

3.03-1

**DAYTON POLICE DEPARTMENT
GENERAL ORDER
PRISONERS**



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POLICY STATEMENT

Dayton Police Officers initiating physical arrests or transporting prisoners, for any charge, must keep their prisoners safe and take all necessary measures to maintain custody and control of the prisoners. When a prisoner has been arrested, custody of that prisoner is the responsibility of the arresting and/or conveying officer until the prisoner is booked or otherwise released according to policy. This responsibility cannot be delegated to medical or security personnel at area hospitals, or **to any other person**, except as provided by policy.

Furthermore, the policies of the Dayton Police Department and the Montgomery County Jail **require** that all police officers, officers of the Court, and prisoners enter and exit the jail in a manner that maintains the security, safety, and integrity of the facility.

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I. USE OF HANDCUFFS / RESTRAINING DEVICES / HANDCUFFING PROCEDURES

A. Any person **physically** arrested, for any charge, will be handcuffed **BEHIND** their back unless some articulable reason exists for exception to this policy. The type of restraint used will depend on the condition of the arrested person. **EXCEPTIONS** may be as follows:

- Elderly or ill persons arrested for minor offenses.
- Persons incapacitated (i.e., serious wounds to the lower arms or hands; a woman in advanced stages of pregnancy, etc.).
- Persons with back injuries or ailments, which prevent putting their hands behind them.
- Persons with disabilities.
- See also, Section III. RESTRAINT OF PREGNANT PERSONS.

B. USE OF RIPP HOBBLE RESTRAINTS

1. Officers who have been trained and certified by the Dayton Police Academy may utilize the RIPP Hobble Restraint issued by the department to secure the legs, ankles and/or arms of violent individuals.
2. Officers will apply the RIPP Hobble Restraint in compliance with the training provided. RIPP Hobble



Restraints will **NOT BE USED TO "HOG-TIE" (FEET AND HANDS TOGETHER) A PRISONER UNDER ANY CIRCUMSTANCES.**

- **POSITIONAL ASPHYXIA** – Occurs when a person's body is placed in a position that interferes with breathing. Several factors, including a violent struggle with an officer, particularly when the use of behind-the-back handcuffing is combined with placing the subject in a stomach-down prone position, could increase the risk of positional asphyxia.
 - Any prisoner placed in a stomach-down prone position while handcuffed shall be closely monitored for breathing difficulties and/or other medical considerations.
 - Once an individual is controlled, they shall immediately be placed either in a seated position or placed in a position lying on their side with the legs no closer than a 90-degree angle to the torso.
 - No prisoner shall be transported in a stomach-down prone position while handcuffed, except as a last resort, when its use becomes necessary to prevent the prisoner from injuring themselves or the transporting officer(s).
- 3. Circumstances, which may warrant use of the Hobble Restraint may include, but are not limited to, the following:
 - To secure the legs or feet of a prisoner considered an escape risk.
 - To restrict a prisoner's ability to run or kick while walking.
 - To secure the legs or feet of a violent prisoner prior to placing in a cruiser.
 - To secure a prisoner's feet during transportation to prevent injury and damage due to kicking.
 - To secure a prisoner's arms while removing handcuffs.
 - To secure a violent, mentally ill person before or during transport to a hospital or mental health facility.
- C. Nylon flexible restraints (flex cuffs) will **ONLY** be used during multiple arrest situations or as a back-up restraining device for large prisoners, small prisoners, violent prisoners, or when unique situations require them.
- D. Arrested persons will be handcuffed and searched prior to being placed in the police cruiser for transportation.
- E. Prisoners are **NOT** to be handcuffed to stationary objects (i.e., vehicles, rails, poles, etc.), except in emergency situations.
- F. All prisoners **MUST BE HANDCUFFED** when conveyed to and from Court or before leaving the Jail for transportation to other facilities. Detectives may elect to not use handcuffs on prisoners while on the second floor of the Safety Building but must still maintain control of prisoners.
- G. Restraint of persons with disabilities or injured prisoners
 - When transporting prisoners requiring special treatment because of an injury or disability, consideration should be given to the type of vehicle and restraints to be used.
 - Whenever practical, all persons with disabilities prisoners should be restrained. However, if the disability or injury prevents them from being restrained, two (2) officers must transport the prisoner regardless of the vehicle used.
 - See Section II. PRISONERS WITH INJURIES OR DISABILITY.
- H. **Custodial Release Reporting in the MIS**

Officers will enter custodial releases into the MIS (Management Information System). The form can be accessed from the MDC (Mobile Data Computer) or MIS by pulling up the FIC (Field Interview Card) screen and entering in "**HNC**" (Handcuffed, Not Charged) in the type field. Officers will need to enter all of the personal information on the individual that was handcuffed and released. The reason for the handcuffing will be noted in the comments field. This procedure will not displace regular FICs when an officer pulls up



information on an individual and will keep the possibility of the appearance of excessive complaints against an officer from occurring.

