



Policy 1114

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.

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. The member shall then request that a medic respond to the scene or transport the detainee directly to the nearest hospital emergency room. Refer to Policy 1121, *Detainees in Hospital Environments*, for specific policies regarding the safety and security of detainees in hospital environments and hospital details.

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, detainees shall be secured and transported in a manner that ensures their safety.
2. Transporting members shall ensure that seatbelts, the Transportation Video Cameras (TVC), and other safety equipment are properly functioning. Detainees may only be transported in seats with functioning seatbelts. When a detainee is transported in a police vehicle, members shall ensure that:
 - 2.1. Only vehicles with safety barriers and sufficient, functioning seatbelts for each detainee are used for transport. Additionally, all prisoner transport vans shall be outfitted with a grip strap along the rear area of each seat.
 - 2.2. The detainee is secured with the provided seat belt or authorized restraining device.

- 2.3. The member's body-worn camera is activated throughout the duration of the transport.
3. Members shall never leave a detainee unattended in the transport vehicle.
4. Members shall not engage in any unrelated enforcement activities unless failure to act would result in imminent risk of death or serious bodily injury.
5. If transporting a detainee in a vehicle equipped with a TVC, ensure the TVC is recording from the first moment a detainee is placed in the vehicle until the detainee is removed from the vehicle.

Medical Attention Procedures

6. If a medical issue or injury is present or arises, ensure the detainee's safety is maintained at all times. Request/Provide medical attention prior to transporting a detainee, unless transporting the detainee directly to a medical facility.
7. Take precautions not to aggravate any injury when searching and restraining the detainee.
8. Ensure the detainee is guarded at all times.
9. Request a medic unit respond to the scene or transport the detainee directly to the nearest hospital emergency room.
10. Ensure the medical facility or medic unit number is noted on a Supplemental Report to the Incident Report as well as the date and time treatment was provided.
11. When a detainee is ill, hurt, or injured and is to be admitted to a hospital before being processed at Central Booking, the member shall follow the procedures outlined in Policy 1121, *Detainees in Hospital Environments* (currently being drafted).
12. If a detainee refuses treatment at a medical facility, obtain a copy of the detainee's written refusal of treatment from the medical facility, provide it to the booking personnel, and note the refusal on a Supplemental Report.
13. Make note of the medical issue and the assistance given on Charge Information Form, Form 12 (see Appendix A).
14. When observing a detainee in custody, members shall carefully consider the following to provide appropriately for the safety of detainees:
 - 14.1. Statements that might indicate suicidal intent,
 - 14.2. Signs of depression or humiliation,
 - 14.3. Evidence of prior suicide attempts (e.g., scars),
 - 14.4. Activity which would lead a prudent individual to suspect a potential for danger of self-harm (e.g., banging of the head against a wall or hard object, charging into hard objects, etc.),

- 14.5. Evidence or information about health conditions or mental health status received from family, friends, or other sources, and
- 14.6. Information regarding previous arrests, such as the suspect resisted or assaulted the arresting member.
15. Manage all reports of detainees with possible or obvious mental illness, emergency evaluations, and related issues in accordance with Policy 713, *Petitions for Emergency Evaluation & Voluntary Admission*.
 - 15.1. If a detainee meets the criteria for emergency psychological evaluation, members shall:
 - 15.1.1. Immediately transport the detainee to the appropriate medical facility, in accordance with Policy 713, *Petitions for Emergency Evaluation & Voluntary Admission*.
 - 15.1.2. Provide the required supporting documentation to the medical facility treating the detainee, and
 - 15.1.3. Request an emergency evaluation for any detainee coming into police custody who exhibits any intent toward suicide, self-harm or other signs of mental illnesses.

NOTE: A detainee does not need to voice suicidal intent to cause an emergency evaluation. Any combination of factors which may cause alarm on the part of a member might trigger an evaluation. Any suicide attempt or attempt at self-harm shall immediately require an evaluation.

16. 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:
 - 16.1. Be capable of being administered orally,
 - 16.2. Not require refrigeration, and
 - 16.3. Be prescribed by a medical professional, authorized and licensed to prescribe the medication.

Arrest Procedures

17. 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.

NOTE: 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.

