

<b>Anchorage Police Department</b> Regulations and Procedures Manual	<b>Operational Procedures</b> <b>3.02.060</b>	
<b>Policy and Procedure Title</b> In-Custody Transports	<b>Effective Date</b> 8/13/24	Page 1 of 7
<b>Replaces Prior Policy:</b> 11/9/18	<b>Approved by:</b> Chief Sean Case	

**This Policy is for Departmental use only and does not apply in any criminal or civil proceeding. This Policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.**

### **3.02.060 In-Custody Transports**

#### **PURPOSE**

To establish procedures that ensure the security of prisoners and the physical protection of all parties, while minimizing allegations of officer misconduct prior to, during, and immediately after a prisoner transport.

#### **POLICY**

Recognizing that the time of arrest and transport is an extraordinarily dangerous phase of police operation (both physically and civilly), it is the Department's policy to employ procedures that defeat opportunity for escape, injury, or accusations of misconduct. All prisoners shall, at a minimum, be checked for dangerous items prior to being transported. In addition, the rear passenger compartment area of the transporting vehicle shall be searched before and immediately after a transport.

#### **DEFINITIONS**

**Prisoner:** Any person who is either arrested or taken into custody for transfer to a correctional facility, court proceeding, medical facility, or other appropriate location based on the circumstances of the investigation.

**Restraints:** Equipment or device that is used to restrain the movement of a person who is in custody.

#### **PROCEDURES**

##### **I. RESTRAINTS**

**A. Department approved restraints include, but are not limited to, the following:**

1. Standard chain handcuffs.

2. "Flex-Cuffs," provided tool(s) for removal are carried by officers.
3. Patrol car with prisoner screen and locking rear doors.
4. Soft restraints (usually provided by the Anchorage Fire Department), including:
  - a. Padded cuffs
  - b. Straight jackets
5. Belly chains (see Warrants Section unit procedure).
6. Leg Restraints and Total Leg Restraints

#### **B. When restraints are to be used**

1. Officers have discretion in how much restraint to use, providing:
  - a. As a general rule, all people being transported who are in custody will be secured using Department approved restraints.
  - b. Age, gender, and physical or mental condition of a person can be used in conjunction with the surrounding circumstances to determine whether a person is to be handcuffed or restrained with another approved device.
  - c. Officers shall use sufficient restraint to maintain control of any person in custody.
  - d. Any person placed in custody under circumstances suggesting violence or escape risk shall always be restrained with traditional metal handcuffs.

#### **C. Proper use of restraints**

1. Any restraint must be applied humanely so as not to cause injury or restrict circulation and checked for proper fit, and double locked if they are so equipped.
2. When determining what type of restraint to use, officers should consider the prisoner's flight risk, propensity for violence, physical and mental condition, and other factors necessary to ensure a safe and secure transport.
3. Handcuffs
  - a. Handcuffs are the primary restraining device.

- b. All handcuffing shall be applied consistent with APD training and with the handcuffs double locked.
- c. Officers should note in their reports that the handcuffs were checked for fit and double locked. This can be noted in the report as CF/DL, or “checked fit/ double locked.”
- d. Use of other approved restraints shall also be documented in the report.
- e. When handcuffing two people together, cuff the right hand of one subject to the left hand of the other ("cross-cuff").
- f. Prisoners will not be handcuffed to a member of the opposite sex and juveniles will not be handcuffed to adults unless they are related.
- g. The only immovable object that a subject may be handcuffed to is an apparatus specifically designated as a restraint device. Handcuffing to any vehicle is prohibited unless extenuating circumstances exist.
- h. Should a subject complain of any pain associated with handcuffs or any restraint, officers shall inspect and ensure that the specific restraint being used is not causing injury as soon as practical. This check and any corrective actions should be noted in the officer’s report.