II. PRISONERS WITH INJURIES OR DISABILITY

- A. Injuries Prior to Arrest - See General Order 3.01-2 Injured Subjects
- B. Injuries may be incurred by a prisoner during the course of their arrest and custody due to force incidents, use of chemical irritants, attempts to escape, etc. Generally, such injuries will require removal of the prisoner to a medical facility for treatment prior to transportation to the jail. Investigation and reporting of such injuries are addressed elsewhere in this manual.
- C. Officers should be cognizant of serious and potentially deadly medical conditions, often complicated by drug intoxication, involving psychotic behavior, elevated body temperature, and an extreme fight-or-flight response by the nervous system. Failure to recognize these symptoms and involve emergency medical services (EMS) to provide appropriate medical treatment, may lead to death. If a person exhibits some or all of these symptoms, immediate medical attention may be warranted:
- Incoherent or irrational speech
 - Aggressive, agitated, or disorderly behavior
 - Extraordinary strength or resistance to pain
 - Profuse sweating
 - High heart rate
 - Public disrobing (partially or fully naked, even in the winter months)
 - Attraction to lights, mirrors, glass, and water

If you observe someone exhibiting these symptoms, remember:

- Rapid control of the situation and timely execution of medical evaluation are important
 - Subjects often do not respond to verbal redirection
 - Attempts at physical control may not be as effective given extreme levels of strength and resistance to painful stimuli
 - Ongoing physical struggle can worsen a subject's innate fight-or-flight system, which can raise a patient's temperature, cause changes in the body's acid-base balance, and increase the risk of sudden death.
 - Call for EMS and get medical treatment as soon as possible
 - The safety of officers and the general public is paramount
- D. Situations wherein serious injury requires removal to a medical facility by EMS may necessitate that an officer accompanies the prisoner in the medic. **IF** the risk of the prisoner escaping is clearly absent due to the extent of injury, an officer will not need to accompany the prisoner. If accompanying the prisoner is not possible or needed, an officer will be assigned to follow the medic to the medical facility and assume control over the prisoner on arrival.
- E. In some situations, prisoners may be certified by medical staff at a medical facility for emergency admissions which may preclude their being booked into the Montgomery County Jail. (See General Order 2.04-5 - Response to the Mentally III)
1. If the prisoner is to be **CONFINED** at a hospital or other medical facility, the officer is to complete an MDC booking screen and send it but do not print it. The officer will then go to an MIS terminal and type the name of the local hospital or other medical facility in the "CONVEYED TO" field. See Section VIII. in reference to release.
 2. If a prisoner is **refused admittance** to the hospital or medical facility, they will be taken or returned to the Jail with the refusal paperwork. The transporting crew will enter into the remarks section on the call, the name of the doctor who refused admittance and the circumstances of the refusal.
- F. Prisoners that have been booked into the Montgomery County Jail may be injured during the course of their incarceration. If they have been arraigned in court, then the Montgomery County Sheriff's Office will provide



transportation to a medical provider. Prior to arraignment, the City of Dayton is responsible for medical services.

G. PHYSICAL DISABILITY CONSIDERATION

1. Consideration should be given to the special needs of some people with disabilities in an arrest situation. Response in these situations requires discretion and will be based, in great part, on the officer's knowledge of characteristics and severity of the disability, the level of resistance exhibited by the suspect, and immediacy of the situation. In arrest and incarceration situations, employees may encounter the following:
 - a. A person whose disability affects the muscular and/or skeletal system may not be able to be restrained using handcuffs or other standard techniques. Alternative methods (e.g., transport vans, seat belts) should be sought.
 - b. Officers should use care when assisting a prisoner into and out of any vehicle.
 - c. Non-ambulatory prisoners require at least two (2) officers to assist the prisoner.
2. Any wheelchair, crutches, and medication should be transported with, but not in the possession of, the prisoner.
3. Prosthetic devices should be searched prior to transportation but should remain with the prisoner.
4. Transporting individuals with physical disabilities:
 - a. Officers will make all reasonable efforts to accommodate the needs of individuals with physical disabilities to include assistive devices.
 - b. Officers shall not handcuff an individual to a wheelchair.
 - c. If the individual requires medical treatment, officers shall contact dispatch and request EMS for treatment then transport to a medical facility.
 - d. If the individual is in a collapsible wheelchair and is able to get into the police vehicle with minimal assistance, the officer may transport the individual(s) with the wheelchair.
 - e. If the individual is immobile without the assistance of the wheelchair, the arresting officer will contact a supervisor.
 - 1) The supervisor will contact the Montgomery County Jail to ensure the booking process can be completed and if assistive devices will be accepted.
 - 2) If determined the individual cannot be transported and/or booked for the arrest, the individual will be released on their OR (own recognizance). An explanation as to why the arrest could not be made shall be documented in the DIBRS (Dayton Incident Based Reporting System) report.
 - 3) If physical arrest is possible and the jail will accept the prisoner, officers will call for a vehicle capable of retrieving the motorized or manual wheelchair that does not fit in the officer's unit. (i.e., Neighborhood Assistance Office truck, squadrol) so that it can be dispositioned (Taken to the prisoner's home, tagged into the Property Room, etc.). Supervisors can also utilize medics from the Dayton Fire Department or from mutual aid medics.