18. Members shall check handcuffs for tightness and double lock as soon as it is safe to do so prior to transport.
19. When a handcuffed detainee complains that handcuffs are too tight and/or are hurting the detainee, the member having custody of the detainee shall, as soon as reasonably possible, check the handcuffs to make sure that they are not too tight. In general, 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.
20. Members shall never leave handcuffed detainee on hot pavement or in a face-down prone position. 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.
21. Use of force, including chemical irritants or CEW's, is very rarely needed or appropriate once a detainee is restrained. Members shall not use force against detainees who are handcuffed or otherwise restrained, except in exceptional circumstances where the totality of circumstances makes it reasonable and necessary to prevent injury or escape. Members are cautioned that force that may be proportional against an unrestrained person may not be proportional when used on a restrained detainee (see Policy 1115, *Use of Force*).

Search Procedures

22. When a detainee is transported in a police vehicle, members shall ensure that the detainee is searched by the arresting member and the transporting member before being placed in a police transport vehicle. See Policy 1109, *Warrantless Searches*, for guidance on searches incident to arrest.

NOTE: As a general rule, the arresting member and the transporting member should both conduct the search. Ensure the search complies with the following policies: Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*, Policy 1013, *Strip Searches and Body Cavity Searches*, and Policy 720, *Interactions with Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning (LGBTQ) Individuals*.

23. 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.

NOTE: If any contraband and/or CDS are found in the vehicle, the transporting member shall recover them in accordance with Policy 1401, *Control of Property and Evidence*.

Restraint Procedures

24. At all times, detainees shall be secured in a manner that ensures their safety.
25. Detainees shall be restrained in a manner that does not cause undue pain, undue risk of injury, or actual injury.

26. Members are **prohibited** from transporting detainees who are restrained in a prone position (including the so-called "hog-tie" position).
27. Members are **prohibited** from handcuffing detainees to any part of the vehicle being used for transport.

NOTE: All passengers, regardless of age and seat location, shall be restrained by seat belts or other authorized restraining devices. Maximum number of detainees transported cannot exceed number of seatbelts.

Transportation Procedures

28. For every instance of detainee transport, the transporting member shall transmit the below information via police radio and/or report the following information on the Charge Information Form, Form 12 (see Appendix A), which shall be preserved for review.
29. Transporting members shall report via radio:
 - 29.1. The number of detainees in custody that are being transported,
 - 29.2. The location where detainee(s) enter(s) the transport vehicle (if different from arrest location),
 - 29.3. The destination to which the detainee(s) are being transported,
 - 29.4. When the transportation vehicle departs the scene with dispatch providing the official timestamp,
 - 29.5. When the transportation vehicle arrives at the destination with dispatch providing the official timestamp, and
 - 29.6. Any request for medical attention by the detainee or transporting member.
30. Members shall include the above information via the Charge Information Form, Form 12, as well as:
 - 30.1. The starting and ending mileage on the vehicle,
 - 30.2. Whether the transport vehicle made any additional stops,
 - 30.3. Whether at any time the member perceived the detainee in custody to be in need of medical attention,
 - 30.4. Whether force was used during transport,
 - 30.5. Whether the detainee was adequately restrained by a seatbelt during transport, and
 - 30.6. Whether the detainee was injured during transport, the nature of the injury, and whether first aid or medical care was provided.

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.

31. 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:
 - 31.1. Transport the detainee in a transport vehicle to the appropriate facility.
 - 31.2. Transport medical equipment to the final destination of the individual who requires it. If possible, the medical equipment shall be transported in the same vehicle as the individual who requires them if this can be done without creating potentially hazardous conditions.
 - 31.3. If portable, fold and place the wheelchair or other equipment in the trunk of the transporting vehicle. If the equipment is electric, members shall secure it in a prisoner transport van and transport it to the facility where the detainee is taken.
 32. Members responsible for prisoner transportation shall be aware of detainees' physical well-being to ensure that the individual is transported safely.
 - 32.1. Member shall periodically check on the detainees from the time of arrest to the time of transfer of custody, either by direct observation or through live video transmission, 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.
 - 32.2. Member 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.
- 32.3. 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. Males and females shall not be transported in the same compartment of a vehicle.
 - 33.1. If the vehicle contains only one compartment used for transporting detainees, BPD shall use separate vehicles to transport males and females.
 - 33.2. Transgender, intersex, and/or gender non-conforming individuals shall be transported with other arrestees 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.

