

Care and Transport of Prisoners

321.1 PURPOSE AND SCOPE

Department values mandate that persons taken into custody will not be abused, and the individual rights of prisoners must be protected at all times. Until arrested persons are accepted at the booking facility, their care and custody shall be the responsibility of the arresting/transporting officers.

321.2 HANDLING PRISONERS

321.2.1 RESTRAINT GUIDELINES

- (a) Suspects being arrested and transported in police vehicles shall be handcuffed or otherwise restrained as described below:
 - 1. Prisoners will generally be restrained with hands behind the back. If handcuffs are used, they shall be double locked.
 - 2. In case of advanced age, injury, physical disability, or other circumstances where arrested persons are incapable of placing their hands behind their back, but circumstances warrant restraint, the officer may:
 - (a) Use flex cuffs.
 - (b) Apply handcuffs with the hands to the front.
 - (c) Choose not to use a restraining device. If the prisoner is not restrained, two officers should be used to transport the prisoner as safely as possible.
 - 3. Unless it would pose a safety risk to officers, the arrested person, or the public, officers should apply handcuffs to the front for arrested persons who are deaf or hard of hearing and who request to use their hands to communicate. Such communication may occur through sign language or written communication.
 - 4. The use of an authorized waist chain, waist belt, or travel belt is authorized:
 - (a) At a prisoner processing center, which includes transport from the center to the booking facility;
 - (b) By officers in a specialized unit, if the use is authorized by Standard Operating Procedures;
 - (c) When the use is specifically authorized as part of an operations plan, or
 - (d) When authorized by a supervisor in cases where an officer feels an arrested subject may:
 - 1. attempt to escape,
 - 2. resist transport to any location,
 - 3. or the transport involves an unusual length of time or distance.

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4. The supervisor's name shall be noted in the offense report or supplement. For this section, Corporals may grant approval.
 5. Officers shall adhere to General Order 204 (Leg Restraint Device) for guidelines on using an authorized waist chain, waist belt, or travel belt.
 6. Officers may purchase, at their own cost, a waist chain, waist belt, or travel belt that has been approved by the Equipment Committee.
 7. Restraints should be drawn to a secure fit but not so tight as to cause a restriction in blood flow.
- (b) Officers shall not:
1. Use restraints to punish, display authority, or as a show of force.
 2. Secure a person to any part of a vehicle.

321.2.2 SEARCHING PRISONERS

Officers shall adhere to General Order 306 (Search and Seizure) when conducting searches.

321.2.3 WARNING ABOUT POSITIONAL ASPHYXIA

Positional asphyxia occurs when the physical position of the body interferes with normal respiration. Such a position can be induced by the use of one or more restraints. Officers in control of a restrained person must be alert to the physical position of the person in order to minimize the possibility of positional asphyxia.

321.3 TRANSPORTING ARRESTED PERSONS

The law imposes a duty of care on the transporting officer to protect prisoners from injury.

321.3.1 GENERAL GUIDELINES

- (a) Any vehicle used to transport prisoners shall be searched for weapons and contraband at the beginning of a tour of duty, before and after each prisoner transport, and at the end of a tour of duty.
- (b) All prisoners shall be seatbelted and placed in an upright position while in a police vehicle.
- (c) The prisoner must be under observation at all times to reduce opportunities for escape, disposal or destruction of contraband, and/or attack on the transporting officer.
- (d) Safety Barrier:
 1. When a vehicle is equipped with a safety barrier, the prisoner shall always be transported within the confines of the safety barrier. Officers shall position prisoners in the passenger side rear seat so they can be observed through the rear view mirror.
 2. If the vehicle is not equipped with a safety barrier, a single prisoner shall be placed in the front seat where the transporting officer can maintain observation and control of the prisoner.

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- (e) Once secured in the vehicle, prisoners should not be allowed to talk with anyone other than police or medical personnel.
- (f) While transporting a prisoner in a vehicle equipped with an MAV device, officers shall have the rear seat camera activated, or the front camera activated and faced toward the prisoner.
- (g) Prisoners will be transported without unnecessary delay. Officers shall use the MDC to change their status when transporting prisoners to a jail/detention facility or police station, and again upon arrival.
- (h) While transporting prisoners, officers shall not respond to any calls for service or initiate any enforcement action unless it is a situation where risk of serious bodily injury or death to a third party is imminent and the risk to the prisoner is minimal. Officers shall notify the dispatcher of any incident that may require a police response.

