

	<b>TYPE OF DIRECTIVE</b> GENERAL ORDER	<b>NUMBER</b> G-57-13
	<b>SUBJECT</b> TRANSPORTATION OF PERSONS IN CUSTODY	<b>EFFECTIVE DATE</b> 03/22/13
	<b>REFERENCE</b> G-15, G-28, G-81, RP-46, CALEA	<b>RESCINDS</b> G-57-12

PURPOSE

To establish guidelines to be followed when members of the Division transport persons taken into custody and to ensure the safety of those persons and the transporting officer.

PROCEDURE

I. SEARCH OF ARRESTED PERSONS

It shall be the responsibility of the arresting officer to perform a search of any arrested person and their belongings. Whenever a person in custody is relinquished to the custody of another Division member, that member shall also search the person in custody and their belongings.

II. TRANSPORT VEHICLES

- A. Any vehicle used for, or having the potential to be used for, the transportation of persons in custody shall, prior to beginning a shift, be inspected by its operator to:
  - 1. Ensure it is in safe operating condition and contains all assigned equipment (refer to G-15);
  - 2. Remove any insecure materials that could be utilized as a weapon or other source of interference to the operator, or which could be a safety hazard to any occupants;
  - 3. Identify and remove contraband.
- B. Prior to the actual transportation of a person in custody, the vehicle shall be inspected by the operator to remove insecure materials, potential or actual weapons, and/or contraband from any area accessible to the person in custody.
- C. Immediately following the transport, a similar inspection shall be performed to locate and properly process any illegal items left by the person in custody.
- D. Vehicles assigned to the Organized Crime Section should not be used for the transportation of persons in custody, unless circumstances deem it necessary.

III. POSITIONING OF PERSONS IN CUSTODY IN THE TRANSPORT VEHICLE

- A. Division Vehicles
  - 1. When one officer is transporting one person in custody, the person in custody shall be handcuffed and secured with a seatbelt in the right front seat.

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2. When two officers are transporting one person in custody, the person in custody shall be handcuffed and secured with a seatbelt in the right front seat and one of the officers shall be placed in the right rear seat.

An exception to this is if the wagon is unavailable and it is necessary to maintain a control hold on the wrist of a combative person in custody, the officer maintaining the hold should sit in the left rear seat with the person in custody in the right rear seat. The control hold must be maintained during the entire transport.

3. When two officers are transporting two persons in custody in the same vehicle, one person in custody shall be handcuffed and secured with a seatbelt in the right front seat and the second person in custody shall be handcuffed and secured with a seatbelt in the right rear seat. One of the officers shall be placed in the left rear seat.
4. Under no circumstances shall the "person in custody to officer" ratio in a patrol vehicle exceed one to one.

### B. Patrol Wagons

1. Patrol wagons provide two separate and secure compartments for transporting persons in custody.
  - a. Males and females shall not be transported in the same compartment.
  - b. Whenever possible, only one person in custody per compartment should be transported; however, the patrol wagon may be utilized to capacity as needed.
  - c. No person in custody shall be allowed to ride in the driver's compartment.
2. The person in custody shall be handcuffed and assisted into the transport compartment. The person in custody should be seat belted whenever practical. If belting the person in custody is not possible due to violent behavior, extra precautions should be taken by the driver of the patrol wagon to ensure the safety of the person in custody.
3. Due to the secure construction of the patrol wagon, the ability of the transporting officer to maintain visual contact of persons in custody is somewhat reduced. It is imperative that transporting officers pay particular attention to the application of restraint devices, the physical search of the person in custody and his belongings, and the overall welfare and condition of persons in custody.
4. When the wagon is assigned for a normal shift and is not being utilized for custodial transport, it will be available for back-up and primary calls that do not detract from its primary responsibilities.

## IV. CONTROL OF PERSONS IN CUSTODY DURING TRANSPORTATION

### A. Visual Contact

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The transporting officer shall be aware of the location and actions of a person in custody and shall maintain as much visual contact with the person in custody as safety allows. Matters such as the personal hygiene needs of persons in custody shall be accomplished prior to beginning or after completing the transport.

### B. Provisions for Meals

1. Under normal transportation circumstances or when transporting persons in custody in the Division aircraft, stopping for meals is not usually required; however, occasional long range transports by motor vehicle may necessitate considering a meal break.
2. Whenever a meal must be provided, the selection of the eating establishment shall be done randomly and with due regard for the public's safety.

### C. Stopping During Transport to Perform Law Enforcement Services

1. The transporting officer shall not delay the transport by stopping to render assistance to others, except in the following instances:
  - a. The officer is in the immediate area of a Mayday and confrontation with the situation is unavoidable;
  - b. The officer comes upon a medical emergency situation (i.e. a traffic crash with injuries).
2. In either circumstance, the safety and security of the person in custody and the welfare of the public must be considered as a part of the actions taken by the transporting officer.

### D. Communication with Other Persons

1. During transport, the person in custody shall not be allowed to communicate with other persons unless deemed necessary by the transporting officer;
2. The right of the person in custody to converse with an attorney shall be honored after the transport and booking procedures have been completed.