H. HARD OF HEARING DISABILITY CONSIDERATION (See General Order 2.02-1, Deaf or Hard of Hearing and Foreign Language)

1. Consideration should be given to the special needs of people with hearing disabilities in an arrest situation. Officers will keep in mind when handcuffing a hard of hearing individual behind their back, officers have removed their only means of communication.
2. Handcuffing a person behind their back requires discretion and will be based, in great part, on the level



of resistance exhibited by the suspect and immediacy of the situation. If the situation allows, officers may handcuff a person so the detained individual has their hands in front so they may communicate using sign language or writing on paper. The Montgomery County Jail permits individuals with hearing disabilities to be handcuffed in front, provided the reason is documented and explained during intake.

III. RESTRAINT OF PREGNANT PERSONS

- A. Sworn personnel interacting with pregnant women or pregnant children after initial arrest, transportation subsequent to arrest, routine processing and booking, and after the pregnant person has been confirmed as pregnant or up to six weeks postpartum by a health care professional, will comply with:
1. Ohio Revised Code 2901.10 - Restraining pregnant women
 2. Ohio Revised Code 2152.75 - Restraining pregnant children
- B. These laws' procedures apply whenever a law enforcement officer, court officer or corrections official are in care, custody, and control of a pregnant or postpartum woman or pregnant or postpartum juvenile after she has been arrested, transported and through routine processing and booking.
- C. "Charged or convicted criminal offender" and ("Charged or adjudicated delinquent child") are defined by law in pertinent part as:
1. The woman (child) is, following arrest, transportation, and routine processing and booking, in custody of any law enforcement, court, or corrections official.
- D. Per the ORC, restraint is prohibited during any of the following times after arrest, transportation, and routine processing and booking:
1. If the woman or child is pregnant, at any time during her pregnancy;
 2. If the woman or child is pregnant, during transport to a hospital, during labor, or during delivery;
 3. If the woman or child was pregnant, during any period of postpartum recovery up to six weeks after the woman's or child's pregnancy.
- E. The ORC does allow for the use of restraints in specific circumstances, stating: "A law enforcement, court, or corrections official may restrain a woman who is a charged or convicted criminal offender during a period of time specified in division (B) of this section if the official determines that the woman presents a risk of physical harm to herself, to the official, to other law enforcement or court personnel, or to any other person, presents a risk of physical harm to property, presents a security risk, or presents a substantial flight risk."
- F. By law, if a health care provider objects at any time to the use of restraints, the restraints must be removed immediately.
- G. If emergency circumstances are necessary, a supervisor will respond to the scene and complete a Documented Report in BlueTeam. If there are other allegations of force or injury, an administrative investigation for an alleged use of force should be completed in place of the Documented Report.
- H. Personnel are not to use any waist restraints on individuals that are protected under these Revised Codes at any time.

IV. PRISONER OBSERVATION IN POLICE VEHICLES

- A. Officers are responsible for the safety and protection of the prisoner while in the officer's custody.
- B. No person being detained or arrested should be kept in a cruiser / squadrol for an unreasonable amount of time
- C. All persons in restraints of any kind shall be continuously monitored.
- D. Officers shall remain cognizant of any changes in the condition of a person that would require medical treatment. If medical treatment becomes necessary, officers shall immediately request medical assistance by telephone or radio.



- It cannot be overemphasized that officers shall continuously monitor and remain cognizant of the condition of a person in custody, especially when the prisoner is in restraints. The prisoner may encounter immediate or delayed physical reactions that may be triggered by the change in physical or environmental factors. Therefore, caution and awareness on the part of the officer is constantly required.
- E. Officers will not leave a prisoner unattended in a motor vehicle and must vigilantly maintain visual contact with the prisoner, as to respond to an emergency involving the prisoner, except for during the transport.
- F. When conveying a prisoner, the transporting officer(s) shall maintain visual contact with the prisoner whenever possible and shall otherwise remain cognizant of the prisoner's movements or actions.

V. TRANSPORTING PRISONERS

- A. Any prisoner being transported in any City of Dayton police vehicle will wear all of the available elements of a properly adjusted occupant-restraining device subject to the conditions / circumstances delineated below. Officers will assist all prisoners or incapacitated persons occupying the rear seat to secure restraining devices.

1. The seat belting of prisoners will fall into the following two (2) categories:

a. Cooperative Prisoners:

- Officers are required to seat-belt prisoners regardless of the type of safety / security equipment installed in marked police vehicles.

b. Uncooperative Prisoners:

- Standard seat belts (with door window barriers).
 - Officers will not be required to use seatbelts if it is unsafe to do so.
- Laguna 3P System (3P Restraint belts and molded seats)
 - Officers will be required to properly secure prisoners into the 3P restraint system.

* Hobbled prisoners may be seat belted if it is possible and safe to do so.

2. All prisoners exhibiting unpredictable behavior or serious mental illness and all prisoners exhibiting combative or assaultive behavior must be transported in a cruiser with the full Laguna 3P restraint system or a Prisoner Transport Van (squadrol) if available.
3. Officers are encouraged to utilize the Prisoner Transport Van whenever possible to transport extremely uncooperative or combative prisoners, prisoners who are of very large size, have bodily fluids (e.g., urine, blood, vomit) on their clothing, been sprayed with pepper spray, or other special circumstances exist where the use of a Prisoner Transport Van will increase the overall safety and security of both the prisoner and the officer.
4. **Prisoner Transport Vans** – Officers are encouraged to seat-belt all prisoners in the back of the Prisoner Transport Van. Some exceptions to this are listed in #3 above; where seat-belting the prisoner creates a significant risk to the officer's safety or well-being.

