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		<b>POLICY # 800.12.04</b>	

## I. PURPOSE

To establish departmental guidelines for the transportation of persons in police custody.

## II. POLICY


The handling and transportation of prisoners and other persons in custody is one of the most dangerous functions that a police officer performs. The restraint, search, and transportation of persons in police custody shall be conducted in accordance with the provisions of this policy and with the safety and security of the prisoner, the transporting officer, and the public as the foremost consideration.

## III. DEFINITIONS

- A. **Detainee:** An individual who is the subject of an investigative detention.
- B. **Prisoner:** A person who has been deprived of his or her liberty and freedom of movement and kept under involuntary restraint, confinement or custody.
- C. **Restraining Devices:** Equipment that is used to restrain the movement of the prisoner, such as handcuffs, waist chains, leg irons, flex-cuffs, leg restraints, etc.
- D. **Security Hazard:** Any threat to the security of the prisoner or to others with whom the prisoner may come into contact.
- E. **Transporting Officer:** A sworn law enforcement officer who is responsible for transporting a prisoner from one point to another.
- F. **Transport Vehicle:** The vehicle used for transporting a prisoner from one point to another.

## IV. PROCEDURES

- A. Search for Prisoners
  - 1. In all instances, prisoners will be searched incident to arrest and again by any transporting officer who is accepting responsibility for the prisoner. It should never be assumed by an officer that someone else has searched the prisoner. Officers of the same sex as the prisoner should conduct the search, when feasible.
  - 2. A thorough search of a prisoner will be conducted by officers upon assuming custody.

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3. Any strip search of a prisoner must comply with Search and Seizure Policy IV.(M)(1).

**B. Search of Police Vehicles**

Officers are to conduct a thorough search of their police vehicle at the beginning of each tour of duty, upon any change in vehicle assignment, and after each prisoner transport.

**C. Use of Transport Vehicles**

1. The transportation of prisoners will primarily be conducted using marked patrol vehicles assigned to the Patrol Division. All officers are encouraged to utilize patrol vehicles equipped with a protective shield for the transport of prisoners whenever practical.
2. When transporting prisoners in vehicles equipped with protective shields, the following procedures will be observed:
  - (a) Units consisting of one officer will transport no more than (2) prisoners. All prisoners will be placed in the rear of the vehicle.
  - (b) Units consisting of two officers may transport up to three (3) prisoners. All prisoners will be placed in the rear of the vehicle.
3. When transporting prisoners in vehicles without protective shields, the following procedures will be observed:
  - (a) Units consisting of one officer will not attempt to transport more than one (1) prisoner without supervisory approval. The prisoner should be restrained and placed in the right front seat, with lap and shoulder belt secured;
  - (b) Units consisting of two officers are to utilize the following procedures when operating a vehicle without a protective shield:
    - (1) One prisoner: The prisoner should be restrained and placed in the right front seat with lap/shoulder belt secured; the second officer will occupy the right rear seat;
    - (2) Two prisoners: One prisoner should be restrained and placed in the right front seat with lap/shoulder belt secured; the second prisoner should be restrained and placed in the right rear seat. The second officer will occupy the left rear seat.

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- (3) Three prisoners: all prisoners should be restrained and placed in the rear seat; the second officer will occupy the right front seat and maintain observation of all prisoners. Units consisting of two officers will not attempt to transport more than two prisoners without supervisory approval

#### D. Transport Operations


1. When feasible and appropriate, prisoners are to be transported separately, as follows: male adults, female adults, male juveniles, and female juveniles.
2. Under no circumstances may a prisoner in custody be left unattended in a transport vehicle or other non-secure area.
3. Safety aspects of the transport function require that the prisoner's right to communicate with others will not be exercised during the period that the prisoner is being transported.
4. Individual officers may transport prisoners of the opposite sex and juveniles. The Communications Center is to be notified by radio at the beginning of such transport and at the completion. Both the beginning and ending odometer reading of the transport vehicle must be provided to the Communications Center for documentation.

#### E. Diversion of Routes During Prisoner Transport

The primary duty of the transporting officer is the safe delivery of the prisoner. Therefore, transporting officers may not divert their route or stop to respond to the need for law enforcement services except in life threatening situations. When such instances occur, the transporting officer will assure that the risk to the prisoner is minimized. Officers are prohibited from engaging in high-speed emergency vehicle operation while transporting a prisoner.

