



Policy 1114

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| Subject | |
| PERSONS IN POLICE CUSTODY | |
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By Order of the Police Commissioner

POLICY

The purpose of this policy is to ensure the safety and security of detainees, members, facility staff members, and the public when a person is taken into custody and transported, including persons subject to emergency petitions.

CORE PRINCIPLES

Safety. Members shall ensure the safety of detainees at all times. Members shall treat all detainees in a humane manner throughout the time they are in custody, including before, during, and after transportation, with due regard for their physical safety and protection, consistent with sound principles of detainee security.

Duty to Provide Medical Attention. When there is an obvious injury, complaint of injury, signs of medical distress, withdrawal, or overdose, or when any detainee requests medical attention, members shall immediately render aid consistent with their training and notify their supervisor and the Communications Section. If the officer sees an injury or hears about a complaint of injury, a detainee cannot refuse a medic. The member shall then request that a medic respond to the scene or transport the detainee directly to the nearest hospital emergency room.

Youths. Youth detainees shall not be transported in the same compartment as adult detainees. If a youth is taken into custody, refer to Policy 1202, *Interactions with Youth*.

DIRECTIVES

General Procedures

1. At all times, members shall secure and transport detainees in a manner that ensures the detainee's safety.
2. Members shall ensure that seatbelts, the transportation video cameras (TVC), and other safety equipment are properly functioning. Detainees shall only be transported in seats with functioning seatbelts. (See Policies 1511, *Vehicle Inspection and Maintenance*, and 825, *Transport Vehicle Camera (TVC) System*, for inspection and TVC function test directives.)
3. Members shall never leave a detainee unattended in the transport vehicle.
4. Members shall ensure that a detainee is transported directly and as soon as possible to the Central Booking and Intake Center (CBIC) or another appropriate facility for processing.

5. Absent exigent circumstances and with the exception of Fugitive Units (See below), members should never keep a detainee in a transport vehicle for a period of time that exceeds two hours. Exigent circumstances do not include a shortage of available members or other resources.
6. When transporting a detainee, members shall not engage in any unrelated enforcement activities unless failure to act would result in imminent risk of death or serious bodily injury.

Medical Attention Procedures

7. If a medical issue or injury is present or arises, the members shall:
 - 7.1. Ensure the detainee's safety is maintained at all times.
 - 7.2. Request/Provide medical attention prior to transporting a detainee, unless transporting the detainee directly to a medical facility.
 - 7.3. Notify the Communications Section of the location and wait for back-up.
 - 7.4. Take precautions not to aggravate any injury when searching and restraining the detainee.
 - 7.5. Ensure the detainee is guarded at all times.
 - 7.6. Request a medic unit respond to the scene or transport the detainee directly to the nearest hospital emergency room. If the scene has become unstable, preventing the medic unit from arriving, and if moving the detainee from the scene does not jeopardize the detainee's health and safety, transport the detainee directly to a medical facility.
8. When a detainee is ill, hurt, or injured and is to be admitted to a hospital before being processed at a booking facility, the members shall follow BPD procedures regarding hospital detainees.
9. If a detainee refuses treatment at a medical facility, the transporting member shall obtain a copy of the detainee's written refusal of treatment from the medical facility, provide it to the booking personnel, and attach a legible copy of the refusal to the Incident Report and document the refusal in a narrative.
10. Members shall determine if the detainee is under any prescribed medication prior to transporting them from the detention facility, mental health facility, or hospital, and ensure the medication accompanies the detainee in sufficient quantity to cover the anticipated time in departmental custody. The medication shall:
 - 10.1. Be capable of being administered orally,
 - 10.2. Not require refrigeration,
 - 10.3. Be prescribed by a medical professional, authorized and licensed to prescribe the medication, and

10.4. Be documented on the Transport Log.

11. Transporting members shall document information regarding any medical issues or injuries, and treatment in the designated fields of the Transport Log and by adding a narrative. (See section "Documentation" below for documentation requirements).

