

Policy # 28

Subject: Prisoner Transportation Policy

Effective Date: May, 2000

Reference: Standard Operating Procedures

Distribution: All Personnel

PURPOSE

The purpose of this general order is to establish procedures to ensure that prisoners are transported in a manner that will maximize prisoner and officer safety.

POLICY

Proper security measures while transporting prisoners are of paramount concern. The safety of the transporting officer, the security and welfare of prisoners and mentally disturbed persons, as well as the safety of the public is critically important. Therefore, it is the policy of the Littleton Police Department to ensure that all persons arrested will be properly and safely transported, detained, and processed.

PROCEDURES

DEFINITION:

Prisoner: For the purposes of this directive, "prisoner" shall mean any person that has been arrested, detained, or taken into protective custody.

Search of Prisoner

- ◆ The transporting officer is legally responsible for the safety and custody of the prisoner being transported. The transporting officer must never assume that someone else has searched the prisoner. The officer who is assigned to transport a prisoner shall search the prisoner before transporting.
- ◆ Prisoners should be searched by officers of the same gender. When circumstances do not allow this, the officer should, when possible, have a second officer present to witness the search. This does not exclude searches made by officers of the opposite sex without a second officer present.
- ◆ In those instances when the officer must search a member of the opposite sex, searches will be conducted following established professional standards with the primary importance being the protection of the officer.

Search of the Transport Vehicle

- ◆ The Littleton Police Department does not have a designated prisoner transport vehicle. Therefore, every officer is required to inspect their assigned cruiser at the beginning of their shift.
- ◆ During the shift, any cruiser that is used to transport a prisoner will be searched before, and immediately after transporting a prisoner. It is important to search the area where the seat separates, and where the prisoners' bands were. This search will be conducted to ensure that no contraband is in the vehicle before the prisoner is transported, and that the prisoner has not left any contraband or property in the cruiser when they are removed.

Transporting the Prisoner

- ◆ All prisoners must be handcuffed before being transported in department vehicles. Officers shall not handcuff prisoners to any part of the vehicle. Officers shall double lock handcuffs everytime they are used. **However,**
- ◆ In all instances, a seat belt shall be used to safely secure the prisoner. Rear windows shall be kept closed while transporting a prisoner. Leg restraints may be used if necessary. However, officers must use discretion when deciding to use physical restraints, being mindful of the person's age, physical impairments or injuries. Every effort must be made to ensure that the use of physical restraints does not cause or create a dangerous or injurious condition, nor aggravate a pre-existing ailment, injury or physical impairment. Officers shall understand the potentially deadly condition of positional asphyxia, and be aware at all times of the risks involved in transporting persons who are restrained.
- ◆ The back seat section of transport vehicles shall be modified so that the windows and doors cannot be opened from the back seat.
- ◆ Every effort shall be made to transport juveniles and females separately from each other and from adult males.
- ◆ For safety reasons, prisoners must be under constant observation. Opportunities for escape or attack on the officer must be limited. The prisoner should be made as comfortable as possible, but secured to the maximum degree.
- ◆ All prisoner transports shall be made in a cruiser equipped with a cage. Only in extreme circumstances may a prisoner be transported in a cruiser not equipped with a cage. Under no circumstance may one officer transport two or more prisoners in a cruiser equipped without a cage.
- ◆ Prisoner location in the cruiser will depend on the number of officers and/or prisoners.
- ◆ When one officer is transporting one prisoner, the prisoner shall be placed in the back seat, on the passenger side of the cruiser. If the cruiser has no cage, the officer shall place the prisoner in the front passenger seat.

- ◆ When one officer is transporting two prisoners, they shall be placed on opposite sides of the back seat.
- ◆ When two officers are transporting one prisoner in a cruiser without a cage, the prisoner shall be transported in the front seat. The second officer shall sit in the back seat and observe the prisoner.
- ◆ Changes to prisoner seating arrangements may be made only with supervisory approval.

Visual Observation

- ◆ If transportation is over a long distance of time and the prisoner needs to use a restroom, they shall be afforded the opportunity. However, visual observation must be maintained. Whenever possible, one transporting officer should be the same gender as the prisoner.
- ◆ Every effort should be made to make the rest stop at a police station if the rest stop is made at an unsecured location, officers of the same gender shall accompany the prisoner into the bathroom. When no officer is of the same gender, they shall stand within hearing distance. A pat frisk of the prisoner shall be conducted once the prisoner comes back into the officers' sight to find weapons or contraband that the prisoner may have acquired when out of the officers' sight.