#### F. Special Transport Situations


1. If a prisoner becomes sick or is injured incident to arrest and is in need of medical treatment, the arresting officer shall seek medical attention for the prisoner at that time. Prisoners with life threatening medical conditions or injuries should be transported to a medical facility by ambulance. In such instances, an officer should be designated to accompany the prisoner during transport. The need for restraining devices during transport is to be determined upon consultation with medical personnel.

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2. Prisoners who are sick or injured and require medical attention must be treated and released from a medical facility before transporting them to the county jail or detention facility.
3. Officers are to advise the magistrate and receiving jailer of any medical problems of the prisoner of which the officer has knowledge (e.g. heart condition, taking medication, diabetic, etc.). If the prisoner was subdued with a chemical agent, the officer should advise the receiving jailer accordingly.
4. Physically handicapped prisoners may be transported in either the front or rear of the police vehicle, depending upon the individual's condition. Ambulance or rescue vehicles may be requested to assist in transporting handicapped persons whose condition would preclude transport in police vehicles. Officer discretion should be used in determining whether restraints are required. The use of restraints on a handicapped prisoner is authorized in circumstances where the individual is violent, combative, presents a security hazard, or poses a danger to him/herself or others.
5. Officers are prohibited from transporting detainees to attend funerals, visit hospitals and critically ill persons, or to attend the reading of a will.


**G. Security and Control of Prisoners at Medical Facilities**

1. In order to allow for such medical care to be administered, normal security practices may need to be altered. Some medical procedures may require the removal of restraints and/or privacy with the prisoner. However, the safety of the officer and the public is not to be compromised. Officers becoming aware of security hazards created by medical treatment procedures are to consult with the attending physician and, if necessary, relay such information to a field supervisor.
2. When a prisoner in custody is admitted to a hospital, the transporting officer will remain with the prisoner and notify their supervisor. If the prisoner is in custody for a misdemeanor offense only, the officer may issue a citation and release the person from custody. If the prisoner is in custody for a felony offense and/or cannot be otherwise released from custody for security or legal reasons, the field supervisor shall ensure the continued security of the prisoner and notify the District Commander as soon as practical.
3. Whenever feasible and appropriate, the arrest of individuals who are to be hospitalized will be delayed in order to eliminate the need for continuous guard duty. In appropriate instances, the field supervisor may request the magistrate's presence at the hospital to effect a custody release. However, if the prisoner is in custody for a violent felony offense or poses a significant security hazard, continuous custody should be maintained.

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## H. Use of Restraining Devices

1. All prisoners should be considered as posing a potential danger to the transporting officer and shall be restrained during transport. In all instances, the physical security of the prisoner and the safety of the transporting officer(s) must remain the primary consideration.
2. Handcuffs shall be utilized as follows:
  - (a) Apply handcuffs with prisoner's hands behind the back, palms out, keyholes facing upward, and engage double-lock. These steps may be altered, as necessary, when cuffing a prisoner who has special needs, is combative or when applying under adverse conditions;
  - (b) Care should be exercised to avoid unnecessary injury to the prisoner from the use of restraints.
  - (c) The transporting officer should ensure the handcuffs are double locked and tightened only enough to effectively secure the prisoner's wrists;
  - (d) Securing prisoners to stationary objects should be done only in extreme circumstances; such prisoners should not be left unattended;
  - (e) Prisoners are not to be handcuffed to any part of a motor vehicle, except when the vehicle is specifically equipped for this purpose, or when compelling emergency circumstances exist;
  - (f) When the use of regular handcuffs is not feasible (e.g. mass arrests), flex-cuffs may be used as a restraining device. Flex-cuffs are to be removed using an approved cutting tool.
3. If the prisoner is to be transported over long distances, or must be restrained for extended periods of time, the officer may apply the handcuffs with the prisoner's hands in front and fastened to an approved waist belt or lead chain designed for this purpose.
4. The use of leg restraints is authorized for prisoners who pose a security hazard, who display violent or combative behavior, or who pose a danger to himself or herself, the transporting officer, or the transport vehicle. In cases where a "hobble" device is used, officers should not place the prisoner in a face down position during transport, as this creates a potential danger of positional asphyxia. The prisoner should be placed on his/her side and closely monitored for any signs of respiratory distress or vomiting during transport.