NOTE: Every injury that is reported to have occurred during transport shall be reviewed as a use of force or, if appropriate, as part of a vehicle crash investigation. (See Policy 1115, *Use of Force*).

Behavioral Health Crisis and Emergency Petition Procedures

12. When observing a detainee in custody, members shall carefully consider the detainee's behavior and respond in accordance with Policy 712, *Crisis Intervention Program* and Policy 713, *Petitions for Emergency Evaluation & Voluntary Admission*, and associated training.
13. When transporting an individual for an Emergency Petition, members shall adhere to directives in Policy 713, *Petitions for Emergency Evaluation & Voluntary Admission, Transporting and Handcuffing*, as well as directives regarding the destination to which the person is transported.

Arrest Procedures

14. In an attempt to minimize the risk of injury to members and others during arrest situations, members shall handcuff all detainees as soon as possible and when safe to do so.
15. If medical circumstances make it unreasonable to handcuff a detainee, members will refrain from handcuffing the arrestee. Un-handcuffed arrestees shall be guarded by a minimum of two members.
16. Members shall check handcuffs for tightness and double lock as soon as it is safe to do so prior to transport.
17. When a handcuffed detainee complains that handcuffs are too tight and/or hurting the detainee, the member having custody of the detainee shall, as soon as reasonably possible, check the handcuffs to ensure that they are not too tight. The member should be able to place one finger between the handcuff and the detainee's wrist. If the handcuffs are too tight, they shall be loosened and relocked.
18. Members shall never leave handcuffed detainees on hot pavement or in a face-down prone position.
19. Members shall protect the detainee from environmental factors (e.g., snow, rain, extreme temperatures, etc.) when determining how and where to place detainees awaiting transport.
20. Members shall not use force against persons who are handcuffed or otherwise restrained, except in exceptional circumstances. Refer to Policy 1115, *Use of Force*, regarding restrained persons.

Search Procedures

21. When a detainee is transported in a police vehicle, members shall ensure that the detainee is searched by both the arresting member (search incident to arrest) and the transporting member before being placed in a police transport vehicle.

NOTE: The transporting member is not required to conduct a search if they witness the search incident to arrest.

22. When interacting with and searching detainees of a different gender or gender-identity from that of the transporting member, the member shall adhere to Policy 720, *Interactions with Lesbian, Gay, Bisexual, Transgender, and Queer Questioning (LGBTQ) Individuals* and Policy 1109, *Warrantless Searches*.
- 22.1. If a member of the same gender as the detainee was summoned to conduct the search incident to arrest and the transporting member was present to witness the search, then only one search is required.

Restraint Procedures

23. At all times, members shall secure detainees in a manner that ensures their safety. Members shall properly fasten the detainee's seatbelt when placing them into the transporting vehicle.
24. Members shall restrain detainees in a manner that does not cause undue pain, undue risk of injury, or actual injury. The member may handcuff the detainee's hands in front of their body if the detainee has physical disabilities or impairments that may cause pain or injury from being handcuffed behind their back, or if the physical disabilities or impairments prevent the detainee from positioning their hands behind their back.
25. Transporting members are **prohibited** from transporting detainees who are restrained in a prone position (including the so-called "hog-tie" position).
26. Members are **prohibited** from handcuffing detainees to any part of the vehicle being used for transport.
27. Members shall restrain all detainees, regardless of age and seat location, by seat belts or other authorized restraining devices. The maximum number of detainees transported cannot exceed the number of seatbelts.

Transportation Procedures

28. When transporting a detainee in a vehicle equipped with a TVC, the transporting member shall ensure the TVC is recording from all cameras before exiting the vehicle at the scene and until the transport has fully concluded, and the detainee has either been escorted out of the vehicle, away from the TVC's range, or the detainee has been escorted into a building or another vehicle. Refer to Policy 825, *Transport Vehicle Camera System*, for instructions on activating the TVC and recording.
29. When transporting a detainee in a transport vehicle, the transporting member shall ensure that:

