

SALEM POLICE

DEPARTMENT MANUAL

CHAPTER 2.0

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SUBJECT:**TRANSPORTING AND HANDLING PRISONERS****ISSUING AUTHORITY:**

Approved by Chief Mary Butler

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70.5.1 72.5.3

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 NEW AMENDS RESCINDS**REDACTED – AUGUST 2020**

2.1 General Considerations and Guidelines

The proper transporting and handling of prisoners is essential to ensure the safety of officers and prisoners. A person who faces the loss of freedom may become desperate and dangerous. He may be ready to attack and flee at any time the opportunity presents itself. Escape is not only embarrassing but may create a serious danger to the community or to other police officers before the prisoner is recaptured. The purpose of the procedures outlined below is to assist an officer in avoiding such problems. At all times, an officer should expect the unexpected. He/she should not be lulled by the apparent cooperation of the prisoner. Every precaution should be taken by the officer to be prepared to handle sudden dangerous activity.

2.2 Procedures

Prisoners shall be thoroughly searched before being transported. The procedures for the search of females are outlined in this policy. If there is more than one prisoner to be transported it is the preferred response to have two Officers in the transport vehicle. (70.1.1)

An officer should not depend upon another officer to search a prisoner and he/she should never assume that a prisoner has already been searched.

The search should include the area within the immediate reach and control of the prisoner.

Any article that can be used as a weapon or as a means of escape should be confiscated.

All prisoners shall be handcuffed prior to being placed into the transport vehicle. When transporting juvenile, handicapped, injured or sick prisoners the use of restraints is at the discretion of the transporting officer, with the approval of the Street Sergeant or the Officer in Charge.

Before placing a prisoner in the police vehicle, it shall be thoroughly searched to ensure that there are no articles present that can be used as a weapon. This will also ensure that items (such as contraband) subsequently found can be more easily attributed to the prisoner. (70.1.2)

If the officer is without assistance, the prisoner shall be handcuffed with his hands behind his back, palms facing outward, handcuffs double locked. Never handcuff a prisoner to a fixed object while in the transport vehicle. (70.2.1)

If an officer operating alone does not believe the prisoner can be controlled without assistance, he/she should notify Salem HQ and remain at the scene until help arrives.

If the officer is accompanied by another officer, the prisoner or prisoners, properly handcuffed, shall be seated in the right rear passenger side of the patrol car. The accompanying officer shall position himself/herself in the front passenger side of the vehicle. Never should an officer be seated in the rear of the cruiser with a prisoner unless exigent circumstances exist. Officers should avoid seating prisoners behind the driver when possible. (70.1.3)

If force is necessary it shall be restricted to that which is reasonable and necessary to control the prisoner and to ensure the safety of the officer(s).

Males and females shall be transported separately. Juveniles shall be transported and secured sight and sound separate from adults.

Juveniles should NOT be transported in the prisoner transport van as outlined in M.G.L. 119 sec. 34. (72.5.3) (this does not refer to a police cruiser).

Any Officer may operate the prisoner transport van. They must

inspect the rear compartment prior to placing a prisoner inside. They must also inspect the rear compartment area when a prisoner is removed. This is to ensure the prisoner did not leave any weapons or contraband during transport. The prisoner transport van shall be equipped with emergency lights, sirens and a radio. If an Officer uses the van for patrol, they must ensure they have all the required equipment that would be in a cruiser. (41.1.3)

Immediately upon commencing the trip, the officer shall communicate the following information to the Dispatcher:

Designate number of prisoners, if female, indicate time of transport and mileage.

While transporting a prisoner, officers shall remain vigilant and take precautions to assure the safety of the prisoner.

Officers shall proceed directly to the place of booking and custody without unnecessary delay. They will communicate any potential medical or security risks to the Booking Officer. (70.1.6d)

The police unit should not participate in other police activities when transporting prisoners, unless exigent circumstances exist that without the officer's intervention could result in serious injury or death of a person(s).

Unnecessary conversations shall be avoided. However, officers should not hesitate to calm an excited prisoner to ensure that there will be no distractions to the driver.

Upon arrival at the station, the police vehicle shall be re-searched after the prisoner is removed. (70.1.2.)

The prisoner shall be brought immediately before the booking/house officer and shall be booked in accordance with current Department procedures. Should the prisoner be deaf or hearing impaired, reference P&P 80.0 *Handling Deaf and Hearing Impaired Clients*.

