

THE RALEIGH POLICE DEPARTMENT

1108-03

PRISONERS AND RESTRAINTS

PURPOSE

After making an arrest, an officer must safely control the prisoner and ensure that criminal procedures are properly followed. This procedure provides guidelines pertaining to the correct handling of prisoners.

VALUES REFLECTED

This directive reflects our values of *Fairness and Integrity*. We understand that an arrest does not equate to guilt and that guilt is up to the courts to determine. Therefore, we are mindful that we must treat those we take into custody with the highest moral and ethical standards. We must also treat them with dignity and respect to the greatest extent possible in often trying circumstances.

UNITS AFFECTED

All Divisions/Sworn Officers

REFERENCES/FORMS

N.C. General Statutes 15A-501 to 15A-505 "Police Processing and Duties Upon Arrest"
DOI 1108-01 "Use of Force and Weapons"

May be Released to the Public

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GENERAL POLICIES

Officers should never assume that a prisoner has been searched by someone else. Whenever a prisoner is to be transported, the officer assuming custody will search the prisoner immediately prior to transport.

Vehicles used to transport prisoners or detainees must be searched for contraband and weapons at the beginning of the shift. The prisoner areas of transport vehicles are to be searched immediately prior to and after transporting a prisoner.

The age, gender, race, or ethnicity of a prisoner shall not be the sole determining factor in an officer's decision to use restraining devices.

RESTRAINTS AND SEARCH OF PRISONERS

Officers must take adequate precautions to provide for the security and protection of persons in custody, the transporting officers, and the public. Persons in custody remain the responsibility of the arresting officer or the officer assigned to guard the prisoner until that responsibility is explicitly assumed by another.

Use of Restraining Devices

Restraining devices are to be used in transporting persons in custody.

Absent specific articulable facts that establish a safety hazard for the officer or the individual, officers shall not handcuff individuals, who are not in custody, during transport.

Handcuffs

Prisoners should be handcuffed behind their back prior to and during transportation unless extreme circumstances exist. The handcuffs should be double-locked.

Absent specific articulable facts that establish a safety hazard for the officer or the individual, officers shall not handcuff individuals, who are not in custody, during transport.

Flex Cuffs

Flex cuffs are intended as temporary, emergency restraining devices. The officer should replace flex cuffs with alternate restraining devices as soon as practical. Care should be taken in removing the flex cuffs to avoid accidentally cutting the arrestee. Pocket-knives should not be used to remove flex cuffs.

Leg Hobble Restraints

Leg hobble restraints have been placed in all marked patrol vehicles. These restraining devices may be safely used to prevent a prisoner from kicking. These restraints shall not be used absent specific articulable facts that establish a safety hazard for the officer or individuals if the individual's legs are not restrained. A prisoner should be secured with a seat belt if officers are safely able to do so and the car door should be closed on the loose end of the leg hobble device. At no time is the leg hobble to be tied or secured to any part of the vehicle or to handcuffs. The use of leg hobble restraints

alone does not require a use of force report. A use of force report is required whenever a leg hobble restraint is utilized on a subject, and an additional use of force was used.

Use of Auxiliary Restraint Devices

Auxiliary restraint devices include equipment such as transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices. Auxiliary restraint devices are intended for use during long-term custodial restraint or transportation. These restraint devices, such as leg irons or other similar devices, provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only auxiliary restraint devices issued by the Quartermaster may be used. Any person controlled by auxiliary restraint devices must be monitored in the same manner as any person restrained by traditional handcuffs would be.

Moreover, the application of leg restraint devices may be used to restrain the legs of a violent or potentially violent person when it is reasonable and necessary to do so during detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use a leg restraint device, officers should consider:

- Whether the officer or others could be exposed to injury due to the assaultive behavior or continued active resistance of a person.
- Whether it is reasonably necessary to protect the person from his or her own actions (i.e., self-harming behavior, attempts to flee while restrained in handcuffs or by other devices, assaultive behavior towards officers that could result in injury).
- Whether it is reasonably necessary to avoid damage to property.