- 29.1. Only vehicles with safety barriers and sufficient, functioning seatbelts for each detainee are used for transport. Additionally, prisoner transport vans, except for those with forward-facing seats (i.e. passenger vans), shall be outfitted with a functioning grip strap along the rear area of each seat.
- 29.2. The detainee is secured with the provided seat belt or authorized restraining device.
- 29.3. The transporting member's body-worn camera (BWC) is activated throughout the duration of the transport.
- 29.4. When operating a transport van:
 - 29.4.1. The side compartment's retractable sidestep is securely and appropriately positioned for when the detainee is entering and exiting the compartment, and retracted when the van is in motion.
 - 29.4.2. That any narcotics, contraband, evidence, or weapons are secured in the safe/lockbox.
 - 29.4.3. The detainee's compartment light remains on for the duration of the detainee's transport.
 - 29.4.3.1. When transporting detainees at night, it is recommended that the transporting member use the red light in the compartment.
30. Members shall make reasonable accommodations for detainees with disabilities or who are pregnant. When there is an arrest involving a detainee with a disability requiring a wheelchair, crutches, prosthetic devices or other medical equipment, members shall take the following actions:
 - 30.1. Transport the detainee in a transport vehicle to the appropriate facility.
 - 30.2. Transport medical equipment to the detainee's destination(s). If possible, the medical equipment shall be transported in the same vehicle as the detainee who requires it, if this can be done without creating potentially hazardous conditions.
 - 30.3. If portable, fold and place the wheelchair or other equipment in the trunk of the transporting vehicle. If the equipment is electric, transporting members shall secure it in a prisoner transport van and transport it to the facility where the detainee is taken.
31. Transporting members shall be aware of the detainee's physical well-being to ensure that the individual is transported safely.
 - 31.1. Transporting members shall check on the detainee at least twice from the time of arrest to the time of transfer of custody, either by direct observation or through live video transmission (TVC), to ensure the safety and security of the member(s) and people being transported, and to check for apparent signs of medical distress or emergency.

- 31.1.1. Well-being checks shall include considering signs of medical distress and lack of security (i.e. not properly restrained by a seatbelt). If a detainee is apparently unresponsive (i.e. eyes shut and ignores repeated engagement by members), the member shall interpret this as medical distress and take appropriate action. If the detainee is unsecured by a seatbelt, the member shall also take appropriate action.
- 31.1.2. Well-being checks shall occur after the start of the transport and again before arriving to the destination. A reasonable time should separate each check, aiming for balanced increments.
- 31.1.3. Transporting members shall memorialize the well-being checks by recording the following statements on BWC when conducting the checks.

“Conducting Observation of the Detainee. Check number 1.”

“Conducting Observation of the Detainee. Check number 2.”

32. Transporting members are strictly prohibited from transporting a detainee in a manner intended to create discomfort to the detainee including unnecessary speeding, braking, or sharp turns.
33. Transporting members shall not drive in Emergency Response Mode or initiate a vehicle pursuit when transporting detainees. (See Policy 1503, *Emergency Vehicle Operation and Pursuit Policy*).
34. Transporting members shall drive at a speed which does not exceed the speed limit and in a manner that is calculated to preserve the safety and security of the detainee being transported.

EXCEPTION: If the detainee requires urgent and emergency medical care, the transporting member may exceed the posted speed limit, as allowed for emergency vehicles under the state law.

35. Transporting members shall not transport males and females in the same compartment of a vehicle. If the vehicle contains only one compartment, members shall use separate vehicles to transport the detainees. Transgender, intersex, and/or gender non-conforming individuals shall be transported with other detainees of the same gender identity and expression, unless the individual, or any other individual expresses a safety concern, in which case the individual shall be transported alone.
36. Transporting members shall not transport youth and adult detainees in the same compartments. See Policy 1202, *Interactions with Youth*, for all other guidance pertaining to youth in custody.
37. Members shall ensure that detainees are not permitted to communicate with others (e.g. attorneys, family members) during transport.

