



Town of Lexington

Police Department

Subject: Transporting Detainees

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**Policy &
Procedure**

71A

The Municipal Police Institute, Inc. (MPI) is a private, nonprofit charitable affiliate of the Massachusetts Chiefs of Police Association. MPI provides training and model policies and procedures for police agencies. This policy is an edited version of MPI Policy 3.01, "Transportation of Detainees."

GENERAL CONSIDERATIONS AND GUIDELINES

The proper transporting and handling of detainees is essential to ensure the safety of both officers and detainees. A person who faces the loss of freedom may become desperate and dangerous. [S]he may be ready to attack and flee at any time the opportunity presents itself.

Escape is not only embarrassing but may also create a serious danger to the community or to other police officers before the detainee is recaptured. An officer should always expect the unexpected. [S]he should not be "lulled" by the apparent cooperation of the detainee. Every precaution should be taken to be prepared to handle sudden dangerous activity. The purpose of the procedures outlined below is to assist an officer in avoiding such problems.

The transportation of detainees by law enforcement officers is a frequent activity. Detainees are transported under many circumstances, including transport by the arresting officer after arrest; transfer to or from other agencies or holding facilities; movement of detainees from holding facilities to medical treatment centers; and transfer to court. Adhering to standardized procedures for handling and transporting detainees is essential to ensure both the rights of the detainee and the safety of the transporting officer(s), the detainee(s), and the public. Adherence to proper procedures will minimize the possibility of injury, escape, or accusations of mistreatment.

It is the policy of the Lexington Police Department that:

1. All officers, will use only such force as is reasonable and necessary to control a detainee and to ensure the safety of the officers; and
2. All officers involved in the arrest and or transport of detainees will take appropriate steps to ensure the preservation of the detainee's rights and safety, and to prevent their escape.

PROCEDURE

A. Transport Vehicles

1. Types of Vehicles: The following vehicles may be used to transport detainees:
 - a. Caged two-person cruiser;
 - b. Caged one-person cruiser;
 - c. Uncaged vehicle.

NOTE: An uncaged vehicle shall be used if a subject is too large or has a handicap that prevents his/her transport in a caged cruiser.

2. Safety Modifications

- a. All vehicles used for transporting detainees shall be modified to minimize opportunities for the detainee to exit from the rear compartment of the vehicle without the aid of a transporting officer. **[70.4.2]**
- b. All department vehicles normally used to transport detainees, shall include but not be limited too the following modifications:
 - i. A safety barrier to protect the front occupants; **[70.4.1]**
 - ii. A fiberglass prisoner seat (replaces the rear bench seat);
and
 - iii. Rear window security bars; and
 - iv. Child safety locking device enabled.

3. Transport Vehicle Searches **[70.1.2]**

- a. All vehicles normally used for transporting detainees shall be inspected for operational suitability, and searched for weapons and contraband at the beginning of each shift.
- b. Before placing a detainee in a police vehicle, the vehicle shall be searched to ensure that there are no articles present that can be used as weapons. This will also ensure that items subsequently

found (e.g., contraband, evidence, etc.) can be more easily attributed to the detainee.

- c. At the completion of all detainee transports, the officers completing the transport will conduct a search of the area within the vehicle where the detainee was located for evidence and/or contraband that may have been discarded by the detainee.

B. Detainees

1. Detainee Searches [70.1.1]

- a. All detainees shall be thoroughly searched immediately prior to being transported.
- b. Whenever an officer takes custody of a detainee to transport, the officer should never assume that the detainee has already been searched. The officer shall conduct a thorough search of the detainee himself/herself, provided the officer is of the same sex.
- c. If the detainee is of the opposite sex of the transporting officer:
 - i. An officer or trained police employee of the same sex may search the detainee.
 - ii. If such officer or employee is not available, an officer of the opposite sex may conduct the search by using the back of the palm in order to make sure that there are no items that could cause harm to the detainee or the officer.
 - iii. If possible, the officer should conduct this search in the presence of another officer or a responsible adult witness to minimize any accusation of misconduct.
- d. Juvenile detainees shall be processed in the same manner as adult detainees with regard to searches; however, consideration shall be given to the age and sensitivity of the juvenile detainee.

