



# Fitchburg State University Police Department

<b>Subject:    DETAINEE               TRANSPORTATION</b>	
Reference: <b>MPAC:</b> 70.1.1, 70.1.2, 70.1.3, 70.1.4, 70.1.5, 70.1.6, 70.1.7, 70.2.1, 70.3.1, 70.3.2, 70.4.1, 70.4.2, 70.5.1 <b>IACLEA:</b> 8.3.1, 8.3.2, 8.3.3, 8.3.4, 8.3.5 Rescinds Section 58	
<b>Effective Date:</b> June 3, 2020	<b>Review Date:</b>
<b>By Order of:</b> Michael J. Cloutier, Chief of Police	

## General Order

# 8.2

### PURPOSE:

To establish guidelines that all police officers of the Fitchburg State University Police Department will follow, when transporting detainees to/from holding facilities, medical facilities, and courts.

### POLICY:

It is the policy of this department that officers, in handling and transporting of detainees, will use only such force as is reasonable and necessary to control the detainee and to ensure the safety of the officers. All appropriate measures shall be taken to ensure the preservation of the rights and safety of detainees and to prevent their escape.

### PROCEDURE:

#### A. Officers Duties:

1. Officers shall conduct a thorough search of their police vehicles at the beginning and end of their shifts, and complete a cruiser inspection form.
  - a. Officers should pay close attention to those areas of the vehicle where prisoners or passengers are or have been placed when being transported.

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- b. Officers will also search their vehicle prior to and after they have completed a prisoner or other transport. The focus of these searches should be for weapons, contraband, or an implement of escape. The search of the vehicle should concentrate on, but not be limited to those areas where the prisoner was placed during the transport.

*IACLEA 8.3.1 b / MPAC 70.1.2*
2. An officer should always call for assistance before attempting to transport an arrestee unless circumstances require otherwise. An officer should not attempt to transport more persons than s/he can safely control.
3. Officers will perform a search of the prisoner, prior to placing the prisoner into a police vehicle. The search of the prisoner is to be done by the Arresting Officer and the Transporting Officer, if different. The search is conducted to secure any weapons or contraband that the prisoner may have in his/her possession. *IACLEA 8.3.1 a / MPAC 70.1.1*
  - a. Whenever possible, prisoners should be searched by an officer of the same gender as the prisoner.
  - b. To ensure officer safety, public safety, and to protect the prisoner from harming themselves, conditions may exist that dictate the need for a prisoner to be searched by a member of the opposite gender. Under such circumstances, the officer conducting the search will use the "back of the hand" technique minimizing physical contact. The officer conducting the search may also use the handle part of their flashlight to conduct the search of the prisoner.
  - c. Whenever possible, an officer conducting a search of a prisoner of the opposite gender should do so in front of a witness.
4. Prisoners being transported should be handcuffed or restrained in an appropriate manner. The prisoner should be restrained by a seatbelt, unless the person cannot be placed in a seatbelt; such as individuals confined to a wheelchair.
  - a. When handcuffs are used, they should be applied to the wrists, having their hands placed behind their back palms facing outward and the double lock on the handcuffs employed unless there are exigent circumstances such as an injury that would preclude this method. Handcuffs shall be placed on the skin above the wrist securely, but not tight enough to affect circulation. Handcuffs shall not be placed over sleeves or clothing.
  - b. If age, injury, mental or physical handicap prevent the prisoner from being handcuffed according to conventional methods, the officer(s) may use alternative methods including to but not limited to the following;
    - (1) Handcuffs may be applied with the hands located in the front of the prisoner;
    - (2) Flex cuffs may be used;
    - (3) The officer may choose not to use restraining devices.
  - c. Officers must be aware of "positional asphyxia" when placing and transporting prisoners in police vehicles.

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- d. Officers will not handcuff prisoners to any part of the police vehicle during a transport.
- e. The type of restraints utilized for the transportation of each prisoner will be noted in the report detailing the transportation.

*IACLEA 8.3.1 d / MPAC 70.2.1*

- 5. Transporting officers will not lose sight of their prisoner(s) unless directed to leave the area by medical personnel or to allow privacy when using the restroom facilities. The restroom area should be checked for possible weapons, prior to the prisoner being allowed to use the area. The prisoner should be searched again, if they are out of the sight of the Transporting Officer at any time.

### B. Prisoner Transports:

- 1. The Fitchburg State University Police Department shall designate which of its vehicles shall be utilized for prisoner transportation. These vehicles shall be equipped with a safety barrier, deactivated rear door locks and windows or removal of window cranks and door handles to minimize unauthorized exit from the vehicle. Prisoners should not be transported in a vehicle that is not so equipped unless it is a decision of last resort.

