


FORT SMITH POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Prisoner Handling and Transportation		
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SCHEDULED REVIEW DATE	Annually beginning March 1	ISSUE DATE	June 13, 2001
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APPROVED BY		CALEA STANDARDS	LE70.1.1; LE70.1.2; LE70.1.3; LE70.1.4; LE70.1.5; LE70.1.6; LE70.1.7; LE70.1.8; LE70.2.1; LE70.3.1; LE70.3.2; LE70.3.3; LE70.4.2; LE70.5.1

I. Purpose and Scope

- A. The purpose of this policy is to establish procedures for the safe handling and transportation of prisoners by members of the Fort Smith Police Department. This policy shall apply to all sworn members of the Fort Smith Police Department.

II. Policy

- A. The Fort Smith Police Department recognizes its moral and legal responsibilities to treat arrested persons humanely. Acknowledging its responsibility to the community and to the arrested person, it shall be the policy of the Fort Smith Police Department (FSPD) to take all reasonable precautions necessary to securely and safely transport prisoners and to prevent their escape from custody.

III. Procedure

- A. FSPD personnel shall only transport prisoners in a manner that provides safety and security for the prisoner, for the transporting officer, and for the public. The transporting officer assumes legal responsibility for the safety and custody of the prisoner being transported, from the time the officer accepts custody of the prisoner, to the time custody of the prisoner is relinquished to a detention facility.
- B. Transporting Officers shall ensure prisoner(s) are not left unattended. If further investigation or interviews are needed, and not within direct line of sight of the transport vehicle, a backup officer shall be summoned to monitor prisoner(s).
- C. If the vehicle being used for prisoner transport is equipped with audio/video recording equipment (DMVR), the equipment shall be activated and recording for the duration of the transport of any prisoner in accordance with FSPD Policy 1109.06 (Digital Mobile Video and Audio Recording).
- D. Upon initially assuming custody of the prisoner, the transporting officer shall search the individual for contraband or weapons. Transporting officers will also search the prisoner each time they assume custody, including transportation to and from court appearances. ***Officers must never assume that the prisoner has been searched by someone else.***

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- E. A proper search shall include an examination of the contents of all pockets, articles of clothing, baggage, and purses. Prisoners shall not be allowed to retain custody of baggage or purses. Instead, items of this nature should be kept in the driver's compartment or in the trunk of the transporting vehicle. A prisoner's property, if not considered evidence, should be turned over to the detention center for appropriate documentation and storage. Rarely should a prisoner's property be turned over to another party. If a prisoner's property is given to a third party, officers shall thoroughly document this in their arrest narrative, obtaining all pertinent information identifying the third party, and accurately describing the property left in his/her care.
- F. Whenever civilians are to be transported in a department vehicle for the purpose of public assistance or some other non-criminal matter, the officer shall use his judgment as to whether he should request a pat-down search *for officer safety purposes only*. If the decision is made to conduct a pat-down search, the officer should request permission from the individual to conduct the search and explain to the individual that it is for safety purposes only. Refusal to submit to such a search may warrant the officer to refuse transportation.
- G. Transporting officers are responsible for ensuring that any vehicle used to transport a prisoner is safe, appropriately equipped, and is free of weapons and contraband both before and after a prisoner has occupied the vehicle. *Officers should always be mindful of the possibility that exists for the introduction of weapons, contraband, or any other items or conditions.* At the beginning and end of each shift, officers shall, during the course of their pre-shift/post-shift vehicle inspection, search the police vehicle for any contraband or weapons that may have been left during the previous shift. Prior to each time a prisoner is to be transported, the police unit should be examined for the presence of weapons unless the patrol unit has been in the *constant* control of the officer since the beginning of the shift. In addition, any officer transporting a prisoner shall search the vehicle once the prisoner has been removed from the vehicle and incarcerated.
- H. Under normal circumstances, officers should not transport more than two prisoners simultaneously. Prisoners should be seated in the vehicle's rear compartment in a manner that limits their opportunities for escape or attack as much as possible. While transporting prisoners, officers should be seated in a manner that allows them to observe the prisoner at all times. Prisoners should be properly restrained, and, whenever practicable, seat belted in the rear of the police unit during transport. *In cases where the prisoner is extremely combative, it is not necessary to utilize seat belts if attaching the seat belts would expose the transporting officer to substantial risks of attack.* Under no circumstances shall a prisoner be transported in the front seat of a marked police unit that is equipped with a prisoner safety barrier.
- I. Unless there is an incident involving *grave and imminent* danger to a third party, transporting officers should not be assigned to handle other calls nor interrupt their transportation to handle a call. In the rare event that an incident of this nature occurs, a supervisor must authorize the officer to respond *prior to the response*. Transporting officers should remain mindful of the possibility of diversionary tactics that may be employed to divert the officer, place the welfare of the prisoner in jeopardy, or facilitate the prisoner's escape. In all instances, the officer may only render assistance in a way that poses the minimum risk of danger to the prisoner or risk of the prisoner's escape. *Only when the risk to the prisoner is minimal and the risk to a third party is grave should an officer render assistance while transporting a prisoner.* In no case will an officer be authorized to make a vehicular emergency response while transporting a prisoner. Officers should use extreme caution in these situations and should not lose visual contact with the prisoner. Under normal circumstances, no stops will be made between the point of arrest and the detention facility.