Documentation

38. Transporting members shall transmit via radio:

- 38.1. The number of detainees in custody that are being transported,
 - 38.2. The location where detainee(s) entered the transport vehicle,
 - 38.3. The destination to which the detainee(s) are being transported,
 - 38.4. When the transportation vehicle departs the scene with dispatch providing the official timestamp,
 - 38.5. When the transportation vehicle arrives at the destination with dispatch providing the official timestamp, and
 - 38.6. Any request for medical attention by the detainee or transporting member.
39. Transporting members shall complete ALL fields marked as required (in red) in the Transportation Log.
- 39.1. In addition to the required fields in the Transport Log, members shall enter the central complaint number (CC#) if the transport is associated with an Incident Report and the detainee's date of birth (DOB) if known.
40. Transporting Members shall complete a Transport Log entry for each time a detainee is transported between locations regardless if the detainee was never removed from the vehicle.

EXAMPLE: If a detainee was transported from the scene to the district and then to the Central Booking Intake Center (CBIC) that will require two entries into the Transport Log for each location.

41. Transporting Members shall submit the Transport Log to their supervisor for review by the end of their tour of duty.

Destination/Arrival Procedures

42. Members shall ensure that the detainee remains handcuffed upon arrival at any facility (e.g., Headquarters, District station house, CBIC).
43. Sufficient sworn personnel shall be present when moving detainees from the transporting vehicle to the booking facility or other locations that might afford the opportunity for the escape of the detainee or injury to the member or others.
44. Members shall ensure that the detainee is escorted by more than one sworn member for all restroom breaks.
45. When a detainee is transported to a police building and placed in a holding cell, members shall ensure that the detainee remains the responsibility of the transporting member until the detainee is transported from the facility or custody of the detainee is relinquished to another sworn member. This custody transfer shall be clearly communicated between both members, and the member assuming custody of the detainee shall again search the detainee.

47. The transporting member shall ensure the transport vehicle is inspected for any property left inside prior to placing the detainee in the vehicle and again after the detainee is removed from the vehicle. If any contraband and/or controlled dangerous substances (CDS) are found in the vehicle, the transporting member shall recover them in accordance with Policy 1401, *Control of Property and Evidence*.

Booking & Intake Center Procedures

48. Transporting members' BWCs shall remain activated in the sally port and until custody is relinquished to CBIC personnel.
49. Transporting members shall enter CBIC by vehicle through the door located on the Madison Street side of the building and park in the provided temporary space.
50. Transporting members shall complete the Charge Information Form, Form 12 (Appendix A), to provide to CBIC personnel.
51. Transporting members shall remove the detainee from the transport vehicle and take them to the detainee sally port designated for the detainee's gender identity. Members shall announce their presence through the intercom and open the door. The detainee shall remain handcuffed during this process.

NOTE: A transporting member will be met by a correctional officer, who will search the detainee for contraband, conduct an evaluation, and obtain information about the detainee. A transporting member may be searched if the correctional officer believes the transporting member is still armed. A transporting member shall wait in the sally port area for this assessment to be completed.

52. The transporting member shall advise CBIC personnel of any potential medical or security risks.
53. The transporting member shall immediately assume responsibility for any narcotics, weapons, or contraband found on the detainee that warrants criminal charges. The correctional officer shall be included in the chain of custody for the Property Receipt, Form 56, and members shall refer to Policy 1401, *Control of Property and Evidence* when taking property or evidence into custody.
54. The transporting member shall relinquish responsibility for the detainee to the correctional officer when all the conditions set forth by CBIC are met for the booking process. The member shall then retrieve their handcuffs at the search room before the strip search and after the detainee clears medical.
55. Transporting members shall deliver the detainee's personal property to CBIC. Personal property accepted by CBIC is limited to:
- 55.1. Clothing being worn by the detainee upon arrival,
- 55.2. Non-contraband personal property, and

- 55.3. Any medical equipment or medicine.
56. Transporting members may be required to transport and transfer detainees to other agencies/facilities. In these instances, transporting members shall determine the point and time of transfer, and adhere to the intake procedures for that agency/facility.