Spit Hoods

When a prisoner's behavior indicates the probability of spitting on the officer or other person is imminent, a spit hood may be used. The use of a spit hood is not a use of force. Application of a spit hood shall not be used for punitive purposes.

Violent Mental Subjects

Mentally unbalanced persons or those reacting violently to drugs may seriously injure themselves by struggling against handcuffs. When the circumstances require such an individual to be restrained, metal cuffs should be used only temporarily, and a supervisor should be contacted as soon as possible to obtain leather, padded restraints.

Pending the arrival of the padded restraints, bed sheets or similar items can be tied around the subject's arms to take pressure off the metal cuffs.

Restraining Injured, Handicapped or Special Needs Prisoners

Restraining and transporting injured or handicapped persons presents varied problems and common sense must dictate. Supervisors have access to padded restraints which may be useful in some circumstances. Flexcuffs or other alternate restraining devices may also be used.

Some prisoners may not be able to put their arms behind them. They may be handcuffed in the front with palms out and the chain passed through the suspect's belt, after sliding the belt buckle around to the subject's back.

If it is necessary to transport an injured prisoner in an ambulance, an officer shall also ride in the ambulance.

Keeping Prisoners in Sight

For safety reasons, an officer should keep prisoners within sight at all times. Prisoners are not to be left unattended in the rear of vehicles. Prisoners are also not to be handcuffed to any portion of a vehicle or a fixed object within a building unless the object is designed and intended for such use.

If an officer loses sight of a prisoner for any reason, the prisoner should again be searched.

Searching Prisoners

The safest approach in searching a prisoner is to first handcuff the prisoner's hands behind his/her back and then pat down the area around the small of the back that is still accessible to his/her hands. A complete search of the prisoner and area readily available to the prisoner may then be conducted. An extensive search of a prisoner will be conducted by an officer of the same gender. Officers should pat down the outside of the clothing of prisoners of the opposite gender.

- A search of a prisoner is required prior to transporting a prisoner to a hospital or any other building where public contact is likely.
- A search of a prisoner is required prior to incarceration in the Wake County Detention Center.

Prisoners Requiring Medical Treatment

Officers are, at times, required to transport prisoners to medical treatment facilities prior to their commitment to jail. The prisoner should be kept in sight, whenever possible, while receiving treatment. EMS has agreed to transport restrained prisoners to medical or mental facilities. An officer shall ride with EMS in the ambulance.

If the prisoner is to be admitted to the hospital, a Police supervisor should be contacted in order to make provisions for security or to arrange transport to Central Prison (see below).

If the prisoner cannot be transferred to Central Prison, the supervisor should arrange for additional security. The supervisor should consider the type and period of treatment, degree of risk, isolation, 24-hour coverage, continued use of restraints, meals and utensils, the need for monitoring all personal contacts with the prisoner, etc. when determining the level of security needed. Visitors should be limited, including telephone contact with the prisoner. Supervisors will ensure that officers providing security are frequently rotated.

TRANSFERRING PRISONERS TO CENTRAL PRISON HOSPITAL

Transporting a prisoner to the Central Prison Hospital is preferable to providing security at a local hospital. The process of prisoner transfer involves coordination with Central Prison, the local hospital, the Magistrate's Office, the District Attorney's Office, the Detective Division, and Emergency Medical Services (EMS).

Contact Central Prison

If the attending doctor will authorize medical release of the arrestee, contact the Central Prison Receiving Unit and establish the proper protocol for the transfer of the patient/prisoner to take place.

Serve the Warrant on the Suspect

If the patient/prisoner is incapacitated, contact the Chief Magistrate who will arrange for a Magistrate to accompany the officer to complete the booking and custody transfer process.

Contact the Career Criminal Unit

Make contact with the Secretary to the Career Criminal Unit in the District Attorney's Office and provide the Secretary with the name of the suspect, charge, and brief description of the crime. The Secretary will then obtain a court safekeeping order.

