

WINTER HAVEN POLICE DEPARTMENT

GENERAL ORDER 71.1

PRISONER TRANSPORTATION AND RESTRAINT

ACCREDITATION STANDARDS: CALEA – 1.2.5, 1.2.8, 70.1.1, 70.1.2, 70.1.6, 70.1.7, 70.1.8, 70.2.1, 70.4.2, 71.3.3; CFA – 2.01, 21.01, 21.02, 21.03, 21.04, 21.05, 21.06, 21.07, 21.08

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POLICY

It is the policy of the Winter Haven Police Department to ensure the safety and security of prisoners, transporting members, and the general public when transporting restrained prisoners.

PURPOSE

The purpose of this General Order is to outline procedures for the transportation of arrested persons or persons in custody for Baker Act/Myers Act and to emphasize safety for all members involved in the transport process.

SCOPE

This General Order shall apply to all sworn members of the Winter Haven Police Department.

PROCEDURE

I. Searches and Transportation

- A.** A prisoner shall be searched by the transporting member before being transported. It must never be assumed by the member that someone else has searched a prisoner. Searches shall be complete and thorough to ensure the safety of all persons involved. (CALEA 70.1.1) (CFA 21.02)
- B.** In the event the prisoner is turned over to another member for transport, each transporting member shall search the prisoner prior to transport. (CALEA 70.1.1) (CFA 21.02)
- C.** If possible, prisoners shall be searched by members of the same gender. If members of the same gender are not immediately available at the arrest scene, members shall conduct a limited search for weapons until members of the same gender are available to conduct a thorough search. (CFA 21.01a)
- D.** When it is necessary for a member to transport a prisoner of the opposite gender, the member shall notify the dispatcher of their location, destination, starting mileage and ending mileage. (CFA 21.01a)
- E.** Juvenile and adult prisoners shall not be transported in the same vehicle unless they were arrested for the same incident. (CFA 21.01c)
- F.** Males and females shall not be transported in the same vehicle unless they were arrested for the same incident. (CFA 21.01a)
- G.** Any vehicle utilized to transport prisoners shall be searched for weapons/contraband both prior to and immediately after transporting a prisoner. Vehicles shall be inspected at the beginning of each shift, to ensure the vehicles' safe operating condition. The inspection shall consist of, but not be limited to: (CALEA 70.1.2) (CFA 21.03)
 - 1.** Fluid levels and tires, to ensure they are filled and in good working order; and
 - 2.** All assigned equipment necessary for the vehicle operation, such as the spare tire, jack, and any other equipment assigned to the vehicle.
- H.** When transporting a prisoner(s), members shall utilize a vehicle that is equipped with a safety cage. Under exigent circumstances an uncaged vehicle may be used in accordance with this general order.
- I.** Vehicles primarily used for prisoner transport shall have the rear doors and windows disabled to prevent prisoners from escaping. Such disablement can include door release locks, window switches, and door handles. (CALEA 70.4.2)
- J.** All persons taken into custody shall be subject to the use of restraining devices. However, members shall take into account the prisoner's age, infirmities, physical disabilities, demeanor, and any other mitigating circumstances when making the decision regarding the level of restraint used. The safety of the public, the member, and the person being transported shall always be paramount.

- K.** Prior to transport, all prisoners shall be secured in the vehicle with seat belts. This shall be done in order to minimize the potential for escape, to limit the prisoner's movement, and to ensure maximum safety and security for the member and the prisoner. In rare instances, the decision may be made not to utilize the seat belt restraint due to exigent circumstances such as infirmities, size, or physical disabilities.

II. Placement of Prisoners in Police Vehicles

- A.** For the safety of both the transport member and prisoner, the following locations for placement of prisoners in police vehicles equipped with a security screen shall be utilized.
- 1.** In one-member units, a single prisoner should be placed in the right rear seat. A second prisoner should be placed in the left rear seat, and a third prisoner should be placed in the center of the rear seat.
 - 2.** When two members are present, the second member shall observe the prisoner(s) from the right front seat.
 - 3.** No more than three prisoners shall be transported in the back seat of a single vehicle.
- B.** If circumstances exist which necessitate a prisoner being transported in a police vehicle, which does not have a prisoner security screen, the following shall apply:
- 1.** When a prisoner is to be transported in a vehicle without a safety cage and only one member (driver) is available, the prisoner shall be placed in the front passenger seat and secured by handcuffs and seat belt. Prisoners shall not be transported in a vehicle with no safety barriers without restraints.
 - 2.** When a prisoner is to be transported in a vehicle without a safety cage and two members are available, the prisoner shall be placed in the rear seat on the passenger side away from the driver of the vehicle. The second member shall sit in the front passenger seat and shall be positioned in such a manner to maintain visual control of the prisoner.
 - 3.** When a prisoner is to be transported in a vehicle without a safety cage and three members are available, the prisoner shall be placed in the rear seat on the passenger side away from the driver of the vehicle. The second member shall sit in the front passenger seat, and the third member shall sit in the rear seat directly behind the driver.
- C.** Prisoners shall be positioned in Department vehicles so that the transporting officer can monitor them at all times.
- D.** When transporting a prisoner, the member's primary duty is the delivery of the prisoner. Only under exigent circumstances, when the risk to third parties are both clear and grave, and the risk to the prisoner is minimal, should a member stop to render assistance. Certain circumstances may include: (CFA 21.05)
- 1.** A law enforcement officer requests help, other assistance is unavailable and the transporting officer is in close proximity to the officer requesting help.