2. Detainee Restraining Devices [70.2.1]

- a. All detainees shall be handcuffed prior to being placed into the transport vehicle. Officers may use:
 - i. Metal handcuffs (chain or hinged), or
 - ii. "Flex Cuffs."
- b. Detainees shall be handcuffed with their hands behind their back, palms facing outward unless there are extenuating circumstances (such as an injury, etc.).

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- c. Handcuffs shall be double locked and above the wrists, securely, but not so tightly as to affect circulation. Handcuffs should not be placed over sleeves or other clothing.
 - d. At no time will a detainee be handcuffed to any part of the transport vehicle during transport.
 - e. A leather transport belt or leg restraints are a good alternative, if available, for transports to court, longer transports or for larger people or when the officer believes the detainee has a potential for violent behavior or flight; they may also be used in lieu of handcuffs due to injury or disability.
 - f. Officers shall not transport detainees who are restrained in a prone position.
 - g. Officers should be aware of the issue of positional asphyxia when placing restrained detainees into a vehicle.
 - h. Officers may transport without handcuffs provided there are extenuating circumstances (e.g., very young juvenile, handicapped person or injured).
 - i. Juveniles: Transportation of children in patrol wagons (M.G.L. Chapter 119 §34). A child involved in any proceeding shall not be transported in a patrol wagon from his home or from any other place to any court or institution, but if a conveyance is necessary shall convey him in such other suitable vehicle as shall be provided or designated by the department.
3. Multiple Detainees
- a. Whenever several similar suspects or detainees, such as, all adult males, all adult females or all juveniles of the same sex, who have been arrested as participants in the same criminal activity are to be transported:
 - i. They should be handcuffed in the standard way.
 - ii. Their arms may be interlocked and their hands handcuffed behind their backs, palms facing outward.
 - iii. The detainees may be cuffed together by handcuffing the right wrist of suspect #1 to the right wrist of suspect #2. The left wrist of suspect #2 would then be handcuffed to the left wrist of suspect #3. If there are four or more suspects, they should be handcuffed in groups of 2 or 3.
 - b. Male and female detainees shall not be transported together to or from court.ⁱ (M.G.L. 276 §53)

4. Seating in Police Cruisers

Officers shall ensure that detainees being transported are visually checked as frequently as practical while safely operating the cruiser. Due to the standard use of one-officer cruisers, as a general guideline, the arresting officer will be the transport vehicle and a second officer will follow. The following are guidelines for different transport configurations:

- a. Detainee Transport with Two Officers, Caged Vehicle
 - i. The detainee(s) will be seated in the rear seat. Both officers will be seated in the front seat.
 - ii. The officer in the passenger position will maintain visual contact with the detainee(s).
 - iii. Safety belts with a shoulder harness shall be used, if available.
- b. Detainee Transport with Single Officer, Caged Vehicle: If the transporting officer cannot be provided with a backup and must transport the detainee alone, [s]he will follow this procedure:
 - i. Handcuff the detainee with his/her hands behind his/her back, palms facing outward;
 - ii. The detainee should be seated in the right rear seat; and
 - iii. Safety belts with a shoulder harness shall be used if available.
- c. Detainee Transport in Uncaged Vehicle: The Lexington Police Department recognizes that there may be extenuating circumstances (i.e. disability or size if the subject) that create a need for transporting a detainee in an unmarked vehicle or cruiser without a cage, if this mode of transportation is necessary the following guidelines should be considered: **[70.1.3]**
 - i. Only one detainee at a time will be transported;
 - ii. If there is one officer, the detainee shall be placed in the front seat, passenger side;
 - iii. If there is a second officer available, the detainee will be placed in the back seat and the second officer will ride in back; and
 - iv. Safety belts with a shoulder harness shall be used if available.

C. Transport to Booking Facility

1. **GENERALLY:** An officer shall not attempt to transport more persons than [s]he can safely control.