Local Hospital

Arrange with the local hospital facility a time and date for the transfer to take place. Request that the attending physician write his/her authorization for transfer on the patient's/prisoner's chart to go with him/her to Central Prison Hospital.

Request EMS for Transportation

Notify an EMS supervisor and advise him or her of the existence of the court order for the transfer. Make a request for EMS to transport the patient/prisoner, providing the location, date and time the transfer is to take place.

Court Safekeeping Order

Copies of the court safekeeping order shall be distributed as follows:

- Original to Central Prison upon delivery of patient/prisoner.
- Copy to Secretary of Career Criminal Unit, District Attorney's Office.
- Copy to Wake County Magistrate's Office.
- Copy to EMS supervisor.
- Copy for Raleigh Police Department case report.

Notification of the Detective Division

The Detective Division is to be notified of the date and time of the transfer.

PRISONER TRANSPORT

Locations to Which Prisoners May Be Transported

Once a person is taken into custody, the officer must bring the arrestee before a judicial official without unnecessary delay. Officers, though, are authorized to transport prisoners to other locations (G.S. 15A-501).

- Officers may transport prisoners to medical treatment facilities.
- Prisoners may be transported to another location if reasonably necessary to have the person identified.
- If the prisoner requests, he/she may be taken to some other location. This might be necessary to obtain appropriate clothing or medication. Medication should be retained by the officer and submitted to the jail intake staff.
- For an Implied Consent Offense, an officer may transport a prisoner to a location(s) for chemical analyses, impairment evaluations, to complete a collision report or any other lawful purpose.
- Officers should transport a prisoner to a residence only with the consent of a supervisor. A back-up officer shall be requested.

Transport in Police Vehicles with Shields

A police vehicle equipped with a protective shield should be used whenever one is available and when more than one prisoner needs to be transported. Whenever possible, seat belts should be placed around prisoners.

Transport in Vehicles without Shields

Prisoners may be transported in a vehicle without a shield only when two officers are available. Prisoners are not to be transported in the front seat of a police vehicle. The use of a vehicle with a protective shield is preferable for transporting a prisoner. In those cases where a prisoner is being transported in a vehicle without a shield, the prisoner will be handcuffed and placed in the right rear seat. The second officer will sit in the left rear seat.

The only exception to these provisions will be officers assigned to the DWI Unit and only if those officers are utilizing vehicles provided to that unit that lack the capacity for rear seat transport. Prisoners transported under this exception will be seat-belted.

All prisoners must be handcuffed behind their back, unless extreme circumstances exist.

Transporting Prisoners Over Long Distances

On rare occasions, Raleigh officers may be required to transport prisoners over a long distance or time period. For long distance transportation, waist chains, handcuffs, and belt will be used. The selection of meal locations and other stops should be done on a random basis. The prisoner should not be allowed an opportunity to talk to anyone other than the transporting officers. This is to prevent the prisoner from obtaining outside assistance in effecting an escape.

Notification to Emergency Communications

When transporting prisoners of the opposite gender, officers are required to radio their location, destination, and odometer mileage to Emergency Communications. Upon arrival, officers are required to give their ending odometer reading.

Unconscious Prisoners

If an arrestee becomes unconscious or semiconscious or is located in that condition, the officer must obtain medical assistance.

Prisoners Having Medical Risks

Some prisoners may present added medical risks due to extreme drug or alcohol impairment, mental illness, or the degree to which they are restrained. Some of the physical signs of increased medical risk include profuse sweating for no apparent reason, dilated pupils, or uncontrolled shaking.

Prisoners who constitute added medical risk should be kept under observation at all times. The officer observing must monitor the person's color, breathing, and level of consciousness. Intoxicated or other persons who cannot sit erect should be placed on their side so as to avoid "positional asphyxia" or other respiratory problems (i.e. choking on vomit).