2. The member encounters a crash, injury is noted and the member is first on scene.
- E. Due to safety aspects, a prisoner's right to communicate with attorneys and others shall not be exercised during the period that a prisoner is being transported. Any communication should take place prior to or after transport.

III. Delivery to the Police Department

- A. All prisoners shall be transported directly to either the police department or the Polk County Jail for further processing, as soon as possible. Barring a medical emergency, in no case shall the transporting officer grant any request from the prisoner to stop at any location for any reason, once en route. (CFA 21.08a)
- B. Upon arrival at the police department members shall adhere to the following procedures: (CFA 21.08a,b)
 1. Members shall not remove any restraining devices until a prisoner is safely within the Temporary Detention Facility. Once there, members may remove restraining devices to continue the booking process. (CALEA 70.1.6b) (CFA 21.08b)
 - a. A gun box for weapon security is located adjacent to the Temporary Detention Facility. Members shall secure their firearm in these boxes or in the trunk of their patrol vehicles, prior to entry into the temporary detention facility. The key for the lock box shall be removed and kept by the member. After processing and placing a prisoner securely in a vehicle for transportation, the member shall retrieve their firearm. (CALEA 70.1.6a) (CFA 21.08a)
 2. In cases where a prisoner poses a threat to themselves or others, members may leave restraining devices on, even if the prisoner is placed in the holding cell. (CFA 21.08b)
 3. All prisoners should remain under the continuous control and/or supervision of a sworn member when practical. At no time shall a prisoner be left unattended for more than 15 minutes, while in the Temporary Detention Facility or any other secure location within the police department. (CALEA 71.3.3e)
 - a. Prisoners that are not secured in a holding cell for processing (e.g. fingerprinting, breathe test, etc.) or any other reason shall be continuously and physically monitored by a sworn member.
 4. Strip searches and body cavity searches shall be conducted in compliance with F.S. 901.211. Any searches of this nature shall be documented in an Offense Report, clearly specifying the probable cause for the search, as well as the results. (CALEA 1.2.8a,d) (CFA 2.01)
 - a. No member shall conduct a strip search without obtaining written authorization from the supervisor on duty. (CALEA 1.2.8a)
 - b. Authorized strip searches shall be performed and witnessed by members of the same gender or gender identity/expression, as the prisoner. The

search shall be out of the view of persons not physically conducting the search or designated to witness the search. Juveniles shall not be strip searched by any member, if a strip search is needed the member shall take the juvenile to an appropriate detention facility (Juvenile Assessment Center) to have the search conducted. (CALEA 1.2.8 b,c)

- c.** Members shall not conduct body cavity searches. If the need for such search is determined, members shall receive written authorization from the supervisor on duty. Upon receiving authorization, the member shall transport to the prisoner to a medical facility where the exam shall be conducted by a medical professional.

- C.** All prisoners transported to the Polk County Jail will be fingerprinted and photographed by members of the Polk County Sheriff's Office as a part of their booking procedures. (CALEA 1.2.5)

IV. Transporting to a Receiving Facility

- A.** Upon arrival at a receiving facility, members shall adhere to the following procedures:

- 1.** Members shall secure their firearms in the trunk of their patrol vehicles or a secure weapons locker as designated by the receiving facility. Members are prohibited from carrying their firearms into a secured area of a prisoner receiving facility. (CALEA 70.1.6a) (CFA 21.08a)
 - 2.** Members shall not remove any restraining devices until the prisoner is safely within a receiving facility, and accepted by the receiving member of that facility. (CALEA 70.1.6b) (CFA 21.08b)

- B.** Members transporting prisoners to a receiving facility shall have the following documentation: (CALEA 70.1.6c) (CFA 21.08c,d)

- 1.** The charging document(s):
 - a.** Arrest Affidavit;
 - b.** Traffic Citation(s);
 - c.** Teletype of Warrant Confirmation.
 - 2.** Polk County Sheriff's Office Department of Detention Arresting/Transporting Officer Information Sheet (Transport Sheet). (CALEA 70.1.6e)
 - 3.** Any related medical papers regarding a prisoner's medical condition, treatment or refusal of treatment.
 - 4.** Prisoner's personal property; shall be itemized on a transport sheet and packaged in a plastic or paper bag. The Transport Sheet shall be signed by the receiving member at the Polk County Jail and returned to the Records Division along with the arrest report.

