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|  Kinston Police Department | <u>POLICY: Prisoner Transportation</u> | | | | | | <u>POLICY #:</u> 700-6 |
| | <u>NCLEA Standards: 6.16; 9.01;</u> | | | | | | |
| | <u>CALEA Standards: 70.1.1; 70.1.2; 70.1.6; 70.1.7; 70.2.1</u> | | | | | | |
| | <u>NCLM Standards: II.3; II.6;</u> | | | | | | |
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I. PURPOSE


The purpose of this policy is to provide guidelines to ensure officers are able to perform prisoner transport duties in a way that provides safety and security measures for the prisoner, the transporting officers, and the public.

II. DEFINITIONS

N/A


III. POLICY

- A. The transporting officer shall be responsible for the safety and custody of the transported prisoner from the time the transporting officer accepts custody of the prisoner until the prisoner is accepted into the custody of the Lenoir County Jail or other appropriate facility.
- B. The transporting officer shall search the prisoner prior to placing the prisoner in the transport vehicle. The transporting officer should never assume that a prisoner has been searched by someone else.
- C. Strip search and/or body cavity searches are not routinely performed by officers prior to a typical prisoner transport. However, this policy does not prohibit such searches if they should become necessary.
- D. It shall be the responsibility of the transporting officer to ensure 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 comes in contact with the vehicle. Officers should not assume that no opportunity has existed for the introduction of weapons, contraband, or any other items or conditions. At the beginning of each tour of duty, vehicles that may be used to transport prisoners shall be inspected by the police officer to verify that the vehicle is secure and properly equipped.
 1. The vehicle shall be searched immediately prior to and immediately after the transport of the prisoner to ensure that no contraband, weapons, or other items are present. Some latitude may be allowed where an officer has been in constant control of the vehicle following the pre-shift examination and the introduction of the prisoner to the vehicle. However, once a prisoner has been removed from the vehicle, a thorough search should be conducted as soon as practical, but in all cases before the vehicle is reused to transport

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a prisoner. This will ensure that no items have been left and will link any items found with the prisoner last transported.

2. In all circumstances the officer should verify that the following equipment is present: Spare tire; Jack and lug wrench; Safety flares; Fire extinguisher; and first aid kit.
 3. The officer should examine the overall condition of the vehicle to include: Condition of tires; Fuel and oil levels; Ignition system; and engine operation.
- E. Under normal circumstances, no more than two prisoners should be transported in any Department vehicle at the same time, unless the vehicle is one designed for the mass transport of passengers. Prisoners being transported should be seated in vehicles in a way that limits the opportunities for escape or attack as much as possible while transporting prisoners, officers must be able to observe the prisoners at all times.
- F. Officers transporting prisoners should make a reasonable effort to ensure that the prisoner is in a normal, upright seated position during transport. Prisoners should not be transported in a prone position. The following guidelines concerning placement of prisoners in vehicles should be adhered to whenever possible:
1. All prisoners being transported in Department vehicles should be made to wear seat belts.
 2. Prisoners should be transported in vehicles equipped with security cages when feasible.
 3. Prisoners should be placed in the back seat in vehicles equipped with a security cage.
 4. The number of prisoners transported should be considered when determining the type and level of restraint to be used.
 5. When one prisoner is transported in a vehicle with a security cage, that prisoner should be placed in the right rear seat, restrained, and in a seat belt, when possible.
 6. When two prisoners are transported by one officer, and the vehicle has a security cage, both prisoners shall be placed in the rear seat, restrained, and in seat belts.
 7. If two officers transport two prisoners, both prisoners should be placed in rear seats, restrained and in seat belts.
 8. When only one officer is present and is in a vehicle that is not equipped with a security

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cage, the officer shall not transport a prisoner in the rear compartment of the vehicle. The prisoner shall be transported in the front passenger seat, restrained, and placed in a seat belt.


9. If a single officer becomes involved in a situation which will require the transport of more than one prisoner the officer shall call for the level of assistance necessary.
 10. No person will be handcuffed to the interior of a vehicle during transport.
- G. When traveling short distances, such as from an arrest sight to a booking facility, the prisoner shall remain within sight of the transporting police officer(s). Officers should be aware of positional and mechanical asphyxia. Prisoners should not be left bound and prone or “hogtied”.
- Prisoners may become in need of medical attention, and should be closely observed after restraining if the following signs are evident: Violent or combative nature; Agitated behavior; abnormal strength; Hallucinations; Obvious alcohol or drug use; or Profuse sweating in the absence of physical exertion.
1. If serious medical or emergency assistance for the prisoner should become necessary during transport, the transporting officer shall offer assistance in accordance with the officer’s training and shall call for medical assistance as necessary.
 2. When a prisoner transport assignment is of such duration that a meal break or rest-stop is necessary, the location shall be chosen at random. The prisoner shall not be allowed to participate in the selection process.
 3. The primary duty of an officer transporting a prisoner is the safe delivery of the prisoner. The officer assigned to transport a prisoner shall stop to render assistance or otherwise perform a law enforcement service, only when the risk to a third party is both clear and grave and the risk to the prisoner and/or officer is minimal.
 4. A prisoner’s right to communicate with attorneys and others shall not be exercised while that prisoner is being transported. The only exception to the above policy shall be at the authority of a court order. If a court order necessitates an exception to the above policy, the police officer assigned to transport the prisoner shall be responsible for arranging the communication.
- H. When transporting prisoners to a detention facility or institution, Department personnel shall adhere to the policies and procedures of the receiving facility.