321.3.2 SPECIAL SITUATIONS

(a) Officer/Prisoner of Opposite Gender, or Juveniles

1. When transporting prisoners of the opposite gender, prisoners known to the officer to be transgender or whose gender is undetermined, or juveniles, the transporting officer shall notify the dispatcher of the:
 - (a) Intended destination and beginning odometer reading to the nearest tenth of a mile; and
 - (b) Ending location and odometer reading to the nearest tenth of a mile upon arrival at the intended destination.

(b) Violent or Mentally Disturbed Persons

- (a) To reduce the risk of injury to transporting officers and other prisoners, only one violent or mentally disturbed prisoner will be transported per vehicle at a time. No other prisoner will ride in the same vehicle with a violent or disturbed person.

(c) Ill, Injured or Disabled Prisoners

1. Transporting of the ill, the injured, or prisoners with a disability should be done with the officer's safety and the physical comfort of the prisoner in mind. Circumstances may require that the arresting officer transport the prisoner by EMS, prisoner transport van, or by a specially designed vehicle that can be requested through City or commercial entities. At least one officer will ride with the prisoner in the EMS unit or other designated transport unit. A second officer will follow the prisoner transport vehicle in a police vehicle.
 - (a) Under extraordinary circumstance and with supervisory approval the officer may follow in a police vehicle in lieu of an officer riding in the ambulance. The supervisor will document the justification in a supplement to the report.
2. Each circumstance should be considered on an individual basis; prisoners shall not be allowed to retain any instrument that could be used as a weapon against the transporting officer.

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3. Ill or injured prisoners in custody of an officer should be restrained, if possible, to prevent escape or to prevent injury to officers or medical personnel.
 - (a) The officer will consider the prisoner's special circumstances before applying any restraining device.
 - (b) The prisoner should not be restrained in such a way that proper medical attention is prevented.
 4. If medical personnel request removal of restraining devices to treat an injured prisoner, the restraints will be removed.
 - (a) The custodial officer shall always remain with the prisoner unless directed to depart from a treatment area by medical personnel for treatment purposes.
 - (b) The officer shall remain nearby to prevent violent acts or escape.
 - (c) This applies to transporting a prisoner who has been refused intake by the jail nurse. Only use EMS to transport from the jail to the hospital or other type of facility when it is medically necessary (e.g. high blood pressure, chest pains, etc.). Do not utilize EMS if the refusal to the jail is for reasons that do not require EMS.
- (d) Spit Hoods
1. Spit hoods are safety hoods used to prevent contaminants from being transmitted by a prisoner or detainee.
 2. Spit hoods should be used when dealing with prisoners or detainees that have attempted or threatened to bite or spit.
 3. Officers shall ensure that the spit hood is properly fitted and secured.
 4. Medical personnel may remove the spit hood as needed.

321.3.3 ESCAPE

- (a) In the event an escape occurs while transporting a prisoner, the officer shall immediately notify the dispatcher and request assistance. The officer should provide, at a minimum, the following information:
 1. Complete physical description;
 2. Direction and method of travel;
 3. If any weapons and/or accomplices were used to effect the escape; and
 4. The nature of the offense which resulted in the original arrest.
- (b) A supervisor shall be notified.
- (c) A complete search of the area will be conducted. This search may include the following measures:
 1. Establishing a perimeter.
 2. Requesting canine.

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3. Requesting air support.
 4. Notifying surrounding agencies, if appropriate.
- (d) The officer shall complete all necessary incident reports to ensure the preparation of an arrest warrant if the prisoner is not located.

321.4 PRISONERS REQUIRING MEDICAL ATTENTION

The intent of the Department is to quickly provide each ill or injured prisoner with medical attention. Prisoners shall be treated for injuries before being booked into jail. This includes subjects who have been subjected to Response to Resistance techniques. (Refer to Chapter 2 on Response to Resistance General Orders).

