

Transportation & Restraint of Prisoners	Related Policies: Persons with Diminished Capacities
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes: 18 V.S.A. § 7511 (2010)	
Date Implemented:	Review Date:

- I. **Purpose:** To establish guidelines for the reasonable and safe transportation and restraint of prisoners.
- II. **Policy:** Transportation and restraint by law enforcement agencies of persons who are in custody is a constant requirement and a frequent activity. Two general time periods are involved. The first is immediately after arrest, when the arrestee is taken to the agency's holding facility for booking, processing and short-term holding. The second concerns the movement of prisoners from the holding facility to a hospital or other medical facility; to court; to attend a funeral or visit a seriously ill relative; and for other reasons. . Regardless of the reason for the transportation of prisoners, potential hazards are always present. Therefore, it is the policy of this agency to establish uniform procedures that provide adequately for the safety and security of prisoners, transporting officers, and the public during prisoner transport.
- III. **Definitions:**
 - A. **CONTRABAND** – Articles or substances prohibited from the possession of prisoners.
 - B. **HANDICAPPED PRISONER**-A prisoner with an impairment that hinders mobility.
 - C. **PRISONER** – A persons who has been arrested and taken into custody.
 - D. **PROPER SEARCH** – The physical inspection of a prisoner's person, clothing, and effects for weapons or potentially hazardous articles to be used against law enforcement personnel. This search shall also have consideration for contraband, such as narcotics, narcotic paraphernalia and implements which may facilitate an escape from custody or confinement. A proper search shall be conducted in accordance with federal and state constitutions and statutes and be consistent with this agency's policy on searches.
 - E. **RESTRAINING DEVICES** – Equipment such as handcuffs, flex-cuffs, leather restraint belts, leg irons, hobble devices, and maximal restraint tools, used to restrain the movement of the prisoner.
 - F. **SECURITY HAZARD** – Any threat to the security of the prisoner, to the facility in which he/she is held, or to others with whom the prisoner may come into contact. Estimations of the degree of security hazard will govern the means of transport, the

kinds of restraining devices to be used, and other actions to be taken by agency personnel to provide proper protection for and security of the prisoner.

G. TRANSPORTING OFFICER – an agency employee who is responsible for transporting a prisoner from one point to another.

H. TRANSPORTATION OPERATIONS:

- a. **VEHICLE INSPECTION:** At the beginning and end of each shift, all vehicles regularly used for prisoner transport, shall be inspected by the agency member assigned to that vehicle to determine that all safety devices are in working order and that the interior is free of weapons and contraband.
- b. Prior to placing a prisoner in a vehicle for transport or detention, the officer shall inspect the interior for weapons and contraband. An additional inspection shall be conducted after the prisoner has been delivered to the detention facility or other destination.

I. RESTRAINING DEVICES:

- a. Officers shall use only those restraining devices for which they have been trained.
- b. With few exceptions, all prisoners shall be handcuffed, double locked and checked for proper application, with their hands behind their back.
- c. Officers shall document, in their report that “subject was handcuffed, checked for fit and double-locked.”
- d. Officers may use discretion in restraining persons or using other restraining devices in specific cases such as:
 - i. Obvious state of pregnancy;
 - ii. Prisoner has a physical handicap;
 - iii. Prisoner has injuries that could be aggravated by standard handcuffing procedures;
 - iv. Elderly; and very young persons.
 - v. All prisoners should be secured with seatbelts. No prisoner shall be handcuffed to any part of the police vehicle.
 - vi. Leg irons, hobbles or flex-cuffs may be applied to the ankles of a prisoner, who violently resists arrest, is an escape risk, is prone to violent behavior, or manifests mental disorders that pose a threat to the prisoner, the transporting officer, or the public. Such application will be documented in a use of force report and the prisoner will be monitored throughout transport for signs of positional asphyxia and/or excited delirium.

J. Supervisory notification for special circumstances: A supervisor should be notified in all cases outlined below. Notification may not be immediate but may be done in the form of a use of force report or other officer’s reports submitted to supervisors.

