the prisoner remains in a seated, upright position.
 - One officer shall maintain constant visual and audible observation of the prisoner.
 - If there is any indication that the prisoner is in medical distress the officer(s) shall administer emergency medical attention consistent with his/her level of training and shall immediately summon emergency medical support, and
 - Shall advise the detention staff accepting the prisoner of all of the above circumstances

V. DISCIPLINE:

Any violation of this policy may be grounds for disciplinary action consistent with any applicable collective bargaining agreement, statute, Department policy or Town policy.

Issued by: _____

Donald Hull
Chief of Police