



ORONO POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Protect with Vigilance & Serve with Compassion and Excellence

Subject:	Transportation & Processing of Arrested Persons in Custody	Policy #	0-7
Effective Date:	September 8, 2023	Review Cycle:	2 Years
Distribution:	All Sworn Personnel	# of pages:	6
MLEAP:	7.05, 10.01.A, B, C, D, 10.03, 10.05, 10.13, 10.14, 10.16, 10.17, 10.20		
	<i>Rescinds All Previous Policies Related To This Current Policy</i>		
Issuing Authority:	Chief of Police Daniel Merrill		

I. POLICY:

Transportation of persons in custody is a high-frequency activity in law enforcement. In all instances of transfer of persons in the custody of the Orono Police Department, officers shall take care not to endanger themselves or another person's welfare and to ensure both the prisoner's safety and prevent opportunities for escape.

II. PURPOSE:

The purpose of this policy is to establish guidelines and procedures to ensure the safe transportation of individuals in custody.

III. PROCEDURES:

A. Transporting persons in custody: The following are guidelines and procedures to follow when transporting persons in custody.

1. An officer may call for assistance before attempting to transport a prisoner unless circumstances require otherwise. An officer should not attempt to transport more than he can safely control.
2. At all times, an officer should expect the unexpected. They should not be "lulled" by the apparent cooperation of the prisoner. Every precaution should be taken to be prepared to handle the sudden dangerous activity.

B. Searching prisoners prior to transport: Prisoners shall be thoroughly searched before being transported. The following guidelines apply; **MLEAP 10.01.A**

1. An officer should not depend upon another officer to search a prisoner and they should never presume that a prisoner has already been searched.
2. The search should include the area within the immediate reach and control of the prisoner.
3. Any article that can be used as a weapon or as a means of escape should be confiscated.

C. Prisoner restraint during transport and exceptions: **MLEAP 10.01.E**

1. All prisoners shall be restrained with handcuffs during transport except when otherwise permitted by this policy.
2. Types and methods of restraining devices;
 - i. Arresting officers shall restrain prisoners in an acceptable manner by securing the prisoner's hands behind their back with handcuffs. The handcuffs will be fit checked and double locked.
 - ii. Officers will not handcuff a prisoner with their hands in front, except for situations specified in this policy under *Section R - Special Transportation Problems*.
 - iii. Officers shall ensure all prisoners are secured by a safety belt when available and seated behind the protective safety barrier when applicable.
 - iv. A second officer may be assigned to assist when transport a belligerent, combative, or violent prisoner.
 - v. Officers shall not handcuff a prisoner to any part of the vehicle.
 - vi. Officers should monitor high-risk prisoners carefully and obtain medical treatment for any prisoner who is unconscious, unresponsive, or having breathing difficulties.
 - vii. Leg restraints and / or a spit hood may be used if an officer feels the prisoner will cause damage to agency property or to prevent an assault on the officer or others.

D. Searching Transport Vehicle:

MLEAP 10.01.D

All police vehicles will be thoroughly searched before each shift for weapons or contraband where the detainee may meet the vehicle. Before placing a prisoner in a police vehicle, they shall be thoroughly searched to ensure that there is no article(s) present which can be used as a weapon. Further, after delivering the prisoner to their destination, officers should again search their vehicles to ensure that the prisoner did not hide contraband or other evidence in the vehicle while in transport. This will also ensure that items subsequently found can be more easily attributed to the most recent prisoner.

E. Placement of prisoners during transport:

MLEAP 10.01.B

1. **In a vehicle with no safety barrier** - If the transporting officer is alone, the prisoner will be placed in the front seat of the vehicle. If another officer accompanies the arresting officer, the prisoner shall be placed in the right rear seat of the vehicle, and the assisting officer will sit directly behind the driver.
2. **In a vehicle with a safety barrier** - A officer without assistance during transport shall place the prisoner(s) in the rear, on the passenger side if possible. If an officer is assisting during transport, then they may sit either in the front or in the rear behind the driver.

F. Requesting assistance with transport - If an officer operating alone does not believe the prisoner can be controlled without aid, s/he should notify the duty supervisor/OIC.