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1. Prior to entering secure areas, officers will store their weapons in lockers or other secured areas according to the procedures of the receiving facility.
2. Officers should remove restraining devices just prior to placing the prisoner in the cell and the restraints should be removed only at the direction of the individual accepting custody of the prisoner. Officers should be prepared to assist the individual accepting custody of the prisoner after the restraints have been removed in case the prisoner becomes violent.


The officer should provide assistance to the receiving facility to secure the prisoner as necessary. Officers shall report to the receiving agency personnel any information relating to the prisoner's risk of escape or other personal traits of a security nature as well as suicide potential or medical concerns. Officers shall document such notification in the narrative portion of the arrest report.

3. Officers should be prepared to provide required documentation, such as custody or release order and prisoner identification, to the individual accepting custody of the prisoner or releasing the prisoner and should obtain the signature of the individual accepting custody of the prisoner or written documentation detailing the prisoner transaction.
- I. When an individual considered a high or unusual security risk is transported to any court or other agency by Department personnel, the officer(s) assigned to transport the individual shall:
 1. Notify the agency or presiding judge of the circumstances.
 2. Request that the judge or agency order or approve additional safeguards such as the use of restraints in the courtroom or the use of additional security personnel.
 - J. While transporting prisoners, Department personnel shall take the precautions necessary to protect the lives and safety of the transporting officers, public, and the individual in custody. The decision to use handcuffs should be based upon the transporting officer's evaluation of the individual arrested and the existing circumstances.
 1. Under normal circumstances, all prisoners shall be handcuffed behind their backs, with the handcuffs double locked, unless there are specific reasons for other actions. Care should be exercised in applying handcuffs to avoid unnecessary injury to the prisoner.


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There may be some instances where it is appropriate to handcuff a prisoner in front of his body, or not to handcuff at all. However, these instances are rare and such action should be justified by each officer.

2. Only under emergency circumstance shall prisoner be transported with hand and foot restraints connected behind the prisoner's body. Officers must be aware of the possibility of position asphyxiation. Two officers should transport violent or combative prisoners that have been restrained. One officer should observe the prisoner at all times.
 3. When the occasion arises to transport a prisoner who poses a threat of escape or is going to be transported an extended period of time, leg irons and a leather restraint belt should be considered and used if needed under those circumstances.
- K. Officers should use discretion when determining the level of restraint to be used when transporting handicapped prisoners. An officer assigned to transport a handicapped prisoner shall restrain the prisoner to the degree the officer deems necessary to protect the lives, safety, and security of the transporting officer, the public, and the individual in custody. If an officer is unsure of the level of restraint to use when transporting a handicapped prisoner, the officer should contact a supervisor for guidance.
1. Officers should use discretion when determining the level of restraint to be used when transporting sick or injured prisoners.
 2. An officer assigned to transport a sick or injured prisoner shall restrain the prisoner to the degree the officer deems necessary to protect the lives, safety, and security of the transporting officer, the public, and the individual in custody. If an officer is unsure of the level of restraint to use when transporting a sick or injured prisoner, the officer should contact a supervisor for guidance.
- L. The transport of mentally disturbed individuals may require the use of restraints other than, or in addition to, handcuffs. Restraints used in these situations should restrain the individual securely, without causing injury.
- If special restraints are required to transport a mentally disturbed prisoner, a supervisor should coordinate with the County Jail, Lenoir County Mental Health Center, or other facility to obtain use of the appropriate restraints.
- M. When an officer is required to transport an arrestee or prisoner of the opposite sex or juvenile within the Department's jurisdiction or immediate area, the officer shall:

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1. Upon beginning the transport, advise the Communication Center that an arrestee of the opposite sex is being transported, the starting location, odometer mileage, and destination.
 2. Upon conclusion of the transport, advise the Communications Center that the transport has ended; the location and the odometer mileage.
- N. When a prisoner requires special care and attention to accommodate a physical or mental disability during transport, the officer assigned to transport the prisoner, or a Department supervisor, shall arrange for any required special equipment or special vehicles to affect the transport in a safe and secure manner.
- Special vehicles such as an ambulance shall be used when safe transportation cannot be accomplished in a Department vehicle.
- O. Department personnel shall seek immediate medical attention for individuals in their custody who become sick, are injured while in custody, or are injured while being taken into custody.
1. Pursuant to North Carolina General Statutes, whenever a law enforcement officer arrests a person who is unconscious, semiconscious, or otherwise apparently suffering from some disabling condition, and is unable to provide information on the causes of the condition, the officer should make a reasonable effort to determine if the individual is wearing a Medic Alert Foundation necklace or bracelet indicating that the individual suffers from diabetes, epilepsy, a cardiac condition, or any other form of illness that would cause a loss of consciousness. If such a symbol is found, the officer must make a reasonable effort to have appropriate medical care provided.
- P. When a prisoner in the custody of the Department is taken to a hospital or other medical facility, the following procedures shall apply:
1. The officer assigned to escort the prisoner shall ensure that the prisoner is not left alone, or otherwise unobserved.
 2. Restraints shall be removed only when necessary or requested by the medical staff.
 3. If the prisoner is admitted to the hospital, the officer shall notify his supervisor who shall make proper arrangements.

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- Q. Under normal circumstances Department personnel do not provide prisoner transportation for any reason not directly related to a legitimate law enforcement activity, except as directed by a court or authorized by the Chief of Police or a designee.

If a special situation requiring prisoner transportation is directed by a court, or authorized by the Chief of Police, the following procedures shall apply:

1. The transporting officer shall search the prisoner prior to placing the prisoner in the transport vehicle. The transporting officer should never assume that a prisoner has been searched by someone else.
 2. The transporting officer shall use handcuffs and leg restraints unless the prisoner is of such a condition (such as elderly, obese, or handicapped) that restraints would be impractical or obviously not required.
 3. The prisoner shall remain within sight of the transporting officer(s) until the transport is complete.
 4. Transporting officers shall comply with all normal policies and procedures regarding transporting, guarding, communications, and the release of prisoners during special transport situations.
- R. Marked police vehicles assigned to routine patrol functions will be equipped with shields or security cages as practical.
1. In all marked patrol vehicles, the rear windows will be locked and controlled by the window locking mechanism located on the driver's door, also the child safety locking mechanism will be engaged on all rear doors on all marked patrol vehicles.
 2. Prior to transporting a prisoner to, or accepting custody of a prisoner from, a detention facility, the officer assigned to transport the prisoner shall verify the prisoner's identification through booking records, identification numbers, photographs, or other appropriate means, if possible.
- S. The Department does not routinely transport prisoners between detention facilities, except as part of an active criminal investigation. Department personnel transporting a prisoner shall ensure that the appropriate documentation accompanies the prisoner during transport. Depending upon the circumstances, virtually all documentation or at least copies of that documentation should accompany the prisoner. This documentation may include: Positive identification of the


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prisoner, including photograph; Arrest Information; Personal Property Information; Medical Records; and any other Pertinent Records.

1. When traveling out of town or state for the purpose of extraditing prisoners, different jurisdictions require different documentation for the release of prisoners. Officers should coordinate all extradition through the District Attorney's Office and should ensure prior to embarking on an extradition that all necessary certified documents are obtained. All extraditions shall require the authorization from the Chief of Police. In the case of interstate transports, the transport officer should at least have documentation of properly executed, certified copies, governor's warrant and/or waiver of extradition when appropriate, copies of receipts for the prisoner's property, and appropriate custody order or release order.

- T. If there is a potential security risk or other risk of requirement regarding a prisoner being transported by the Department, the transporting officer should include information about the risk in the documentation accompanying the prisoner. Special circumstances may include potential risk of escape, suicidal, particular personality traits, or illness or medical condition.

- U. If a prisoner escapes custody while being transported by an officer, the following guidelines shall apply. Appropriate notifications include: Immediate notification to the Lenoir County Communications Center by radio or telephone with a description; immediate notification to the local law enforcement agency in the jurisdiction where the escape occurred, if outside of Lenoir County; Immediate notification to the on-duty Shift Supervisor; and immediate notification to the On-call Administrator.
 1. Reports to be prepared include:
 - a. Department Incident Report (escape from custody), to be prepared by the officer assigned to conduct the transport.
 - b. Memorandum to the Chief of Police through the chain of command from the officer's immediate supervisor providing details of the incident.
 - c. Any other reports as directed by the Chief of Police, or appropriate supervisor.
 2. Further actions to be taken include:
 - a. Notification to surrounding jurisdictions by the Communications Center.

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- b. Coordination of the search effort by the appropriate Department supervisor.
- c. Notification as to whether the prisoner is known to be armed or considered dangerous.
- d. Request SWAT Team.