Dispatch Notification

- ◆ When starting the transport, the officer shall notify the Grafton County Sheriff's Dispatch. That notification shall include:
 - Prisoner type: male/female/juvenile
 - If the prisoner is female or juvenile, mileage will be recorded
 - Destination
- ◆ While transporting the prisoner(s), officers shall refrain from participating in other police activities and shall go directly to the station without unnecessary delay. All traffic regulations shall be observed during transport.
- ◆ Unnecessary conversation shall be avoided. However, officers should not hesitate to calm an excited prisoner to ensure that there will be no unnecessary distractions to the driver.
- ◆ Upon arrival at the Littleton Police Station, or other police facility, and once the prisoner has been secured, the transporting vehicle shall be searched for any evidence or contraband.

Meals

- ◆ Officers transporting prisoners over distances that may require a meal *shall* select a site completely at random. Officers should be aware that the prisoner may be preparing to attempt escape. If the officer's know where they intend to stop for a meal break, that information shall not be communicated to the prisoner before leaving.

Unplanned Stops

- ◆ The primary duty of transporting officers is to deliver a prisoner safely either at the Littleton Police Station or some other police facility. Therefore, officers shall not make any unnecessary stops while transporting a prisoner. Officers may only stop if a life-threatening situation develops. Only when the risk of injury to the prisoner is minimal should the officer stop to assist or become involved in some other police related activity.

Prisoner Identification

- ◆ Officers transporting from other facilities to court, or to another facility, or releasing prisoners to another agency, shall positively identify the prisoner before beginning such transport. Officers shall check the identity of the prisoner against the description described in any accompanying documentation. Positive identification through comparison of mug shots should be done when available. Identification papers should accompany a prisoner being transported between holding facilities. Any escape or suicide potential should be noted on the accompanying paperwork.

Prisoner Escape

- ◆ **Its prisoner escapes from an officer during transport, the following procedure shall be followed:**
- ◆ The officer shall notify the Grafton County Sheriff's Dispatch immediately. They shall include the following information:
 - 1) location of escape,
 - 2) any injuries,
 - 3) last known direction of travel,
 - 4) prisoners physical and clothing description,
 - 5) whether the prisoner is believed to be armed,
 - 6) Any other information that will assist in the prisoners' capture.
- ◆ A BOLO shall be broadcast to all area police officers, the New Hampshire State Police Troop E, and the Grafton County Sheriffs' offices.
- ◆ The Chief of Police and or the Deputy Chief of Police shall be notified immediately.
- ◆ If the escape occurs outside the jurisdiction of the Littleton Police Department, the officers shall follow the same procedure with the following additions:
 1. The transporting officer shall assist the agency with jurisdiction in the capture effort, according to the directives of this department, and current local, state, and federal laws that apply.
 2. If the prisoner is not captured immediately, the transporting officer will assist the outside agency in securing a warrant and/or comply with any other reasonable request they make concerning the escape.

- ◆ Within twenty-four hours of the escape, the officers involved in the prisoner transport shall submit an investigation report for escape that details the events of the escape and the attempt to capture the escaped prisoner.

Unplanned Communication

- ◆ Prisoners may not communicate with others while being transported. If a prisoner communicates with any person other than a police officer, the transporting officers shall identify the person the prisoner spoke with. If the prisoners' attorney wishes to speak to the prisoner, they shall be directed to speak to the prisoner at the holding facility.

Arrival at Destination

- ◆ When transporting prisoners from one facility to another, the officer(s) shall follow these procedures:
- ◆ Firearms will be secured in the designated place at the receiving facility
- ◆ Restraining devices will be removed only when directed by officers at the receiving facility, or when the officer is sure that the prisoner is properly controlled and is secure.
- ◆ The appropriate paperwork (commitment papers, bail forms, etc.) will be submitted to the receiving facility and the receiving officers' signature taken back to the Littleton Police Department

Security at Medical Facilities

- ◆ When a prisoner is transported to a medical facility for any reason, the following shall apply:
- ◆ Extreme caution will be taken to ensure the prisoner is isolated from other patients and is not left unattended or permitted to escape the immediate control of the transporting officer.
- ◆ If the prisoner needs to be admitted, the transporting officer shall notify the Chief of Police and or the Deputy Chief of Police immediately.
- ◆ The transporting officer shall not leave the medical facility until they are properly relieved by another officer, or they are ordered to leave by the attending physician.
- ◆ If a prisoner is admitted, the Chief of Police and or the Deputy Chief of Police will decide whether the prisoner shall remain under guard.

