

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 15, 1997

GENERAL ORDER T-2

SUBJECT: TRANSPORTATION OF PRISONERS

### PURPOSE

- 1 - The purpose of this General Order is to establish procedures for the **restraint and** transportation of prisoners.

### POLICY

- 2 - For the safety of the transporting officer and in order to insure the safe care of the prisoner in our custody, it is the policy of this Police Department to handcuff all prisoners being transported, except for juveniles who fall within the special provisions of General Order J-18 **and except as provided below.\***

### PROCEDURES

- 3 - Over the years, several officers have been injured by prisoners riding in the front passenger seat of a police vehicle. Considerable damage has been done to our police fleet by prisoners who have kicked out radio consoles, broken out windshields and done other damage to our cars.
  - (a) To ensure the safety of the transporting officer, all prisoners should be searched prior to being placed in the transporting vehicle.
  - (b) Upon completion of the transportation, the vehicle should then be searched to insure that no contraband or evidence has been secreted in the transporting unit.
  - (c) **Except as provided below**, when an officer is transporting a handcuffed prisoner, the officer shall:
    - (1) **Handcuff** the prisoner's hands (**using the double lock**) behind the **prisoner's** back.
    - (2) Use the seat belt in the patrol car to secure the prisoner.
    - (3) **Exercise discretion in** utilizing the transportation **leg** restraints (such as "hobbles" **or the "WRAP" device**) **if there is reason to believe that the prisoner will be violent or a danger to him or herself or the public.**
    - (4) Insure that the prisoner is supervised at all times and that officers shall not lose sight of the prisoner.
  - (d) When transporting **prisoners who are physically disabled, injured, or in an obvious state of pregnancy**, restraining devices should be used, as appropriate, for the severity of the prisoner's **condition**, but adequate to preserve the safety of both the transporting officers and the prisoner.

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If it appears that because of a prisoner's physical disability, physical injury, or obvious state of pregnancy, the prisoner cannot be handcuffed behind his or her back without causing pain or injury or aggravation of the disability, officers must attempt to accommodate the prisoner's disability, injury, or pregnancy by (a) handcuffing the prisoner with his or her hands in front of his or her body, or (b) handcuffing the prisoner behind the back, but with two sets of handcuffs linked together so as to lengthen space between the handcuffs.

If such an alternative is utilized, the officer should exercise discretion in taking compensating safety measures such as using a police vehicle with a safety screen and/or having two officers present during transport to ensure the safety of the transporting officer and the prisoner.

If the prisoner is handcuffed in front, the officer may also want to place the handcuff chain under the prisoner's belt or through the prisoner's belt loop, or connect the handcuffs to a waistband device to prevent the prisoner from striking or choking the officer, or gaining access to the officer's weapon.

In deciding whether handcuffing a prisoner behind the back will aggravate a prisoner's physical disability, physical injury, or obvious state of pregnancy, the officer should consider the totality of circumstances, including the readily observable signs of the disability (e.g. partial paralysis, medic alert tag), injury, or pregnancy, as well as the statements of the prisoner.

- (e) **Physically disabled prisoners who use a wheelchair to ambulate** should not be transported in a non-**disabled**-lift equipped vehicle. Efforts should be made to cite release (field citation) or **release** such prisoners under **Penal Code §849b**, when eligible, for this type of release. **Otherwise, a disabled-lift vehicle should be used for transport. Do not remove a physically disabled person from his or her wheelchair for transport, unless it is necessary for his or her own safety.**
- (f) When practical, mentally ill persons should be transported by ambulance. When transported in a police vehicle, restraint should be sufficient to prevent the person from damaging equipment and eliminating potential injury to the transporting officer(s) and his or herself.
- (g) If an illness, disability, or injury incapacitates the prisoner, transportation should be arranged with the ambulance.

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### TRANSPORTING SINGLE PRISONERS IN NON-CAGE CARS

- 4 - Normally, prisoners will be transported **in the rear seat** of caged vehicles. When a caged vehicle is not available, a single prisoner, who is not violent or resisting, may be transported by a single officer from the scene of an arrest to the Hall of Justice by placing the handcuffed prisoner in the right front seat of the police vehicle. The seat belt shall be secured around the prisoner. Leg restraints may be used if the situation warrants.
- (a) This same procedure may be used to transport a single prisoner from the jail to the hospital and return, or from the scene of the arrest to the hospital and then to jail.
- 5 - When it is necessary for two officers to transport a single prisoner **without a caged vehicle**, Departmental policy regarding the seating arrangement is as follows:
- (a) Driver behind the wheel and alone in the front seat.
- (b) Prisoner in the right rear passenger seat, properly secured with a seat belt (transportation restraints may also be used if deemed advisable).
- (c) Passenger officer behind the driver in the left rear seat.

### TRANSPORTING TWO PRISONERS IN NON-CAGED VEHICLES

- 6 - When it is necessary for two officers to transport two prisoners **without a caged vehicle**, Departmental policy for the seating arrangement is as follows:
- (a) Driver behind the wheel and alone in the front seat.
- (b) Prisoners in the right rear and center rear passenger seats, properly secured with seat belts (transportation restraints as deemed advisable).
- (c) Passenger officer behind the driver in the left rear passenger seat.

### LONG DISTANCE TRANSPORTATION

- 7 - In those rare instances where it is necessary to transport one or more prisoners a great distance, such as to Santa Rita Jail or beyond the City boundaries, every effort should be made to use the police van or a caged vehicle for the transportation. Should this not be possible, the prisoner(s) should be transported with a secondary officer as described above.

Prisoners shall not be transported to special events or situations such as visiting an ill person, attending a funeral, attending the reading of a will, etc.

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**EXCEPTIONS**

- 8 - It is recognized that there may need to be exceptions made to the above stated policy to meet certain unique circumstances. Good reasons for not following this policy might include following the procedures of the FTO Program during final evaluation, for example, or the transport of an extremely large individual, who leaves no room for a second officer in the back seat. An unconscious drunk placed prone in the back seat would not be an example of an acceptable exception. In most situations, unless specific and articulated reasons demand otherwise, the procedures outlined above should be followed.

References: CALEA Standards  
General Orders C-10 and J-1, and J-18  
General Order I-16  
General Order W-4  
**Training & Information Bulletin No. 247**  
**IACP Model Policy Re: Transport of Prisoners**