#### 4. Flex-cuffs.

- a. Flex-cuffs are regarded as secondary restraining devices and should only be used under special circumstances or when traditional metal handcuffs are not available.
- b. The use of Department-approved flex-cuffs is authorized, as provided in subsection A, only when tools for removal are readily available to the officer using them.
- c. Should a subject complain of any pain associated with the flex-cuffs, officers shall inspect and ensure that the cuffs are not causing injury as soon as practical. This check and any corrective actions should be noted in the officer’s report.

#### 5. Police vehicles with prisoner screen and locking rear doors.

- a. Providing the standards for required restraint are met (see I. B. a. of this procedure), officers may elect to place the searched

subject, not handcuffed, in the rear seat of the vehicle, screen up and doors locked.

6. Soft restraints (padded cuffs and straight jackets).
  - a. The Anchorage Fire Department can provide soft restraints to enhance safety and humane treatment in the transport of mentally ill subjects if available.
7. Leg restraints
  - a. Certain situations may require further restraint of a subject who continues to be combative after being handcuffed. If total leg restraints are used and attached behind the person's back in any manner, the subject shall be monitored at all times. A supervisor will be notified as soon as practical and another APD employee, who is CPR trained, must ride in the police vehicle and monitor the subject. The use of leg restraints will be documented in the police report.
  - b. Any use of leg restraints will be in accordance with current Defensive Tactics training guidelines.

## **II. PROTECTIVE SEARCHES**

- A. **Purpose:** All persons placed in any form of custody shall be searched prior to transport. Protective searches are conducted to find any dangerous item(s); such as weapons, medications, or incendiary devices. This is to ensure:
  1. Officers' safety; and
  2. The safety of transported subjects (from self-inflicted harm and injuries from struggles to disarm); and
  3. The safety of the public (from escape and escalation of events); or
  4. Prevention of the destruction of Municipal property (vehicle).
- B. **Importance:** The public depends on officers to ensure their safety. In nearly all instances, the person being transported does not want to be in custody, and officers should eliminate opportunities for damage to property or injury to the person being transported or the public at large. This is best accomplished by:
  1. Proper restraint; and
  2. Proper searching.

C. **Description of Protective Searches:** A protective search has to be distinguished from a search for evidence of a crime. The intent of a protective search is to find weapons, so the scope is limited. If evidence happens to be found, it may still be admissible only if the item found was believed to be a weapon. Protective searches cannot be used as a ruse for a quest for evidence.

D. **Description of "In-Custody":** It is reiterated that this procedure addresses any person brought into custody for any reason, and does not limit itself to arrested individuals only. "In-custody" includes runaway juveniles being transported home, and other forms of protective custody.

E. **Searching Standards:**

1. The extent of the search will be governed by the circumstances of the custody and the gender of the person being searched, but not by age. Specifically:
  - a. Juveniles shall be searched.
  - b. When available, an officer of the same gender will conduct prisoner searches. If impractical, the search shall be conducted in the presence of another available officer, or in front of a police vehicle equipped with an in-car video/audio system, or in front of a credible citizen witness (e.g. an AFD employee, police chaplain, etc.). The search will be documented in a police report or in CAD. The witness officer's name or the witness citizen's name and contact information will also be included.
  - c. Should a female who is under arrest or otherwise detained by a male officer ask for a female officer, the male officer shall contact Dispatch and make that request. It is Department policy that, if a female officer is available, every reasonable effort must be made to dispatch the female officer to the scene. The female officer shall remain with the detained subject until the conclusion of the call. The same policy applies when a male under arrest or being detained by a female officer asks that a male officer be present.
  - d. Should it be necessary in an **emergency** situation to search a person of the opposite gender without another officer or credible citizen witness present, a supervisor will be notified immediately and the action will be electronically recorded and documented in the police report.
2. Dangerous objects, bags, purses, backpacks, apparel, jewelry and similar articles that pose a potential threat to self or others fall under

standard search conditions and will be separated and secured from the individual during transport.

3. Seized property must be submitted appropriately into the Property & Evidence Unit and documented in an officer's report.
4. Vehicle's rear passenger compartment area used for transport shall be searched both before and after an in-custody transport.