Transporting Prisoner to Court

- ◆ The Grafton County Sheriffs' Department has the sole responsibility for transporting prisoners, not awaiting arraignment from the Grafton County Jail, or the New Hampshire State Correctional Facility, to court in Grafton County and for notifying them of any need for additional security. The Grafton County Deputies will also be responsible for notifying the

court of any escape or suicide risk that may exist.

- ◆ The Littleton Police Department, at the discretion of the Chief of Police and or the Deputy Chief of Police, may transport prisoners from the Littleton District Court to the Grafton County Jail at the request of the sitting justice. Alternatives to this arrangement shall be made at the discretion of the officer on-duty, including mutual aid between area agencies.
- ◆ Littleton Police Department prisoners, that are being held at the Grafton County Jail awaiting arraignment, may be transported to the District Court by a Littleton Police Officer at the direction of the Chief of Police and or Deputy Chief of Police.
- ◆ If the Littleton Police Department is transporting a prisoner to a court, and that prisoner is considered a security risk, the transporting officer shall notify the court of the hazard.

Transporting Prisoners of the Opposite Sex

- ◆ When transporting prisoners of the opposite sex, a second officer of the same sex as the prisoner will be requested to accompany or follow the transport vehicle.
- ◆ When a second officer is not available, the transporting officer shall:
 - Notify dispatch of the starting mileage and time of the transport.***
 - Proceed directly to the destination,***
 - Notify dispatch of the ending mileage.***
- ◆ Whenever prisoners are transported over a long distance or time, an all-male officer team may not transport a female, nor may an all-female officer team transport a male prisoner.
- ◆ Male and female prisoners may be transported together only if they were arrested in the same incident, are married, or are related. However, no person shall be transported in the same vehicle with another person when the custody is related to Domestic Violence, or Domestic Violence is suspected.
- ◆ Males and females arrested in separate incidents shall be transported to jail in separate vehicles.

Handicapped Prisoners

- ◆ When prisoners with disabilities need to be transported, the Chief of Police shall make any arrangement necessary to transport the prisoner safely. Special vehicles, such as an ambulance or handicap-equipped van may be used when a cruiser cannot. The arresting officer shall follow the specialized vehicle. It will be up to the discretion of the officer whether to use restraining devices. Any medication or walking appliances will be kept in the arresting officers' control.

Sick or Injured Prisoners

- ◆ If at anytime during or after a prisoner has been taken into custody, they become injured or sick, medical attention will be sought immediately. The prisoner will be treated before they are transported.
- ◆ If the prisoner is injured during the arrest, the arresting officer shall prepare a written report.
- ◆ The arresting officer must use discretion in deciding whether to use restraining devices on a sick or injured person. If a restraining device is used, it must be monitored to ensure that it is not aggravating the injury or illness.

Special Situations

- ◆ Only the Grafton County Sheriff will transport prisoners for special situations such as funerals, visiting ill family members, etc.

Restraining Requirements

- ◆ Handcuffs shall be of the type approved and issued by the Littleton Police Department. Officers are responsible for cleaning and maintaining their handcuffs. When on duty, officers must have a handcuff key on their person at all times.
- ◆ Before being transported, all prisoners shall be handcuffed with their bands behind their back. Prisoners may be handcuffed in front if they are sick, injured, disabled, or are suffering from a deformity. However, when a prisoner is handcuffed in front, the handcuffs should be placed through the prisoner's belt to further restrict their movement.
- ◆ Restraining devices sometimes may not be used with the non-criminal mentally ill, except for the protection of the subject or others. Restraining devices used should restrain the person securely without causing injury. Particular attention should be made to avoid positional asphyxia.
- ◆ A female prisoner shall not be handcuffed to a male prisoner except in emergencies.
- ◆ A juvenile prisoner shall not be handcuffed to an adult prisoner except in emergencies.
- ◆ Officer shall not handcuff himself or herself to a prisoner, nor may they use handcuffs as a come-along.
- ◆ Two prisoners shall not be handcuffed using one set of handcuffs, except in an emergency.
- ◆ When a prisoner must walk, the officer shall maintain physical control over the subject.
- ◆ Prisoners shall remain in handcuffs until they are inside a holding facility.

Flex- Cuffs

- ◆ Flex-cuffs are pieces of nylon strapping with built in one time locking devices that must be cut off a prisoner after being used.
- ◆ Flex-cuffs may be appropriate for use when prisoners' wrists are too small or too large for regular handcuffs.
- ◆ Flex-cuffs may be used for mass arrests.
- ◆ If any other restraining device is needed, they may be borrowed from the Grafton County Sheriffs' Office.