

| | | | | | |
|---|-----------------------------------|---|------------------------------------|----------------------------------|---|
| New Berlin Police Department Directives Manual | | Directive Title: Search and Transport of Prisoners | | |  |
| Issue Date: 02/11/15 | Published Date: 9/18/20 | Next Review Date: 05/01/22 | Total Pages: Page 1 of 5 | Directive Number: 7101 | WILEAG Standards: 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6, 7.1.7, 7.1.8, 7.1.9 |

Purpose

This directive establishes guidelines for officers searching and transporting prisoners.

Policy

When an officer transports a prisoner, this becomes his/her primary responsibility. It is the officer's responsibility to protect persons being transported in department vehicles from injury and not place them in a potentially hazardous position. Officers will ensure that all prisoners wear a safety belt while being transported in a department vehicle.

Definitions

1. Confinement (temporary) – Means placing a person who has been arrested and is awaiting an initial appearance in court, or posting of bond, in a cell or holding room of a municipal lockup or jail.
2. Constant Supervision – As used in Section 7.2, means that during the period of contact with the detainee, an officer remains in close proximity to the detainee at all times and immediately attentive to the detainee's needs and condition. It does not imply uninterrupted visual observation of the detainee.
3. Detainee – Means a person transported to the law enforcement facility by an officer, or who arrives at a law enforcement facility voluntarily and is subsequently taken into custody, and one of the following conditions apply:
 - a. A person arrested pursuant to §968.07, Wis. Stats.
 - b. A juvenile taken into custody pursuant to §938.19, Wis. Stats.
 - c. A person arrested pursuant to §§345.21 or 345.22, Wis. Stats.
 - d. A person arrested pursuant to §800.02(5) or (6), Wis. Stats.
 - e. A person otherwise arrested or lawfully detained or taken into custody and not free to leave.
4. Detainee Processing – Means the completion of various tasks associated with the detention that must be performed prior to transfer to a municipal lockup or jail or eventual release. These tasks might include identification; investigation; interview/interrogation; performance of standardized field sobriety or chemical tests; collection of evidence from the detainee; booking activities, such as the collection of fingerprints, photographs, or DNA samples; release to a responsible adult/parent, etc. Detainee processing can occur within a municipal lockup or jail, or in other areas of a law enforcement facility outside the secure perimeter of a lockup or jail.
5. Jail – Means a place of confinement operated by a sheriff for the purposes listed in §302.31, Wis. Stats., and governed by Department of Corrections Administrative Code Chapter 350. For the purposes of Chapter 7, Transport, Processing, and Temporary Confinement of Detainees, a jail can be considered a destination for detainees following the completion of processing; however, **Section 7.3 does not apply to jails**, since the temporary confinement of persons under arrest before being brought before a court or posting bond is but one of many functions of a jail as outlined in §302.31, Wis. Stats. The full extent of jail operations, including temporary confinement, is beyond the scope of these standards and more appropriately governed by Department of Corrections Administrative Code Chapter 350.
6. Municipal Lockup – Means a facility within a police station that is used for the temporary confinement of persons under arrest until they can be brought before a court or post bond.
7. Temporary Detention – As used in Chapter 7, means securing a detainee in a locked room or to a fixed object outside of the secure perimeter of a municipal lockup or jail, without constant supervision of the detainee.

| | | | | | |
|---|-----------------------------------|---|------------------------------------|----------------------------------|---|
| New Berlin Police Department Directives Manual | | Directive Title: Search and Transport of Prisoners | | |  |
| Issue Date: 02/11/15 | Published Date: 9/18/20 | Next Review Date: 05/01/22 | Total Pages: Page 2 of 5 | Directive Number: 7101 | WILEAG Standards: 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6, 7.1.7, 7.1.8, 7.1.9 |

Search of Prisoners

In accordance with **directive 5101 Use of Force**, and unless otherwise authorized, all arrested persons will be handcuffed behind their back with the handcuffs safety locked. Officers will search all arrested persons incident to the arrest.

Prior to any transport, all arrested persons will be searched for weapons, evidence, contraband or tools that could aid in an escape. If the arresting officer is also the transporting officer, another search is not necessary. However, if an officer different from the arresting officer is transporting a prisoner, that transporting officer shall search the prisoner before any transport.

