



GENERAL ORDER

**DURHAM POLICE DEPARTMENT
DURHAM, NC**

NUMBER:

4003 R-6

CUSTODIAL TRANSPORTS

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INTRODUCTION

The Durham Police Department (DPD) is committed to transporting individuals who are in police custody in a humane and safe manner. It is the intent of the Department to make reasonable attempts at ensuring the safety and security of in-custody individuals, the transporting officers, and the general public.

RESTRAINTS

Only the following temporary restraint systems may be used on detained individuals. Officers are responsible for applying the following systems so as to effectively reduce or prevent combative action without causing physical injury, to include cutting off a detainee's circulation.

Handcuffs

Handcuffs are the primary restraint system authorized by the Department and will be applied in accordance with training. They are authorized for lawfully restraining a detained individual's hands behind their back. Once handcuffs have been applied and the subject is compliant and not resisting, they should be double locked to prevent over tightening and the individual should be placed in an upright, seated or standing position. The following circumstances may require officers to modify the standard placement of handcuffs:

- Handcuffing in front of an individual's body may be done on compliant, non-combative persons in custody who, due to medical condition or physical restriction, are not able to place their arms behind their back or safely enter and exit a patrol vehicle with their hands behind their back.
- Individuals who can be handcuffed behind their back, but due to physical limitations such as the size of their upper body, cannot have their hands secured by a single set of handcuffs, may still be handcuffed behind their back by connecting two pairs of handcuffs to expand the distance between the individual's wrists.
- If an individual's wrists are small enough that they can be pulled out of the handcuffs at their tightest setting, officers may utilize one cuff to secure the wrists together, ensuring that the second cuff is not secured or caught, either intentionally or unintentionally, to any other object.

At no time will any member handcuff an individual to any fixed or moveable object.

Flex-cuffs

While Flex-cuffs are not standard issue to patrol, they are made available when it is anticipated that multiple arrestees may need to be handcuffed. Flex-cuffs will be applied in accordance with training. For removal, only flex-cuff cutters, side cutters, snips or other manufacturer specified tools will be used. For the safety of both officers and the arrestee, pocket knives, box cutters and other bladed instruments will not be used at any time to remove flex-cuffs.

Hobble Restraints

Officers are authorized to use department issued RIPP Hobble Restraint devices to secure a combative custodial individual's feet together in order to prevent them from kicking. The Hobble Restraint is only to be applied around an individual's ankles and tightened enough to restrict movement while limiting risk of injury. Once the individual's ankles have been secured, the free end of the restraint is closed in the car door closest to the individual's seated position and the excess material is closed in the door to the front seat. Restraint may not be used to connect the lower body (e.g. feet) to the upper body (e.g. handcuffed hands). This is commonly referred to as "hog-tying" and is prohibited under any circumstances.

Belt & Leg-irons

If a prisoner is being transported from a detention facility and they are turned over to the transporting officers restrained with leg-irons and belt system, officers are permitted transport utilizing these restraints. If removed for any reason, they will be reapplied in the same position as they were initially applied.

SEARCHES OF PERSONS BEING TRANSPORTED

All persons in police custody pursuant to arrest, a court order, or emergency involuntary commitment will be searched and handcuffed in accordance with this general order. This includes individuals transferred from another agency's custody. Before placing an individual who is in custody in a police vehicle for transportation, the transporting officer will follow the procedures for a search incident to arrest in accordance with *G.O. 4004 Warrantless Search & Seizure*, to ensure no weapons or contraband are in the individual's possession. The officer should never assume another officer made a search.

Individuals being voluntarily transported are not in custody and may not be required to be searched and/or handcuffed. The officer should be cautious and may request that the person be patted down before taking a seat in the vehicle.

VEHICLE SEARCH

Officers shall thoroughly search their patrol vehicles prior to and after transporting individuals in custody, and at the beginning and end of each tour of duty.

TRANSPORTING IN A VEHICLE WITH A SHIELD

When transporting an individual who is in custody in a police vehicle equipped with a shield, the individual will be placed in the rear seat area, and handcuffed in accordance with this policy. If possible, the individual shall wear a seatbelt/shoulder harness. The driver will ensure that the rear doors are locked.

- In situations involving one (1) officer and one (1) custodial individual, the individual will be placed in the right rear seat and **not** be placed directly behind the driver.

- If there are two (2) officers and one (1) custodial individual, both officers will be in the front seat area, the individual will be placed in the rear seat area, and the passenger officer will be responsible for maintaining surveillance of the prisoner.
- When one (1) officer is transporting two (2) custodial individuals, both individuals will be placed in the rear seat area.
- When two (2) officers are transporting two (2) custodial individuals, both officers will ride in the front seat area and both individuals will be placed in the rear seat area, and the passenger officer will be responsible for maintaining surveillance of the individuals.
- If the transporting vehicle is equipped with a camera, it should be pointed in the direction of the custodial individual and in record mode.
- If the transporting vehicle is equipped with an MDC, to the extent reasonably possible, the screens should not be made visible to the custodial individual.