Stopping to Render Aid

The primary duty of the transporting officer is the safe delivery of the prisoner. Officers should stop to render assistance to third parties only when the risk to others is both clear and grave and the risk to the prisoner is minimal. Officers should inform the person requesting assistance that they have someone in custody and have Emergency Communications dispatch another unit.

Escape of Prisoner While Inside Raleigh

In the event that a prisoner escapes while being transported within the City limits, the officer will immediately notify Emergency Communications and give the location, direction of travel, and the charges against the prisoner. A supervisor is to respond to the scene and will coordinate a search to recapture the escapee. The supervisor should consider requesting a K-9 unit. A Raleigh offense report will be completed.

Escape of Prisoner Outside of Raleigh

In the event that a prisoner being transported by a Raleigh officer escapes while outside Raleigh's jurisdiction, the officer will immediately notify the agency having jurisdiction and request assistance.

The transporting officer will assist local authorities in securing an escape warrant and submitting offense reports prior to leaving that jurisdiction.

The transporting officer will notify his/her Division Commander or the on-duty Watch Commander as soon as practical. The Division Commander or Watch Commander may dispatch a supervisor to conduct an administrative inquiry or may wait for the return of the transporting officer to conduct an inquiry. A Departmental information report will be completed.

Transfer from One Facility to Another

On rare occasions, Raleigh officers transport prisoners from one jail or holding facility to another. On such occasions, Raleigh officers will:

- Secure firearms for safekeeping in the lock-boxes provided.
- When receiving a prisoner, confirm the identity of the person being transported by booking slips and ID number and establish the existence of any escape or suicide attempts, unusual illnesses, or tendencies toward violence.
- Verify that the appropriate paperwork is completed. Appropriate paperwork may include a court order permitting removal from jail, an order for arrest, an arrest warrant, a commitment order or an extradition order or waiver of extradition. When transporting a prisoner from one facility to another, the prisoner's medical records and property inventory should be included with the transfer papers. Interstate transfers require a properly executed extradition order or waiver. Officers will have to comply with the procedures of the custodial facility.
- Upon delivery of a prisoner, restraining devices will not be removed until just prior to turning the prisoner over to the jailer or placing the prisoner in the cell. The prisoner remains the responsibility of the transporting officer until custody is officially assumed by another official.
- Deliver the proper documentation on the prisoner to the receiving officer.
- Obtain documentation from the receiving officer acknowledging receipt of the prisoner.
- Make the receiving officer aware of any medical treatment received or needed by the prisoner.
- Make the receiving officer aware of any indications given by the prisoner that they may attempt escape or may be violent or suicidal.

PROCESSING PRISONERS

Once a person is taken into custody, officers must insure that the arrestee's constitutional and other rights are adequately protected.

Informing Prisoners

Once taken into custody, prisoners must be informed of the charge against them or the cause for their arrest. The prisoner must be advised of the prisoner's rights concerning interrogations, line-ups, or tests prior to engaging in such activities (refer to DOIs 1110-9 "Non-Testimonial Identification" and 1110-10 "Interviews and Interrogations").

Wake County Detention Center Prisoner Intake

Officers are to secure their weapons in the trunk of their vehicle or in one of the lock boxes prior to entering the facility. After entering the intake area, the officer must check the prisoner with a metal detector. If an officer loses sight of a prisoner at any time during the booking process, the prisoner should again be searched and passed through the metal detector prior to presenting him/her to the intake deputy.

Appearance Before a Magistrate

Once the prisoner is secured, officers will present their probable cause to the Magistrate.

- If the Magistrate finds "no probable cause", the officer may be instructed by the Magistrate to transport the arrestee back to the place of arrest. This should be avoided if an affray or similar incident occurred where transport back to the scene might lead to a reoccurrence (G.S. 15A-504).
- Officers are required to complete a "Felony Investigative Report" before a Magistrate will issue a felony warrant. The Felony Investigative Report will be turned over to the Magistrate and forwarded to the District Attorney's Office to be kept on file.