321.4.1 MEDICAL ATTENTION PRIOR TO BOOKING

- (a) Officers shall either request EMS or transport a person to an appropriate medical facility when any of the following criteria are present:
1. Large lacerations (greater than one inch in length), which are less than 12 hours old.
 2. Actively bleeding lacerations (greater than 3/4 inch).
 3. Obvious deformity of bones of the extremities, or open fractures.
 4. Swelling to the face to the extent vision/breathing is difficult or impaired.
 5. Possible heart attacks. Symptoms of heart attacks would include the chest pains, pain extending down the left arm, and/or difficulty breathing.
 6. Alcohol or drug intoxication to the extent that the prisoner is unconscious.
 7. Any condition in which the prisoner cannot move his extremities.
 8. Neck pain following an auto collision.
 9. Overdoses.
- (b) Unconscious persons:
1. Unconscious persons will not be transported to a jail facility. Officers shall request EMS to respond to the scene for examination, treatment and/or transport.
 2. Prisoners who become unconscious during regular transport will be taken to the nearest medical facility, or officers will request EMS to respond to their current location (whichever is the most expeditious).
- (c) Prisoners who are examined by EMS at the scene, but refuse treatment/transport, will be transported to the booking facility.
1. If an individual refuses medical treatment/transport, the refusal should be witnessed by another officer and/or medical personnel and fully documented in the incident report. Whenever practicable, such refusal should be captured by audio/video recording.

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2. Officers will provide the intake jail nurse with EMS attendants' names and numbers for future reference.
- (d) Prisoners transported by EMS will be accompanied by an officer inside the ambulance. At least one officer will ride with the prisoner in the EMS unit or other designated transport unit. A second officer will follow the prisoner transport vehicle in a police vehicle.
- (a) Under extraordinary circumstance and with supervisory approval the officer may follow in a police vehicle in lieu of an officer riding in the ambulance. The supervisor will document the justification in a supplement to the report.

321.4.2 HOSPITAL GUIDELINES

Once at a hospital, prisoners will be guarded by the transporting officer until treated and released by a physician or admitted for medical attention. Under NO circumstances will officers release and/or leave unguarded prisoners who are violent or who officers have reason to believe may become violent.

- (a) Medial Release from Hospital
1. Once released from the hospital, prisoners will be transported to the jail along with the proper discharge documentation.
 2. The jail will require documentation to show that prisoners have received/refused medical attention from the hospital.
 3. The jail nurse/medical officer should be briefed on prisoners' injuries and subsequent treatment/refusal.
- (b) Admittance to Hospital
1. In circumstances where prisoners are arrested on for non-violent offenses and there is no reason to believe the prisoner will become violent, a supervisor may authorize the prisoner's release if the prisoner is being admitted into the hospital. Prisoners will not be released from custody if they are under arrest for an offense involving violence or have outstanding warrants higher than a Class C Misdemeanor.
 2. Prisoners may be released from custody provided there is sufficient identifying information available to obtain a warrant and meet the following criteria:
 - (a) Felony Offense
 1. All Charges, other than direct file narcotic related charges, require authorization to release from the:
 - (a) Investigative unit responsible for the highest charge, and
 - (b) on duty Patrol Lieutenant over the area where the subject was arrested; or, if unavailable, any on duty Patrol Lieutenant.
 2. Narcotic related charges, that can be direct filed, only requires authorization from the on duty area Patrol Lieutenant; or, if unavailable, any on duty Patrol Lieutenant.