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- J. Due to the inherent difficulty in maintaining security and safety for the public, to the prisoner, and to the transporting officer, a prisoner being transported to, from, or between locations will not be allowed to communicate with others. The prisoner's right to communicate with his attorney and others will not normally be exercised during the period that the prisoner is being transported. If special circumstances should arise that necessitates an exception to this section, the transporting officer is responsible for arranging the communication.
- K. All members of the FSPD shall adhere to the following guidelines upon making a custodial arrest or while transporting a prisoner:
1. When transporting a prisoner to the Sebastian County Detention Center or other authorized detention facility, the officer shall not remove the prisoner from his vehicle until he is within the "sally port" enclosure of the detention center and the overhead door is completely closed.
 2. The officer must secure his sidearm and unit ignition key in the gun locker located in the sally port. All other weapons and equipment which are prohibited in the detention center must be secured in the vehicle. All these items will be secured prior to removing the prisoner from the vehicle.
 3. Upon arrival at the detention center booking area, the transporting officer shall not remove the prisoner's restraints. This is to ensure there are sufficient detention center personnel are on hand to safely handle and remove restraints from the individual.
 4. During the booking process, the transporting officer shall complete the appropriate paperwork required by the Sebastian County Detention Center or other authorized detention facility personnel. Probable cause affidavits and any citations to appear that may be required will also be completed by the officer.
 5. Members of the FSPD will comply with all the rules and regulations of the detention center while they are present in their facility. The transporting officer shall complete all appropriate intake paperwork, which shall then reviewed by the Intake Deputy, prior to the detention center accepting custody of the prisoner.
 6. The transporting officer shall advise the Detention Center Intake Deputy of any problems the prisoner has presented relative to any security hazards or known medical/health problems.
 7. In the event the Sebastian County Detention Center or other authorized detention facility staff refuses to accept a prisoner for any reason, the transporting officer will immediately contact the on-duty police supervisor. Contact with the supervisor must be done prior to removal of the prisoner from the booking area absent a medical necessity.
 8. If, in the opinion of the detention center medical staff, the prisoner's condition is serious enough to supersede the legal mandate of Arkansas Statute (12-41-503b), the on-duty police supervisor will coordinate with a detention center supervisor to ensure response of Emergency Medical Services for transport via ambulance for immediate treatment. .
 9. After the Detention Center Intake Deputy processes the paperwork and accepts custody of the prisoner, the transporting officer shall then relinquish his responsibilities for the prisoner to the detention center.