5. In instances where the arresting member is not transporting the prisoner, the Transport Sheet and the prisoner's personal property shall be released to the transporting member.
- C. The transporting member shall have the receiving member sign the Transport Sheet when delivering the prisoner and their property to a receiving facility.
- D. Members transporting a prisoner to a receiving facility or medical facility shall confirm the identity of the prisoner via booking records, photographs, or other necessary means, to assure the proper subject is being transported.
- E. Any information relating to a prisoner's escape risk, suicide potential, medical or other security hazards, shall be documented on the Transport Sheet. The transporting member is responsible for notifying the receiving member of this information. (CALEA 70.1.6d, 70.1.8) (CFA 21.08e)

V. Prisoner Escape

- A. In the event of an escape, of a prisoner, prior to or during transportation, the transporting member shall follow these procedures:
 1. Immediately notify the Emergency Communications Center and advise the following: (CALEA 70.1.7a) (CFA 21.06a,c)
 - a. The location of the incident
 - b. Direction of travel of the escaped prisoner
 - c. Full description of the escaped prisoner
 - d. The charges against the escaped prisoner
 - e. If the prisoner is known or believed to be dangerous
 2. If the escape occurs in another jurisdiction and/or outside the range of the radio system, the member shall use appropriate means (i.e. cellular device) to contact the local law enforcement agency. The member shall give the same above information, and request assistance in locating the escaped prisoner.
 3. The transport member shall begin to establish a perimeter with responding back-up units in an attempt to locate the escaped prisoner. (CALEA 70.1.7c)
 4. If the member does not have any remaining prisoners in custody, an immediate search for the escaped prisoner shall begin. If there are prisoners remaining in the member's custody, they shall be secured while back-up units search for the escaped prisoner. (CALEA 70.1.7c)
 5. A supervisor shall be notified immediately of the escape and respond to the location. The supervisor shall take charge of the incident and coordinate with the appropriate law enforcement agency that has jurisdiction. (CALEA 70.1.7)

- a. The supervisor shall immediately request Aviation and Canine to respond, as well as, assistance from other agencies, as appropriate, for a perimeter or to search for the escaped prisoner.
 - b. If photographs are available, the supervisor shall obtain them and distribute appropriately.
- 6. The case number obtained for the original arrest shall be used. A complete explanation of the escape, written in the narrative section of an Offense Incident Report, by the member, from whom the prisoner escaped shall, included the filing of escape charges against the escaped prisoner. If the escaped prisoner is not located the member shall prepare a report with a probable cause affidavit filing escape charges. (CALEA 70.1.7b) (CFA 21.06b)

VI. Handcuffing/Restraint of Prisoners During Transport (CFA 21.04)

- A. Use of restraining devices shall be mandatory on all prisoner transports, unless the criteria for the exceptions, as delineated in this General Order, have been met. (CALEA 70.2.1)
- B. All prisoners shall be handcuffed behind the back with palms facing outward, prior to being searched. The handcuffs shall always be double-locked, to avoid injury and to restrain the prisoner. (CALEA 70.2.1)
- C. Members shall immediately respond to a prisoner's complaint, with respect to the tightness of the restraints, to ensure the restraints are applied appropriately. Prisoners may be handcuffed with hands in front if leg restraints are used. (CALEA 70.2.1)
 - 1. All members shall carry double-locking handcuffs.
 - a. Members shall be responsible for the operation and maintenance of their handcuffs.
 - b. At least one handcuff key shall be kept on the member's person at all times.
 - c. When handcuffing, a prisoner shall be placed in an off-balance position to aid in member safety.
- B. Handcuffs and leg shackles shall be double locked when in use.
- C. Waist restraints and leg restraints shall be used only in conjunction with handcuffs and only when transporting prisoners, who are violent, have shown or demonstrated potential for violence, are an escape risk, or who represent an immediate danger to the transporting member(s) or others.
- D. Leg shackles shall be placed over the prisoner's trousers or socks for a snug fit while permitting free circulation. These must be double locked after fitting.
- E. The member should never assume that restraining devices are secure. Restraining devices shall be checked at regular intervals to make certain they are secure and are not injuring the prisoner.

