

	POLICY & PROCEDURE	SERIES # 1147	PAGE 1 OF 6
	<b>CUSTODY AND TRANSPORTATION OF DETAINEES</b>		EFFECTIVE DATE <b>05/13/19</b>
			OVERSIGHT <b>Operations</b>
DISTRIBUTION <b>ALL MANUALS</b>	AMENDS/SUPERSEDES/CANCELS P&P #1147 dated 05/10/17.		

I. PURPOSE:

This policy established procedures for maintaining custody and transporting detainees in a manner that maximizes the safety and security of the detainee and transporting officer(s).

II. POLICY:

Transportation of persons who are in custody is a constant requirement and frequent activity. Officers maintain custody of detainees for only the minimum amount of time necessary to accomplish these duties. A detainee is a person in the custody of a member of the Division who is not free to leave.

These activities involve two general time periods. The first, is immediately following arrest when the person is taken to the detention facility (lock-up, jail, a juvenile facility; or other authorized facility or agency) for booking or holding. Officers make every effort to assist the Sheriff's Department personnel as required during the booking process. The second, concerns the movement of detainees from the detention facility to a court, hospital, medical facility or for other reasons.

Officers of the Hampton Police Division, while performing detainee transport, do so in a manner that provides adequately for the safety and security of the detainee, the transporting officer, and the public.

III. PROCEDURE:

A. Officers maintain custody of detainees:

1. From time of arrest/apprehension until delivery to the Hampton Sheriff's Department, Newport News Secure Detention (when a juvenile is ordered detained following arrest) or other authorized facility or agency;
2. From time of accepting custody of a detainee outside the City limits until delivery to an appropriate detaining facility/agency;
3. For legitimate investigative purposes (i.e., interrogation, show-up, line-up, etc.).

APPROVED:  
CHIEF OF POLICE



4. Whenever there are any unserved warrants/petitions which have been obtained by any Hampton Police Division officer, regardless of any existing court detainers or charges;
  5. Only during such other times as dictated by circumstances and approved by the Chief of Police.
- B. Once an individual has been in the custody of the Sheriff or appeared in any Court, the Hampton Sheriff's Department assumes responsibility for the transportation of the detainee unless a Division member obtains additional warrants. Any transportation resulting from service of court paperwork, including a Failure to Appear warrant or *capias*, that has just been issued, is the responsibility of the Sheriff's Department.
- C. All detainees will be searched by the transporting officer prior to transport. In the event one officer assumes a transport of a detainee, an additional search is made by the transporting officer. Female officers conduct searches of female detainees. In the event a female officer is not available, the female detainee is searched in accordance with Policy and Procedure #502 (Mass Arrest) HANDLING AND PROCESSING.
- D. When practical, officers transport detainees of the same sex. This is especially a consideration in situations where lengthy transport is necessary. In the event that circumstances require that a detainee be transported by an officer of the opposite sex, the officer logs their mileage with the dispatcher at the beginning and end of the trip.
- E. Searching Police Vehicles
1. The transporting officer shall search their vehicle prior to and immediately after each detainee transport to ensure that no weapons, contraband or other items are located in the detainee area of the vehicle.
  2. In order to ensure safe transport and other law enforcement capability, all officers check their respective vehicle at the beginning of their watch to ensure that all equipment assigned to their unit is available and in good condition and that the vehicle is ready to be put into service.
- F. Detainees being arrested shall remain handcuffed during transportation within the guidelines contained in "Use of Force and Related Equipment", P&P 533. If the prisoner cannot be controlled by normal restraints, the transporting officer shall advise the supervisor and take appropriate action (i.e., , transfer the detainee to a unit with a shield, transport with two officers, or if necessary request the paddy wagon from the Sheriff's Department, etc.)
- G. Positioning of detainees in transport vehicles is determined by the type of vehicle, number of detainees to be transported, and the number of officers in the vehicle. The following procedures are utilized in transporting persons in custody:

1. When transported in vehicles equipped with safety screens, detainees are placed in the rear seat area of the vehicles.
2. When being transported in one-man vehicles not equipped with safety screens, the detainees are normally handcuffed from behind and seat belted in the front right seat of the vehicle. In two-man or detective vehicles without screens, the detainee is handcuffed behind his back and is placed either in the rear seat behind the passenger's position or in the front passenger seat. The second officer places himself behind the driver to monitor the detainee. Depending on the disposition of the detainee, handcuff belts and leg irons may be used to further secure the detainee.
3. In no case will a lone officer, in a vehicle not equipped with a safety screen, transport more than one detainee without prior approval from a supervisor.