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- L. In the event a prisoner escapes from custody while being transported by a Fort Smith Police officer, the following procedures will be followed:
1. The transporting officer shall immediately notify the FSPD's Communications Unit of the escape and provide, at a minimum, the following information:
 - a. The location of the escape and the prisoner's last known direction of travel;
 - b. A complete physical and clothing description; and
 - c. The nature of the charge for which the prisoner had been arrested, and whether the prisoner is a danger to the public, other officers, or to himself.
 2. The transporting officer will also notify an on-duty shift supervisor of the escape.
 3. The Communications Unit will, as soon as possible, notify surrounding agencies of the escape and coordinate with the on-duty supervisor any requests for any assistance that may be needed.
 4. The on-duty shift supervisor shall assume control of the incident, be responsible for coordinating search efforts and, if necessary, request additional personnel or assistance from outside agencies. The supervisor will also make a chain of command notification and prepare a briefing item to be disseminated to subsequent patrol and detective shifts.
 5. The transporting officer shall be responsible for completing a written memorandum or offense report detailing the escape, including a chronicle of the events leading up to the escape, as well as other pertinent information regarding the prisoner that the reporting officer believes to be relevant.
- M. If an FSPD officer transports a prisoner to another agency or court, he shall notify the receiving agency or court of any of the following special circumstances regarding the prisoner:
1. Any high or unusual security risks, such as combative behavior or escape attempts; and/or
 2. Any health risks the prisoner may pose to agency personnel, or illnesses of the prisoner that may be known to the transporting officer.
- N. The FSPD shall utilize the following types of restraints to secure prisoners prior to transportation or for temporary detention:
1. *Handcuffs* – Handcuffs shall be the recommended method for restraining arrested persons or for persons who are detained temporarily for security reasons.
 2. *Leg Hobble Restraints* – Leg hobble restraints can be used to prevent a prisoner from kicking and should be used whenever a prisoner needs to be totally restrained.
 3. *Flex Cuffs* – These restraints are intended as temporary, emergency restraining devices. Officers utilizing flex cuffs should replace flex cuffs with handcuffs as soon as practicable.

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- O. Officers utilizing handcuffs to restrain prisoners or to temporarily detain persons shall make every effort to handcuff the individual's hands behind his back. Handcuffs must not be intentionally applied in such a manner that inflicts injury or pain to the prisoner. In instances where the individual cannot physically place his hands behind his back, the officer may elect to use two sets of handcuffs linked together. Such circumstances may be due to the physical stature of the person being handcuffed, or because of an injury or illness sustained by the prisoner. In rare instances, the officer may elect to handcuff the individual in front, *but due to the additional risks of such a tactic, the officer should exercise extreme caution during the remainder of his contact with the person or prisoner.*
- P. If a prisoner is excessively combative, or if for other reasons the prisoner needs to be totally restrained while being transported, the transporting officer may elect to utilize the leg hobble restraints. With assistance from other officers as needed, the transporting officer should place the leg hobble restraints on the prisoner's legs and then close the loose end in the car door to secure it. Under no conditions will a prisoner be handcuffed to any part of the police unit during transportation. Officers utilizing the leg hobble restraints must make every effort to ensure the safety of the prisoner during transport.
- Q. *At no time will any FSPD member utilize the leg hobble restraints to secure the individual's legs to his hands behind his back.*
- R. *No FSPD officer shall restrain any person in a manner commonly referred to as "hog tying." Restraining a prisoner in this manner has been proven to lead to a fatal phenomenon known as positional asphyxiation. FSPD officers shall ensure that no prisoner, once handcuffed, is allowed to lie face down on the ground. Once handcuffed, the individual must be allowed or assisted as needed to sit up.*



"Hog Tying"