### III. TRANSPORTING--GENERAL POLICIES

#### A. Conversation

General conversation should be limited. Issues regarding questioning in the vehicle, taping conversations and other investigative matters should be researched in APD Policy [3.02.065](#), "Investigations--Interviews". Certain conversations initiated by the person in custody can be used as evidence, even without prior *Miranda* warnings.

- B. **Responding to Other Calls:** Do not respond to other calls with a person in custody in the vehicle. Occasionally, while transporting, officers will view an incident requiring police attention. In those events, response is appropriate, but should be minimized.

1. In no event will officers participate in a "code run" with an in-custody on board.
2. Any such "on-view" police action should not expose the in-custody subject to danger.

- C. **Reducing the Potential for Allegations of Misconduct:** To avoid potential allegations of misconduct during transport, the following guidelines should be observed:

1. The in-car video/audio recording system (Watchguard) shall be activated for all transports from beginning to end. In the event the system becomes inoperative or the vehicle is not equipped with an in-car recording system, the officer will use their portable digital audio recorder to record the transport.
2. The recorded audio must be downloaded into DIMS, and attached to a case number or incident number *before* the end of that officer's tour of duty during which the transport occurred.
3. Drive well-traveled, well-illuminated routes.
4. When transporting juveniles or persons of the opposite gender, advise Dispatch of your location, starting/ending mileage, and destination.

5. Should it be necessary to stop at a substation or make any other unscheduled stop while transporting a person, supervisor notification will be necessary and two officers will be present at all times. The event will be documented in the police report to include the supervisor and witnessing officers' names.
6. Avoid verbal confrontations.
7. Should the subject's conversation suggest bribes, threats, retribution, sexual acts, or other matters of concern, officers shall:
  - a. Notify a supervisor immediately; and
  - b. Document the conversation in a police report.
8. Do not delay enroute.

#### **D. Communications Security**

1. When transporting a person in custody, officers should take the radio off of the "scan" mode and monitor the main channel. This is to prevent the transported subject from hearing sensitive radio traffic.
2. The MDC screen should be positioned to prevent viewing by subjects.

### **IV. TRANSPORTING**

- A. **General:** Transports shall not occur until after the person and the police vehicle are searched.
- B. **Guidelines on Positioning In-Custody Persons in the Vehicle.** The following guidelines shall be followed when positioning a person who is in custody in a police vehicle:
  1. Officers should avoid transporting prisoners who are not handcuffed. If the situation cannot be avoided, the prisoner may be transported in the rear seat, but only if the protective screen is up.
  2. Whenever practical, seatbelts should be worn by persons in custody while being transported.
  3. If two officers are using a car without a protective screen, one officer will ride in the rear seat with the prisoner.
  4. Without a screen or a second officer, do not transport two people in custody in one car.

### **V. TRANSPORTING--SPECIAL CARE & CIRCUMSTANCES**

A. Juveniles

1. Do not transport juveniles with adults not related to that minor.
2. Transporting juveniles is indistinguishable from transporting an adult, including searches.

B. Mentally Ill/Physically Disabled/Ill/Injured Prisoners

1. No standards are to be relaxed when transporting such subjects. Searches and restraints are appropriate.
2. Such prisoners shall be transported in the most secure and safe manner possible.
3. If the mental illness/state or physical handicap prevents a safe and secure transportation in a police vehicle, an ambulance may be called to assist with the transport. These circumstances still require an evaluation by the transporting officer of the violence/flight risk of the prisoner being transported.
4. Special attention shall be given to persons who are non-ambulatory, or those requiring wheelchairs, crutches, or prosthetic appliances, and those requiring medicine.
5. In those instances where an accused appears to be, or may be in need of immediate medical treatment after being taken into custody, the subject may be taken directly to a Health Care Facility.
6. In the event an ambulance is called, an officer will accompany ambulance personnel during the transport.

**\*\*\*END OF DOCUMENT\*\*\***