

TRANSPORTATION OF PERSONS

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers transporting an arrestee, witness, victim, and other persons shall exercise caution for the safety of both the officer and the person being transported. Officers shall follow OPD transportation procedures and training at all times. Officers are responsible for the safety and well-being of persons in their custody and/or whom they are transporting.

DEFINITIONS:

Positional Asphyxia: A form of mechanical asphyxia that occurs when a person is immobilized in a position which impairs adequate pulmonary ventilation and results in respiratory failure.

Prone Position: A body position in which the person lies flat with the chest and stomach down, and the back facing up. Persons restrained in this position, or placed in this position while handcuffed, are at higher risk to suffer from adverse medical conditions, which may include (but are not limited to) positional asphyxia, asthma-related problems, or cardiac events related to heart disease.

PROCEDURE:

I. General Guidelines – Transporting Persons

- A. Officers assume responsibility for the safety and security of all persons they are transporting and their personal property.
 - 1. Officers shall not leave any person they are transporting unattended in a vehicle without an officer near enough to respond to an emergency involving the person they are transporting.
 - 2. Officers shall make certain that all persons wear seat belts during transportation.
 - 3. When an officer is walking a person, the officer shall keep their holstered weapon as far away from the person as possible.
 - 4. Officers will assist the person when walking up and down stairs and on questionable footing.
 - 5. Handcuffed arrestees/subjects shall not be placed in a vehicle in the Prone Position due to the risk of adverse medical conditions. These conditions may include (but are not limited to) positional asphyxia, asthma-related problems, or cardiac events related to heart disease.
 - 6. Whenever numerous persons are transported, additional officers shall be requested via 911 Dispatch to assist.
- B. Prior to transporting an arrestee, an Emergency Protective Custody subject, or a Civil Protective Custody subject, officers shall make a thorough and complete search of the person, per the OPD [“Searches — Persons”](#) policy.
- C. Officers transporting juvenile suspects or persons of the opposite sex shall provide their beginning vehicle mileage to 911 Dispatch and, upon arrival at the destination, shall provide the ending mileage.
 - 1. When officers are transporting females who have a Mental Health Warrant, per [NRS §71-928](#), officers shall make certain the person being transported is accompanied by an

adult female, an adult member of the family, or a female officer. The medical facility staff will require the name of the person accompanying the female being transported for its records.

- D. Officers will take the most expedient route possible and refrain from any unnecessary stops when transporting any person.
 - 1. The transporting officer will not stop during transport unless the incident poses an imminent threat to a person's life or serious physical injury may occur. Consideration to the possibility of injury to the person, or to the possibility of escape of an arrestee/subject will be given.
 - 2. Should a transporting officer come upon a situation requiring police assistance, they will notify their supervisor and advise them of the nature of the stop and the location and notify the Dispatcher via radio, giving the location and nature of incident.
- E. When arriving at the transport destination, officers shall park their vehicle to allow proper traffic flow in order to remove the person from the vehicle.
 - 1. Officers will stand behind their vehicle door and assist the person in exiting the vehicle ONLY when help may be required.

II. Type of Police Vehicle Used for Transportation

- A. Non-Partition – Equipped Vehicles
 - 1. During transportation, shotgun and rifle rack(s) shall be locked.
 - 2. All persons shall ride on the passenger side of the vehicle.
 - 3. A single officer (1) shall only transport one (1) person in a vehicle, and the person shall be placed in the front passenger seat.
 - 4. Two (2) officers may transport up to two (2) persons in a vehicle.
 - a. If two (2) officers are transporting only one (1) person, the person shall be placed in the rear passenger seat with an officer seated behind the driver.
- B. Partition – Equipped Vehicles
 - 1. Persons shall be secured in the back seat of any vehicle equipped with a partition and disabled door locks and/or an arrestee transportation seat and disabled door locks.
 - 2. Officers shall not ride in the back seat of a vehicle equipped with a partition and/or an arrestee transportation seat.
 - 3. One (1) officer shall transport only one (1) person. The person should be placed on the passenger side of the rear seat. This allows the officer to monitor the person during transportation.
 - 4. Two (2) officers may transport one (1) or two (2) persons in the back seat of a properly equipped vehicle.

NOTE: One officer should not transport a combative or violent person alone. At least one additional officer shall be requested via 911 Dispatch to assist.