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5. Mentally disturbed prisoners may pose a significant threat to themselves and/or the transporting officers. Special restraints (e.g. padded restraints) may be applied to such prisoners where appropriate and available to provide security and prevent injury. The use of special restraints under this section does not preclude the use of handcuffs or leg restraints when special restraints are not available or feasible. If the mentally disturbed prisoner is violent or uncontrollable, and may cause injury to him/herself or others, an ambulance or rescue unit should be requested to assist in transporting the person using a tie-down stretcher.

**I. Entering Police Headquarters with Prisoners**

1. Under no circumstances are prisoners to be left unattended in any area of the police facility.
2. Officers may temporarily handcuff a prisoner to a fixed security rail to facilitate the safe processing of multiple arrestees. Handcuffing to a fixed object should be as brief as circumstances reasonably permit. The prisoner must be continuously monitored while secured. Prisoners shall NOT be left restrained and unattended at any time or for any reason.


**J. Entering Jail and Detention Facilities**

1. Upon arrival at a detention facility, the transporting officer shall leave any restraining devices on the prisoner until safely inside a secure area of the facility.
2. After securing all firearms, the transporting officer will remain in the receiving area with the prisoner until the prisoner has been searched, examined for injuries, and accepted by the detention officer.
3. The transporting officer will deliver to the detention officer all necessary documentation pertaining to the prisoner, including any information about the prisoner's escape or suicide potential, or other traits of a security nature.

**K. Transport of Prisoners to and From Outside Jurisdictions**

1. N.C.G.S. 15A-402(c) authorizes municipal police officers to transport persons in custody to or from any place within the State for the purpose of attending criminal proceedings, and in doing so, may arrest persons at any place within the State for crimes that occur in connection with and incident to the transportation of prisoners.

**Note:** The intent of this law is to give officers legal authority to enforce the continued custody of their prisoner during transport outside the officer's normal territorial jurisdiction, as well as the authority to arrest persons who may try to obstruct that


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transport or assist in the escape of a prisoner. This law relates to ‘transportation’ only and should not be construed as giving officers state-wide arrest powers for crimes leading to the initial custody of the prisoner, or for offenses unrelated to the prisoner transportation.

2. Upon transporting and/or retrieving a prisoner from a jail or other facility, transporting officers are to ensure positive identification of the prisoner through verification of available documentation (e.g. photographs, booking records, identification records).
3. Appropriate documentation must accompany a prisoner being transported between facilities. This documentation may include a properly executed warrant, notification of suicide or escape potential, any necessary commitment papers, personal property, medical records, and other items that the jail or police facility may deliver to the transporting officers.
4. Interstate transports (extraditions) must be approved by the Chief of Police or his designee and coordinated in advance with the NCDOC Fugitive Extradition Section to ensure that all legal requirements are met.

#### L. Escapes from Custody

1. In the event that a prisoner escapes from lawful custody, the transporting officer shall:
  - (a) Immediately notify the Communications Center and provide the pertinent details so that all necessary personnel and agencies may be informed;
  - (b) Notify the on-duty patrol field supervisor;
  - (c) Take appropriate action to recover the prisoner;
  - (d) Charge the prisoner with the appropriate criminal violation(s) related to the escape.
2. If the escape occurs outside the City of Gastonia, the transporting officer shall:
  - (a) Immediately notify and request assistance from the law enforcement agency having territorial jurisdiction;
  - (b) Notify the Gaston County Communications Center and the on-duty patrol field supervisor as soon as practical;

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#### M. Reporting Problems

1. When an officer experiences problems with a prisoner, the officer is to document such problems and any action taken. Any application of the use of force is to be documented according to departmental policy. Such procedures will also apply to post-arrest situations such as during an interview or transport to an interview facility.
2. Any officer becoming aware of any prisoner who may present a security hazard in a court environment is to immediately notify the Sheriff's Office and any other agency responsible for the custody of the prisoner and/or security of the court facility.

#### N. Deaths in Custody

The sudden death of a prisoner in custody can occur at any time for a variety of reasons. Consequently, officer awareness and recognition of risk indicators are necessary to ensure prisoner safety and minimize the risk of sudden custody death. Officers must maintain diligent observation and monitoring of prisoners displaying risk factors for sudden death. Examples of such risk factors include:

1. Bizarre and/or unusually violent behavior;
2. Obesity;
3. Labored breathing;
4. Drug and/or alcohol intoxication;
5. Excited Delirium;
6. Apparent ineffectiveness of chemical agent or insensitivity to pain.