- S. FSPD personnel will seek immediate medical attention for prisoners in their *custody* who become sick, who are injured while in the *custody* of the FSPD, or are injured while being taken into custody. If an individual requests medical attention, or if the officer determines that medical attention is needed, the arresting or transporting officer must make all reasonable efforts to see that medical attention is afforded. Any medical attention that is received, or the refusal of such treatment, shall be documented in the following manner:
1. Any efforts made by the officer to afford the individual medical treatment shall be documented in writing by completing an Accident/Illness Report (FSPD Form #68). If applicable, the narrative must include any refusal by the prisoner to accept or cooperate with the treatment. Officers should also document the completion of this form in the narrative of their arrest report. (An exception to this rule would be the case of a DWI suspect requesting an alternate blood test. An Accident/Illness Form should not be utilized in this case.)
 2. Subsequent to the completion of medical treatment, regardless if such treatment is actually accepted by the prisoner or delivered by medical personnel, the prisoner shall be searched for contraband prior to being transported to the detention center.

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3. The completed Accident/Illness Report shall be turned in to the officer's immediate supervisor who will sign off on the form and forward the completed form through the proper channels to the Office of Professional Standards. If the injury requiring treatment was sustained subsequent to the use of physical force by an FSPD officer, this form should accompany the appropriate response to resistance documentation.
- T. When a prisoner who is in the custody of the FSPD is transported to a hospital or other medical facility, the transporting officer shall follow the following procedures:
1. The transporting officer should request that the hospital staff place the prisoner alone in a room, away from other patients, if possible;
 2. The transporting officer shall ensure the prisoner is not left alone or unobserved;
 3. Restraints shall be utilized for the duration of the visit unless a request by the hospital staff is made to remove them for treatment purposes; and
 4. If the prisoner is to be admitted to the hospital, the following procedure will be observed:
 - a. If the nature of the charges against the prisoner necessitate that the prisoner remain under constant police guard, the officer shall notify his immediate supervisor, who shall (1) arrange for a temporary security schedule and (2) notify the appropriate Division Commander so that plans for extended security can be made.
 - b. If the nature of the charges against the prisoner does not warrant a continued police presence, the transporting officer shall notify an on-duty supervisor to evaluate if a citation to appear or a prisoner hold is most appropriate. If a hold is placed on the prisoner, the transporting officer shall notify the respective hospital's security department and arrange for a hold to be placed on the prisoner by completing the appropriate hospital hold form.
 - c. Once a hold form has been completed and a copy left with hospital security, the officer will turn the hold form, along with any associated paperwork (i.e., arrest report, citation, BBC, PC Affidavit, etc.), into the Information Desk. The Information Desk Officer will make sure the form is completely filled out and place it in the "Prisoner Hold" tray. The Information Desk Officer shall, on a daily basis, review any existing prisoner hold forms. The Desk Officer shall contact the listed medical facility to check the status of the arrestee. If the arrestee is still being treated, a notation will be made in the "Inmate Hold Log."
 - d. If the prisoner is ready to be released or when an officer working the Information Desk receives a call from the hospital advising the prisoner is ready to be picked up, the officer will locate the hold form in the tray, verify the hold is still active, and have a unit dispatched to pick up the prisoner.
 - e. When released from treatment by the hospital, the prisoner's condition should be carefully recorded and all post-release instructions by medical personnel should be obtained in writing and included in the prisoner's property.