III. Transporting an Arrestee

- A. Officers will summon assistance to initiate an arrest whenever possible.
- B. Officers will handcuff arrestees with their hands behind their backs whenever possible.
 - 1. If handcuffing in front is required, or preferred for longer transports, officers shall utilize a leather or chain restraint belt (when available) with handcuffs to properly secure the arrestee.
 - 2. Handcuffed arrestees/subjects shall not be placed in a vehicle in the prone position due to the risk of adverse medical conditions. These conditions may include (but are not limited to) positional asphyxia, asthma-related problems, or cardiac events related to heart disease.
- C. When an officer is ready to transport an arrestee, the officer shall notify the Dispatcher of their district number, their destination, the number of arrests, the code number, and their present location.
 - 1. Officers transporting juvenile arrestees or arrestees of the opposite sex shall give the Dispatcher the beginning mileage and, upon arrival at the destination, shall give the ending mileage.
- D. Arrestees who are co-suspects will not be transported together.
- E. Officers shall not turn a person under arrest over to a civilian for transportation.
 - 1. If a person under arrest is transported via Rescue Squad, an officer shall accompany the arrestee in the squad.
- F. Officers shall not use vehicles as a holding cell or leave an arrestee unattended in a vehicle without an officer near enough to respond to an emergency involving the arrestee.
- G. Officers shall not engage in conduct designed to provoke, harass, or demean arrestees.
- H. Arrestees in transport will not be afforded the right to communicate with an attorney, family, friends, the news media, or other parties.
- I. Officers shall not recommend attorneys to arrestees.
- J. All arrestees or subjects in police custody who are in handcuffs, leg-shackles, or any other type of restraint and require emergency treatment at a hospital shall be brought through the Rescue Squad Emergency Entrance of the hospital in order to expedite treatment.

IV. Transporting Sick or Injured Arrestees (Non-Emergency)

- A. In some circumstances, officers may need to transport sick or injured arrestees with minor, non-emergency injuries, medical conditions, or illness from a medical facility or other location to the Douglas County Detention Center (DCDC) (or other location).
 - 1. In such cases, the officer will contact the Police Information Operator via Channel 6 and request a medi-van dispatch.
 - a. The requesting officer will need to provide the Police Information Operator with their name, serial number, location of pickup, destination, reason for transportation, and the name of the subject being transported.

2. When the medi-van arrives at the scene, the officer will notify the Police Information Operator so the pickup time can be documented.
 - a. The officer shall also provide the medi-van driver with the RB Number so the driver can include it on the invoice.
3. An officer shall accompany the medi-van driver while transporting any arrested individual and will make every reasonable effort to ensure the safety and security of the arrestee, the medi-van driver, and the public during transportation.
4. All persons placed under physical arrest will be handcuffed and searched unless their condition prevents it.
5. When the destination has been reached, the officer shall provide the medi-van driver with their name, serial number, and reason for transport.
6. The officer shall note in the CAD Call Comments the name of the medi-van company used for transportation and the reason for transportation.

NOTE: As a reminder, procedures for transporting persons in wheelchairs are detailed in the OPD ["Transportation – Wheelchair Users"](#) policy.

V. Transfer of Custody of an Arrestee/Subject

- A. Officers shall remove handcuffs from arrestees/subjects only after transferring custody to another agency or officer, or upon specific direction of a command officer.
- B. Officers shall advise receiving agency personnel of any potential medical or security risks.
- C. Officers shall transport the arrestees/subjects to the location requested when they are to be questioned by another OPD unit.
 1. The arrestees/subjects will be segregated when required to prevent any communication other than with the investigating unit.
 2. Officers shall coordinate with the requesting unit upon arrival to complete the transfer of custody.
- D. Any item(s) in the arrestee's/subject's possession considered evidence of criminal activity or personal property shall be set aside and handled as described in the OPD ["Booking — General Procedure"](#) policy.

VI. Fugitive Squad Transportation of In-Custody Arrestees

- A. When an OPD Fugitive Squad Officer transports an arrestee, the documentation that shall accompany the transport shall include the following information:
 1. Arrestee's National Crime Information Center (NCIC) Verifications (aka: Hit Confirmation), which typically includes the following:
 - a. Arrestee's Full Name.
 - b. Date of Birth.
 - c. Social Security Number.

- d. Physical Characteristics and/or Identifying Markings.
 - e. Medical Records/Issues (if applicable).
 - f. Information relating to the arrestee's escape or suicide potential or other personal traits of a security nature.
- 2. Arrest Warrant (if applicable).
 - 3. Medical Records (if applicable).
 - 4. OPD Detainer Form (if applicable).
 - 5. County Attorney Forms VI and VII (if applicable).
 - 6. Properly executed Governor's Rendition Warrant or Waiver of Extradition Affidavit (if applicable).