G. Use of force - If force is necessary, it shall be restricted to that which is reasonable and necessary to control the prisoner and to ensure the safety of the officers. (*See Physical Force in Law Enforcement, 17-A MRSA s. 107, Maine Criminal Code.*)

H. Application Of Spit Hoods/Masks/Socks

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others. Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit. They are generally used during the application of physical restraint, while the person is restrained, or during or after transport.

1. Officers utilizing spit hoods/masks/socks should ensure that it is fastened correctly to allow for adequate ventilation and that the restrained person can breathe normally.

2. Officers should aid during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual.
3. Spit hoods/masks/socks should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood/mask/sock, it should be promptly removed and discarded.
4. When feasible, persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood/mask/sock.

I. Transporting juveniles and female prisoners:

When practical, every effort should be made to transport juveniles and females separately from each other and from adult males.

J. Notifying the Communications Center of transport:

Immediately upon commencing the trip, the officer shall communicate the following information to the Communications Center:

1. The number of prisoners, gender, whether the prisoner is a juvenile, and whether they are compliant or combative.
2. Beginning mileage and ending mileage upon reaching the destination.
3. The reason for the arrest.
4. The present location of the police unit.
5. The destination.

K. Prisoner safety during transport:

MLEAP 10.01.B

While transporting a prisoner, officers shall remain vigilant and take every precaution to assure the safety of the prisoner.

1. Officers shall proceed directly to the place of booking and custody without unnecessary delay by the shortest practical route. However, all traffic regulations should be observed.
2. An officer shall not stop to provide law enforcement services (for example, a broken-down vehicle or a high-speed chase) while transporting a prisoner unless there is a substantial risk to the safety of the third party and the risk to the prisoner is minimal. In such cases, the appropriate communications center must be notified.

L. Conversing with Prisoner:

Unnecessary conversation shall be avoided. However, the officer should not hesitate to calm an excited prisoner to ensure that there will be no unnecessary distractions to the driver. All prisoners should be treated courteously.

M. Strip and Body Cavity Searches:

Strip and body cavity searches are not permitted by Orono Police personnel. Should any of these searches be determined necessary by a Orono police supervisor, they will be requested and conducted by the Penobscot County Jail staff.

MLEAP 10.13 & 10.14

N. Escape from custody:

MLEAP 10.16

1. If an escape does occur, the officer shall immediately notify the duty supervisor/OIC and the Communications Center. They shall provide a description, direction of travel, and the charges the prisoner was being held on.
2. If the escape occurs in another jurisdiction, the officer will request the Communications Center to notify that law enforcement jurisdiction of the escape and provide them with the same information as described above.
3. The duty supervisor/OIC will notify the on-call administrator of the escape as soon as practical.
4. In the event an escape from custody occurs, all parties involved shall provide a detailed report before securing from duty.

O. Arrival at Orono Police Department or a local police agency:

1. Firearms will be secured per the facility's rules and regulations in the designated place for the facility being entered. **MLEAP 10.20**
2. Restraining devices will be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is adequately controlled and secured.
3. All proper paperwork will be submitted to the appropriate person at the receiving facility and, in situations that require it, the officer will ensure that the appropriate signatures are obtained on paperwork to be returned to the department.
4. Ensure the booking officer accepts the arrest report(s) and/or the receiving papers indicating the facility has received the prisoner.
5. Male and female prisoners should remain separated from each if adequate space is available. **MLEAP 10.03**
6. Advise the Correctional Intake officer of any potential medical or security risk.
7. During the booking process at the police department, if a prisoner becomes ill or states they are injured, officers will request EMS to respond for a medical assessment. **MLEAP 10.11**
8. Officers will consider the demeanor of the individual in custody, charging offense(s), and past experiences/demeanor of the individual. If the individual has been combative, aggressive, and/or disruptive (currently/past), the individual will not be left alone.
9. Only law enforcement personnel will be allowed in the booking area at the Orono Police Department unless medical aid is requested and EMS responds. **MLEAP 10.05**

P. Disposition of Arrested Persons:

1. Persons arrested shall be brought to the police department unless the situation requires them to be brought to another location. (i.e., directly to Penobscot County Jail or to the hospital)
2. Persons arrested will be processed/booked.
3. Bail must be set by a bail commissioner. Bail conditions should be listed in the arrest report.
4. If the arrestee does not post bail;
 - i. In the case of an arrest without a warrant (felony or misdemeanor), a probable cause determination form must be completed. **Exception:** A fugitive from justice warrant requires a probable cause determination form.
 - ii. The arresting officer will have the approved probable cause determination form properly notarized and brought to Penobscot County Jail with the arrest report.