B. **Prisoners are NOT to be transported in police vehicles without a security screen.**

C. **Method of transporting prisoners in police cruisers equipped with security screens:**

1. Prisoners are placed in the rear seat and seat belted / secured as listed in Section II. A. with both doors locked.
2. **ONE-UNIT** crews may transport ONE (1) prisoner within the City or a jurisdiction adjacent to the City, if the prisoner is nonviolent.



3. **TWO-UNIT** crews are required on all prisoner transports not adjacent to the City.
4. Male and female prisoners may not be transported together unless arrested together.
- D. The Extradition Unit may use a restraining belt in lieu of handcuffing prisoners behind their back.
- E. A police officer is not required to ride in the rear of a Prisoner Transport Van when transporting prisoners provided the door locks are set to prevent escape.
- F. The In-Car Digital Video Recording system and the body worn camera must both be activated to record the entire transport.
- G. Before transporting a prisoner, the transporting crew shall enter a change in location in the MDC or advise the dispatcher by radio of their starting location and destination and shall report their arrival upon reaching the destination using the same method.
 - The transporting crew should take their prisoner directly from the area of arrest to the jail with minimal delay except in circumstances where the prisoner would have to be transported to a location other than the jail facility prior to booking (i.e., the hospital for medical treatment, detective section, etc.).
 - Officers will avoid removing the prisoner from a relatively secure location (the police cruiser / prisoner transport van) unnecessarily prior to booking into the jail facility (i.e., taking a prisoner back to the District Headquarters prior to booking, etc.). Officers must request permission from a supervisor to bring prisoners to any District Headquarters.
- H. **Prisoners for Processing / Interviewing**

When a prisoner is transported from the Montgomery County Jail to be interviewed / processed or for any other reason, officers will continue to transport them via the annex. However, the prisoner must now be transported back through the receiving area so that they can be searched / patted down prior to being returned to the general population.

Additionally, all detectives and officers walking prisoners from the Safety Building to the Montgomery County Jail sally port will adhere to the following:

- No less than two (2) sworn personnel will be utilized for any transport
- 4-6 prisoners require three (3) sworn personnel
- 7-9 prisoners require four (4) sworn personnel
- 10-12 prisoners require five (5) sworn personnel

A single prisoner is required to be handcuffed behind their back. More than one (1) prisoner requires handcuffing each prisoner to the other by one wrist.

I. **Emergency Situations**

1. The transporting officer(s) will not become involved in a pursuit, roadblock, or other situation, which might create risk or harm to their prisoner.
2. The transporting officer(s) should only consider stopping when their assistance is imperative and will remain only until other emergency assistance has arrived.
3. The primary duty of the transporting officer is the safe delivery of the prisoner in their care. Only where the risk to third parties is both clear and grave, and the risk to the prisoner is minimal, should the officer stop to render emergency assistance or engage in any law enforcement activity. Should the officer decide to stop, they should notify the RDC (Regional Dispatch Center) and/or local authorities of the following before stopping:
 - a. The identity of the officer (department, crew number, etc.)
 - b. Their status (prisoner transportation, etc.)



- c. The nature of the incident
 - d. Location
4. If two (2) officers are transporting, they may stop provided they comply with the aforementioned instructions, and they stop the transporting vehicle a sufficient distance away from the scene so that the circumstances at the scene do not compromise the security and safety of the prisoner. One (1) officer will remain with the transport vehicle, while the other renders the necessary assistance at the scene.

J. Prisoner Escape

1. Should an escape occur within the jurisdiction of the Dayton Police Department, the transporting officer will immediately contact the RDC and initiate a broadcast of all pertinent information concerning the escape.
2. The RDC and/or the involved officer will immediately notify an appropriate on-duty supervisor who will respond to the scene of the escape and commence an investigation of the circumstances leading to the escape.
3. If the escape occurred after the prisoner was under control and in restraint, the officer from whom the prisoner escaped must complete a DIBRS report for ORC (Ohio Revised Code) §2921.34, Escape, and such other reports as dictated by the circumstances.
 - a. The officer will also complete a Special Report to the investigating supervisor detailing the circumstances surrounding the escape.
 - b. The investigating supervisor must also complete an Administrative Investigation containing the facts surrounding the escape and the conclusions reached during the investigation. Whether the prisoner is recaptured immediately or eventually is irrelevant.

K. Restricted Communication

1. Safety aspects of the transportation function require that the prisoner's rights to communicate with attorneys, clergy, family and/or others will not normally be accorded during the period the prisoner is being transported. A prisoner will not be permitted to make any phone calls or communicate with others while being readied for transport. Should a special circumstance arise which would necessitate an exception to this policy, the transporting officer will be the individual responsible for monitoring the communication.
- L. The transporting officer should be familiar with the procedures at the different state institutions, forensic hospitals, mental health units, and jails. The following procedures apply to all detention facilities:
1. The transporting officer will at no time enter a secure area or receiving area with a firearm. If the institution does not have a facility for securing firearms, they are to be locked in the trunk of the vehicle or in the lock box if provided in the vehicle.
 2. The restraints will only be removed on the instructions of the receiving officer.
 3. The transporting officer will be responsible for making sure that all the necessary paperwork is properly exchanged with regard to the transfer and obtain a signature of the receiving officer on receipt.
 4. The transporting officer will notify their supervisor of any change in procedures at the state institutions.

