



**BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE
DD09.01 – Transportation of In-Custody Subjects**

POLICY: Officers transporting prisoners shall ensure their own safety, the safety of the prisoner, and the safety of the public. Officers must ensure that prisoners are adequately controlled and restrained, so that they do not escape from custody and are not placed in situations that could result in increased danger to themselves, the officer, or the public.

PURPOSE The purpose of this directive is to set forth guidelines for the transportation of persons in custody that will ensure the safety of officers, prisoners, and the public.

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I. SEARCH OF PRISONER

Whenever an officer takes custody of a subject, hereinafter referred to as a prisoner, either in the field or for purposes of transportation, the officer shall (prior to transport):

- A. Handcuff, as appropriate, then search the prisoner seizing any contraband or potential weapons. An officer should **never assume that a search of the prisoner has been conducted by someone else.**
- B. Make a search of the area within the immediate reach and control of the person arrested.

II. SEARCH OF TRANSPORT VEHICLE

- A. Upon being assigned a police vehicle for a tour of duty, officers shall conduct a thorough search of the vehicle and remove any contraband, weapons, or foreign objects that are present. Any item(s) located shall be tagged as found property and brought to the attention of the officer's immediate supervisor.
- B. Prior to, and again following the transport of any prisoner, the officer shall conduct a search of the transport vehicle's passenger compartment to ensure that no contraband/weapons or similar items have been introduced.

*Transportation of In-Custody Subjects***III. PRISONER PLACEMENT DURING TRANSPORT**

- A. Prisoners being transported in vehicles without safety barriers shall be placed within the vehicle as follows:
1. If the transporting officer is without assistance, the arrested person shall normally be placed in the right rear seat of the cruiser.
 2. If the transporting officer is accompanied by another officer, the arrested person shall normally be placed in the right rear seat of the cruiser, and the accompanying officer shall occupy the seat immediately to the rear of the driver.
 3. If two prisoners are to be transported, they shall be seated in the right front and right rear passenger seats. The assisting officer shall sit directly behind the driver.
- B. Prisoners being transported in vehicles equipped with safety barriers shall be placed as follows within the vehicle:
1. An officer, without assistance during transport, shall place the prisoner(s) in the rear on the passenger side, if possible.
 2. If assisted, the second officer may sit either in the front or in the rear behind the driver.
- C. Seat belts shall be utilized in all prisoner transports, unless circumstances exist that make the use of the seat belt impossible. The use of the seat belt is designed to protect the prisoner from possible harm as well as to limit his/her mobility while being transported.
- D. Officers should be cognizant of the characteristics in which the possibilities for in custody deaths may occur.
1. Specifically, officers should immediately sit a prisoner upright once the prisoner has been controlled.
 2. Prisoners will normally be transported in an upright position, unless extraordinary circumstances prevent this.

IV. OBSERVATION OF PRISONERS DURING TRANSPORT

- A. Officers shall maintain an unobstructed line of sight with prisoners being transported. Officers should continuously monitor prisoners to assure that he/she is lucid and in no need of immediate medical attention. Officers shall make provisions for the security of the prisoner in situations where direct supervision is inappropriate;
1. In cases of extended transports, prisoners may be allowed use of non-supervised toilet facilities providing the following security arrangements can be ensured;
 - a. The toilet facility has only one entrance/exit, and this entrance/exit can be monitored by the officer.
 - b. The toilet facility has been completely searched by the officer for contraband/weapons and is not being utilized by members of the general public. Officers must ensure the safety of the public while allowing the prisoner use of any public facility.

Transportation of In-Custody Subjects**V. MEALS/SERVICES DURING TRANSPORT**

In cases of extended transports requiring the purchase of meals or other services, the transporting officer shall ensure that the establishment to be utilized is selected on a random basis.

VI. LAW ENFORCEMENT ACTION DURING TRANSPORT

- A. Officers shall not stop to provide law enforcement services while transporting a prisoner, unless there is a substantial risk to the safety of a third party and the risk to the prisoner is minimal. In these cases, the officer shall take every precaution to ensure the safety and security of the subject being transported.
- B. Transport officers should be aware of the possibility of planned distractions which are designed to allow for the escape of the prisoner being transported.
- C. Transporting officers shall ensure that prisoners do not communicate with anyone other than the transporting officer(s) during transport operations.