VII. Transporting Arrestees Aboard an Aircraft

- A. Officers transporting an arrestee via aircraft shall coordinate the arrestee transport with the Fugitive Squad.
- B. Officers flying armed must complete the Transportation Security Administration (TSA) required "Law Enforcement Officers Flying Armed" training offered by the OPD Training Unit.
- C. Officers will transport arrestees aboard a commercial aircraft in accordance with TSA regulations found in [49 CFR §1544.221](#), Carriage of Arrestees Under the Control of Armed Law Enforcement Officers.
- D. Officers will refer to the OPD ["Weapons - Firearms and Ammunition"](#) policy for additional details regarding flying armed on a commercial aircraft.

VIII. Escape of Arrestee During Transportation

- A. In the event of an escape, officers shall proceed with caution. Officers shall not act without first taking time to consider what course of action is proper for the particular circumstances.
- B. Nebraska State Statute [§28-912](#) classifies Escape as a Class IV Felony.

EXCEPTION: Escape is a Class III Felony where:

- 1. The detainee was under arrest for or detained on a felony charge or following conviction for the commission of an offense.
 - 2. A public servant concerned in detention of persons convicted of crime purposely facilitates or permits an escape from a detention facility or from transportation thereto.
 - 3. Escape is a Class IIA felony when "the actor employs force, threat, deadly weapon, or other dangerous instrumentality to effect the escape" (NRS [§28-912](#)).
- C. When an arrestee is discovered missing, officers shall promptly:
 - 1. Notify their immediate supervisor.

2. When an escape has been verified, contact 911 Communications and provide the following information:
 - a. That an escape has occurred.
 - b. Whether the escapee is armed.
 - c. The escapee's name and description.
 - d. The initial charge for which the escapee was arrested.
 - e. Direction of travel.
 - f. Any vehicle involved.
 - g. Possible accomplices.
- D. The officer's supervisor shall make Command Notifications and coordinate the follow-up investigation. Command shall direct search methods, procedure, and decide the length of time for searching.
- E. Reports.
 1. The officer shall make the following reports in connection with an escape:
 - a. Incident Report.
 - b. Chief's Report ([OPD Form 214](#)).
 2. The supervisor on the scene shall direct employees under their command to make a Chief's Report concerning their individual knowledge of the incident.

IX. Transporting a Witness

- A. During the initial investigation of a crime scene and/or during a subsequent investigation, officers may determine it is best to interview a witness at an OPD precinct, headquarters, or other OPD-designated location.
 1. Prior to transporting a witness to the location, officers must obtain voluntary consent from the witness to be transported OR obtain probable cause that the witness has committed a crime.
 - a. Transporting a witness without their consent or without probable cause that they have committed a crime is a "de facto" arrest and must be supported by probable cause. Reasonable suspicion that justifies a "Terry stop" (i.e., an investigative detention at the location of a stop (see [Terry v. Ohio, 392 U.S. 1,21 \(1968\)](#))) does not justify transporting witnesses from the crime scene to an OPD-designated location for interview or interrogation.
 - b. Transporting a witness without their consent or without probable cause that they have committed a crime is also a violation of constitutional law and could result in OPD being successfully sued (see [Davis v. Dawson et al., 33. F.4th 993 \(8th Cir. 2022\)](#)).

2. If a witness has given voluntary consent to be transported and/or probable cause has been established, officers shall transport the witness to a precinct, headquarters, or other OPD-designated location to be formally interviewed by designated personnel.
 - a. See the OPD [“Interviews/Interrogations”](#) policy for additional procedures.
3. If a witness refuses to be transported to an OPD-designated location to be interviewed and there is no probable cause that the witness has committed a crime, then officers may attempt to interview the witness at the crime scene or other location that led to their encounter with the witness.
 - a. If a witness refuses to be interviewed and insists on leaving, and there is no probable cause that the witness has committed a crime, officers must allow the witness to leave and must NOT detain the witness.
 - (1) If officers do not already have the witness’s information, they shall attempt to verify the witness’s identity and obtain their name, date of birth, address, work phone number, and home phone number before the witness leaves.