2. FEMALES AND JUVENILES: Whenever possible, male and female detainees and juvenile detainees will be transported separately from each other.
3. ESCORTING DETAINEES TO TRANSPORT VEHICLE: A time of potential danger to the officers and detainee is when the detainee is being escorted to the transporting vehicle. To help reduce the danger, officers should keep the detainee isolated from other persons in the area when going to the transport vehicle and during the transport.
4. COMMUNICATING WITH DISPATCH: Immediately upon commencing the transport, the officer shall communicate the following information to the dispatcher:
 - a. The number and sex of arrestees, and whether the arrestee(s) are juveniles;
 - b. The reason for the arrest;
 - c. The present location and the vehicle's odometer reading; and
 - d. The destination.
5. Transport Route
 - a. A detainee in custody shall be transported directly to the station, using the most expedient route from the scene of custody to the booking facility.
 - b. All traffic regulations shall be observed, unless an emergency exists.
6. Communication with Detainee During Transport [70.1.5]
 - a. Because an arrestee in a police vehicle is in custody, no questioning of the arrestee shall be initiated by officers unless and until the arrestee has been fully advised of the Miranda Warnings and has knowingly and intelligently waived those rights.
 - i. Maintaining some dialogue that is non-investigatory relative to the offenses involved, is a good method of monitoring the arrestee's well-being during transport.
 - b. Unless a situation exists that makes a verbal exchange necessary, transporting officers should not allow detainees to communicate with other persons while being transported.

- c. If a citizen, including the detainee's attorney, requests to speak with a detainee, the officer should advise that person of the destination of the detainee transport.
 7. Arrival at Booking Facility
 - a. Upon arrival at the booking facility, notify the dispatcher of the vehicle's odometer reading.
 - b. Upon arrival at the booking area, transporting officers shall secure their weapons. **[70.1.6(a)]**
 - c. Booking will be accomplished according to department policy **72A-Booking.**
- D. Transport of Detainee to Court or Another Facility
 1. Preparing a Detainee for Transportation: When a detainee is to be transported from the Lexington PD holding facility to court or another holding facility, the officers involved will comply with the following procedures:
 - a. Detainee Identity: Verify which detainee is to be transported.
 - b. Positively Identify the Detainee Prior to Transport: The transporting officer shall positively identify that the detainee to be transported is, in fact, the correct detainee. Positive identification may be ascertained from any of the following: another employee, or by checking the identification of the detainee against the booking sheet, cell number, booking photo or verbally confirming with the prisoners his/her name, date of birth or other information, etc. **[70.5.1(a)]**
 - c. Destination: Verify the destination of the detainee transport.
 2. Health Screening: before transfer to another facility, the officer preparing the detainee for transport shall screen the detainee. This screening shall consist a brief inquiry into:
 - a. The current health of the detainee;
 - b. Any medications being taken;
 - c. Behavioral observations, including consciousness and mental status; (also see Suicide Risk Screening done at booking); and
 - d. A notation of any obvious body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.

Note: All observations shall be noted on the booking sheet.

3. Violent/Escapist Detainees: If a detainee to be transported to court or another custody facility has been or is extremely violent or is an escape risk, the Commanding Officer will make this fact known to the receiving agency prior to the detainee being transported, so that the receiving agency is prepared to accept the detainee. [70.1.6(d)]
4. Suicidal Detainees: If the detainee is or is felt to be a suicide risk, the receiving agency will be advised in writing of the exact nature of the threat or attempt and the appropriate CJIS entry will be made in accordance with M.G.L. c. 40, §36A. A copy of the Q5 entry into the Criminal History Systems Board (CJIS) computer will suffice. [70.5.1(c)]
5. Documentation: The transporting officer shall ensure that proper documentation, accompanies the detainee. [70.5.1(b)]
 - a. Court:

When transporting a detainee to court from the holding cell a copy of the booking sheet shall accompany the detainee.
 - b. Juvenile holding facility:
 - i. Booking sheet;
 - ii. Suicide risk evaluation; and
 - iii. Mental health evaluation: Application for mental health evaluation if issued.
 - c. Other police agency:
 - i. Booking sheet;
 - ii. Served arrest warrants; and
 - iii. Suicide risk evaluation.
 - d. Property:
 - i. Transfer the detainee's property to the custody facility or court, provided that the court will accept the property.
 - ii. Any property not accepted by the receiving facility shall be turned over to the property officer to be held for safekeeping.
6. Upon Arrival at Another Facility: Upon arrival at the custody facility or court, the officers will:
 - a. Advise the dispatcher of their location and the vehicle's odometer reading at the beginning and end of the transport;

