

Waltham Police Department
CHAPTER 71
TRANSPORTATION OF DETAINEES

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POLICY:

It shall be the policy of The Waltham Police Department to handle and transport all persons in custody in a manner that ensures maximum safety to the detainee, the custodial officers, and the community.

Officers transporting detainees should at all times expect the unexpected. They should not be lulled by the apparent cooperation of a detainee, and every precaution should be taken to be prepared to handle sudden dangerous activity.

A person who faces the loss of freedom may become desperate and dangerous. They may be ready to attack and flee at any time that the opportunity presents itself. The escape of a detainee may create a serious danger to the community or to other police officers before the detainee is recaptured. The improper treatment of a detainee may result in charges of mistreatment or brutality. The purpose of the procedures outlined below is to assist an officer in avoiding such problems, and to ensure the humane, safe transportation of detainees.

PROCEDURES:

1. **USE OF HANDCUFFS:** The use of handcuffs protects both detainees and police officers. There are very few arrest situations that do not require the use of handcuffs, but officers should give due regard to the age, physical condition, and/or emotional capacity/state of the arrested person. If an officer does not handcuff a detainee, they should be prepared to justify their decision. The fact that an officer "did not expect trouble" from a detainee is not a sufficient reason for failing to handcuff a detainee. [70.2.1-1]
 - a. When possible, detainees should be handcuffed with their hands behind their backs, palms facing outward. Handcuffs shall be "double- locked", when it is tactically feasible to do so. Tightness of the handcuffs should be checked by the officer. In the event that a suspect complains of pain and/or tightness, the officer shall inspect the handcuffs again to ensure that there will be no harm caused. [70.2.1-2]

- b. In cases such as the elderly or those having an injury, discretion should be used. This discretion may include the option of frontal handcuffing. [70.1.8], [70.2.1-3]
- c. Detainees should be handcuffed prior to being searched. [70.1.8]
- d. Handcuffs are sometimes used in situations where an officer fears for their safety. If the officer places an individual in handcuffs, regardless of the reason, it should be documented in a police report.
- e. Upon arrival at the station, handcuffs shall remain on detainees until the booking officer instructs that they be removed. [70.1.6-2B] In making this decision, the booking officer should consider the conduct of the detainee, the offense for which the arrest has been made, and the recommendations of the arresting or transporting officers.
- f. In the event of multiple or mass arrests, when necessary, Flex-cuffs may be used. These shall be removed in the booking area, using the cutting tool located in the booking counter drawer.

2. DETAINEES TO BE THOROUGHLY SEARCHED BEFORE TRANSPORT:

After handcuffing, the transporting officer shall search the detainee prior to transport. [70.1.1], [70.2.1]

- a. An officer should not depend upon another officer to search a detainee and they should never presume that a detainee has already been searched.
- b. The search should include the area within the immediate reach and control of the detainee.
- c. Any article that can be used as a weapon or as a means of escape should be confiscated.
- d. **SEARCH OF DETAINEES BY AN OFFICER OF THE OPPOSITE SEX:**

The following procedures shall apply to the searching of detainees of the opposite sex before transporting.

- 1. If possible and practicable, female detainees shall be searched by female officers, and male detainees by male officers, prior to being placed in a cruiser.

2. If a female officer is unavailable, female detainees should be closely watched during the entire transport and shall be searched by a female officer or female civilian as soon after arriving at the station as possible.
 3. If, due to extreme emergency, a search of a detainee by an officer of the opposite sex is unquestionably necessary, such search shall be conducted in the presence of at least one responsible witness.
- e. **SEARCH OF TRANSGENDER DETAINEES BY AN OFFICER:
(REFER TO Ch. 67 - TRANSGENDER)**
1. Searches of transgender individuals should be conducted by two officers of the gender requested by the transgender detainee, when officer safety and staffing permit it.
 2. If the transgender individual does not specify a preference, then the search/frisk will be conducted by officers of the same gender as the transgender detainee's gender expression (e.g., a female-to-male transgender individual expressing no preference should be searched as a male).
3. **SEARCH OF TRANSPORT VEHICLES:**
- a. Before the start of every shift, officers are to complete a thorough inspection of the cruisers (Reference Ch. 41, pg. 2-3). **[70.1.2-1A]**
 - b. Before placing a detainee in any police transport vehicle, the vehicle shall be searched to ensure that there are no articles present that can be used as weapons. **[70.1.2-1B]** This will also ensure that items such as contraband, subsequently found, can more easily be attributed to the detainee. Upon arrival, the cruiser shall be searched for weapons and/or contraband that may have been discarded by the detainee. **[70.1.2-1C]**
4. **SEATBELTS: [41.3.3-4] DETAINEES TRANSPORTED BY CRUISER MUST BE SEAT BELTED.** To facilitate the seat belting of detainees, marked cruisers are equipped with a clip that will allow seat belts to be extended and attached to the protective barrier. **[70.2.1]** After transporting a detainee(s), officers shall ensure that seat belts are re-attached to the protective barrier before resuming patrol.
5. **TRANSPORTATION OF FEMALE DETAINEES:** Female detainees shall not be transported in the same police vehicle with male detainees.