- F. When more than one prisoner is being transported, each prisoner shall be individually handcuffed behind the back.
- G. Approved Departmental prisoner restraint devices include, handcuffs, flex cuffs, leg shackles, hobble restraint, and waist restraints.
- H. Prisoner restraint devices shall not be used to secure prisoners to the interior of the transport vehicle. (CALEA 70.2.1)

VII. Violent or Mentally Disturbed Prisoners

- A. While transporting a mentally disturbed, violent, handicapped, injured, or sick prisoner, extra precautions may become necessary. Such precautions may include, but not limited to, the use of multiple restraints: (CALEA 70.2.1) (CFA 21.01d)
 - 1. Restraints shall include handcuffs, leg shackles, flex cuffs, and/or hobble restraint(s).
- B. Under no circumstances shall one member attempt to transport more than one violent prisoner in the same vehicle.
- C. If the prisoner is unable to be transported without inflicting injury, an ambulance shall be called to transport. (CFA 21.01d)
 - 1. If only one member is available during the transport, the member shall follow directly behind the ambulance to the medical facility. (CFA 21.01d)
 - 2. If more than one member is available during transport, one of the members shall ride inside the ambulance to the medical facility. (CFA 21.01d)
- D. The safety of the prisoner and the transporting member require due care when transporting mentally disturbed, violent, handicapped, or sick prisoners. When transporting such prisoners, discretion shall be employed on the use and degree of restraints, due to the physical condition and/or behavior of the prisoner. If a prisoner is charged with a felony, a member shall be present during the time the prisoner is not restrained.
- E. Under no circumstances shall prisoners be “hog-tied” and placed into a prone position in the rear of a transport vehicle. (CFA 21.04)

VIII. Handicapped Prisoners

- A. Due care must be taken when transporting handicapped prisoners. Members are responsible for ensuring that necessary handicap aids, (i.e., crutches, wheelchair, etc.) as well as, prescription medicines are transported and made available to the prisoner at the appropriate time. Prescription drugs shall be turned over to the medical staff at a receiving facility.

IX. Sick or Injured Prisoners (CFA 21.07)

- A. Due care must be taken when transporting sick or injured prisoners to a medical or receiving facility. Members shall be cognizant of any injuries or claims of an injury, when restraining and transporting a prisoner.

- B. Should a prisoner be injured or ill, to such an extent, that transportation in a police vehicle is impractical; a Polk County Fire Rescue Ambulance shall be utilized for transportation. A member shall follow directly behind the ambulance to the medical facility
- C. Prisoners who require or request medical care prior to being transferred to the Polk County Jail or other receiving facility shall be taken to the nearest Hospital for treatment.
 - 1. The Polk County Jail will not accept sick or injured prisoners unless prior medical treatment has been provided or the prisoner has refused such care.
 - 2. Whenever a prisoner refuses medical treatment prior to being transferred to the Polk County Jail, the completion of a Refusal of Medical Treatment form is necessary. It shall include the signature of the nurse or the EMT/Paramedic who witnessed the prisoner refuse medical care.
- D. Members transporting a prisoner for medical care shall maintain custody and control of the prisoner at all times, including while such care is being administered. This shall entail the continued use of restraining devices unless their removal is necessary for medical treatment; however the safety of the member and medical personnel shall be considered prior to the removal of the restraining devices.
- E. Prisoners receiving medical treatment shall be responsible for all expenses incurred as a result of this care. Members are prohibited from assuming any financial responsibility for the City of Winter Haven, relating to prisoner medical care.
- F. Should the prisoner be admitted to the hospital, the member shall immediately notify the on duty supervisor. The on duty supervisor shall make a determination of the following:
 - 1. If misdemeanor charges, decide to issue a notice to appear or complaint affidavit
 - 2. If felony charges, the supervisor shall contact Polk County Sheriff's Office to arrange for a detention deputy to respond and guard the prisoner.

X. Certain Transports Prohibited

- A. Members shall not transport prisoners to funerals, visitation with critically ill family members, reading of wills, or other situations. The transportation of arrested prisoners shall be directly to a receiving facility or medical facility for treatment, unless otherwise directed by a court order.
- B. Under normal circumstances, member will not stop to obtain food or meals for themselves or prisoners while in transport, unless otherwise specified in this General Order.

XI. Checking Prisoners out of a Detention Facility

- A. It may become necessary to check out a prisoner from a detention facility for investigative purposes.
- B. Checking out a prisoner from a detention facility shall be approved by a Bureau Commander.

- C. Members shall complete the appropriate paperwork required by the detention facility.
- D. Prisoner transport shall be in accordance with this general order.
- E. If a prisoner is checked out for more than eight hours, the prisoner shall be fed in accordance with this general order.

XII. Definitions

- A. *Facility* – The physical confines of the holding facility. The reception area for the facility, the sally port, holding cells, and related spaces are included.
- B. *In Custody* – Being under the full control of an escorting officer during transportation.
- C. *Prisoner* – A person who has been arrested and taken into custody.
- D. *Restraining Devices* – Equipment used to restrain the movement of a prisoner, such as handcuffs, waist chains, leg shackles, and flex cuffs.



APPROVED

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CHIEF OF POLICE**