34. Youths and adult detainees shall not be transported in the same compartments. See Policy 1202, *Interactions with Youth*, for all other guidance pertaining to youths in custody.
35. Detainees are not permitted to communicate with others (e.g. attorneys, family members) during transport.
36. Transporting members shall submit all completed Charge Information Forms, Form 12, to their supervisor by the end of their tour of duty.

Destination/Arrival Procedures

37. The detainee shall remain handcuffed upon arrival at any facility (e.g., Headquarters, District station house, Baltimore Central Booking and Intake Facility (CBIF)).
38. 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.
39. The detainee shall be escorted by more than one sworn member for all restroom breaks.
40. When a detainee is transported to a police building and placed in a holding cell, the detainee shall remain the responsibility of the transporting member until the detainee is transported from the facility.

NOTE: The transporting member may relinquish custody of the detainee to another sworn member. This transfer of custody shall be clearly communicated between both members, and the member assuming custody of the detainee shall again search the detainee.

Booking & Intake Center Procedures

41. Members shall enter CBIF by vehicle through the door located on the Madison Street side of the building and park in the provided temporary space.
42. 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 the door shall be opened. The detainee shall remain handcuffed during this process.

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

43. The member shall advise CBIF personnel of any potential medical or security risks.
44. The 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,

45. The member shall relinquish responsibility for the detainee to the correctional officer when all the conditions set forth by CBIF are met for the booking process. The member shall then retrieve their handcuffs at the search room prior to the strip search and after the detainee clears medical.
46. The detainee's personal property shall be accepted by CBIF but shall be limited to:
 - 46.1. Clothing being worn by the detainee upon arrival, and
 - 46.2. Non-contraband personal property.

NOTE: Members may be required to transport and transfer detainees to other agencies/facilities. In these instances, 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

47. If a detainee escapes from police custody, the custodial member shall:
 - 47.1. Immediately notify a supervisor and request the supervisor to respond, who shall in turn notify the Office of Professional Responsibility (OPR) and submit a BlueTeam entry.
 - 47.2. Immediately notify the Communications Section, providing:
 - 47.2.1. Time of the escape,
 - 47.2.2. Location of the escape,
 - 47.2.3. Direction and method of travel of the escapee, and
 - 47.2.4. Description of the escapee.
 - 47.3. Prepare an Incident Report that includes:
 - 47.3.1. Time of escape,
 - 47.3.2. Location of escape,
 - 47.3.3. Direction and method of the escapee,
 - 47.3.4. Description of the escapee,
 - 47.3.5. Circumstances of the escape,
 - 47.3.6. Notifications made.
48. In all situations where a detainee dies while in the custody of the BPD, the member shall:

- 48.1. Notify a command staff member immediately and secure the scene.
- 48.2. Notify the Homicide Section.
- 48.3. Request activation of Special Investigation Response Team (SIRT) by communications.
- 48.4. Refer to Policy 710, Level 3 *Use of Force Investigations / Special Investigation Response Team (SIRT)*.

REQUIRED ACTION

Communications Section

49. Acknowledge transporting members' departure and arrival radio reports with the official timestamp.
50. Coordinate the dispatch of medical attention and/or specialized units in instances of detainee injury, escape, or death.

Supervisors

51. 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.
52. If detainee requires medical attention, determine how many members will be assigned to guard and assign members as needed (See Policy 1121, *Detainees in Hospital Environments*).
53. Respond to the scene in instances of detainee escape or death. Immediately notify OPR, and initiate a BlueTeam entry.
54. Collect all completed Charge Information Forms, Form 12, from transporting members by the end of their tour of duty.
55. Review reports for completeness and sign reports to ensure compliance with this directive.

Shift Commanders

56. If a detainee is injured and admitted to a medical facility as a result of police action or use of force, ensure the Special Investigations Response Team (SIRT) is immediately notified. A BlueTeam entry shall be completed.
 - 56.1. 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.
 - 56.2. 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.

57. If a detainee is badly injured and is admitted to a medical facility for a stay exceeding 24 hours, Shift Commanders shall seek a Bed Side Commitment (See Policy 1117, *Adult Booking Procedures*) by the end of their tour of duty.