6. **MARKED CRUISER TRANSPORT:** An officer should not attempt to transport more persons than they can safely control.
 - a. Detainees transported shall always be in the back seat. No detainee shall be placed behind the driver. A protective safety barrier exists between the front driver's compartment and the rear passenger compartment, which prevents any contact between the detainee and the Officer (s). [70.4.1]
 - b. **ALL DETAINEES SHALL BE SEAT BELTED.**
7. **UNMARKED CAR TRANSPORT:** [70.1.3-1] When transporting a detainee in an unmarked vehicle or any cruiser without a wire protective barrier between the front and rear seat, only one detainee will be transported at a time. In these situations, the detainee will be placed in the right side of the rear seat and seat belted. A passenger officer must be seated behind the driver. [70.1.3-1B]
8. **PATROL WAGON TRANSPORT:** The patrol wagon shall be used to transport detainees in the following situations:
 - a. When, because of a detainee's conduct, it would be difficult to place them or control them in a cruiser.
 - b. When a large number of detainees are under arrest.
 - c. When, because of a detainee's physical condition or disability, it would be safer or more appropriate to transport by wagon.
 - d. All detainees shall be seat-belted. If circumstances do not permit, the officer shall note this in a report. [70.2.1]
 - e. **PATROL WAGON AND CRUISERS - EMERGENCY USES:** When returning to the station after having been dispatched, the patrol wagon will precede the cruiser(s) to the station.
 - f. **PATROL WAGON - DOORS:** At any time, the patrol wagon is in motion, all doors are to remain closed.
 - g. **FEMALE DETAINEES:** Shall not, under most circumstances, be transported in the patrol wagon. In emergencies, a female detainee or detainees may be transported in the wagon. In this event, a female officer will accompany the detainee(s) whenever possible.
9. **DETAINEES TO BE TRANSPORTED DIRECTLY:** [70.1.4] When a detainee is in custody, they shall be transported directly to the police station or other

specified destination without unnecessary delay. However, all traffic regulations should be observed.

10. **PROTECTIVE CUSTODY – INCAPACITATED PERSON UNDER THE INFLUENCE OF CONTROLLED SUBSTANCE OTHER THAN ALCOHOL – MGL CHAPTER 111E:**

An incapacitated person under MGL Chapter 111E, includes a person who by reason of the consumption of a controlled substance or toxic vapor or other substance other than alcohol is:

- a. Unconscious;
- b. In need of medical attention;
- c. Likely to suffer or cause physical harm or damage property; or
- d. Disorderly

MEDICAL FACILITY ONLY – TRANSPORT BY AMBULANCE: An incapacitated person taken into custody under MGL Chapter 111E shall be transported to an acute care hospital or satellite emergency facility by EMS.

A police officer shall follow the transporting EMS unit to the hospital and stay until the patient is turned over to the hospital's care.

An officer may be required to ride in the transporting EMS unit if the patient's behavior necessitates it.

The incapacitated person **SHALL NOT** be brought to the police station or their home.

REPORT REQUIRED: As with MGL Chapter 111B (Alcohol) this is not an arrest; however, a report must be completed if someone is placed into custody under Chapter 111E.

UNDER 18: A parent or guardian must be notified when the patient is under age 18.

USE OF FORCE: A police officer may use such force as is reasonably necessary to carry out the officer's authorized responsibilities pursuant to Chapter 111E.