- a. The officer is transporting a person who is handicapped;
- b. The officer is transporting a person known to be mentally ill;
- c. The officer is transporting a person with an injury;
- d. The officer is transporting a person known to have a communicable disease.

- e. Where possible the officer should obtain necessary clearances from an appropriate mental health or medical professional as to the proper restraint and care of these individuals, in accordance with 18 V.S.A. 7511 (2010)

All transports involving the special circumstances outlined above shall be documented as to the occurrence as well as the action taken.

K. Escape: In the event of an escape during transport,

- a. The transporting officer shall:
 - i. Immediately notify the dispatcher and supervisory personnel
 - ii. Immediately coordinate with responding officers to establish a perimeter
 - iii. Brief responding supervisory personnel.
- b. The responding supervisor shall:
 - i. Take command of the perimeter and search operation
 - ii. Determine the need for additional agency/inter-agency resources
 - iii. Ensure that all proper notifications are made up the chain of command
 - iv. Ensure that the events surrounding the escape and search operation are properly documented through a report from each officer involved in the event.

L. TRANSPORT:

- a. Prior to transport, the officer shall thoroughly search all prisoners for any weapons, tools of escape, or contraband.
- b. The transporting officer shall conduct a pat-down frisk for the purpose of seizing any weapons or tools of escape. The officer shall conduct a further search incident to the arrest for the purpose of seizing weapons, contraband or evidence of the crime.
- c. In the event that the transporting officer and prisoner are of the opposite sex, the search should be observed, if possible, by a witness or in front of the vehicle video camera, and the officer is advised to use the back of his/her hand when searching sensitive areas of the body such as the groin, buttock, and breast areas.
- d. When possible and practicable, an agency member of the same sex should be requested for these types of searches.
- e. Any search shall be documented by the transporting officer.
- f. Prior to transporting a prisoner, the transporting officer should notify the dispatcher:
 - i. Identity of the prisoner;
 - ii. Arrest location and destination; and
 - iii. Vehicle odometer mileage; and
 - iv. Vehicle odometer mileage at time of arrival at the intended destination.
- g. Prisoners shall be transported in the following manner:

- i. If the transport vehicle is equipped with a safety barrier, the prisoner shall be placed in the rear seat. The transporting officer(s) shall be positioned in the front seat.
- ii. If the transport vehicle is equipped with a safety barrier, and two prisoners are being transported, then two officers shall make the transport where feasible. The prisoners shall be placed in the rear seat. The transporting officers shall be positioned in the front seat.
- iii. Up to three prisoners may be transported in a vehicle equipped with a safety barrier, provided that two officers make the transport. The prisoners shall be placed in the rear seat. The transporting officers shall be positioned in the front seat.
- iv. A prisoner may be transported in a vehicle not equipped with a safety barrier. Where possible two officers should conduct this type of transport with one officer seated behind the operator in the rear seat. When two officers are not available the subject shall be handcuffed and seat belted into the front seat
- v. All prisoners being transported should wear properly fastened seat belts.
- vi. Prisoners shall not be transported in a reclined position.
- vii. Any wheelchairs, crutches, or other mobility devices shall be transported with, but not in the possession of, the prisoner.
- viii. Standard transport procedures may be dangerous for many people with mobility disabilities. Officers should use caution not to injure the person or damage their wheelchair or other mobility device. The best approach when possible is to ask the person what type of transportation he or she can use, and how to lift or assist him or her in transferring them in or out of the vehicle.
- ix. Prisoners shall not be left unattended while being transported.
- x. Unless approved by a supervisor, no stops should be made while transporting a prisoner.
- xi. A transporting officer shall not respond to the need for law enforcement services or back-up unless the risk to other citizens or law enforcement officers is both clear and serious and the risk to the prisoner(s) is minimal. When the need for these services is of a non-serious nature, the officer shall notify dispatch.
- xii. Prisoners of the opposite sex shall not be transported in the same vehicle unless extraordinary circumstances exist, and only when approved by a supervisor.
- xiii. If a prisoner is to be transported to court or any other facility, the prisoner is believed to be a security hazard, the transporting officer(s) shall inform the receiving court of law enforcement personnel in order that they may prepare to accept custody of the prisoner.
- xiv. If the vehicle is equipped with a camera capable of in-car recording the camera should be positioned for in-car recording and kept operational during the transport.