Escape and In-Custody Death Procedures

57. If a detainee escapes from police custody, the custodial member shall:
- 57.1. Immediately notify a supervisor and request the supervisor to respond, who shall in turn notify the Public Integrity Bureau (PIB) and submit a BlueTeam entry.
 - 57.2. Immediately notify the Communications Section, providing:
 - 57.2.1. Time of the escape,
 - 57.2.2. Location of the escape,
 - 57.2.3. Direction and method of travel of the escapee, and
 - 57.2.4. Description of the escapee.
 - 57.3. Prepare an Incident Report that includes:
 - 57.3.1. Time of escape,
 - 57.3.2. Location of escape,
 - 57.3.3. Direction and method of the escapee,
 - 57.3.4. Description of the escapee,
 - 57.3.5. Circumstances of the escape,
 - 57.3.6. Notifications made.
58. In all situations where a detainee dies while in the custody of the BPD, the custodial member shall:
- 58.1. Notify a command staff member immediately and secure the scene.
 - 58.2. Notify the Homicide Section.
 - 58.3. Request activation of Special Investigation Response Team (SIRT) by communications.
 - 58.4. Refer to Policy 710, *Level 3 Use of Force Investigations / Special Investigation Response Team (SIRT)*.

REQUIRED ACTION**Communications Section**

59. The dispatcher shall acknowledge the transporting member's departure and arrival radio reports with the official timestamp.
60. The dispatcher shall coordinate the dispatch of medical attention and/or specialized units in instances of detainee injury, escape, or death.

Supervisors

61. The Supervisor shall ensure that any member operating a transport van has received the required transport operator training.
62. The Supervisor shall initiate a review of every injury that is reported to have occurred during transport as a use of force or, if appropriate, as part of a vehicle crash investigation.
63. If detainee requires medical attention, the Supervisor shall determine how many members will be assigned to guard and assign members as needed.
64. The Supervisor shall respond to the scene in instances of detainee escape or death, immediately notify PIB, and initiate a BlueTeam entry.
65. The Supervisor shall review Transport Logs for completeness and to ensure they account for all transports conducted by the member.

Shift Commanders

66. If a detainee is injured and admitted to a medical facility as a result of police action or use of force, the Shift Commander will ensure the Special Investigations Response Team (SIRT) is immediately notified.
 - 66.1. In cases where the detainee's injury is serious and/or potentially life-threatening, notification shall be made promptly, even if a decision as to the detainee's admission to a medical facility has not yet been made.
 - 66.2. In cases of serious injury or death, which necessitate response and/or investigation by the Homicide Section, the Shift Commander shall notify Homicide at 410-396-2100.
67. If a detainee is badly injured and is admitted to a medical facility for a stay exceeding 24 hours, the Shift Commander shall seek a Bed Side Commitment (See Policy 1117, *Adult Booking Procedures*) by the end of their tour of duty.

Performance Standards Section

68. The Performance Standards Section shall conduct quarterly audits of the transportation process to determine if members properly followed correct transportation procedures and that detainees who are being transported are not placed at risk of injury. The audits shall include:
- 68.1. A review of information for at least five randomly selected instances of transport of detainees from each police district within the previous quarter, including reviewing all video recordings associated with each instance; reviewing and analyzing the location, time, and speed that the transport vehicle was driven; and reading any reports related to the arrest, detention, and transport of the detainee;
 - 68.2. An analysis of the data collected during the previous quarter, as outlined in the "Transportation Procedure" section in this policy.
 - 68.3. A review of every injury reported to have occurred during transportation to determine if there are any trends related to transport policies or practices, to be included the BPD's Annual Use of Force Data Report.
 - 68.4. Random and unannounced spot-checks of at least three transportation vehicles from each BPD district to inspect for use of seatbelts and operation of the TVC system.