Photographs and Fingerprints

The officer will present the arrestee to City-County Bureau of Identification personnel for fingerprinting and photographing (G.S. 15A-502).

- It is vital that all felons be processed by C.C.B.I., regardless of whether they intend to post bail.
- Persons charged with traffic offenses for which the authorized penalty does not exceed \$500 or six months imprisonment should not be photographed or fingerprinted.
- A person that cannot be identified by a valid form of identification and has been charged with an impaired driving offense, or Driving While License Revoked when the revocation is due to an impaired driving offense, must be fingerprinted and photographed.

Commitment to Jail

The officer will present the booking photograph of the prisoner to the intake deputy. If the intake deputy refuses to accept the prisoner due to injury or illness, it is the officer's responsibility to see that medical assistance is obtained. In such instances, officers must notify their supervisor. The prisoner remains the responsibility of the officer up until such time as the intake deputy accepts custody.

Temporary Removal from Jail

On occasion, an officer will need to remove a prisoner from the jail temporarily for the purpose of conducting an identification procedure, an interview or for some other investigative purpose. The officer must satisfy the particular jail's release policies.

Prisoners under Suicide Watch

If an officer takes custody of a prisoner who is under a suicide watch, the prisoner must remain under the constant supervision of a Raleigh officer.

TEMPORARY DETENTION FOR INVESTIGATIVE AND TESTING PURPOSES

When an officer needs to question, interview, or interrogate a person before the person is arrested or booked, the interview rooms located in the Detective Division or District Stations are to be used. When an officer needs to perform a DWI breath test, he/she will have the option of utilizing the DWI testing facilities located at the district stations. If a DWI testing room is not available for any reason or the detainee is immediately determined to be non-compliant, officers should transport detainees for the purpose of breath testing to the Wake County Detention facility. In order to provide a location conducive to conducting an interview these rooms are minimally furnished with a desk/table, several chairs, and bare walls.

Separation of Suspects

Males, females, and juveniles are to be segregated when being temporarily detained for investigative or DWI breath testing purposes.

Evacuations

The rooms being used as interview rooms and DWI breath testing rooms will, at a minimum, contain a seating arrangement for the person being detained and the arresting officer. Fire extinguishers are available throughout the facilities if the need arises to extinguish a fire or assist in the evacuation of the facility. Each room will also have a fire escape route map showing the proper escape route to be followed in the event of a fire or other incident. It is the officer's responsibility to maintain control of the person in the event of an evacuation for fire, bomb, or other incident threat. Such evacuations are to be conducted as directed in the appropriate policy (see DOI 1107-3 "Municipal Complex-Police Facilities, Bomb Threats, Fires and Evacuations" and 1107-4 "Tornado Facilities Involving Police Facilities").

Access to Restrooms, Water, or Comfort Breaks

Persons being detained will be provided access to water and restroom facilities. Comfort breaks such as smoke breaks, opportunity to stretch one's legs or other basic requests which do not unnecessarily hinder or interrupt the interview will be allowed based on the officer's discretion. The detainee shall be continuously monitored by the officer assigned to guard the person(s).

Control of Detainees

All persons detained in an interview room or DWI breath testing area will be under the continuous control or supervision of the arresting officer or the officer assigned to guard the person(s). At no time will any person be left unattended except in exigent circumstances. Sufficient personnel will be assigned to the supervision or guarding of the persons being detained to maintain eye contact with each detainee. The interview room may be locked or unlocked in the officer's discretion.

Officers utilizing a DWI testing room shall guard against escape attempts during the testing process. Officers will exercise due care and diligence to prevent detainee escapes by maintaining constant supervision during the testing procedures. All movement of detainees will be under escort of at least one sworn officer. Detainees shall not be placed near or closest to the exit door. A detainee will remain secured in handcuffs with their hands behind their backs, palms facing outward with the handcuffs double locked. If a detainee exhibits any signs of non-compliance, they can be secured to one of the authorized detainee benches with the handcuff ring in order to maintain control of them. Officers shall not secure detainees to any chair, desk, or fixed object that is not designed for that purpose.