- b. Secure firearms at the accepting facility in accordance with the procedures of the receiving agency; **[70.1.6(a)]**
 - c. Escort the detainee into the facility and deliver all necessary documentation and personal property to the receiving officer; **[70.1.6(c)]**
 - d. Maintain control of the detainee until relieved by the receiving agency;
 - e. Advise the receiving agency personnel of any potential medical issues, disease, suicide risk, infectious disease, open wounds, sores, vermin or security risks; **[70.1.6(d)]**
 - f. Remove restraining devices only when directed to do so by the receiving agency; and **[70.1.6(b)]**
 - g. Obtain the name and signature of the receiving agency official, if applicable. **[70.1.6(e)]**
7. Transport of Detainee from another Agency's Custody: When transporting a detainee from another facility to the department's holding facility, the transporting employees will:
- a. Upon arrival at the holding agency, notify the dispatcher;
 - b. Secure their firearms in accordance with the procedures of that agency;
 - c. Verify the identity of the detainee;
 - d. Ensure that all required paper work is properly signed and executed and accompanies the detainee;
 - e. Obtain the detainee's property;
 - f. Prepare the detainee for transport according to department procedure:
 - i. Search,
 - ii. Restraints,
 - iii. Seating in the transport vehicle;
 - g. Notify the dispatcher when they are beginning their return transport, and give the vehicle's odometer reading at the beginning and end of the transport; and

- h. Transport the detainee directly to the department's holding facility.

E. Special Transport Situations

1. Transporting Detainees of the Opposite Sex

- a. When possible, a female officer should transport a female prisoner and a male officer should transport a male prisoner. If the transport extends outside of Lexington, a person of the same sex should be assigned to accompany the prisoner.
- b. Whenever one or two officers transport a detainee of the opposite sex, the following procedures will apply:
 - i. The transporting officers will notify the dispatcher of the beginning of the transport and starting mileage. The dispatcher will make an entry into the log.
 - ii. The transporting officers will proceed directly to their destination using the shortest practical route.
 - iii. Upon arrival at the destination of the transport, the transporting officers will call in the end of the transport and ending mileage on their patrol vehicle. The Dispatcher will note this information in the computer journal note.

NOTE: The standard transport configuration for in-town transports is one-officer transports and one officer follows.

2. Sick, Injured, or Handicapped Detainees [70.3.1]

- a. In the event that an officer becomes aware of any prisoner who is sick or injured (either incidental to arrest or during incarceration or transport) then the following procedures shall apply if that person requests or appears to need medical attention.
- b. Arrest Scene. Prior to moving a prisoner who is sick or injured at the scene of the arrest, the transporting officer should treat the subject to his level of training and:
 - i. Notify the Commanding Officer, via the Dispatcher, and relate the circumstances, which exist at the scene.
 - ii. The Commanding Officer will determine whether or not the officer should transport the prisoner, or if an ambulance should be dispatched to the scene.