VII. TRANSPORT OFFICER RESPONSIBILITIES AT DESTINATION

When transporting a prisoner from one location to another, the transporting officer shall take the following actions upon reaching his/her destination;

- A. After entering the sally port, close the overhead door before removing the prisoner from the cruiser.
- B. Secure his/her weapon in an appropriate weapons storage locker.
- C. Remove restraining devices only upon placing the prisoner in a cell/holding area or upon transfer to an officer or facility designated to take custody of the prisoner.
- D. Deliver transported documentation regarding the prisoner (committal papers, warrant, etc.) to the receiving officer/facility.
- E. Obtain the signature of the receiving officer/facility official or obtain his/her full name and rank including it in the arrest or supplemental report as applicable.

VIII. ESCAPE FROM CUSTODY

- A. In the event of the escape from custody of a prisoner being transported by the Burlington Police Department within the city limits, the transporting officer shall:
 - 1. Notify the Communication Center of all pertinent information for dissemination to other units and notification to the Shift Commander.
 - 2. Make every attempt to apprehend the prisoner while continuing to provide necessary information to responding units.
- B. If the escape occurs outside the City of Burlington, the transporting officer shall:
 - 1. Notify the law enforcement agency of jurisdiction that an escape has occurred and request assistance if necessary.
 - 2. Make an immediate attempt to apprehend the prisoner.
 - 3. Notify the Burlington Police Department Communication Center of the escape and the action being taken to re-capture the prisoner. The dispatcher shall immediately notify the Shift Commander.

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- C. In every case a complete and detailed report outlining the details of the escape, as well as any follow-up action taken or required, shall be prepared by the transporting officer.

IX. SECURITY RISK AT COURT

Whenever a prisoner that is to be transported to court is deemed to be a security hazard, the appropriate court authority shall be notified by the appropriate Shift Commander or Bureau Commander prior to the court proceedings, so that special security arrangements may be considered by the court.

X. RESTRAINING DEVICES

The following methods of prisoner restraint are the only methods approved by this department. All other forms of restraint are prohibited.

- A. **HANDCUFFING** - Persons taken into custody shall be handcuffed until arrival within the holding area or until transfer of custody takes place. Exceptions that may alter this requirement are noted in sub-section B of this section and section XII sub-section B of this directive.

1. No exception to the handcuffing requirement may be made in any case where:
 - a. the prisoner is under the influence of alcohol or drugs.
 - b. the offense is a violent crime.
 - c. the prisoner has a history of violence.
 - d. the prisoner resisted arrest or otherwise exhibited violent behavior.

- B. Juveniles placed under arrest, when transported to police headquarters or another jurisdiction shall **not** be handcuffed unless:

1. The juvenile has been arrested for a violent crime.
2. A threat against the officer's safety exists.
3. A threat of escape exists.
4. The juvenile resisted arrest.
5. The juvenile has a history of violence or escape.
6. Other circumstances exist that warrant the use of handcuffs.

Juveniles shall not be transported in the same vehicle as adults who are also in custody.

- C. Officers shall ensure that when a prisoner is handcuffed, that the handcuffs are double locked. In the event the prisoner is violent and it is impossible to immediately double lock the handcuffs, the handcuffs shall be checked, adjusted, and double locked as soon as is practical.

1. In most cases, the handcuffs shall be placed so that the prisoner's arms are secured behind his/her back. This may not be necessary on long transports where proper shackling devices are used.
2. In no case shall a prisoner be secured to any portion of the car, such as the door post, **except where the seat belt and/or the Prisoner Leg Restraint Strap is used.**
3. The prisoner shall be handcuffed prior to being searched.
4. In the event that additional restraining devices are necessary, the use of "Flex Cuffs" temporary restraining devices has been authorized. Flex Cuffs removal tools are available in the holding area and through the Shift Commander. Leg shackles may also be used to limit prisoners' leg movements when necessary.

NOTE: The form of restraint commonly referred to as hogtying is prohibited. Hogtying is the practice of securing leg restraints to handcuffs behind a prisoner's back causing the prisoner to be in prone position.

D. **PRISONER LEG RESTRAINT** - Each marked vehicle should have as part of its standard equipment a leg restraint device. Leg restraints should be used at the transporting officer's discretion when one of the following conditions applies:

1. transporting a violent or combative prisoner
2. the threat of prisoner escape exists
3. there is a threat to the transporting officer's safety if the prisoner were unrestrained
4. deemed necessary to prevent damage to the vehicle
5. to transport mentally disturbed or violent physically disabled persons in arrest and non-arrest situations

NOTE: Officers should relieve prisoners of any heavy body weight(s) meant to control the prisoner, as soon as is practical.

XI. SPECIAL TRANSPORT OPERATIONS

A. **TRANSPORTATION OF OPPOSITE SEX** - Whenever an officer transports a prisoner of the opposite sex, unless an officer of the same sex as the prisoner is present, the officer shall call in the vehicle mileage and cruiser number at the start and the end of the transport.