The detainee's handcuffs may be temporarily removed prior to the breath test so that signatures for required forms can be completed. If necessary, the handcuffs may be temporarily removed for the detainee to make a phone call, use the rest room or for any other necessary purpose that, in the opinion of the officer, requires the removal of the handcuffs. Any deviation from this procedure must be justified by the arresting officer and will be documented in the report narrative.

Video cameras have been installed in the Northeast District DWI breath testing facility. Videos will be kept on file for a period of 60 days before being deleted. If an officer requires a copy of a video for court purposes, a copy can be obtained from the Information Technology Unit with a memo signed by the officer's immediate supervisor explaining the date, time, and reason for needing the copy.

The officer remains responsible for the security of the detainee and must take all steps necessary to avoid escape.

Number of Officers Conducting Interview or DWI Breath Testing

Generally, no more than three officers should be present in the interview room. If additional personnel have a need to observe the interview, they should utilize the observation room.

The number of officers permitted in the breath testing area is limited to those necessary to conduct the test and ensure the safety of the officers and other persons present, however a minimum of two officers are required when a detainee is present for the purposes of testing. Officers certified to operate a breath testing instrument will follow all rules, regulations and laws that pertain to the testing instrument.

Smoking

Smoking is not allowed in the interview rooms or DWI breath testing facility.

Weapons Control

Security is of the utmost importance during the detention of persons for interview or interrogation purposes. Officers are allowed to maintain their weapons according to proper safety rules.

Detainee Contact

Panic or duress alarms are not available to persons being questioned or tested. Therefore, officers are to maintain vigilant contact with those persons to ensure that prompt aid is provided to those

having a need. Visual observation of a detainee every 30 minutes is required during an interview or interrogation. Visual observation of a detainee is required at all times during a DWI testing process.

If the interview room or DWI testing area does not have a panic alarm, officers are required to carry their portable radio when conducting an interview. In the event that an emergency arises the officer will use the radio to call for immediate assistance.

Access to Interview Rooms

Persons being detained in the interview rooms or DWI breath testing rooms that have been placed under arrest are to be considered high flight risks. For this reason, access to the interview rooms other than law enforcement officers will require supervisory approval. Access to the DWI testing rooms will be limited to law enforcement officers, their detainees, and the witness or attorney. The persons being detained or tested will be searched thoroughly before being placed in an interview room or DWI breath testing area whether or not they are under arrest. When utilizing the DWI breath testing rooms, officers will document the detainee's information into the logbook detailing their name, reason for detainment, date, time in, and time out. These logs will be maintained by the Office of Professional Standards Inspections Unit. The room itself should be searched before and after it has been occupied to ensure that no weapon or item that could be used as a weapon has been left behind by the previous occupant.

Any attorney or witness who is called to witness a breath test pursuant to applicable North Carolina General Statutes will be allowed access to a DWI testing room upon request of the detainee. Upon arrival, the witness or attorney will notify the officer of their presence. One of the officers will respond to the front door, to allow the witness entry to the facility. Any person called to witness a test is subject to being searched before entering the facility.

Guidelines for Use of Breath Testing Area by Outside Agency

Any law enforcement agency requesting to use a breath testing area will contact the Emergency Communications Center to make the request.

A Raleigh Police Officer will be dispatched to respond to the facility, will allow access to an authorized law enforcement officer who is certified to operate the breath testing machine, and will remain in the facility until the breath testing is finished and the other agency officer and detainee leave the facility. At no time will access be granted to this facility without a Raleigh Police Officer present.

Annual Review

The Inspections Unit in the Office of Professional Standards will conduct an annual review of the temporary detention areas and procedures.

Training

This policy will be reviewed annually with all sworn members of the Department.