- iii. If the situation is immediate in nature the officer will notify dispatch of the need for an ambulance, then follow up with the Commanding Officer.
- c. During Transport. If an injury or illness becomes apparent during transport, the transporting officer shall:
 - i. **Within Lexington,** notify the Commanding Officer, via the Dispatcher. The Commanding Officer may instruct the officer to transport the prisoner directly to a medical facility or meet an ambulance en route.
 - ii. **Outside Lexington,** notify the Commanding Officer, via the Dispatcher, and then transport the prisoner to the nearest medical facility or holding facility (i.e. police station, jail, etc.). If necessary, the officer shall arrange for an ambulance to transport the prisoner to the nearest medical facility. The officer will remain with the prisoner at all times.
- d. Lexington Police Station. Upon arrival at the station, or any time thereafter, the Commanding Officer will arrange for transportation of any prisoner requiring medical attention. The Commanding Officer shall also have the discretion to summon an ambulance to transport the prisoner to a medical facility.
- e. In the absence of medical personnel, the transporting officer shall determine the nature of the injury or sickness (including the examination of Medical Alert tags) and determine whether or not restraining devices are appropriate. In cases where a restraining device would aggravate an injury or sickness, handcuffs should not be used. If handcuffs are not used on a prisoner who is considered a security risk, two officers will be assigned to transport the prisoner.
- f. At the direction of the Commanding Officer, prisoners may be transported in a police cruiser to a medical facility by two officers if minor injuries exist and there is minimal danger of a medical emergency. In all other instances, an ambulance should be summoned to transport the prisoner. An officer shall be assigned to escort the prisoner.
- g. If hospital care is necessary by ambulance:
 - i. An officer may, at the discretion of a supervisor, or at the request of medical personnel, accompany the detainee in the ambulance.
 - ii. If an officer does not ride in the ambulance, the officer shall follow the ambulance to the hospital.

- h. Handcuffing of Sick, Injured, or Handicapped Detainees
 - i. When handcuffs are used, they should be used in a manner so as not to further aggravate the handicap or injury. If Emergency Medical Technicians are present, handcuffs should be applied as suggested by them.
 - ii. Leg shackles or leather waist belt may be used when handcuffs are not appropriate.

- i. Upon arrival at a medical facility, maintaining the security of a prisoner may be compromised by the necessity of the medical staff to treat the prisoner. In the case of a prisoner who is considered a security risk, officers should whenever possible and practical:
[70.3.2]
 - Segregate the prisoner from other patients and limit access to necessary medical personnel only;
 - Remove restraining devices only when requested by the medical staff for treatment of the prisoner;
 - Maintain sight of the prisoner at all times;
 - Move, or request to be moved, any medical equipment, furniture, or other items which may be used by the prisoner to escape or as a weapon;
 - Notify the hospital security that a prisoner is being held in the facility; and
 - If the prisoner is admitted to a hospital, the officer shall maintain custody until arrangements are made by the Commanding Officer to relieve the officer or release the detainee on bail.

- 3. Prisoner admitted for extended stay [70.3.2]
 - a. If a prisoner is admitted for an extended stay the Commanding Officer shall be notified by the officer at the hospital in order to make arrangements for bail.
 - b. If bail is denied or unable to be met officers will be cognizant of the following:
 - i. Use restraints unless they impede upon treatment,

- ii. Monitor the Detainee at all times,
 - iii. If it is determined that visitors will be allowed the following will occur:
 - (a) Positive ID and log of names and address of visitor,
 - (b) Search of visitor(s),
 - (c) Monitor all Personal Contacts with the detainee,
 - iv. Attorney visits and use of telephone will be allowed,
 - v. Use of Utensils for meals may be limited.
- c. The detainee shall remain in custody and in the presence of the officer (unless emergency circumstances prevent it) until his/her release from the treating facility and/or release from custody (such as bail) or if custody is turned over to the Sheriff.
- d. For further information, see department policy 72B-***Detainment and Bail Procedures.***
4. Transporting Handicapped Detainees
- a. Officers will make reasonable accommodations when transporting handicapped detainees but should not assume that restraining devices are not required for handicapped prisoners.
 - b. When it is necessary to lift a wheelchair or bed-ridden detainee, two or more officers will be used.
 - c. A non-emergency ambulance may be used if appropriate.
 - d. Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the detainee.
5. Transporting Mentally Disturbed Detainees
- a. It is not always possible for a police officer to distinguish between a mentally ill person and a person who may be under the influence of a mind-altering drug. Individuals in either condition may pose a significant threat to themselves and/or the transporting officers. Officers should use the best possible discretion and may, when necessary, use handcuffs to restrain a prisoner in this condition.