The person arrested shall be informed of his right to use the telephone (Chapter 276 Section 33A) and shall be allowed to exercise said right within one hour of

booking. A person under arrest may be allowed to use a cellular telephone for this purpose. Further, persons under arrest may be allowed to use their cellular phones to retrieve telephone numbers from its memory. (72.7.1d)

The Watch Commander/OIC in charge of the station shall examine the prisoner for injuries, illness or security risks. (Ch. 276 Sec. 33) (72.6.3) (70.1.6d)

If he finds any bruises, cuts or other injuries, he shall immediately make inquiry as to the source or cause and record such information as he/she may discover and he/she shall forthwith make a written report to the Chief of Police, as noted on the booking sheet. (72.6.3)

Said examination shall not compel the removal of clothing.

If the prisoner is suffering from wounds or injuries or complains of pain or injury, he/she shall be examined by medical personnel. If necessary, the prisoner will be transported to the nearest medical facility for examination by a medical physician.

Any prisoner held in custody or detained at the station for operating a motor vehicle while under the influence of intoxicating liquor, shall have the right, at his/her expense and request, to be examined by a physician selected by himself/herself (Chapter 263 Section 5A).

The Officer in Charge or House Officer shall inform the prisoner of such right immediately upon being booked and shall afford him/her a reasonable opportunity to exercise it.

The prisoner, immediately upon being booked, shall be given a copy of Chapter 263 Section 5A unless a copy of that section is posted in a conspicuous place to which the prisoner has access.

The Police Officer in Charge of the booking procedure (the booking/house officer) or an officer designated by him/her shall search the arrestee, including his/her clothing, and make an inventory of all items

collected. The booking inventory shall extend to ALL persons before they are incarcerated in the cellblock. However, the search of an arrestee for inventory purposes may be delayed if an immediate search would present a safety risk for officers. The inventory procedure shall extend into all containers possessed or in control of the arrestee (i.e. wallets, purses, etc.) and all such containers shall be searched and examined. An inventory of all items collected shall be made. The arrestee shall be asked to review and sign the inventory sheet. It should be noted that verifying a prisoner's identity is an inherent part of the booking process and officers are authorized to search and examine any container, which he/she reasonably believes could hold such identification.

Cells shall be searched before placing a prisoner therein.

No more force that is necessary shall be used when placing a prisoner in a cell.

At no time will unconscious prisoners be placed in a cell unless otherwise directed by a physician and the Officer in Charge.

The following special procedures shall apply to the handling of a female prisoner:

If at all possible, she shall be kept under guard in a public room until the arrival of female officer or placed in a cell if at a minimum a "pat down" is done.

A female shall not be searched by a male officer or employee when avoidable, unless it is apparently necessary to minimize any potential risk to the officer(s) and/or female detainee from possible harm from a weapon or other dangerous substance, at which time the officer can conduct a "pat down" of the outer clothing for weapons, or other items that may be harmful to the officer and/or the female detainee. Officers may also make use of a metal detecting or object-detecting instrument available in the booking area. The "pat down" shall be conducted in the presence of at least one responsible witness. The detainee shall remain handcuffed, personally monitored, and no other search shall be conducted until a female is available to complete the process.

In any event, no detainee should be placed into a cell without, at a minimum, a "pat down" to ensure the safety of the detainee while in the cell.

All female prisoners shall be separated from male prisoners by being placed in a designated female cell. The metal partition door shall be kept closed so to separate females from sight and sound. If both female cells are occupied, other areas of the cellblock may be used, as long as there is sight and sound separation. (72.5.3)

If there is reason to believe that the prisoner has in her possession a weapon, poison, a drug or other like means of causing death or injury to herself or another; or if there is reason to believe that contraband, instrumentality's or fruits of a crime are hidden on the prisoner AND there is imminent danger that such may be thrown away or destroyed, she should be immediately handcuffed with her hands behind her back and taken directly to a place where she can be thoroughly searched by female police employee. This search may include a "strip search" if circumstances warrant. This search shall not be conducted in the presence of any male officer/employee. (Reference P&P 2.0 section 2.4 Special Guidelines for Strip Searches).

Juvenile prisoners shall not be transported with adult offenders.

Prisoners shall be treated courteously and shall receive such food and drink as is necessary.