VI. CONFINING PERSONS IN THE MONTGOMERY COUNTY JAIL

- A. **ALL PRISONERS ENTERING THE FACILITY MUST BE HANDCUFFED.**
- B. **ALL PRISONERS MUST BE SEARCHED FOR WEAPONS AND CONTRABAND BEFORE ENTERING THE**



FACILITY. Small knives and other potential weapons will be placed in the Property Room as prisoner effects. The items taken from the prisoner will be documented on an Impounded Property Receipt Form F-468 and in the DIBRS arrest report.

- C. Each person booked into the Montgomery County Jail must be entered into the MIS system "Booking Slip" screen. Officers may enter the booking information from a MDC terminal, a MIS terminal located at a police facility, or the MIS terminals located in the sally port of the jail.
- D. The MCSO (Montgomery County Sheriff's Office) has established detailed written procedures for booking prisoners into the jail. Dayton Police personnel must adhere to the current MCSO procedures when booking prisoners into the jail.
- E. Officers are reminded that they are responsible for control of their prisoners until such time as MCSO personnel assume custody.
- F. The Montgomery County Jail implemented intake procedures to protect the MCSO facility from contraband and to identify inmates with serious health issues that need to be addressed prior to coming into their custody. Therefore, anytime that the MCSO jail staff refuses admittance to a prisoner for medical issues, or for any treatment prior to booking, the arresting officer will type an e-mail to DPD – Fiscal Office and will Cc their immediate supervisor with the details of the refusal. The email will contain the following information:
 - Prisoner name,
 - Race / Sex / Age,
 - Reason for refusal by MCSO jail staff,
 - The hospital where receiving treatment,
 - The treatment received,
 - The disposition (booked or released summons),
 - The length of time the arresting officer spent on the removal.

VII. DNA SAMPLE COLLECTION

ORC §2901.07, DNA specimen collection procedure, directs arresting agencies to collect a DNA sample from adults arrested for any felony. There are currently about 400,000 entries in Ohio's database, which is connected to the CODIS (Combined DNA INDEX System). CODIS is a national system of DNA databases used to search and compare DNA profiles collected from offenders and from crime scenes. The Ohio BCI&I (Bureau of Investigation and Identification) oversees the process in Ohio. BCI&I provides the collection kits and a pre-paid envelope to return the sample for processing. The actual collection is a simple swabbing of the inside of the mouth to collect cells from the cheek lining.

Unlike fingerprints, which are preferred for each arrest and required for some, a DNA sample needs to be collected and processed only once per person. As such, there are several steps involved to help verify the person's identity before processing the sample, to include:

- A check to verify the person's identity through fingerprints or other records;
- A check of the CCH (Computerized Criminal History) via LEADS (Law Enforcement Automated Data System) or OHLEG (Ohio Law Enforcement Gateway) to determine if the person is already in the DNA database;
- Obtaining a thumbprint of the person on the collection form;
- Obtaining the person's signature on the collection form.

Due to these and other requirements, the department's Bureau of Identification has the primary responsibility for the collection of the DNA samples. Arresting officers can assist by verifying as much as possible the person's identity prior to booking. Detectives need to arrange for Bureau of Identification fingerprinting and DNA collection for anyone processed through the system without being physically booked or before given a detective release.

The Dayton Police Department will not compel anyone or use force to collect a DNA sample. The collections officer will inform the arrested person that the Court will not approve bail or release until a DNA sample is collected. Officers will indicate in their reports whether or not a sample was obtained.



The estimated processing time once the sample is received and it appears in the database is a minimum of two (2) weeks. If the sample submitted to BCI&I is rejected for any of several reasons, the arresting agency is expected to obtain and submit another sample.