NOTE: Witnesses to a sexual assault and/or sex trafficking crime may be immune from arrest or prosecution if they committed an eligible drug or alcohol offense under certain circumstances, per NRS §[60-699](#). Officers shall use caution if they have established probable cause that a witness to a sexual assault and/or sex trafficking crime has committed a drug or alcohol offense. Refer to the [“Adult Sexual Assaults-Investigations,”](#) [“Abuse/Neglect/Injury-Child,”](#) and/or [“Adult Protective Services”](#) policies for more information.

X. Additional Transportation Considerations

A. Persons with Mental/Behavioral Concerns.

1. If an officer has probable cause to believe an adult is mentally ill and dangerous and/or is suffering from a behavioral health crisis that could threaten the lives or safety of themselves or others, or has an active Mental Health Warrant, they shall follow procedures described in the [“Mental/Behavioral Health Response- Adults”](#) policy.
2. If an officer has probable cause to believe a juvenile is mentally ill and dangerous and/or is suffering from a mental/behavioral health crisis that could threaten the lives or safety of themselves or others, the officer shall follow procedures as described in the [“Mental/Behavioral Health Response- Juveniles”](#) policy.

B. Sick or Injured Persons.

1. In some circumstances, officers may transport sick or injured victims, witnesses, homeless individuals, or other persons to hospitals if they are suffering from a minor, non-emergency injury or illness. Officers shall carefully evaluate situations involving sick or injured persons to determine if an Omaha Fire Department (OFD) Rescue Squad/Emergency Medical Responder (EMR) is required or if officers are capable of transporting the person to the hospital.
 - a. See the [“Hospital Procedures”](#) policy for additional procedures related to transporting sick or injured persons.

- b. See the [“Medical Services – Injury on Duty – Sworn and Non-Sworn”](#) policy for additional procedures related to transporting OPD employees who have been injured on duty.
- C. Wheelchair Users.
 - 1. Officers may at times need to transport an arrestee, witness, victim, or other person that uses a wheelchair. Officers shall make appropriate transportation arrangements in these cases.
 - a. See the [“Transportation – Wheelchair Users”](#) policy for additional/related details.
- D. Persons in Need of Emergency Shelter.
 - 1. At times, officers may provide transportation to persons in need of emergency shelter.
 - a. See the [“Homeless Individuals”](#) policy for additional details.
- E. Persons with Mental Health Warrants.
 - 1. Officers shall coordinate with the Douglas County Sheriff’s Office (DCSO) to verify the existence of Mental Health Warrants on persons whom they suspect to have a warrant and transport persons to the appropriate medical facility when needed.
 - a. See the [“Mental Health Warrants”](#) policy for additional details.
- F. Intoxicated Persons Aged Nineteen (19) or Older.
 - 1. OPD shall use Civil Protective Custody (CPC) to preserve life and prevent injury to an intoxicated person who is 19 years of age or older who is incapacitated and/or who is a danger to themselves and/or others.
 - a. See the [“Civil Protective Custody”](#) policy for additional details.
 - b. Juveniles in need of medical care shall be transported to the nearest emergency room or turned over to their parent/guardian for care, as may be appropriate to the circumstances. Officers shall facilitate and/or request medical care when necessary.
- G. Stranded Motorists and Other Persons.
 - 1. Officers who transport persons for all other reasons not specifically detailed in this policy shall ensure general safety precautions and guidelines are followed.

REFERENCES:

I. Case Law

- A. *Davis v. Dawson et al.*, 33 F.4th 993 (8th Cir. 2022) and *Terry v. Ohio*, 392 U.S. 1, 21(1968) relevant to this policy.

II. Nebraska Revised Statutes

- A. Nebraska Revised Statutes (NRS) [§28-912](#) and [60-699](#).

III. Previous OPD Orders

- A. Previous General Orders: #34-74, 64-87, 33-95, 52-95, 13-98, 92-00, 3-02, 28-05, 28-05 Supplement #1, 4-10, 20-13, 39-15, 39-17, 16-20, 32-20, 69-22, 6-24 and 6-24 Supplement #1.
- B. Previous Information Orders: #126-90.

IV. Accreditation Standards

- A. Relevant CALEA Accreditation Standards: Chapter 70.

V. Other

- A. PPM Monthly Updates: #5-2016.
- B. Transportation Security Administration (TSA) regulations found in [49 CFR § 1544.219](#), Carriage of Accessible Weapons and [49 CFR §1544.221](#) Carriage of Arrestees Under the Control of Armed Law Enforcement Officers.