B. **TRANSPORTATION OF PERSONS WITH DISABILITIES** - When transporting persons with disabilities, the transporting officer shall ensure that it is done in a safe manner consistent with the specific needs of the handicapped prisoner.

1. If the prisoner cannot be transported safely in a police vehicle, an ambulance may be called for the transport. The transporting officer shall maintain custody of the prisoner.
2. **It should not be assumed that restraining devices are not required on prisoners with disabilities.** Consideration shall be given to the specific circumstances and physical limitations of the prisoner, and a determination shall be made whether or not to use restraining devices.
3. The officer may be required to transport medicines, insulin, or other special items for prisoners. The transporting officer shall retain custody of the items. The prisoner shall be informed that the transporting officer has the items, and they will be given to the accepting officer at the receiving facility. The transporting officer shall relinquish custody of the "special need" items to the receiving officer/facility.

C. **Transportation of Sick or Injured** - The officer shall immediately notify the Shift Commander of all injuries to a prisoner and of any request for medical attention. In all cases where factors indicate a medical emergency, officers shall seek medical attention immediately by either transporting the prisoner to the nearest hospital or by calling an ambulance to the scene.

1. If a prisoner requires medical attention, circumstances shall dictate whether transportation will be by police vehicle or ambulance. In any case, the arresting officer shall make provisions for the security of the prisoner.

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2. The arresting/transporting officer shall make a determination as to the appropriateness of using restraining devices on sick or injured prisoners. In cases where a restraining device would aggravate an injury or sickness and the prisoner is considered a security risk, two officers shall be assigned to transport the prisoner.
3. The arresting/transporting officer shall maintain custody of the prisoner during treatment at a medical facility. If the prisoner is admitted to the hospital, the officer will maintain custody until further security arrangements are made.
4. Sick or injured prisoners will be turned over to the custody of the Department of Corrections, as soon as possible after an arrest.

XII. SPECIAL SITUATION TRANSPORTS

Prisoners requesting special/exceptional transportation arrangements will be transferred to the custody of a correctional center. The Burlington Police Department does not have the resources to provide personal transportation to detainees.

XIII. TRANSPORT EQUIPMENT

- A. Police patrol vehicles have been equipped with Plexiglas dividers between the front and rear compartments. These dividers shall be referred to as safety barriers in any report or conversation.

Safety Barriers are not a substitute for handcuffs. Prisoners shall be handcuffed in the same manner as they would have been if there were no barrier.
- B. Under normal circumstances, prisoners will be transported in marked police vehicles which are equipped for this purpose.

XIV. DOCUMENTATION

- A. Each prisoner being transported from a detention facility must be positively identified as the person to be transported.
- B. The officer releasing a prisoner for transport, or an officer picking up a prisoner in another jurisdiction, is responsible to see that positive identification occurs through the following methods, as appropriate:
 1. The authorizing documentation (i.e. warrant, teletype, committal papers) is checked against booking information and description.
 2. Actual physical description of the prisoner information from the documentation is compared to information on the booking documentation and visually inspecting the prisoner.
 3. Verbally confirm the name and date of birth with the prisoner.
- C. Any prisoner transported to the correctional center or other facility, must be accompanied by committal papers (warrant, affidavit, etc.), and any other applicable documentation.
 1. Personal property of the prisoner shall be transported to the Correctional Center only if it is consistent with the receiving agency's policy.
 2. For all prisoners delivered to the Chittenden Correctional facility, permissible items include prisoner's clothing and items on their person (except contraband or weapons). Wallets,

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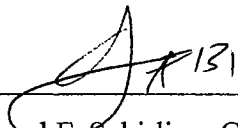
coats, hats, and small women's purses shall be acceptable. Any item larger than a purse (backpack, duffel bag, etc.) must be tagged as found property and placed into temporary evidence because it will not be accepted by intake personnel at Corrections.

- D. In the event the prisoner is transported from out of state, the appropriately executed Governor's Warrant must accompany the prisoner.
- E. Prior to the release of any prisoner to another jurisdiction or agency, the Shift Commander shall verify the authenticity of the documentation empowering the release of such prisoner. A copy of the releasing documentation will be kept in the appropriate case file.
- F. The transporting officer, when picking up or transferring custody of a prisoner, shall seek or provide documented information about the prisoner's security risk, escape risk, suicidal tendencies or ideations, unusual illnesses, and any other personal traits of a security nature.

XVI. TRAINING

All officers will receive updated training related to transportation of prisoners as warranted.

Reviewed and adopted by the Burlington Police Commission on January 22, 2012.



Michael E. Schirling, Chief of Police

15 FEBRUARY 2013
Effective Date