h. Special Transport Situations

- i. If a prisoner becomes sick or injured incidental to arrest, the transporting officer, when possible, shall summons emergency medical support to examine the prisoner prior to transport.
- ii. If emergency hospital treatment is necessary, the prisoner and at least one officer should be transported by the rescue to the hospital. In the case that only one officer is on shift the officer should ensure the prisoner is secure in the rescue unit and follow directly behind using appropriate lights and siren to ensure they do not become separated. The officer shall remain with the prisoner (unless prevented by emergency circumstances or treatment needs) until the hospital personnel release the prisoner or until appropriate security can be arranged.
- iii. If emergency hospital treatment is not necessary, and a reasonable request is made by the prisoner to go to the hospital, the prisoner may be transported in an agency vehicle.
- iv. Prisoners with physical handicaps may be transported in agency vehicles. All reasonable precautions shall be taken by the transporting officer to ensure the security and reasonable comfort of the prisoner, without compromising the safety of the transporting officer(s).
- v. Standard transport procedures may be dangerous for many people with mobility disabilities. Officers should use caution not to injure the person or damage their wheelchair or other mobility device. The best approach when possible is to ask the person what type of transportation he or she can use, and how to lift or assist him or her in transferring them in or out of the vehicle.
- vi. Appropriate measures for the security and control of prisoners in medical facilities shall be taken. Whenever an officer transports a prisoner, or is transported with a prisoner, to a medical facility, the officer should:
 - (a) Maintain a constant view of the prisoner;
 - (b) Ensure that proper restraints are applied to the prisoner until the medical staff needs them removed for medical treatment. Once treatment is completed, proper restraints shall be reapplied;
 - (c) Guard against any injury to the officer and all medical staff;
 - (d) If required to guard the prisoner, and when possible, rotate guarding assignments at regular intervals to avoid complacency;
 - (e) Ensure that the prisoner does not have contact with visitors;
 - (f) Notify hospital security, if available, and the law enforcement agency within the jurisdiction of the medical facility of the presence of a prisoner within the hospital;
 - (g) If the prisoner is admitted to the medical facility, and cannot be arraigned by a judicial officer or appropriate official, or issued a summons, notify the Shift Supervisor to arrange for 24 hour guard coverage;
 - (h) Upon the prisoner's release from the medical facility, and prior to transport, the prisoner shall be thoroughly searched; and

- (i) Upon the prisoner's release from the medical facility, the transporting officer shall ensure that all medical records and instructions for future treatment are in the prisoner's possession and are provided to the detention facility.
- vii. Whenever a prisoner is to be transported and has been involved in the following types of incidents special safety considered shall be adhered to:
 - (a) When the prisoner:
 - (i) Was involved in a violent struggle during apprehension,
 - (ii) Was subjected to the use of a chemical agent, Taser, neck restraint hold, multiple body weight control, or impact strikes to the body,
 - (iii) Is highly intoxicated on either alcohol or drugs or a combination.
 - (iv) Is secured by maximal restraints, four point restraints, TARP devices, or a hobble tool, or
 - (v) Evidences a difficulty in breathing, **the transporting officers shall:**
 - Ensure that the prisoner remains in a seated, upright position.
 - One officer shall maintain constant visual and audible observation of the prisoner.
 - If there is any indication that the prisoner is in medical distress the officer(s) shall administer emergency medical attention consistent with his/her level of training and shall immediately summon emergency medical support, and
 - Shall advise the detention staff accepting the prisoner of all of the above circumstances

Passed and Adopted by the Selectboard of the Town of Randolph, Vermont this 14th day of April, 2016.

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