Education & Training Section

58. Provide a training of at least eight hours to members who drive transport vans on the safe and humane transportation of detainees to include:
- 58.1. BPD policy and procedures related to transport,
 - 58.2. Safe driving methods,
 - 58.3. Identification of medical stress and injuries, and
 - 58.4. Proper restraint techniques.
59. Four hours of the above required training may be satisfied by general training programs that address the safe transportation of detainees, the identification of medical distress and injuries, and proper restraint techniques.

Audits & Inspections Section

60. 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 include:
- 60.1. 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 location, time, and odometer information to calculate the speed that the transport vehicle was driven; and reading any reports associated with the arrest, detention, and transport of the detainee;
 - 60.2. An analysis of the data collected during the previous quarter, as outlined in the **Transportation Procedure** — page 5 in this policy.
 - 60.3. A review of every injury reported to have occurred during transportation to determine if there are any trends related to transport policies or practices;
 - 60.4. 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

When a person is taken into custody by the Fugitive Unit, members shall adhere to the following procedures in addition to those listed above:

61. At no time shall a member transport more than one detainee without the approval of a permanent-rank supervisor.

62. Prior to the transport, 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 **Transportation Procedures** — Page 5 of this policy shall be met.
63. Members shall obtain expense approval from the Office of the State's Attorney and acquire forms and detainee documentation. The member shall submit this documentation to Fiscal Services.
64. 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.
65. Members shall schedule restroom breaks and meal consumption prior to departure to alleviate the need for interrupted transport.

NOTE: Members shall re-secure detainees in the transport vehicle following any meal consumption or restroom break.

66. Should a detainee escape occur in another jurisdiction, the transporting member shall 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.

NOTE: The transporting member shall immediately notify the jurisdictional agency, OPR, and the member's immediate supervisor, who shall make the BlueTeam entry and ensure all subsequent notifications are made.

APPENDICES

A. Charge Information Form, Form 12

ASSOCIATED POLICIES

Policy 503, *Transportation of Passengers in Departmental Vehicles*
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 1013, *Strip Searches and Body Cavity Searches.*
Policy 1109, *Warrantless Searches*
Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*
Policy 1115, *Use of Force*
Policy 1117, *Adult Booking Procedures*
Policy 1121, *Detainees in Hospital Environments*
Policy 1202, *Interactions with Youth*
Policy 1401, *Control of Property/Evidence*

RESCISSION

Remove and destroy/recycle Policy 1114, *Persons in Police Custody*, dated 1 July 2016.

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

Charge Information Form Form 12, rev. 10.4.18									
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 Compliant 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 <input type="checkbox"/> Other or Unknown	Race	Date of Birth (MMDDYY)		Age	Height	Weight	Hair Color	Eye Color	
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									
TRANSPORT INFORMATION									
TRANSPORT THIS PRISONER TO <input type="checkbox"/> BCBIC <input type="checkbox"/> BCJJC <input type="checkbox"/> Other _____									
TO BE CHARGED AS <input type="checkbox"/> AN ADULT <input type="checkbox"/> A JUVENILE									
Transporting Officer (Rank and Name)					Sequence Number		Unit Number		Assignment
Transport Starting Location (If Different from Arrest Location, Street, City/County, Zip)						Time Departed Starting Location	# of Others Transported	Starting Mileage	
Transport Destination Location (Street, City/County, Zip)			Did Transport Make Any Additional Stops?	If "YES", Please Provide Address(es) (Street, City/County, Zip Code)			Ending Mileage	Time of Arrival at Destination	
Was Arrestee Seat-Belted? <input type="checkbox"/> Yes <input type="checkbox"/> No		If "NO", Or if Arrestee's Seatbelt Was Not Fastened Continuously Throughout the Transport, Please Explain							
Was Force Used During Transport? <input type="checkbox"/> Yes <input type="checkbox"/> No If "YES", Please Explain									
At Any Time Did the Transporting BPD Member Perceive the Arrestee to Be In Need of Medical Attention? <input type="checkbox"/> Yes <input type="checkbox"/> No									
Was the Arrestee Injured During Transport? <input type="checkbox"/> Yes <input type="checkbox"/> No If "YES", State the Nature of Injury and Whether First Aid or Medical Care Was Provided.									
Supervisor's Signature:			Supervisor's Seq. #.			Date:			