Fugitive Units

69. When a person is taken into custody by the Fugitive Unit, transporting members shall adhere to the following procedures in addition to those listed above:
- 69.1. At no time shall transporting members transport more than one detainee without the approval of a permanent-rank supervisor.
 - 69.2. Prior to the transport, transporting members shall ensure the vehicle is equipped properly with functioning seatbelts, a spare tire, jack, and lug wrench. The vehicle shall also have properly inflated tires and sufficient fuel and oil. All guidelines under the *Transportation Procedures* section of this policy shall be met.
 - 69.3. Obtain expense approval from the Office of the State's Attorney and acquire forms and detainee documentation. The transporting member shall submit this documentation to Fiscal Services.
 - 69.4. The detainee shall be made as comfortable as possible, given the length of the trip, and shall be secured to the extent needed to prevent escape and maintain safety with appropriate restraints per unit's operating procedures.
 - 69.5. Schedule restroom breaks and meal consumption prior to departure to alleviate the need for interrupted transport.
70. Transporting members shall re-secure detainees in the transport vehicle following any meal consumption or restroom break.
71. Should a detainee escape occur in another jurisdiction, the transporting members shall:

- 71.1. Be guided by the policy of that jurisdiction. In the absence of a Memorandum of Understanding (MOU) between the BPD and the jurisdiction, search and apprehension of the detainee shall be handled by the other agency.
- 71.2. Immediately notify the jurisdictional agency, PIB, and the members' immediate supervisor, who shall make the BlueTeam entry and ensure all subsequent notifications are made.

APPENDICES

- A. Charge Information Form, Form 12

REFERENCED POLICIES

- Policy 710, *Level 3 Use of Force Investigations / Special Investigations Response Team (SIRT)*
Policy 713, *Petitions for Emergency Evaluation & Voluntary Admission*
Policy 720, *Interactions with Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning (LGBTQ) Individuals*
Policy 825, *Transport Vehicle Camera (TVC) System*
Policy 1109, *Warrantless Searches*
Policy 1115, *Use of Force*
Policy 1117, *Adult Booking Procedures*
Policy 1202, *Interactions with Youth*
Policy 1401, *Control of Property/Evidence*
Policy 1503, *Emergency Vehicle Operation and Pursuit Policy*

RESCISSION

Remove and destroy/recycle Policy 1114, *Persons in Police Custody*, dated 9 February 2021.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

APPENDIX A

Charge Information Form (Form 12)

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| <p>Draft Charge Information Form Form 12, rev. 11.15.22</p> | | | | | | | | | |
| BOOKING INFORMATION | | | | | | | | | |
| BIN: | | | | | DATE & TIME OF ARREST: | | | | |
| ARRESTING AGENCY: | | | | | PRIMARY CHARGE: | | | | |
| Arresting Officer (Rank and Name) | | | | | Sequence Number | Unit Number | Assignment | | |
| Location of Arrest (Street, City/County, Zip Code) | | | | | | | | Post of Arrest | |
| Central Complaint Number | | | | | Juvenile Custody Number (if applicable) | | | | |
| Warrant Number | | | | | Traffic Citation Number | | | | |
| PRISONER INFORMATION | | | | | | | | | |
| PRISONER SOBRIETY: <input type="checkbox"/> SOBER <input type="checkbox"/> HAS BEEN DRINKING <input type="checkbox"/> INTOXICATED <input type="checkbox"/> OTHER: _____ | | | | | | | | | |
| Arrestee's Name (Last, First, Middle) | | | | | Name Used (if different): | | | | |
| <input type="checkbox"/> Male <input type="checkbox"/> Female | Race | Date of Birth (MM/DD/YYYY) | Age | Height | Weight | Hair Color | Eye Color | | |
| <input type="checkbox"/> Other or Unknown | | | | | | | | | |
| Arrestee's Address (Number, Street Name, Apartment) | | | | | | | | | |
| Arrestee's Address (City, State, Zip Code) | | | | | | | | | |
| School of Attendance (if applicable) | | | | | School Address (if applicable) | | | | |
| Was Arrestee Searched? | | Location Where Search Conducted | | | Description of Contraband Recovered (if applicable) | | | | |
| Special Circumstances, Remarks, or Information Related to this Prisoner or Arrest: | | | | | | | | | |