### E. Escape of Persons In Custody

1. When a person in custody escapes during transport while in Henrico County, the following actions shall be taken to maximize a rapid apprehension:
  - a. The transporting officer shall immediately initiate notification procedures through Communications, give his location, and give a description of the escapee.
  - b. Communications shall simulcast the information, assign back-up units, and assign a Patrol Operations supervisor, who will respond, coordinate the

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search, and investigate the escape.

2. When an escape occurs while in another jurisdiction, the transporting officer shall initiate notification procedures, request the assistance of the affected jurisdiction, and, if the jurisdiction is adjacent to Henrico County, have a Patrol Operations supervisor respond to the scene to provide liaison and investigate the escape. No other Police Division personnel will assist in the search unless their presence is requested by the jurisdiction in which the escape occurred.
3. If the escape is beyond the boundaries of an adjacent jurisdiction, notification and assistance procedures shall be the same, except that no immediate response by a Patrol Operations supervisor shall be required; however, one shall be assigned for later investigation of the matter.
4. In all escape situations, the transporting officer shall complete an ICR, if physically able, before the end of his shift.
5. The Patrol Operations supervisor shall include in his report (not the ICR) a detailed inter-office memorandum from the transporting officer, together with any recommendations deemed appropriate.

### F. Restraining Devices

1. Unless the application of restraining devices is a risk to the health or safety of a person in custody because of his physical condition (i.e. handicap, injury, or illness) or mental state, or the application is physically impossible to accomplish, such devices shall be used whenever a person is taken into custody and shall remain in place until the person in custody safely arrives at his cell or interview room;
  - a. At a minimum, a person in custody shall be secured with handcuffs or, if necessary, flexcuffs, with his hands behind him and the restraint device looped through the belt of the person in custody;
  - b. Leg irons may be used if the actions of the person in custody so dictate.
2. Issued or approved non-issued handcuffs, leg irons, waist restraints, and flex cuffs shall be the only restraint devices used by Division personnel. This does not preclude the use of devices such as a rescue gurney with restraining straps when handling a mentally ill person in custody.
3. Under no conditions shall a person in custody be handcuffed or have leg irons attached to any part of the transport vehicle.
4. During long range transports, restraining devices placed on a person in custody shall be checked periodically to ensure that no impairment to circulation exists.

### V. ARRIVAL AT DESTINATION

- A. When the transporting officer arrives at his destination and the facility is controlled by an

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agency other than the Police Division, he shall comply with the agency's instructions for entering the facility, securing of weapons, and turning over the person in custody to that agency.

- B. When the transporting officer arrives at the Warrant Services Unit, he shall comply with the provisions of G-81 as they pertain to entering the facility with a person in custody, security of weapons, and processing of a person in custody.
- C. Regardless of the facility to which the person in custody is taken or by whom it is controlled, the transporting officer shall ensure all pertinent documentation accompanies the person in custody. Documentation shall include, but not be limited to, the following:
  - 1. An arrest paper, a committal card, a teletype authorizing arrest, and/or extradition or waiver papers;
  - 2. Any medical records;
  - 3. Information concerning the mental or physical state of the person in custody (to include suicidal, escape, or hazardous potential), if applicable;
  - 4. The personal property of the person in custody.

## VI. INJURIES AND MEDICAL CARE OF PERSONS IN CUSTODY

- A. Injuries sustained to persons in custody that are not a result of response to resistance (i.e. during a foot pursuit, subject steps in a hole causing injury) shall be documented on an ICR. ***The injury to prisoner shall be entered as a separate offense type as "Injury to prisoner – non-force" in the "officer's offense description" box. The UCR code "3405 – Prisoner Injury" shall be entered. The narrative shall include the following information:***
  - 1. A detailed account of the incident;
  - 2. The cause of injuries;
  - 3. A description of the injuries;
  - 4. Actions taken after (i.e. summoning rescue, hospital treatment);
  - 5. A description of injuries to the officer(s), if applicable;
  - 6. The Fire CAD number, if treated.
- B. ***The ICR shall be e-mailed to Internal Affairs at [HPDIA@henrico.us](mailto:HPDIA@henrico.us) before the end of the officer's shift.***
- C. Injuries sustained to persons in custody that are a result of response to resistance shall be documented on an ICR and a Response to Resistance After-Action Report (HCPD-340) (refer to G-28).
- D. Photographs of all alleged injuries and/or clothing and property damage shall be taken and uploaded in ADAMS by the end of the officer's shift. This shall include photographs of any injuries, and/or site of alleged injuries. Photographs shall be taken even if there are no visible injuries.