LIMITED SEARCH OF PERSON: If the police officer reasonably believes that there may be a risk to the safety of the incapacitated person, the safety of the officer or the safety of other persons present, the police officer may search the person and

the immediate surroundings of the person placed into protective custody but only to the extent necessary to discover and seize any items or weapons which may pose a danger. Any item taken shall be inventoried and, unless the item is contraband or otherwise unlawfully possessed, shall be returned to the person when the person is no longer incapacitated.

11. PROVISION OF LAW ENFORCEMENT SERVICES WHILE TRANSPORTING DETAINEES:

OFFICERS MAY INTERRUPT A DETAINEE TRANSPORT TO RENDER EMERGENCY ASSISTANCE ONLY IN THE FOLLOWING SITUATIONS: [70.1.4-2]

- a. When there is a need for the transporting officer to act immediately in order to prevent harm to a citizen or police officer.
- b. When a citizen or police officer has been injured and assistance is needed immediately.
- c. When a crime is in progress and there is an immediate need, because of safety reasons, that the offender be apprehended.
- d. In all of the above situations, the transporting officer should ensure at all times that the detainee is secure and protected.
- e. It must be remembered that the primary duty of the transporting officer is the safe delivery of the detainee in their care. Only when the risk to third parties is both clear and grave and the risk to the detainee(s) is minimal should the transporting officer stop to render assistance. Officers shall not engage in high- speed response or pursuit while transporting detainees nor should they stop for traffic violations or any other stops.

12. NECESSARY STOPS:

- a. **USE OF TOILET FACILITIES - VISUAL CONTACT:** While having custody of a detainee, officers will keep visual contact at all times possible, even when it becomes necessary to allow detainees the use of toilet facilities. In a situation where visual contact is not possible (female detainee needing toilet facilities and male officer transporting or vice versa), the officer should ensure that they have as much control of the situation as possible. The detainee should not be allowed in the facility with another person and the officer should ensure that there are no escape routes within the facility and that there are no potential weapons available to the detainee. [70.1.4-1]

- b. **PROVISION OF MEALS WHILE TRANSPORTING:** Meals are not ordinarily provided to detainees during transportation. It may be necessary for the transporting officer to stop enroute for a meal while transporting a detainee. Meals should, whenever possible, be of the takeout variety, and be eaten in the transporting vehicle. This is to minimize any opportunity for someone to attempt to affect the escape of the detainee. [70.1.4-1]

13. **DUTIES IF A DETAINEE ESCAPES:** In the event that a detainee escapes while being transported, the transporting officers shall: [70.1.7]

a. **IF THE ESCAPE OCCURS WITHIN THE CITY OF WALTHAM:**
[70.1.7-2A]

- 1. Immediately notify the dispatcher and request necessary assistance.
- 2. Attempt to recapture the detainee using reasonable and proper force. [70.1.7-2C]

b. **IF THE ESCAPE OCCURS OUTSIDE THE CITY OF WALTHAM:**
[70.1.7-2A]

- 1. Immediately request assistance from the jurisdiction you are in at the time of the escape.
- 2. Attempt to recapture the escapee as soon as possible. [70.1.7-2C]
- 3. Notify the Officer-In-Charge as soon as possible.

c. In all cases where a detainee escapes from transport, the transporting officer(s) shall submit a written report to their Officer-In-Charge explaining the circumstances of the escape. [70.1.7-2B]

- 1. The Officer-In-Charge shall make the following notifications regarding the escape:
 - a. Commanding Officer – Patrol Division.
 - b. Chief of Police.
 - c. Surrounding cities/towns through dispatch.
- 2. The Officer-In-Charge shall investigate the circumstances surrounding the escape and submit a report to the Chief of Police regarding their findings.