*IACLEA 8.3.5 / MPAC 70.4.2*

- a. The safety barrier shall be installed in a manner to prevent the detainee from having access to the driver's compartment of the vehicle and done in such a manner that promotes the safety of occupants in the front and rear compartments and should not interfere with conversation between the two compartments.
- b. Once a prisoner has been secured inside a police vehicle they will not be allowed to communicate with anyone other than police personnel.

*IACLEA 8.3.4 / MPAC 70.1.5, 70.4.1*

- 2. When transporting a prisoner in a police vehicle with a safety barrier and deactivated rear door locks, if there is only one transporting officer and one prisoner, the prisoner will be seated in the right rear seat and have the safety belt fastened around them in the correct position whenever possible.
  - a. When two officers are transporting a prisoner in a vehicle with a safety barrier, both officers will ride in the front of the vehicle. The prisoner will be placed alone in the back.
  - b. Multiple prisoners should be transported separately using as many police vehicles as possible or available at the time. Whenever several similar suspects such as adult males, juvenile males, etc... who have been arrested as participants in the same criminal activity are to be transported and there are insufficient vehicles to transport them separately, the Fitchburg Police Department should be requested for transportation.
  - c. In those rare circumstances when the transport of a detainee must be conducted in a police vehicle without a safety barrier, the following methods may be used;

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- (1) One officer will only transport one prisoner. The prisoner will be placed in the right front passenger seat and the seat belt will be properly fastened.
- (2) If there are two officers conducting the transport, one officer will be seated in the left rear seat directly behind the driver of the vehicle and the prisoner will be seated in the right rear passenger seat with the seat belt properly fastened.

*IACLEA 8.3.1 c / MPAC 70.1.3*

3. When transporting prisoners, the transporting officer will notify dispatch of the number and sex of arrestees and whether the arrestee is a juvenile; the reason for the arrest; the present location of the police unit as well as the mileage registering on the vehicle's odometer; and the destination. The dispatcher will acknowledge this transmission on the radio by stating received and the time at dispatch. Upon arrival at the destination, the transporting officer will transmit on the radio his arrival and the mileage. The dispatcher will respond on the radio by stating received and the official time. These times and mileages will be entered into the log.
  - a. When the prisoner or detainee is brought to the Fitchburg State University Police Department booking room the dispatcher will monitor the real time video as the subject is brought into the room. The booking process shall be burned to CD/DVD and placed into the arrest file. The department detective needs to be made aware of the booking so that it can be retrieved for archival.
4. Transporting officers will not initiate any law enforcement action, or respond to any call for service during a prisoner transport, unless there is a situation where there is a risk of serious bodily injury or death to an innocent third party, and the risk to the transporting officer and the prisoner is minimal.
  - a. Officers may assist in the case of a medical emergency or a motor vehicle crash where there is a potential for loss of life. Officers should first inform dispatch so that assistance may be called for and the transport resumed as soon as possible and the officer should also get approval from the on duty supervisor. The transporting officer will notify the dispatcher of any situation that may require a police response.
  - b. Transporting officers should be extremely cautious of situations that may or may not be staged as a diversionary tactic so that the prisoner being transported may attempt escape. The transporting officer will notify the dispatcher of any stop made or of any attempted stop of the transporting vehicle.
  - c. Transportation of detainees shall be by the most direct and quickest route possible between locations.
  - d. If there are two officers transporting a detainee, the passenger officer will maintain constant visual contact with the detainee. If the detainee is being transported by a single driving officer, this officer shall maintain as much visual contact as possible with the detainee while maintaining safe control of the vehicle.
  - e. When transporting prisoners of the opposite sex, officers shall:
    - (1) request an additional officer to accompany the transport whenever possible,
    - (2) call in the mileage and location of the start of the transport on the radio,

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- (3) proceed directly to the destination using the shortest practical route,
- (4) and call in the location and mileage upon arrival at the destination.
- (5) On both occasions, the dispatcher will respond on the radio with received and official time. The mileages and times will be noted in the log.

*MPAC 70.1.4*

5. Transporting officers conducting long distance transports should use care when stopping for meals and fuel.
  - a. Transporting officers may allow the prisoner to use the facilities, however they should be aware of escape attempts and ensure that the facilities to be used are safe for the prisoner and that the general public is not placed into any danger by the prisoner's use of such facilities.
  - b. The locations where the transporting officers stop for fuel, meals and the use of facilities should be varied and they will phone in their location to dispatch. This information will be entered into the shift log.
  - c. Before conducting a long distance transport, the transporting officers should check the transport vehicle to ensure that it is safe to operate and has the necessary emergency equipment available, i.e. spare tire, medical kit, flares.