Each cell containing prisoners shall be inspected periodically as directed by the Chief. Any unusual occurrence shall be reported to the officer in charge as soon as it is discovered.

Prisoners, after booking, shall be brought to court if it is in session; or at the next regular sitting, or if appropriate, bailed by the Clerk of Courts.

2.3 Additional Procedures

Examination of Police Vehicle:

Officers shall examine their vehicles at the beginning of each tour of duty. The vehicle interior, particularly under the seats, shall be examined for any objects that may be used as a weapon against an officer or as a means of escape by a prisoner. The exterior of the vehicle must be examined for dents or scratches and the tires for proper inflation and tread depth. The contents of the trunk shall be examined to assure proper operation of emergency equipment. Defects or needed equipment/supplies shall be noted and the Watch Commander shall be informed. It shall be the responsibility of the Watch Commander to notify the Administration & Auxiliary Services Commander for proper action. (70.1.2)

Observance of Prisoners:

Officers transporting prisoners from the point of arrest to the station will not lose sight of his/her prisoner once in custody. In the rare event of a long distance transport, if a "Nature stop" is required, the premises shall be searched prior to use for weapons and contraband before allowing the prisoner to enter the facility. The officer shall stay either outside the stall to be used or if no other exists are available, outside the facility door. (70.1.4)

A field search of the prisoner shall be conducted once the prisoner comes back into the officer's sight. The field search will be for weapons or contraband that the prisoner may have acquired when out of the officer's sight.

Rendering of Assistance:

Redacted in accordance with Exemptions (f) and (n) of the Massachusetts Public Records Law (MGL Ch. 66 § 10). (70.1.4)

Escape of Prisoner:

Officers who have a prisoner escape during transport shall immediately report the incident to the OIC, who shall notify the Division Commander and the Chief. Should the prisoner escape outside the confines of the City of Salem, the officer shall notify the appropriate local or state agency. All pertinent information will be given out over the Bapern Radio as well as North District to all surrounding cities and towns. Officers shall assist other law enforcement personnel by providing all pertinent information concerning the prisoner and assist in a physical search if necessary. Officers will prepare a complete report of all circumstances surrounding the escape, submitting

same to his/her Watch commander. (70.1.7a) (70.1.7b) (70.1.7c)

Communications with Prisoners:

Officers transporting prisoners shall not allow them to communicate with anyone other than themselves and this shall be kept to a minimum. Communication with others either in person or by phone, including lawyers, shall be prohibited. (70.1.5)

Transferring Prisoners to other Agencies:

Officers arriving at their destination shall report to the officer authorized to receive prisoners. Weapons shall be secured. The proper documents will be delivered to the receiving officer and his signature obtained. Restraining devices shall be removed when the receiving agency so directs. See prisoner transport report pat-17. (70.1.6a) (70.1.6b) (70.1.6c) (70.1.6e)

Medical Care Transportation:

Officers transporting prisoners to medical facilities for treatment, examination or admission shall keep the prisoner in sight as much as possible during all phases of treatment. Restraining devices will be removed if they may interfere with treatment or examination. (70.1.6b) (70.3.2)

In all cases where a prisoner is being treated, examined or admitted to a facility, the officer shall remain with the prisoner and only under unusual circumstances will the prisoner be allowed out of the transporting officers sight. (70.3.2)

If the prisoner is admitted to the hospital the officer shall consult with the Patrol Sergeant / OIC to determine the need for additional security based on the degree of risk, isolation, and 24 hour coverage. A determination shall be made for the continued use of restraints, meals and utensils, and the monitoring of all personal contacts with the prisoner including telephone conversations, Attorney consultations and visitors. (70.3.2)

The Officer shall remain with the prisoner and may only be relieved with authorization from the O.I.C. The security department of that facility will be informed for the purpose of monitoring the prisoner/patient.

Security Hazard-Notification to Court Personnel:

Officers transporting prisoners to court that may present a security hazard shall (through the chain of command) notify the Court Officer and the presiding justice of the court of such hazard. Officers shall request additional court officers and the approval of additional restraining devices on the prisoner

before leaving the station. (70.1.6d)

Transporting prisoners of the Opposite Sex:

Officers transporting prisoners of the opposite sex may request an escort guard of the same sex. If none is available, the officer shall advise communications of the sex of the prisoner, the beginning odometer reading and request the time. On arrival at the destination, the officer shall again request the time and give communications the odometer reading of the transport vehicle.