14. **DETAINEE COMMUNICATION: [70.1.5]** The transporting officer shall not allow detainees to communicate with other people while in transit. Detainees may ask the transporting officer questions pertinent to their arrest and booking. If this is general information, not requiring Miranda or any other legal help, officers should realize that they have to use their good judgment when deciding to communicate.
15. **IDENTIFICATION OF DETAINEES PRIOR TO TRANSPORTING:** Officers transporting detainees from other detention facilities to this department or from this department to other locations (court, jail, etc.) shall positively identify the detainee before beginning such transport. Officers shall check the identity of the detainee against the description and cell number contained on the booking slip (when applicable). Detainees shall be handcuffed and searched prior to transporting. [70.5.1-2A-I]
16. **ARRIVAL AT THE WALTHAM POLICE HOLDING FACILITY:** When an officer(s) transporting a detainee(s) approaches the garage area, they shall inform the station that they have arrived. The station will then open the appropriate door(s).
- a. **ENTERING GARAGE AREA:** Upon entering the garage area, officers are to:
1. Leave the detainees in vehicle (request assistance if needed).
 2. Close the garage doors.
 3. Place their weapon and cruiser keys in the weapons locker, located on the garage wall, removing the locker key. (This is so the officer(s) do not inadvertently leave the station without their weapons.) [70.1.6-2A]
 4. Return to their cruiser and escort the detainee(s) to the booking area.
 5. Detainee restraints are to remain on during booking until Booking Officer authorizes the removal. [70.1.6-2B]
 6. Receiving personnel are to be advised of any known potential medical or security risks. [70.1.6-2D, E]
17. **DOCUMENTATION TO ACCOMPANY DETAINEES TRANSPORTED TO OTHER FACILITIES:** Officers transporting detainees to other facilities shall provide the receiving agency with proper documentation, including but not limited to: [70.1.6-2C], [70.5.1-2B]

- a. Court documents (warrants etc.).
- b. Medical history information, including information regarding any unusual medical problems. [70.1.6-2D]
- c. A copy of the Arrest Report (booking slip). All transfers will be noted in the officer's report and be noted in the "custody section" of the Booking report in QED. [70.1.6-2G]
- d. Any information relating to the detainee(s) escape or suicide attempts, threats, or other potential security issues. These are all noted in the booking slip to be brought to other facility. [70.5.1-2C-I, II, III, IV], [70.1.6-2F]
- e. Any personal traits of detainee(s) of a security nature. [70.1.6-2E]
- f. In the case of interstate transports, the officer must have a properly executed governor's warrant or a properly executed waiver.

18. ACTIONS AT DESTINATION OTHER THAN WALTHAM POLICE DEPARTMENT:

Upon arrival at the facility:

- a. Firearms will be secured in the designated place at the facility being entered. [70.1.6-2A]
- b. Restraining devices will be removed only when directed to do so by the receiving facility or when the officer is sure that the detainee is properly controlled and secure. [70.1.6-2B]
- c. The proper paperwork (jail committal, property form, etc.) will be submitted to the proper person at the receiving facility and the officer will ensure that proper signatures are obtained on the documents to be returned to the department, as required. Written documentation detailing the detainee transaction shall be obtained to include the receiving official's name. [70.1.6-2C]
- d. Receiving agency personnel should be advised of any potential medical hazards and any potential security hazards with regard to the detainee. [70.1.6-2D, E], [70.5.1]

19. TRANSPORT OF DANGEROUS/SECURITY RISK DETAINEES TO COURT: When a detainee to be transported to court is considered to be dangerous or a security hazard, the court will be notified by the Officer-In-Charge before the

transport takes place in order that the proper handling of the detainee can be planned to minimize any chance of escape and/or injury to the detainee or others. [70.1.6E]

20. TRANSPORTING DETAINEES BY AN OFFICER OF OPPOSITE SEX:

- a. Whenever one or two officers transport a detainee of the opposite sex, the following procedure shall be used:
1. Contact dispatch by radio and request that the time and your BEGINNING odometer mileage be logged on the CAD screen.
 2. Proceed directly to your destination by using the shortest practical route.
 3. Upon arrival at your destination, contact dispatch by radio and request that the time and your ENDING odometer mileage be logged on the CAD screen.

21. TRANSPORTING TRANSGENDER DETAINEES: Officers should follow protocol regarding detainee's transport based on the transgender detainee's expressed gender. Officers should call in mileage when transporting transgender detainees.

22. TRANSPORTING HANDICAPPED DETAINEES: [70.3.2] When transporting a handicapped detainee, transporting officers will request assistance when needed in order that the transport may be completed in a manner that is most convenient, comfortable, and safe for both the detainee and the officers. The Patrol Wagon should be used when appropriate, or the services of the city-authorized ambulance may be called for when necessary. Transporting officers will ensure that any special equipment and/or medicine needed by the detainee will be transported to the proper destination.

