

OGDEN CITY POLICE

Office of the Chief

Policy No: 07A

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| Subject Transportation of Persons in Custody | Effective Date March 24, 2023 |
| Department Police | Replaces Policy Dated August 2020 |
| Division All Police Personnel | Review Date March 2025 |
| Authorized Signature  | |

NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this policy is to establish procedures ensure persons in legal custody are transported safely. Transportation is frequently a potentially dangerous aspect of the arrest. The following guidelines should mitigate the risks.

II. POLICY

Transportation of persons in legal custody is a frequent activity. Transportation usually occurs in two instances, the first is immediately after arrest when the arrested person is transported for booking, holding, or transfer to another facility. The second occurs in the movement of prisoners from a detention facility for extradition or other reasons. In all instances of transportation of persons in legal custody by members of the Ogden Police Department, officers will take care not to recklessly endanger themselves or the person being transported and will limit opportunities for escape.

III. PROCEDURE

A. Searching the Prisoner

The transporting officer will always search a prisoner before placing the prisoner into the vehicle. Officers must never assume that a prisoner does

not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting officer will conduct a search of the prisoner each time the prisoner enters custody of the officer.

B. Searching Police Vehicles

The transporting officer will search the vehicle before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. After delivering the prisoner to the destination, officers will again search their vehicles to ensure that the prisoner did not hide contraband or evidence.

C. Positioning of Prisoners in Vehicles

1. Officers will utilize police vehicles with prisoner cages whenever reasonably possible. The prisoner will be handcuffed behind the back and the seat belt must be properly fastened. Police vehicles outfitted with a full backseat cage should position the prisoner on the rear passenger side seat during transport.
2. In the event that a vehicle equipped with a prisoner cage is unavailable, officers should utilize the following procedures when transporting prisoners.
 - a. When one officer is transporting one prisoner, adult prisoners will be handcuffed behind the back and securely buckled into the front passenger seat of the vehicle with the seat as far back as possible, and with the seat belt and shoulder harness properly fastened. Leg restraints may be used where the officer feels such are necessary for protection of the officer and in the best interest of the person being transported. Passengers under twelve years of age, or of such small stature as to be of concern to the officer should a passenger side air bag deploy, are to be handcuffed behind their backs, and securely buckled into the right rear passenger seat of the vehicle, with the seat belt and shoulder harness securely fastened. The seat belt and shoulder harness will be checked by the officer to ensure that they fit correctly around the midsection of the body and firmly down across the shoulder and upper torso, and that they are firmly latched prior to the officer driving away in the vehicle. Leg restraints may be used where the officer feels such are necessary for protection of the officer and in the best interest of the person being transported.
 - b. One officer will not transport more than one person in custody.

- c. When two officers are transporting one prisoner, the prisoner may be positioned on the front seat with the arresting officer directly behind, or on the right rear seat with the assisting officer seated behind the driving officer. The officers will comply with the procedures in Paragraph C.2.a., ensuring juveniles and those of small stature are in the back of the patrol vehicle.
- d. When two officers are transporting two prisoners, the prisoners will be positioned in the front and right rear seats with the assisting officer seated behind the officer driving. The officers will comply with the procedures in Paragraph C.2.a., ensuring juveniles and those of small stature are in the back of the patrol vehicle.

D. Control of Persons in Custody While Transporting

- 1. While transporting a person in custody, the officer will be mindful of the person at all times, even when it becomes necessary to allow the prisoner the use of a toilet. In a situation where observation is not possible (prisoner needing toilet facilities and transporting officer is of the opposite sex) the officer will ensure having as much control of the situation as possible. The person will not be allowed in the facility with another person not under the control or direction of the officer, and the officer will ensure no escape routes are available within the facility and no weapons of any type are available to the person in custody.
- 2. If it becomes necessary for the transporting officer to stop enroute for a meal while a person in custody is present, the officer should choose a location unfamiliar to the person in custody. This minimizes any chances of prearranged plan for someone to attempt a release of the person.
- 3. When transporting a person in custody, the transporting officer will provide law enforcement services only in the following situations, and only after notifying dispatch and requesting backup where possible and as soon as practicable. In all of these situations, the transporting officer should ensure at all times that the person is secure and protected. Under no circumstances will an officer transporting a person engage in a pursuit.
 - a. When there is a need for the transporting officer to act immediately in order that a potential victim is not harmed.
 - b. When a victim has been injured and assistance is required right away.

- c. When a violent crime is in progress and there is an immediate need for the officer to act to protect lives.
- 4. In the event a person escapes while being transported, the transporting officer will use the following procedures:
 - a. Request assistance immediately from the jurisdiction the officer is in at the time of the escape.
 - b. Attempt to recapture the escapee as soon as possible.
 - c. Submit a written report to the supervisor immediately upon returning to the agency explaining the circumstances of the escape.
- 5. A transporting officer will not allow a person in custody to communicate with other people while in transit unless the situation requires it. The officer will use judgment when deciding whether to allow a conversation to take place between the transported person and another party.
- 6. When transporting persons in custody from one facility to another, the transporting officer will, upon arriving at the destination, follow these procedures:
 - a. Firearms will be secured in the designated place at the facility being entered.
 - b. Restraining devices will be removed only when directed to do so by the receiving facility or when the officer is sure that the person in custody is properly controlled and secure.
 - c. Submit the proper paperwork (jail committal, property form, etc.) to the proper person at the receiving facility.
 - d. Advise the appropriate personnel at the receiving facility of any potential medical or security risk(s) of which the transporting officer is reasonably aware.

E. Special Transportation Problems

- 1. When an officer of one gender is transporting a person in custody of another gender:
 - a. An additional officer should be requested to accompany the transport whenever possible.
 - b. The transporting officer will proceed directly to the destination using the shortest practical route.

- c. The transporting officer will activate a body-worn camera and/or an in car camera system if either are available. In the event that a body-worn camera is not available, the officer will provide the dispatcher with the odometer reading when the transport begins and when it ends.
2. When transporting a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists, the use of restraining devices may be inappropriate.
 - a. When transporting a person in custody with a disability, the transporting officer will request assistance when needed in order that the transport may be completed conveniently, comfortably, and safely for both the person and the officer. The transporting officer will receive whatever special equipment or medicine is necessary for the person but will not allow the person to have possession during the transport.

F. Documentation

When accepting custody of a person for transport at a detention facility, the transporting officer will ensure the identity of the person being accepted. This can be accomplished by the officer's personal knowledge of the prisoner or requesting verification by the facility custodians. When in doubt about the identity of the person or the circumstances of the transport, the officer will not accept custody and will contact a Watch Commander for guidance.