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- (b) Class A and B misdemeanors arrests require authorization from a sergeant or above. Corporals, only when in the capacity of acting sergeant, may grant authorization for release and only for their immediate subordinates.
- (c) Class C misdemeanor arrests except for public intoxication, prisoners may be issued a misdemeanor citation. If the prisoner refuses to sign the citation, a notation will be made on the signature line that the person was admitted to the hospital and refused to sign. Municipal Court can file the case based upon the citation.
- (d) On public intoxication arrests where prisoners are under arrest solely for public intoxication and have been taken to the hospital, officers may request a supervisor after four hours from the time of arrest to determine if continued custody is required.
 - 1. If the supervisor determines that the prisoner is no longer intoxicated to the extent that he is a danger to himself or to others, release may be authorized.
 - 2. If the prisoner is released, supervisors will complete a supplement to the incident report detailing their assessment and authorization for release.
- 3. When a prisoner is authorized for release under this order, the arresting officer is responsible for completing all necessary paperwork as if the charge was being direct filed and forwarding that paperwork to the investigative unit responsible for the charge.
- 4. Prisoners not authorized or approved for release and admitted to the hospital shall be guarded until they are magistrated as follows:
 - (a) 10 PM until 7 AM (Monday-Friday)- By an officer from the patrol area in which the arrest was made. The on-duty lieutenant or designee for that area is responsible for scheduling patrol officers to guard the prisoner during these hours.
 - (b) 7 AM until 10 PM (Monday-Friday)- By the Investigative Unit responsible for the highest arrest charge of the case.
 - 1. The Investigative Unit supervisor is responsible for scheduling detectives to guard the prisoner during these hours.
 - 2. The responsible Investigative Unit will have the prisoner magistrated as soon as possible and notify the appropriate jail facility so they can begin guarding the prisoner.
 - (c) Weekends (10PM, Friday- 7AM, Monday)- By an officer from the patrol region in which the arrest was made, unless the investigative unit responsible for the highest arrest charge of the case has detectives assigned to an on-call status that can be called in to relieve the patrol officer and have the prisoner magistrated.

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1. The on-duty lieutenant or designee for that region is responsible for scheduling patrol officers to guard the prisoner during these hours, and to contact the unit responsible for the highest arrest charge for assistance.
2. If the investigative unit responsible for the highest arrest charge has detectives assigned to an on-call status, then the investigative unit supervisor is responsible for scheduling detectives to guard the prisoner during these hours.
 - (d) No visitors shall be admitted while the prisoner is being guarded.
 - (e) Officers guarding a prisoner shall always keep him in sight unless a medical procedure requires otherwise.
 - (f) Supervisors shall rotate guard assignments at least every four hours.

321.4.3 PRISONERS EXHIBITING SYMPTOMS OF CONTAGIOUS DISEASE

- (a) Officers arresting persons with outward signs of contagious disease, or who complain of known infections or disease, will isolate the prisoner from others.
 1. EMS shall be called to determine the prisoner's condition.
 2. Prisoners requiring medical attention as a result of the disease shall be transported by EMS.
 3. After taking appropriate health safety precautions, officers shall follow the Hospital Guidelines outlined in this order.
- (b) Officers taking prisoners to the Travis, Hays, or Williamson County jail facility who are known to have a contagious disease or who are exhibiting symptoms of a contagious disease will notify the jail supervisor immediately upon entering the facility.

321.5 HANDLING OF PRISONERS AWAY FROM JAIL AREA

- (a) When signing out prisoners from any jail or correctional facility for any purpose, Department personnel shall:
 1. Ensure the prisoner they are taking into custody is positively identified; and
 2. Determine if there are any security or safety issues associated with the prisoner (e.g., escape risk, history of violence, medical problems).
- (b) Department personnel removing a prisoner from the jail or correctional facility for any purpose shall sign the prisoner out and will be responsible for the return of the prisoner.
 1. Department personnel will ensure the prisoner is thoroughly searched for weapons, contraband, or items that might be used as implements of escape prior to returning them to the custody of jail or correctional facility personnel.
- (c) Department personnel who sign out prisoners to transport them back to the scene of the crime or any other location to continue their investigations are responsible for the safe transport of that prisoner.

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- (d) Wherever the prisoner is taken, the officer having custody will be responsible for ensuring that no weapon, and/or instrument that could be used as a weapon or implement of escape is accessible to the prisoner.
- (e) Department personnel shall, whenever possible, avoid walking a prisoner who is not handcuffed through crowded hallways or other public areas.
- (f) Prisoners may be taken to public bathrooms only after the area has been checked for weapons and cleared of other persons. Employees shall accompany prisoners and keep them under visual observation at all times.
- (g) Anytime Department personnel accompany a prisoner to court and that prisoner is considered a security hazard, the judge shall be notified.