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### E. Injured/Sick Persons In Custody

1. If a person in custody becomes ill or is injured prior to arrest or detention for an emergency custody order, becomes ill or injured incident to arrest, during transport, or at the Warrant Services Unit, the transporting officer shall:
  - a. Seek medical treatment for the person in custody prior to that person's commitment to jail;
  - b. Notify an on-duty Patrol Operations supervisor.
2. The responding supervisor shall investigate the circumstances surrounding the injury of the person in custody and ensure the following items are completed and forwarded to Internal Affairs through the chain-of-command:
  - a. An ICR;
  - b. A copy of the attending physician's report, if available; and
  - c. Photographs (ensure they are uploaded in ADAMS).
3. If the injured/sick person in custody is transported to a medical facility for treatment, the transporting officer shall ensure the person in custody, not the County of Henrico, is listed as the responsible party for costs associated with the treatment.
4. The transporting officer shall obtain, if available, a copy of the attending physician's report for attachment to the Jail Committal Card.
5. Any person in custody transported by an emergency medical vehicle shall be accompanied by a Police Officer.
6. The Police Division shall not be responsible for medical bills incurred by any person who becomes ill or injured while in police custody.

### F. Admission to a Medical Facility

1. If a person in custody must be admitted to a medical facility, the transporting officer shall notify an on-duty Patrol Operations supervisor, who shall then notify the Watch Commander.
2. The Watch Commander shall:
  - a. Determine if a probable cause hearing before a Magistrate is required. If a probable cause hearing is required, contact the Magistrate, who will then respond to the medical facility;
  - b. The decision to allow a person in custody to post bond or to be released on personal recognizance shall be the sole determination of the attending Magistrate.

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3. The Police Division shall maintain custody of any person in custody who is not released on personal recognizance until a Jail Committal Card is issued by the Magistrate and custody is transferred to the Sheriff's Office.
4. If a hospitalized person in custody is not released on bond by the Magistrate, the Watch Commander shall:
  - a. Determine the degree of security needed;
  - b. Establish a relief schedule;
  - c. Brief the oncoming Watch Commander of all pertinent information;
  - d. Notify the section Commanding Officer, who shall determine if further notifications are necessary in accordance with RP-46.
5. Officers assigned to guard a hospitalized person in custody shall:
  - a. Remain with the person in custody at all times;
  - b. Be alert to prevent escape;
  - c. Prevent unauthorized articles from being passed to the person in custody;
  - d. Limit visitation to persons on official business.

## VII. MISCELLANEOUS CONSIDERATIONS

### A. Direct Transportation to Court

No person in custody shall be transported directly to court. He shall first be turned over to the Sheriff's Office or, if applicable, juvenile detention personnel.

### B. Handicapped Persons In Custody

Physically and/or mentally handicapped persons in custody may require special considerations such as the following:

1. Restraining devices may not be applicable because of the handicaps;
2. Prosthetic devices should be examined for hidden weapons;
3. Equipment such as wheelchairs and crutches may require transportation;
4. Alternative transportation vehicles may be required.

### C. Persons In Custody of the Opposite Sex

1. Whenever an officer transports a person in custody of the opposite sex, the officer shall transmit his vehicle mileage at the beginning of the transport and his ending mileage upon reaching the destination.
2. Communications should acknowledge both transmissions by announcing the current times.

### D. Special Situation Transports

1. Transports of persons in custody for unique circumstances (i.e. to attend funerals, to visit a critically ill relative, or to attend the reading of a will) are a function of the Sheriff's Office and shall not be performed by Division members.

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2. Any such person in custody who is considered a security hazard shall cause the transporting officer to forewarn the detention facility as to the risk involved so that appropriate security can be established in the courtroom.
- E. Transporting Juvenile Offenders
1. Juveniles under the age of 12 shall not be transported in a patrol wagon.  
  
Juveniles 12 years of age or older may be transported in a patrol wagon when their actions present a potential threat or safety hazard to the transporting officer and when approved by a field supervisor.
  2. Juveniles shall not be transported with adults in a patrol wagon or police vehicle. Exceptions to this would be during mass arrest situations as deemed by the Incident Commander.
  3. Whenever an officer transports a juvenile, the officer shall transmit his vehicle mileage at the beginning of the transport and his ending mileage upon reaching the destination;
  4. The provisions of this directive are applicable to juveniles as well as to adults. If circumstances dictate, Juvenile Intake shall be contacted in lieu of the Magistrate;
  5. If a juvenile person in custody becomes ill or injured, the guidelines in section VI shall be followed.
- F. Children in Need of Medical Care While in the Detention Home
1. During normal business hours for court, the detention staff will contact the Sheriff's Office to provide transportation for children in custody who need medical or mental treatment.
  2. After normal business hours for court, the detention staff will contact Communications requesting Rescue and Police. Rescue will transport the juvenile with a Police Officer to a treatment facility. Detention will call the Sheriff's Office to relieve Police, who are to remain with the child until relieved.
  3. In the event the child is admitted to the hospital, the officer will remain with the child until further instructions are received from a Juvenile Judge and/or until relieved by the Sheriff's Office.
  4. In all cases in which an officer of the Division is used for transporting a juvenile for treatment, the detention staff shall arrange for the Sheriff's Office to provide relief as soon as possible.

By Order of:

Douglas A. Middleton  
Chief of Police