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- f. When an officer is dispatched to pick up a prisoner from the hospital, the officer shall search the prisoner prior to placing him in the patrol unit. Upon arrival at the detention center, the officer shall apprise detention center personnel of the treatment as well as instructions for future treatment or medications.
 - g. After leaving the detention center, the officer will obtain the hold form and any associated paperwork from the Information Desk and complete a supplementary report documenting his actions. All paperwork shall be reviewed and approved by the shift supervisor before being submitted to Central Records.
- U. On occasion, a prisoner may require special care or attention while being transported because of a physical or mental impairment. The transporting officer, with the assistance of the on-duty shift supervisor if needed, shall arrange for any special equipment or special vehicles to facilitate the transport in a safe and secure manner. Special vehicles, such as an ambulance, shall be used when safe transportation cannot be accomplished using a FSPD vehicle. Any medication for the prisoner as well as mechanical aids, unless required for life support, shall be retained in the control of the transporting officer. Transporting officers shall use the appropriate equipment required to securely restrain the prisoner without causing injury.
- V. Under normal circumstances, FSPD personnel will not transport prisoners for any reason not directly related to a legitimate law enforcement activity, except as directed by a court or when authorized by the Chief of Police and/or his designee. If a special situation requiring prisoner transportation is directed by a court or authorized by the Chief of Police and/or his designee, the following procedures shall apply:
 - 1. *The transporting officer will search the prisoner being transported prior to placing the prisoner in the transport vehicle and should never assume the prisoner has not had access to contraband or has already been searched by someone else.*
 - 2. The transporting officer shall utilize the appropriate level of restraint for the prisoner at all times during the transport.
 - 3. The prisoner shall remain within sight of the transporting officer at all times during the transport.
 - 4. The transporting officer shall comply with all other policies regarding the transportation of prisoners at all times during special transport situations.
- W. Each of the FSPD's marked patrol units assigned to routine patrol functions, with exception of the supervisor's units, will be equipped with a safety barrier to prevent the prisoner from having access to the driver's compartment. While transporting a prisoner, the transporting officer should utilize the protective barrier separating the prisoner from the driver as needed, but may elect not to use the upper portion of the safety barrier to facilitate better communication.
- X. FSPD patrol vehicles will have all rear passenger window controls and door handles disconnected and/or removed. Patrol vehicles will also have steel bars installed over the rear doors' windows.
- Y. FSPD transport vans, assigned to the Municipal Court bailiffs, shall be equipped with a safety barrier separating the driver from the prisoner compartment. Additionally, protective screens will be installed on the side and rear windows of the prisoner compartment.

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- Z. Prisoner transportation in an unmarked FSPD vehicle, or in those vehicles not equipped with a safety barrier, is not recommended by a lone officer. If transportation of a prisoner must be conducted in such vehicles, it should be conducted utilizing two officers whenever possible. The prisoner will be positioned in the front passenger seat with second officer positioned behind the prisoner. In addition to the prisoner being handcuffed, the prisoner should be restrained by utilizing the seatbelt to further minimize his movement.
- AA. Before transporting a prisoner from any detention facility, the FSPD member assigned to the transport duties must verify the prisoner's identification through booking records, the prisoners' arm band identification, or other appropriate means available. Sebastian County Detention Center inmates are issued an armband that will include their name, inmate number, detention cell number, as well as property basket number. Transporting officers will utilize the Sebastian County Detention Center's armband system to ensure the identity of the prisoner prior to transporting.
- BB. When medically or physically permissible, all members of the FSPD shall ensure that any prisoner being taken from the Sebastian County Detention Center is handcuffed behind his back prior to leaving the facility. The prisoner must also be handcuffed in a similar manner prior to being returned to the detention center. ***This procedure must be followed even if the prisoner is being escorted on foot to or from the FSPD.***
- CC. If not first informed by detention center personnel, FSPD officers who are transporting a prisoner shall inquire as to any escape or suicide attempts, unusual illnesses or health risks, or any tendencies toward violent behavior prior to the transport.
- DD. While transporting prisoners from a jurisdiction located in a state other than Arkansas, the officer must have in his possession a valid Governor's Warrant authorizing such extradition or a legally signed waiver of extradition. Transporting officers should ensure that the identity of the person being released to them is in fact the same person being sought by the FSPD utilizing booking records or other means available.
- EE. Arkansas Statute 12-41-503(b): "Neither a county sheriff nor another keeper or administrator of a jail shall refuse to accept any prisoner lawfully arrested or committed within the jurisdiction of the supporting agency of the jail except as necessary to limit prisoner population in compliance with subsection (a) of this section."

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