*MPAC 70.1.4*

6. Upon their arrival at the designated "first" facility (e.g. from point of arrest) and when transported to another facility, the transporting officers will:
  - a. Secure any firearms or weapons before placing the prisoner into the cell or entering the booking area. Transporting officers will follow the rules and regulations of the receiving facility;  
*IACLEA 8.3.2 a / MPAC 70.1.6 a*
  - b. Remove the restraining devices from the prisoner just prior to placing the prisoner in the cell or at the direction of the booking official;  
*IACLEA 8.3.2 b / MPAC 70.1.6 b*
  - c. Deliver all property belonging to the prisoner, if any, and receive a receipt from the receiving official;
  - d. Turn over all documentation, if any, to the processing officer including warrants and other official paperwork;
  - e. Complete any paperwork required by the holding facility;
  - f. Obtain the signature of the processing officer, or written documentation detailing the prisoner transaction. The transporting officer will document the transfer of the prisoner in their report narrative and include the name of the processing officer in this part of their report.  
*IACLEA 8.3.2 c / MPAC 70.1.6 c*
  - g. The transporting officer will notify the "first" facility, holding facility, medical facility, or court if the prisoner they are transporting has a medical problem or is an unusual

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security risk. Notifications should be made in advance when possible.

- (1) Officers will be required to provide written documentation to any holding facility if the prisoner is a suicide risk (Q5 positive).
- (2) Q5 Positive should be indicated on the top of the booking "Face sheet".
- (3) This notification will be included in the narrative report on the prisoner transport completed by transporting officers.

*IACLEA 8.3.2 d & e/ MPAC 70.1.6 d & e*

7. If a prisoner is to be admitted to a medical facility for an extended amount of time (12 hours or longer), the shift supervisor will consult with the next level in the chain of command to see if a constant police presence is needed. Approvals for the use of police overtime will be documented in the arresting officer's report or in a memo for the Chief of Police. Factors to be considered for a constant police presence may be, but are not limited to:
  - a. Charges pending;
  - b. Escape risk;
  - c. Needs or request of the hospital;
  - d. Amount of time for which the individual will be admitted;
  - e. Staffing levels.
  - f. Ability of the arrestee to be bailed from the hospital.

### C. Prisoner Escapes:

1. In the event that a prisoner being transported escapes, the transporting officer(s) will do the following;
  - a. Immediately notify dispatch, who in turn will notify the surrounding law enforcement agencies. The shift supervisor will notify the next level in the department's chain of command;
  - b. Pursue the escaped prisoner if safe to do so;
  - c. If pursuit is not an option, the transporting officer(s) will then provide a detailed description of the escaping prisoner and their last known direction of travel. Dispatch will pass this information on to the surrounding law enforcement agencies and enter this information into the DCJIS computer.
  - d. Indicate the means of escape, including any weapons or accomplices that may have aided in the escape;
  - e. Preserve the escape scene for the purpose of investigation.
2. The transporting officers will provide a detailed supplemental incident report to be

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attached to the original arrest report. This report will include, in detail, the method of escape and events leading up to, surrounding and immediately after the escape. The officer in charge will also submit a report to the Chief outlining the events leading up to the escape, the actions taken to regain custody, recommendations concerning possible corrective measures, and possible department disciplinary actions.

*MPAC 70.1.7*

### D. Medical Transport Situations:

1. If a prisoner becomes ill or injured at the time of arrest, the arresting officer(s) and or the transporting officer(s) will obtain medical attention for the prisoner as soon as possible.
2. In the event that the ill or injured prisoner needs to be transported to a medical facility, the officer(s) will notify headquarters and request that an ambulance be notified to respond to their location and provide treatment and transport to the appropriate medical facility. If the prisoner/detainee is not transported to a medical facility, and is brought to booking, necessary first aid will be given and consideration given to transporting the individual(s) to a medical facility. Officers will document the type of first aid given in the narrative section of their report.
3. When handcuffing a sick, injured, or handicapped individual, officers shall handcuff such detainees unless there is no threat of attack or injury to themselves or arresting officers. Handcuffs shall be utilized in a manner that does not further aggravate the handicap or injury. Officers should take any advice given by medically trained persons on the scene regarding handcuffing and transportation.
4. Mentally handicapped individuals may pose a significant threat to themselves and others. If required, handcuffs should be used until a more appropriate restraining device can be applied.
5. An officer will accompany the prisoner during the medical transport to the medical facility unless the EMS service states otherwise, such as not enough room in the ambulance. However, in this event, the officer will follow behind the transporting vehicle and will remain at the medical facility unless otherwise directed by a shift supervisor or medical facility personnel.
6. The officer, while at the medical facility, will document all relevant information regarding the treatment of the prisoner. This will also include any refusal of treatment made by the prisoner.
7. If medical personnel request that the restraining devices on a prisoner be removed for medical treatment, the officer(s) will comply with this request. The officer(s) will remain with the prisoner at all times unless directed to leave the treatment area by medical personnel for medical reasons. The officer will remain close by to prevent an escape or acts of violence by the prisoner. Any request by the medical facility personnel will be documented in the officer(s) report narrative.
8. If it appears that the prisoner will be at the medical facility for an extended period of time, the shift supervisor will plan for officers to guard the prisoner. Instructions as to how the officers are to perform their functions will be coordinated between the shift supervisor and hospital administration.