VIII. JUVENILE PRISONERS

- A. **NO JUVENILE WILL BE LODGED IN THE MONTGOMERY COUNTY JAIL EXCEPT DURING EMERGENCY SITUATIONS**, or when authorized by Court Order. Juveniles may be taken to the jail for purposes of fingerprinting and photographs after being arrested for a felony offense.
- B. Officers will be guided by the dictates of the General Order 2.05-1 Juveniles, when arresting juveniles.
- C. If a prisoner booked into the Montgomery County Jail is found to be a juvenile, MCSO personnel will notify the RDC. A crew from the district where the juvenile was arrested will be sent to transport the juvenile to the JJC (Juvenile Justice Center) or to release them to their parent / guardian.
- D. Arrested juveniles 14 years old or older may be transported in a police squadrol. Juveniles will not be transported in a squadrol with prisoners of the opposite sex or with prisoners arrested at a different incident without supervisory permission. Juveniles may be transported in a squadrol to a district headquarters if a supervisor grants permission. Supervisors should consider granting permission to waive this section during curfew sweeps.
- Officers are reminded that anytime the Dayton Police Department detains a juvenile in a Dayton Police facility, we are required to complete a Juvenile Holding Log. The Ohio Department of Youth Services divides detainment status into two (2) classifications, secure and non-secure.
 - Secure is defined as being physically detained in a locked room, cell, or handcuffed to a stationary object and they are not free to leave. This situation would apply to when officers question juveniles in an interview room that is locked.
 - Non-secure is defined as a juvenile in custody but not in a secure area and can “technically” leave the building. They may be handcuffed but not to a stationary object or a locked room. This would apply to curfew sweeps, removing a juvenile to District Headquarters to sit in the roll call room, etc.
 - Officers detaining a juvenile will complete a juvenile FIC (Field Interview Card) and accurately enter all of the required information on the JHL (Juvenile Holding Log) FIC type. The officer or detective that ultimately transports or releases the juvenile will be required to complete this form. Supervisors are to be informed when a juvenile is brought to any facility and will ensure the FIC record has been entered.
- E. When safe, under the totality of the circumstances, officers shall consider a youth’s age, whether known or objectively apparent to a reasonable officer, when determining whether or not to apply handcuffs or restraints. Younger juveniles being interviewed or temporarily detained do not necessarily require handcuffing. Officers are not required to handcuff if the juvenile is cooperative and does not reasonably pose a threat to themselves or other persons.
- While there is no set age, the United States Supreme Court indicated in *JDB v North Carolina* that officers must realize a 7-year-old is not a 13-year-old and neither is an adult.
 - If the juvenile presents behavior that is assaultive, resistive, or presents other articulable safety concerns, the juvenile may be handcuffed at the offer’s discretion. Prior behavior attempts to flee, escape, or self-harm; physical size, maturity, and development level of a juvenile may also be considered.
- Handcuffs shall only be used for as long as reasonably necessary. Officers shall remove handcuffs as soon as reasonable to do so.
 - Officers shall notify a supervisor, as soon as reasonable to do so, when a youth under thirteen (13) has been handcuffed. Officers must complete a HNC (Handcuffed, Not Charged) Custodial release or JHL FIC as appropriate.



- The supervisor shall respond to the scene when possible. If it would extend the duration of the stop beyond a reasonable length of time, the officer shall release the youth and review the incident with the supervisor as soon as practical.
- Juveniles being transported to the JJC must be handcuffed behind their backs in compliance with JJC's requirements. Refer to General Order 2.05-1 Juveniles.

IX. AUTHORITY TO ARREST PAROLEES

- A. The Adult Parole Authority has authorized the arrest of parolees residing in halfway house facilities that violate their supervision during non-traditional work hours, but are not committing crimes, utilizing an Adult Parole Authority Order of Hold.
- B. If an offender, who is residing in a halfway house facility "*acts out, absconds, or participates in an activity that may not be a crime but is harmful to the community*", the Dayton Police Department will have the authority to take the offender into custody. The halfway house staff will have the information necessary to issue the Order of Hold and the offender will be booked into the Montgomery County Jail.

X. RELEASE OF PRISONERS ON THEIR OWN RECOGNIZANCE (O.R. Release)

- A. Police supervisors may periodically find it appropriate to release an arrested person on their own recognizance prior to booking.
 - 1. Any on-duty supervisor is authorized to release, on their own recognizance, **non-violent Misdemeanor** prisoners arrested in their District/Bureau. Investigative supervisors are authorized to release any non-violent misdemeanor prisoner. The preferable action will be to release the prisoner and complete a summons - The totality of circumstances must be taken into account prior to any release, (i.e., type of the crime, any threats to victim, injuries to the suspect, etc.).
 - 2. Persons arrested for **felonies and violent misdemeanors** may be released from custody by order of a police commander, or in their absence the ranking on-duty supervisor, or the Court, prior to being booked into the Montgomery County Jail. The totality of circumstances must be taken into account prior to any release, (i.e., type of the crime, any threats to victim, injuries to the suspect, etc.).
 - 3. Special circumstances – persons arrested for **violent felonies** that have injuries / conditions that would make it unlikely that they would pose an immediate flight risk (i.e., broken bones that would not permit any mobility, serious operations, etc.) may be released from custody by order of the officer's Division Commander or in their absence, another Division Commander, the Assistant Chief of Police or the Chief of Police. The totality of circumstances must be taken into account prior to any release, (i.e., type of the crime, any threats to victim, injuries to the suspect, etc.)
- B. Prisoners that require being hospitalized or treated for serious injuries or conditions that did not result from police action should not be arrested or should be released prior to being hospitalized under the same guidelines as listed above. Officers are not to sign the in-custody form in these cases without notifying an on-duty supervisor.
 - Hospital security will be notified of the situation and asked to contact the Police Department when the person is going to be released if necessary.
 - The supervisor making this decision will also be required to send an e-mail to the appropriate detective unit that will be investigating the initial complaint so that they are aware of the location and condition of the suspect and ensure that the same information is contained in the DIBRS report.
- C. In cases where a prisoner will be admitted to the hospital for an extended period, the Dayton Municipal Court (DMC) has authorized on-duty supervisors to O.R. release them for DMC non-violent misdemeanor warrants. If a prisoner admitted to the hospital will be O.R. released on a DMC non-violent misdemeanor warrant, the warrant or capias will need to remain active in M.I.S. Non-violent misdemeanor warrants from other courts will require Officers or Supervisors to notify Records and have them contact the relevant agency requesting



whether or not they will respond to take custody of the prisoner. A prisoner with a DMC misdemeanor warrant for Domestic Violence, Protection Order Violation, Assault, and/or Aggravated Menacing can still only be O.R. released by a DMC Judge. In cases where a prisoner is admitted to the hospital with any of the above warrants, a supervisor must contact General Counsel who will confer with a DMC judge prior to an O.R. release for these charges.