- b. The Commanding Officer or Patrol Supervisor shall also have the discretion to request a transport by an ambulance. Ambulances are equipped with restraint devices designed specifically for restraining persons who are at risk of injuring themselves. In these situations, the prisoner should be transported directly to an appropriate medical facility for evaluation.
6. Long-Distance Transportation
- a. Two officers shall be used in any long-distance transport of a detainee of over 100 miles or if otherwise deemed necessary by the officer in charge. There shall be at least one officer or police employee of the same sex as the detainee being transported.
 - b. The use of optional restraints should be considered, such as:
 - i. Leather waist belt, or
 - ii. Leg shackles.
 - c. Visual Contact: Officers shall ensure that detainees being transported are visually checked as frequently as practical while safely operating the cruiser.
 - d. Use of Toilet Facilities: The officers shall contact the nearest available police department to make arrangements for the use of their facilities.
 - e. Food: If transporting officers must provide food for detainees during transport:
 - i. Fast food may be provided and consumed in the transportation vehicle.
 - ii. The officer may contact a police facility to make arrangements for the detainee to be placed in a cell and fed.
7. Interruption of Transport [70.1.4]
- a. The primary duty of the transporting officers is the safe delivery of detainees in their care to the proper destination.
 - b. While transporting a detainee, the transporting officers will stop to provide police services only in the following circumstances and only if this activity can be accomplished without serious risk of injury to the detainee or escape of the detainee:

- i. Where immediate response is required to prevent severe bodily injury or death to an individual;
- ii. Where serious injury has occurred requiring immediate attention; and
- iii. Where a serious or violent crime is in progress and/or a criminal is fleeing and immediate apprehension is required to ensure public safety.
- iv. If either of these situations arise within or beyond the boundaries of Lexington or an officer is unclear of his duties the Commanding Officer will be contacted immediately.
- v. If a situation is minor in nature, dispatch will be notified and another car dispatched to handle the situation.

8. Special Situations

- a. Officers shall not transport detainees to visit critically ill persons, to attend funerals or other such special situations.
- b. Where circumstances warrant, an officer should explain bail procedures to a detainee or his/her family and assist in having the detainee's request for bail addressed promptly. [70.3.3]

F. Detainee Escape

1. Transporting Officers

- a. If a detainee escapes during arrest, transportation, or booking, the officers will notify the Communications Center/OIC, giving as much information as possible, including the following: [70.1.7(c)]
 - i. Detainee's name, if known;
 - ii. Description, including clothing;
 - iii. Area where escape occurred;
 - iv. Direction of flight;
 - v. Probable destination, if known; and
 - vi. Any other pertinent information available.
- b. Begin an area search and attempt to regain custody of the detainee.
- c. Escapes within Lexington. When an escape occurs within the boundaries of Lexington, officers must immediately notify the Commanding Officer and/or Patrol Supervisor and then:
 - i. Begin an immediate and thorough search of the area and make every effort to apprehend the prisoner;

- ii. Continue to give pertinent information to the Dispatcher for dissemination to other units; and
 - iii. Under Command direction, Dispatch will send other units to assist and coordinate the area search. Other law enforcement agencies will be notified as appropriate to request information or assistance.
 - d. Escapes outside the Town of Lexington. When an escape occurs outside the boundaries of Lexington, officers must immediately notify the Commanding Officer and then:
 - i. Notify the agency in whose jurisdiction the escape occurred (this may be done by the Dispatcher if radio communication is unavailable to the agency in question);
 - ii. Make an immediate attempt to apprehend the prisoner; and
 - iii. Assist the local authorities in apprehending the prisoner.
 - e. The officer from whose custody the detainee escaped shall submit a written report, before the end of the shift, detailing the events leading to the escape to the supervisor. **[70.1.7(b)]**
- 2. Dispatcher **[70.1.7(a)]**
 - a. The dispatcher will immediately notify the officer-in-charge of the detainee escape, and [s]he will deploy additional officers as necessary.
 - b. The dispatcher shall call additional resources at the request of the supervisor:
 - i. Canine Units;
 - ii. State Police Air Wing; and
 - iii. NEMLEC.
- 3. Commanding Officer: The officer-in-charge will submit a written report concerning the events leading to the escape, the actions taken to regain custody, and any recommendation concerning possible corrective measures or department disciplinary proceedings. **[70.1.7(b)]**
- 4. Department Command Staff: Review reports and take actions to prevent any recurrence.

ⁱ M.G.L. c. 276, §53.