MLEAP 7.05

5. Prisoner Identification Procedure:

MLEAP 10.09

- i. A prisoner's identity must be verified prior to their release or transfer. This can be done using the following techniques:
 - a. Valid Identification (State driver's license or ID, Passport)
 - b. Prior booking room photos
 - c. Requiring a no bail until the prisoner can positively identify themselves

6. Prisoner's Personal Property:

MLEAP 10.10

- i. All property located on a prisoner's person during the booking process must be returned to the prisoner upon their release from a police station or transferred to the Penobscot County Jail upon their release to that institution.
- ii. If the prisoner is found with an item on their person that the jail refuses to accept, then that item will be logged into the property room at the Orono Police Department for safekeeping.

Q. Inspection Of the Booking Area:

1. After an individual has been released from custody from the Orono Police Department, the arresting officer will physically inspect the booking room, ensuring no contraband or evidence was left behind.

MLEAP 10.17

R. Transport equipment:

All patrol vehicles used in the transportation of prisoners shall have the following equipment removed, deactivated, or disconnected: interior rear door handles, interior window handles, door locks, and/or power to the windows. The rear area of the vehicle used to transport prisoners shall be separated from the front by a barrier that allows constant visual contact between the officer and prisoner.

S. Special transportation problems:

MLEAP 10.01.C

1. Sick, Injured, or Disabled Prisoners

- i. Disabled or Handicapped Prisoners
 - a. Officers may transport persons with a handicap or limitation that would preclude the use of restraints without handcuffs.
 - b. Officers may use restraining devices with a modified application, if necessary, to accommodate prisoners with a handicap or limitation.
 - c. Officers transporting prisoners who are handicapped or limited in such a manner as to prevent the use of restraining devices and yet pose a threat to the transporting officer may request additional personnel to assist with the transport.
- ii. Sick, Injured, Unconscious Prisoners
 - a. officers who have custody of prisoners who suffer from obvious or claimed injury or illness should rely on the following procedures:
 - Officers shall rely on previous medical training to assess the extent of injuries or illness.
 - Officers shall have seriously injured, sick, or unconscious persons transported by ambulance to the nearest hospital or another medical facility as necessary for medical attention.
 - b. Officers may transport prisoners with minor injuries for processing and booking after medical aid has been rendered in the field.
 - Detention facility medical staff will be notified of the prisoner's injuries and treatment before booking.
 - If the prisoner is accepted by detention facility medical staff, the prisoner will be released to intake personnel for booking and further processing.
 - If detention facility medical staff refuses the prisoner, the prisoner will be transported to the nearest hospital for further medical attention.
- iii. Officers shall restrain mentally disturbed persons/prisoners during transport.

- a. Officers may use agency-approved ankle restraints or hobble devices if needed.
- b. Officers shall ensure persons/prisoners are secured with a safety belt behind the protective barrier.
- c. Officers may be required to ride in the ambulance with the person/prisoner to prevent injuries to the medical staff or additional injuries to the person/prisoner.
- d. Officers shall remove restraining devices upon request of medical personnel and remain with the person/prisoner when such removal is necessary to provide treatment.

2. Visibly Pregnant Prisoners:

- i. A "visibly pregnant" prisoner can be defined as: "obvious," "apparent," "perceptible to the eye."
- ii. Officers shall not handcuff a visibly pregnant prisoner behind her back. They shall be handcuffed with their hands in front.

T. Special observations prior to transport:

As far as practical, these special procedures shall be observed at the scene of arrest prior to transportation.

1. Juvenile prisoners shall not be transported with an adult offender.
2. Prisoners shall be treated courteously.