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9. Officers guarding prisoners shall not unnecessarily engage in conversation with the prisoner or hospital personnel and will remain diligent regarding their duties. Officers assigned to prisoner guard duty will maintain a log of events surrounding the care and custody of the prisoner.
10. Visitors and telephone privileges will be denied to prisoners during the time he/she is at the medical facility. Visits by an attorney representing the prisoner will be allowed upon approval of the shift commander and appropriate hospital personnel.
11. Examine meals, ensure the detainee is given disposable utensils, and account for all dinnerware and unconsumed food.
12. Supervisory personnel from the Fitchburg State University Police Department will visit the hospital site frequently to coordinate with officers and hospital personnel regarding ongoing care and custody of the prisoner.
13. Upon release from the medical facility, all documentation regarding the detainee's condition and future care shall be retained by the guarding officers and shall be transferred to any agency taking custody of the prisoner. The prisoner will be thoroughly searched by transporting officers upon release from the medical facility.
14. If the prisoner requiring medical treatment is a juvenile, the shift supervisor, officer in charge, or transporting officer must make an attempt to contact a parent or guardian before any medical treatment (other than first aid) is administered. If the parent or guardian cannot be contacted, a physician must be responsible for authorizing the medical treatment.
15. The transporting officer(s) will take possession of all medications in control of the prisoner at the time of arrest. The officer(s) will also take possession of such special items such as prosthesis. These items will be listed in the officer's report.
16. Injuries or illnesses may dictate transportation from the scene of an arrest directly to a medical facility, with booking to occur after evaluation or treatment, such as from a motor vehicle crash.

*IACLEA 8.3.3 / MPAC 70.3.1, 70.3.2*

### E. Special Transport Situations:

1. When transporting prisoners who are physically handicapped, the transport should be made with the safety of the officer(s) in mind as well as the physical comfort of the prisoner.
2. If removing or transporting an individual in a wheelchair is impractical, the transporting officer(s) should consider the utilization of a handicap equipped van or if required an ambulance.
3. If the handicap van or ambulance is utilized, an officer must accompany the prisoner.

*IACLEA 8.3.3*



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### F. Documentation:

1. When officers are transporting prisoners to/from a holding facility, medical facility or court, the transporting officer(s) should confirm the identity of the prisoner(s) to be transported. This may be done by:
    - a. Interviewing the prisoner and comparing the information given to the information on the booking sheet;
    - b. If a photograph is available, compare the photograph to the prisoner;
    - c. Compare the prisoner's signature with other documentation.
- MPAC 70.5.1*
2. When a prisoner is transported to a holding facility, medical facility, or court the transporting officer(s) will bring all applicable documents with that prisoner, these may include but not be limited to the following:
    - a. Copies of warrants;
    - b. Medical information;
    - c. Property sheet and property when available;
    - d. Any other documentation authorizing custody of the prisoner;
    - e. Any information dealing with the detainee's escape or suicide potential or other personal traits of a security nature. This shall include copies of reports describing escape attempts or suicide risk.

### G. Additional Procedures:

1. Searches that involve bodily intrusion, such as cavity searches, will not be conducted without a search warrant. A body cavity search warrant can only be issued by a judge.
  - a. A search involving any bodily intrusion will only be conducted by personnel that are trained medical personnel, preferably a doctor.
2. A "strip search" or a search of an individual in which all clothing articles are removed will only be conducted, if officers have probable cause to believe that the prisoner/detainee is concealing weapons, contraband, or the instrumentality or fruits of a crime on their person, and there is imminent danger that such item(s) may be destroyed or disposed of and can only be conducted with the approval of the shift supervisor.
  - a. Any member of the department involved in a strip search or cavity search; requires prior authorization from a supervisor, and must document their actions in the ongoing report by adding a supplemental narrative.
  - b. At no time will a person of the opposite sex of the Fitchburg State University Police Department conduct or be present for a strip search. Assistance can be requested from either the Fitchburg Police Department or the Massachusetts State Police.
  - c. If no members of a department who are of the same sex as the prisoner/detainee

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are available, the prisoner/detainee should be constantly observed to ensure that they do not destroy or dispose of any weapons, contraband, or the instrumentality or fruits of a crime until such time that a proper search can be conducted.

- d. For further guidance regarding strip searches and body cavity searches, members of the Fitchburg State University Police are directed to **General Order 2.2.4. Search and Seizures**.

Approval:

M. A. Cloutier  
Chief of Police

06/30/2020  
Date