#### H. Control of detainees WHILE Transporting

1. Visual contact:
  - a. While transporting a detainee, the officer maintains visual contact whenever possible.
  - b. In unusual circumstances when visual contact is not possible (i.e., use of toilet facilities, treatment area in emergency room, etc.), the officer ensures that there are no escape routes or weapons available to the detainee while out of the officer's sight.
2. In those situations involving lengthy transportation activities when meals are necessary the officer utilizes a place not normally frequented by the officer. This serves to minimize any chance of a prearranged plan for someone to attempt release of the prisoner.
3. When transporting a detainee, the transporting officer responds to the need to provide law enforcement services only in the following situations:
  - a. When it is necessary for the officer to act immediately in order that a potential victim is not harmed.
  - b. When a person has been injured and immediate assistance is required.
  - c. In any of the above situations, the transporting officer ensures that the detainee is secure and protected and notifies their supervisors as soon as possible of their actions.
4. Detainee Escapes:
  - a. If a detainee escapes within the Hampton City limits, the

transporting officer shall take the following actions:

- (1) notify the Communications Section (COMSEC) of the escape.
  - (2) provide COMSEC information on the detainee's physical description, last known direction of travel, and any other pertinent information which would aid in the safe recovery of the detainee.
  - (3) submit a Special Report before the end of the shift to his/her immediate supervisor explaining the circumstances of the escape.
- b. COMSEC's responsibility is to request assistance for the transporting officer and to advise the transporting officer's supervisor of the situation.
- c. The transporting officer's supervisor ensures that all means are exhausted to recapture the detainee by setting up a perimeter of the affected area and utilizing a tracking dog, if available.
- d. If a detainee escapes outside Hampton City limits, the transporting officer shall:
- (1) notify the jurisdiction in which the escape occurs by the most expeditious means available.
  - (2) notify the Hampton Police Division Communications Supervisor of the situation as soon as practicable. The Communications Supervisor shall notify the on-duty Shift Commander for information purposes.
  - (3) submit a Special report to his/her immediate supervisor before the end of his/her shift explaining the circumstances of the escape.
- e. The officer shall be physically involved in the recovery of the prisoner in accordance with law.
5. The transporting officer shall not allow a detainee to communicate with other people while in transit unless the situation is such that a verbal exchange is necessary. The officer shall exercise good judgment when deciding whether to allow a conversation to take place between the detainee and another party when the detainee is in the process of being transported from one point to another.
6. When transporting detainees from one facility to another or taking a person in custody to Adult Intake for booking or holding, the transporting officer shall follow these procedures:

- a. The officer's firearm is secured in the designated place at the facility being entered or in the trunk of the officer's car before the detainee leaves the vehicle.
  - b. Restraining devices are removed when the officer is sure that the detainee is properly controlled and secure.
  - c. The proper paperwork (warrants, committals, etc.) shall be submitted to the appropriate person(s) at the receiving facility and in situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the Police Division or issuing authority.
  - d. The transfer of custody of a detainee from one officer to another is noted on the arrest sheet and in the IBR Supplemental Report if applicable. All related paperwork (warrants, committals, etc.) remains with the transporting officer.
  - e. A notation is made on the arrest sheet of who the detainee was turned over to at the receiving agency.
  - f. If the transporting officer is aware of any medical conditions, or escape risk of the arrestee, the receiving agency shall be advised and a notation shall also be made on the arrest sheet in the appropriate area.
- I. Transport Equipment:
1. All marked police vehicles are equipped with safety screens separating the front and rear compartments. Normally these vehicles are utilized in detainee transports in order to prevent detainee access to the driver's compartment.
  2. Similarly, the paddy wagon has a secure prisoner area which is separated from the driver's compartment and can be borrowed from the Hampton Sheriff's Department in special situations when detainees are violent, might harm themselves or others, or destroy property.
  3. All vehicles equipped with safety screens and utilized for the transportation of detainees have the rear interior door and window handles/controls removed **or disabled** to minimize the risk of escape by detainees being transported.
- J. Documentation:
1. When picking up a detainee for transport at a detention facility, the transportation officer ensures that he has the correct person. This is accomplished by:

- a. The officer's personal knowledge of the detainee.
  - b. Verification by the jail custodian or other authorized person of the detainee's identity.
2. When transporting a detainee from a detention facility to another, the transporting officer ensures that the following items accompany the detainee:
    - a. The original(s) of the properly executed arrest warrant(s).
    - b. Medical records and/or medication.
    - c. The detainee's personal property.
  3. In the case of the interstate transports, the officer will take the original warrant plus two certified copies. Upon service of the warrant, the facility is given one copy, the detainee is given the other copy, and the original remains with the officer to be returned to the court.
- K. When a Hampton officer initiates transport of a detainee from one detention facility to another and has information concerning the detainee's escape, security, suicidal potential, or other medical condition, he/she completes an incident report which accompanies the documentation required in Section J above. A copy of the incident report is turned over to the receiving facility. The original and remaining copies are processed as any incident report in accordance with the existing Division policy.
- L. In the event officers of the Hampton Police Division are required to transport dangerous or security risk detainee's to court, the court shall be notified before transport takes place in order to ensure the proper handling of the detainee can be planned.
- M. Transportation of detainees to special events (i.e., funerals, hospital to visit relatives, etc.) is handled by the Hampton Sheriff's Department.
- N. Upon completion of transportation duties, officers return to their assigned duties and law enforcement activities.
- O. If a foreign national is arrested or detained, the foreign national must be told of their right of consular notification and access. A determination must be made as to whether consular notification is the option of the arrestee or if it is mandatory. The appropriate consular office should then be notified immediately upon this determination.
- P. On extraditions requiring officers to fly armed, officers shall follow the latest guidelines on Flying Armed established by the Transportation Security Administration (TSA).