Officers transporting a handicapped detainee must use common sense. When the handicap is such that there is no danger of escape or injury to the detainee or the officers, then the use of restraining devices may be inappropriate. Officers must determine at the time of the transport what, if any, device(s) will be utilized with these special situations.

23. TRANSPORTATION AND HANDCUFFING OF SICK, INJURED, OR DISABLED DETAINEES: [70.3.1] At any time prior to, during, or after the arrest of an individual, officers become aware that a detainee has an injury, sickness, or disability requiring medical attention, treatment, or possible admission such medical attention shall be sought immediately. [70.3.1-1A, B, C] The authorized ambulance service shall be used at all times to transport sick, injured or disabled detainees to the hospital. [70.3.1-3] Officers are reminded that the lack of obvious

physical injury does not preclude the possibility of serious or life-threatening trauma. Medical attention will be obtained prior to transporting the detainee to the booking facility if the injury/sickness occurs prior to the transporting officer's arrival at the facility. [70.3.1-2A] Transporting procedures are the same whether transported from point of arrest or from the booking facility. [70.3.1-2A]

[70.3.2] On arrival at the medical facility, the officer shall make an effort to segregate the detainee from other patients and limit access to necessary medical personnel only. During an exam or treatment [70.3.2-2A] and in the event of a hospital admission [70.3.2-2B], an officer shall monitor that detainee. In other cases, the Officer-In-Charge will determine whether an officer shall be posted. If admitted, the detainee will remain in a secure room under constant monitoring of a police officer. Restraints may or may not be applicable.

As a general rule, the officer shall not allow visitors or personal contacts with the detainee. However, detainees confined to hospitals are allowed visitors with restrictions:

- a. Individual doctors have ultimate control over a detainee being allowed visitors for health reasons.
- b. Visits are only allowed during established hospital visiting hours.
- c. Detainees are limited to attorney visits only. [70.3.2-3E]
- d. All visitors shall be logged searched prior to visiting with the detainee for the safety of the visitor and the safety of the detainee. All personal contact with the detainee shall be continuously monitored. [70.3.2-3B, C, D]
- e. The detainee must still be afforded a telephone call per their rights. Officers shall not allow detainee to use utensils for meals. [70.3.2-3F, G]
- f. The transporting officer must use the same discretion as previously explained in utilizing restraining devices on sick or injured detainees. Obviously, if a detainee is injured or sick enough to be totally incapacitated, restraining devices may not be appropriate. It is left to the officer's discretion as to when to use restraining devices in these particular situations. [70.3.2-3A]

24. **TRANSPORT OF MENTALLY DISTURBED DETAINEES:** [70.3.1-1C]
Mentally disturbed detainees may pose a significant threat to themselves and/or the transporting officers. Handcuffs should be used only in emergency circumstances or as a temporary restraint device until the use of a more appropriate restraining device can be implemented.

Officers should consider the use of the patrol wagon or the authorized city ambulance service when transporting mentally disturbed detainees who are violent. The method of restraint should be noted in the officer's report.

25. TRANSPORTATION OF JUVENILE DETAINEES:

- a. Juveniles should be transported by cruisers whenever possible.
- b. Juveniles should not be transported in the same vehicle with adults except in emergencies, or when arrested in the company of an adult, or for complicity in the same offense.
- c. All other procedures and precautions regarding the transportation of detainees apply to juveniles.
- d. Juveniles are not to be transported in a police wagon (MGL 119 ss34 forbids bringing any child to court in a police wagon.)
- e. No detention for all Children Requiring Assistance (CRA) under age 18.

26. MODIFICATION OF CRUISERS: Cruisers used for transporting detainees shall be modified to minimize opportunities for detainees to exit from the rear compartment of the cruiser without the aid of the transporting officer. Such modification shall consist of, but not be limited to: [70.4.2]

- a. Removal of rear door handles.
- b. Window handles have been removed.
- c. Grates cover windows.
- d. Switches to Child Safety Locks: Safety locks in all vehicles are deactivated prior to being put into initial use. Officers shall double check this as part of their daily cruiser checks.