TRANSPORTING IN A VEHICLE WITHOUT A SHIELD

When transporting an individual who is in custody in a vehicle without a shield, the individual will be handcuffed in accordance with this policy. The driver will ensure that the doors are locked. Individuals placed in the back seat shall, whenever possible, wear a seat belt/shoulder harness.

With only one officer, the following procedure will be adhered to:

- The custodial individual will be placed in the right front passenger seat;
- Only one (1) individual at a time will be transported in custody in a vehicle without a shield;
- When riding in the front seat area, seat belt/shoulder harness use is mandatory.

When a police unit has two officers, the custodial individual will be placed in the right rear seat, with the passenger officer seated in the left rear seat.

For long distance transports, custodial individuals may be seated in the rear seat, secured with leg shackles and a seat belt/shoulder harness.

CUSTODIAL TRANSPORTATION OF THE OPPOSITE SEX

During routine day-to-day operations, the officer taking an individual into custody, regardless of gender, will transport the individual. In some cases, transport by an officer of the same sex may be desirable. Examples are:

- Individuals believed to be suffering from mental illness or who may be mentally unstable due to trauma or abuse;
- Individuals who are partially or fully unclothed so that their private parts are exposed ; and/or
- Individuals exhibiting significant intoxication or incapacity.
- On trips of extended length, whenever reasonably possible, an officer of the same sex should accompany the individual being transported.

The following procedure will be applied in those situations when an officer transports an individual in custody who is of the opposite sex:

- Upon beginning transportation, the officer will advise the Durham Emergency Communications Center (DECC) of the destination, starting location, and mileage.

- Upon arrival at the destination (if still in Durham area), the officer will advise DECC of the exact location and ending mileage.

TRANSPORTING JUVENILES

The procedures for juveniles will be the same as opposite-sex transport.

SECURITY WITHIN POLICE FACILITIES

Transporting officers are required to visually observe individuals in their custody at all times. At no time will an officer leave an in-custody subject unattended in a patrol vehicle. Since we do not have a holding facility, it is necessary that an officer constantly monitor individuals when they are in police custody. The observing officer shall remain with the individual, or in close proximity maintaining visual observation of the individual, *at all times*.

If the Patrol Services Bureau takes custody of an individual at any time, then the patrol officer is responsible for all processing, including observation at DPD Headquarters or a district substation if the individual needs interviewing. The observing officer shall remain with the individual, or in close proximity maintaining visual observation of the individual, *at all times*.

In the event that multiple individuals in police custody need to be interviewed, there should be a ratio of one officer to one individual. A Supervisor may amend this ratio based on an evaluation of the individual's likeliness to resist, become violent, or attempt to escape. Refer to G.O. [4022 - Civil Disturbances & Mass Arrest](#) for incidents resulting in five (5) or more individuals arrested. If an investigator takes custody of an individual, they will contact the Patrol Sergeant of the district in which the incident occurred if assistance with observation and transporting is needed. The Patrol Sergeant may assign or not assign personnel based on manpower considerations.

When transporting an individual who is in custody in a Department elevator, the transporting officer should attempt to utilize elevators unoccupied by civilians, and request any such individuals attempting to enter to wait for the next available elevator. An individual in custody should not be brought in and out of DPD Headquarters through the public entrance. The officer transporting an in-custody individual should always keep control of the individual by not allowing him to remain unguarded or left without his hands controlling the movements.

Any officer having custody of an individual shall afford them a reasonable opportunity for water and the use of restroom facilities. If an arrestee is not viewed while using toilet facilities, they will be searched immediately after leaving the restroom. The restroom may also be searched before and after the arrestee uses the facilities. An arrestee should reasonably be given an opportunity for food and drink, at the Department's expense, based on the totality of the circumstances, taking into consideration extended periods of detention and/or claimed or apparent medical conditions.

MEALS

On trips of extended length where it is necessary to stop along the way for meals or rest stops, the location will be chosen at random. At no time should the officer lose sight of the custodial individual. Public facilities should be avoided under normal circumstances and drive-through facilities should be used when possible.

ASSISTANCE TO OTHERS

The primary duty of the transporting officer is the safe delivery of the individual in his/her custody. The officer should not stop, therefore, to render law enforcement assistance to third parties along the route, except under

extreme emergency conditions where the risk to third parties is clear and grave, and the risk to the custodial individual is minimal. Should the officer decide to stop, local authorities should be immediately notified of the following:

- The identity of the officer
- The officer's status
- The nature and location of the incident

The transporting officer should only consider stopping when arriving first on the scene, and will remain only until other emergency assistance has arrived.

The transporting officer will not become involved in a pursuit, roadblock, or other situation that might create a risk of harm to the custodial individual.

ESCAPE FROM POLICE CUSTODY

In the event an individual escapes from custody, the transporting officer will immediately notify DECC, giving the present location, the direction of travel of the individual, name and description of the individual, and any other pertinent information that may aid in apprehension. The officer will make every effort to regain custody of the individual.