- D. Only a JUDGE can authorize an O.R. release for a felony warrant.
- D. OR releases of prisoners from the Montgomery County Jail by **police supervisors** are made at the Jail Control Center in person.

XI. REMOVAL OF PRISONERS FOR MEDICAL TREATMENT

Refer to General Order 3.01-3 - Removals

XII. USE OF OFFICERS AS ARMED GUARDS AT HOSPITALS

A. Police Officer's Responsibility

1. All prisoners taken to a hospital for treatment **PRIOR TO** being booked, and subsequently admitted to the hospital, are the responsibility of the conveying officers **if they are not being released on OR** (See Section IX). If a prisoner requires a guard, the conveying officers proceed as follows:
 - a. Contact the appropriate on-duty police supervisor.
 - b. Enter and transmit the booking information on the MDC but **do not print it**.
 - c. Maintain control of the prisoner until properly relieved by a guard.
2. Officers will be assigned to guard prisoners who have been admitted to a hospital when the circumstances dictate that the prisoner will be guarded. Only one officer is required to guard a prisoner. However, if exigent circumstances exist (i.e., violence against officers, escape risk), two officers may be assigned as guards. The initial decision to add an additional guard will be left to the on-duty supervisor, however this will be evaluated by the Investigations Division Commander, or their designee. The prisoner is still in the custody of the Department and will not be afforded any special privileges that would otherwise be unavailable to any other prisoner.
3. The following guidelines will apply to interactions between the prisoner and the officer.
 - a. The officer, in full Class B uniform, will remain on post during their shift.
 - 1) The officer will remain in the prisoner's hospital room and in close proximity at all times.
 - 2) If the officer needs to use the restroom, and there is no other officer on scene, they will contact hospital police or another on-duty officer to stand by.
 - 3) Prisoners are not allowed outside communications while confined to the hospital and are not permitted to tell anyone what room they are in.
 - 4) The officer will provide no information to the prisoner and avoid engaging in any unnecessary conversation.
 - 5) The prisoner will not be allowed to view television or have access to any other media.
 - 6) The officer will be cognizant of items within close proximity of the prisoner. Anything the officer observes that could be utilized as a potential weapon will be removed from the hospital room, or at a minimum, outside the potential reach of the prisoner.
 - 7) Officers will ensure non-metallic utensils are provided to the prisoner for meals, and that those utensils are returned once meals are finished.
4. The prisoner will remain shackled / handcuffed **at all times** during their confinement or treatment at the hospital. If the prisoner will be receiving treatment in, or confined to, a hospital bed, at least one extremity (arm or leg) will be handcuffed or shackled to the hospital bed frame. If there is an issue with medical staff not wanting the prisoner restrained, an on-duty supervisor will be called to the scene before any restraints



are removed.

- a. Shackles (leg irons) will be available in each patrol district. Access to the shackles will be available to all patrol supervisors. Shackles will be properly applied in accordance with training.
 - b. Should it become necessary for the prisoner to have their shackles / handcuffs removed or moved due to medical necessity, two (2) officers will be present, or hospital police will stand by with one (1) officer, while this is done. Depending on the medical procedure, a minimum of leg irons will be used. Nylon straps and flex-cuffs, when deemed necessary, may be used.
5. The prisoner will not be allowed to have any visitors during their confinement; this includes family members, clergy, etc.
- a. Normally, prisoners do not have an attorney visiting them. However, if an attorney arrives, the officer will have the on-duty supervisor respond to the hospital and verify the attorney prior to allowing a brief visit (5-10 minutes). The attorney will not be permitted in with the prisoner until the arrival of the supervisor.
 - b. The officer and the supervisor will remain with the prisoner during this brief visit, notifying the attorney that there is no expectation of privacy while the prisoner is confined to the hospital.
6. The officer will not participate in any medical procedures.
- a. Should medical staff need assistance with any aspect of patient care, they will provide medical staff or hospital security to accomplish this task.
7. At all times, the officer should keep in mind that the person they are guarding is under arrest and confined to the hospital. The prisoner is there to receive medical care only and the officer is there to ensure they do not try to leave or receive anything from outside sources. If there is ever a doubt as to a situation, the officer should contact the on-duty supervisor for further guidance.
8. If the prisoner is ready to be released from the hospital, the officer will notify the on-duty supervisor and transport the prisoner to either be interviewed or to the Montgomery County Jail.
9. Officers should be mindful of the policies and procedures of the medical facility they are visiting and, when reasonable, comply with their guidelines for prisoner holds, provided they do not conflict with this General Order or compromise officer or public safety.