Prisoner Restraint

Anytime a prisoner is transported in a department vehicle, the prisoner will be properly restrained. Normally, officers will utilize properly applied handcuffs to restrain a prisoner. When circumstances dictate, other acceptable restraint methods include:

1. Leg irons
2. Ripp Restraint Hobble
3. Ripp Restraint Sit Belt
4. Ripp Restraint Prisoner Transport Belt
5. Ripp Restraint Tube
6. Ripp Restraint Violent Prisoner Transport Restraint
7. Emergency Restraint Chair
8. Spit Hood

No prisoner will be transported "hog tied" (tying or tethering hands and feet together behind the back) or in a prone position.

Search of Transport Vehicle

Officers will only transport a prisoner in either a squad with a partition separating the rear passenger area from the officer or the department prisoner van.

Before beginning their tour of duty, officers will inspect their patrol vehicle to ensure that it is in proper working condition and assigned equipment is present and functional. Officers will take special care when inspecting the rear passenger area of their patrol vehicle. This area will be searched for any weapons, contraband or tools that could aid a prisoner's escape before the officer begins his/her tour of duty.

Prior to transporting a prisoner, officers will search the rear prisoner transport area of their squad to ensure that there are no weapons, items or contraband, or any other item that may be a danger to the officer, prisoner, or may aid the prisoner in any escape attempt.

When the department prisoner van is used to transport a prisoner, the rear passenger compartment of the van will be searched prior to placing any prisoner in the van.

| | | | | | |
|---|-----------------------------------|---|------------------------------------|----------------------------------|---|
| New Berlin Police Department Directives Manual | | Directive Title: Search and Transport of Prisoners | | |  |
| Issue Date: 02/11/15 | Published Date: 9/18/20 | Next Review Date: 05/01/22 | Total Pages: Page 3 of 5 | Directive Number: 7101 | WILEAG Standards: 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6, 7.1.7, 7.1.8, 7.1.9 |

Regardless of which vehicle is used to transport a prisoner, the transport vehicle will be searched after the transport to ensure that the prisoner has not hidden any weapons or contraband in the vehicle.

Placement of Prisoners and Officers in Transport Vehicle

As a general rule, officers will only transport one prisoner at a time in a patrol squad. The prisoner will be placed in the right rear seating position. In the event two officers riding in the same vehicle are transporting a prisoner, the prisoner will be seated in the left rear seating position. The prisoner will be seat-belted in with both lap and shoulder belts properly fastened. The fold down partition window will be closed when a prisoner is in a patrol squad. When transporting a prisoner at night, the rear passenger compartment light will be turned on to allow the transporting officer to observe the prisoner.

A supervisor may approve transporting two prisoners in a patrol squad when circumstances leave no other option. In this case, two officers will be in the patrol squad during the transport. One officer will drive the vehicle, with the other officer seated in the front passenger seat.

Officers may transport a prisoner of the opposite sex. In these situations, the officer will advise WCC of the start and end mileage of the transport.

Officers will never transport a prisoner by themselves. In all cases, two officers will conduct the transport. The second officer may follow behind the transporting officer in another squad, or may ride along in the transporting vehicle.

The department prisoner van may be used to transport several prisoners at one time. Unless a prisoner is restrained in the Emergency Restraint Chair, all prisoners will be placed in the rear passenger compartment of the prisoner van. The prisoner will be seat-belted with the provided lap belt. Whenever the prisoner van is used to transport multiple prisoners, or a prisoner is restrained in the Emergency Restraint Chair, a minimum of two officers will conduct the transport.

Prisoners of the opposite sex will not be transported at the same time in any department vehicle. Juveniles will not be transported with adults at the same time in any department vehicle.

Limitation of Communication

Prisoners are allowed to communicate with the transporting officer. However, in cases where multiple prisoners are being transported at the same time in the same vehicle, the transporting officer should request the prisoners not communicate with each other during the transport. Officers should continue to monitor the prisoners to ensure they are not collaborating on an escape plan.

Transfer of Custody

Officers will frequently have to transport a prisoner to another agency (i.e. Waukesha County Jail, Waukesha County Mental Health, etc). Anytime officers are transporting a prisoner to or from another agency, officers will adhere to the other agency's policies for transferring custody of a prisoner.

| | | | | | |
|---|-----------------------------------|---|------------------------------------|----------------------------------|---|
| New Berlin Police Department Directives Manual | | Directive Title: Search and Transport of Prisoners | | |  |
| Issue Date: 02/11/15 | Published Date: 9/18/20 | Next Review Date: 05/01/22 | Total Pages: Page 4 of 5 | Directive Number: 7101 | WILEAG Standards: 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6, 7.1.7, 7.1.8, 7.1.9 |

Before transferring custody of a prisoner, officers will secure their pistol in a manner and location provided for by the transferring agency. If the transferring agency does not have a location to secure weapons, officers may secure their pistol in the trunk of their vehicle.