An alert will be broadcast to all units. A supervisor will be requested to respond to the scene. The transporting officer will write an Incident Report (Code 1), which will be forwarded to the Patrol Services Bureau Assistant Chief and the Professional Standards Division for review. Other law enforcement agencies will be notified, if appropriate, and if circumstances warrant their involvement.

COMMUNICATION BY INDIVIDUALS IN CUSTODY DURING TRANSIT

Safety aspects of the transportation function require that the custodial individual's rights to communicate with attorneys, clergy, family, and/or others will not be exercised during the period the individual is actually in transit, except in exigent circumstances, and then, only at a secure facility.

NOTIFICATION OF UNUSUAL RISK

The transporting officer will notify the receiving agency whenever the individual being transported is considered an unusual security risk, i.e. gang target, known history of escape, etc.

TRANSPORT TO DETENTION FACILITIES

The transporting officer will be aware of and follow the procedures at the different state institutions, mental health units, and county jails. The following policy will apply to all detention facilities:

- The transporting officer will at all times adhere to the policies of the receiving facility with regard to the securing of firearms.
- Restraints will only be removed on the instruction of the receiving officer.
- The transporting officer will be responsible for ensuring that all necessary paperwork is properly completed with regard to the individual in custody. The receiving officer's signature must be obtained and the completed paperwork turned over to the receiving officer.

TRANSPORT TO MEDICAL FACILITIES

When an arrestee is transported to a local hospital for any reason, the following will apply:

- Extreme caution will be taken to ensure the arrestee is isolated from other patients and is not left unattended, or permitted to escape the immediate control of the transporting officer.
- Should the arrestee need to be admitted, the transporting officer will notify his/her sergeant who will in turn notify the Watch Commander.
- The transporting officer will not leave the medical facility until he/she is relieved by another officer or is instructed by a supervisor to do otherwise.
- Upon the admission of an arrestee into the hospital, the decision whether a patrol officer will guard the individual will be made by the Watch Commander.

TRANSPORTS FROM OUTSIDE JURISDICTIONS

On occasion, officers of the Department are required to transport individuals from a location outside our jurisdiction and return these persons to local facilities. In those situations, the following procedures will be followed, as well as any other applicable Departmental policies and procedures.

- Should a meal be required during transport, the selection of the place for such meal is to be conducted at random.
- Upon retrieving an individual from a jail or other police facility, transporting officers are to ensure the proper identification of the individual through verification of available documentation (i.e. identifying numbers, photograph, etc.)
- Documentation that must accompany an individual being transported in police custody include a properly executed warrant, commitment papers or appropriate court orders, personal property, medical records, and other items that the jail or police facility may deliver to the transporting officer.
- Transporting officers are to inquire about any escape or suicide potential of the individual and any other traits of a security risk. Officers should note any security risks or suicide potential on the arrest report prior to booking a prisoner in the jail.
- The Watch Commander will determine the number of officers necessary to safely transport individuals from outside Durham County.

HANDICAPPED PERSONS

The custodial transportation of physically and mentally handicapped persons dictates special care and attention. If the situation warrants, wheelchairs, crutches, or other appliances shall be stored in the trunk of the transporting officer's vehicle. In rare cases, vehicles equipped with screens could prevent the transporting of some handicapped persons. In those situations, individuals may be transported in unmarked vehicles that do not have screens, if one is available, or in the sergeant's vehicle that also does not have a screen. If so, the procedures outlined in *"Transporting in a Vehicle without a Shield"* shall apply.

When transporting handicapped persons who are in police custody, the degree of physical restraint will be generally the same as that which is outlined in the earlier sections of this General Order. A prisoner in a wheelchair, one who uses walking aids, or one who has limited use of one or more appendage may not require the use of restraining devices in all instances. Every precaution shall be taken, however, to ensure the safety of the officer and the handicapped person. Depending on the individual's condition, therefore, the transporting

officer shall exercise his/her discretion in determining the extent of restraint needed. Any time an officer has a question concerning the extent of restraint, a supervisor shall be consulted.

SICK OR INJURED PERSONS


Officer discretion must be exercised when conducting custodial transportation of sick or injured persons. Individuals with serious conditions are to be transported to a medical facility by ambulance. When possible, an officer should be designated to accompany the individual during such transport. A determination of the need for restraining devices is to be made upon consultation with medical personnel.

An injured or seriously ill arrestee in need of medical attention must be treated and released from a medical facility prior to transport to the county jail.

Officers are to advise the magistrate and detention officer of any health problems of an arrestee of which the officer has knowledge (e.g., heart condition, is taking medication, etc.).

VEHICLE MODIFICATIONS

In order to minimize opportunities for detainees to exit the patrol vehicle without assistance of the transporting officer, all marked patrol vehicles shall be modified so that the inside door handles and window cranks or electric windows are removed or made inoperable from the rear compartment.


Cerelyn J. Davis
Chief of Police