B. Supervisor's Responsibility

1. If a prisoner is being treated at a hospital is wanted for a violent crime, and the stay will exceed four hours, supervisors will arrange for another officer to relieve the officer standing guard. A single officer standing guard will suffice.
2. The supervisor will then email the Special Events Coordinator at "DPD – Special Event Coordinator" (not an individual person) to arrange for overtime crews to serve as hospital guards.
3. Until the Special Events Coordinator takes over the filling of posts, which will occur during normal business hours, the supervisor will schedule officers to guard the prisoner in no less than 2-hour blocks and no longer than 4-hour blocks. The supervisor can use on-duty crews, if available, or may call off-duty officers to see if they would come in to work to guard the prisoner.
4. The supervisor will send an email to the appropriate detective unit and the officer's District Commander indicating the name and vital information of the prisoner, a short explanation for the illness / injury, the hospital location the charge, and the time the prisoner went to the hospital.
5. Supervisors will be required to check on the hospital guard in person, to later provide incident log updates regarding location, condition, expected discharge date / time, etc. Supervisors will complete a guard report that includes information not limited to the prisoner's behavior, anticipated medical procedures, allowed privileges, etc.



- a. A supervisor will contact medical personnel in person to ascertain when the prisoner may be released, in order to terminate the services of the guard. A change in the prisoner's condition could also eliminate the need for a guard.
6. Any calling of officers for guard duty is considered an emergency and the first available officer, regardless of seniority or assignment, will be used. The Special Events Coordinator will schedule officers out no more than 24 hours at a time in 4-hour blocks of time to stand as guard.
7. Officers receiving a call and not accepting the overtime are not eligible for call-in pay or compensation.
8. Officers that receive a call and accept the guard assignment agree to respond to their assigned building, dress into their full Class B uniform, or if applicable, their unit's Class C uniform with full duty belt, ballistic vest, body-worn camera, and two less-lethal options equipped; and clock in (in accordance with Article 17 Section 6 of the Fraternal Order of Police Collective Bargaining Agreement). Officers will respond to the hospital and remain on post until relieved. Officers will return to their assigned building and clock out. Overtime can be either for pay or compensatory time, provided the officer has not met or exceeded the compensatory time bank limit. Officers will send the overtime email to their direct supervisor and to DPD – Payroll Clerks.

C. Detective's Responsibility

1. The Fourth Amendment requires a fair and reliable determination of probable cause, which must be made promptly after a warrantless arrest. A judicial determination of probable cause within 48 hours of arrest, will, as a general matter, comply with the promptness requirement. This requirement applies to prisoners under guard at the hospital. The 48 hours begins upon the formal arrest of the prisoner.
2. With respect to the offense, the detective unit sergeant supervising the complaint will ensure any investigation complies with this requirement.

D. Removal of Guard

1. When the services of the officer serving as a guard are to be terminated, **regardless of the reason or the hour** (i.e., arraignment, dismissal of charges, transfer of custody, physical relocation, etc.):
 - a. The officer will IMMEDIATELY advise a District supervisor of the following information:
 - Name of prisoner under guard
 - Reason guard was terminated
 - Disposition of the prisoner
 - b. The guarding officer will request a second crew via radio, if required by policy, and transport the released prisoner to the Montgomery County Jail for booking. Booking procedures will follow the guidelines outlined earlier in this policy.
 - c. Officers guarding a prisoner at the hospital and not using a marked cruiser, will contact an on-duty patrol crew to transport the prisoner to jail. However, it will still be the responsibility of the guarding officer to complete the booking process at jail intake.
2. The supervisor receiving this call will execute an e-mail to the District Commander containing the information outlined above and will also note the information in the incident log.

XIII. PRISONERS (REQUIRING HOSPITALIZATION) ARRESTED FOR OTHER JURISDICTIONS

When a person is arrested by the Dayton Police Department on a warrant from another jurisdiction, the arresting officer's supervisor does the following:

- A. Contacts the jurisdiction issuing the warrant and provides the prisoner's name and reason for hospitalization.
- B. Requests the issuing jurisdiction to provide a hospital guard for the prisoner.



C. If the issuing jurisdiction CANNOT or WILL NOT provide a hospital guard, the Dayton Police Department supervisor advises the originating jurisdiction of the following:

1. Other Jurisdiction Misdemeanor Warrant Only

Dayton Police Department may O.R. the prisoner and no guard will be posted, even if a foreign Court has set bond.

2. Other Jurisdiction Misdemeanor Warrant and Dayton Police Department Misdemeanor Charges

Dayton Police Department supervisor may O.R. the prisoner and no guard will be posted, even if bond has been set by another jurisdiction.

3. Other Jurisdiction Misdemeanor Warrant and Dayton Police Department Felony Charges

Dayton Police Department will provide the hospital a guard until disposition of the felony charges.

4. Other Jurisdiction Violent Felony Warrant

Dayton Police Department may provide the hospital a guard until the prisoner is given the opportunity to post bond. If a guard is obtained by the Dayton Police Department, the appropriate detective unit is responsible for monitoring all felony prisoners arrested on **other jurisdiction violent felony warrants** to ensure a timely appearance before a Judge for posting bond.

5. Other Jurisdiction Non-Violent Felony Warrant

The highest-ranking on-duty supervisor will be consulted, and the outside jurisdiction will be informed of the prisoner's location and advised that Dayton Police Department officers will not be providing guard services.