When officers transport a prisoner to the Waukesha County Jail, the transporting officer will complete the **Waukesha County Jail Arrest/Booking Worksheet** and the **Waukesha County Jail Arrest Detail form**. Officers will provide these forms and other necessary paperwork to the jail when transferring custody of a prisoner.

Officers that pick a prisoner up from another agency will complete any paperwork required by that agency.

Officers will alert the receiving agency to any unusual security threats or medical issues posed by their prisoner. When officers transport a violently resisting prisoner in the Emergency Restraint Chair, New Berlin officers will coordinate with the receiving agency on the safe removal of the prisoner from the Emergency Restraint Chair.

Transport of Detainees with Special Needs

Handicapped or Disabled Prisoners: Officers will exercise due care when transporting a handicapped or disabled person. If a handicapped or disabled person cannot be safely transported in a police squad, officers should consider transporting the handicapped or disabled person in an ambulance. Officers will ensure that the handicapped or disabled person is restrained as appropriate for the person's handicap. Ripp Restraints are an appropriate alternative to consider for a handicapped or disabled person. Officers will ensure that assistive devices used by the handicapped or disabled person are transported along with the person. Unless circumstances dictate otherwise, officers will not remove any assistive devices used by the handicapped or disabled person.

Mentally Ill Prisoners: Mentally ill prisoners can pose a significant threat to themselves and transporting officers. Mentally ill prisoners will be restrained as safely as possible. Violent prisoners may need to be transported in either the Emergency Restraint Chair, or possibly an ambulance.

Medical Clearance: Those prisoners or subjects who require medical clearance but are showing no indications of being sick or injured may be transported in a squad or prisoner van. For example 51.15, medical clearance as required by jail etc.

Sick or Injured Prisoners: Officers will summon EMS anytime they are dealing with a sick or injured person they will be taking into custody. Sick or injured prisoners will be transported in an ambulance. If the sickness or injury allows, the prisoner will be restrained to the cot in the ambulance. Ripp Restraints may be an appropriate alternative to restrain a sick or injured person. Officers will not use any restraints that will further injure the person, exacerbate the person's condition or lead to death. At least one officer will accompany the sick or injured prisoner at all times in the ambulance.

If a sick or injured person is taken to the hospital, officers will remain with the prisoner at all times, if medically possible. Officers should only remove any restraints as requested by medical staff. If it is not necessary to remove the restraints, the prisoner should at least remain handcuffed.

In cases where a sick or injured person is admitted to the hospital, officers will notify their supervisor. If the person is in the department's custody for a criminal offense, the supervisor will arrange a rotating schedule of officers who will remain with

| | | | | | |
|---|-----------------------------------|---|------------------------------------|----------------------------------|---|
| New Berlin Police Department Directives Manual | | Directive Title: Search and Transport of Prisoners | | |  |
| Issue Date: 02/11/15 | Published Date: 9/18/20 | Next Review Date: 05/01/22 | Total Pages: Page 5 of 5 | Directive Number: 7101 | WILEAG Standards: 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6, 7.1.7, 7.1.8, 7.1.9 |

the prisoner at all times. A police hold may be placed in lieu of an officer remaining with the prisoner at all times depending on the nature of the criminal offense.

All medical documentation will be brought to the facility that eventually confines the prisoner.

Special Situations: The department will not transport prisoners for the purpose of attending funerals, reading of a Will, visiting critically ill persons, or other unique situations that may arise.

Prisoner Escape

In the event a prisoner is able to escape from officers before, during, or after a transport, officers will:

1. Ensure their safety and the safety of innocent people where the escape occurred.
2. Immediately notify WCC of the escape location, description and direction of travel of the escapee, and request assistance from the law enforcement agency in which the escape occurred.
3. Establish a perimeter and assist the responding agency with a search for the escapee.
4. Complete an incident report detailing the circumstances of the escape.

By Order of: 
 Jeffrey Hingiss _____ Chief of Police

Dimensions: 7.1.2.1 / 7.1.2.2 / 7.1.5.1 / 7.1.5.2 / 7.1.5.3 / 7.1.5.4 / 7.1.6.1 / 7.1.6.2