Transporting Handicapped Prisoners:

Officers transporting non-ambulatory prisoners will call for an ambulance to be used. Officers shall accompany the prisoner in the ambulance along with medical personnel to the transport destination. Officers shall remove all medication the prisoner has in his/her possession. The medication shall be dispensed as required, or if transported to a medical facility, turned over to medical personnel. (70.3.1)

Transporting Sick or Injured Prisoners:

A prisoner requiring immediate medical attention shall be transported from the arresting point by ambulance. (70.3.1) An officer shall accompany the prisoner in the ambulance, being alert for any attempts of the prisoner to steal implements that may be used as weapons or to take medical personnel as hostages. Officers are reminded that the lack of obvious physical injury (bleeding, distorted or broken limbs, etc.) does not preclude the possibility of serious or life-threatening trauma. When possible, an emergency medical technician or other person with medical background should evaluate the prisoner before an officer considers transporting by cruiser. When in doubt, officers should request the prisoner be transported by ambulance.

On arrival at the medical facility, the officer shall make an effort to segregate the prisoner from other patients and limit access to necessary medical personnel only.

Similar considerations (relative to mode of transportation) should be given to prisoners detained in the Department holding facility who may require medical treatment. The final decision shall lie with the O.I.C. The O.I.C. may wish to consider any known medical history of the prisoner, the nature and extent of injuries (visible or alleged) the prisoner's level of consciousness and vital signs.

Use of Restraining Devices

Officers shall handcuff handicapped prisoners whenever possible. Officers will be allowed to use discretion in cases where physical deformities exist or possible injury from the use of restraining devices may occur. (70.2.1) (70.1.6b)

Officers accompanying sick or injured prisoners to the hospital for treatment shall handcuff prisoners whenever possible. In cases where the use of handcuffs or other restraining devices would aggravate the injury, officers shall use discretion in applying such devices. (70.2.1) (70.1.6b)

Restraining Devices, Uses and Exceptions:

Officers transporting two prisoners from the point of arrest may handcuff each with their arms intertwined behind their backs. This method will restrict the prisoner's movement but allow for quick exit in case of emergency. Officers will not handcuff prisoners to any part of the transport vehicle such as the door post, security screen, roll bar, etc. (70.2.1.) (70.1.3) 0

Vehicle Used for Transport:

Vehicles used for transporting prisoners on a regular basis shall be equipped with a security barrier to prevent the prisoner from gaining access to the driver's compartment. In exigent or unusual situations the Officer in Charge may authorize a prisoner to be transported in a Police Vehicle that does not have a security barrier. In those instances there must be two Officers present in the vehicle. The prisoner shall be placed in the passenger side rear seat. The second Officer will be seated behind the driver. (70.1.3) (70.4.1)

Modification of Vehicles:

Vehicles used on a regular basis for prisoner transportation shall have the child safety locks on or other modifications such as removing the interior door handles. Access to the rear of the vehicle will be from the outside only. (70.4.2)
The rear windows will be disabled or equipped with safety bars to prevent prisoner escape. (70.4.2)

Identification of Prisoners:

Officers transporting prisoners from one detention facility to this Department or from this Department to other locations shall positively identify the prisoner before beginning such transport. Officers shall check the identity of the prisoner against the description and cell number contained on the booking sheet (where applicable). Positive identification through comparison of mug shots should be done when available. (70.5.1a)

Documentation to Accompany Transported Prisoners:

Officers transporting to other facilities shall provide the receiving agency proper documentation stating the personal information of the prisoner, any necessary medical history/records, criminal information data (warrant returns, etc.), the booking sheet and a list of the prisoner's personal property. A Prisoner Transfer Report shall also indicate if the prisoner is an escape risk, suicidal or any other security issues. In cases of interstate transport, a governor's warrant or properly executed waiver shall be presented. (70.5.1b)

Unusual Illnesses:

Officers transporting prisoners to other facilities or releasing prisoners to another agency shall include in the documentation to be delivered, any unusual illness the prisoner may have, any required/prescribed medication necessary, any suicidal or escape potential displayed or any other actions exhibited by the prisoner which may warrant close monitoring. (70.1.6d) (70.5.1c)

2.4 Special Guidelines for Strip Searches

Definitions:

Strip Search: A strip search is defined as one in which the detainee is commanded to remove the last layer of his/her clothing to permit visual inspection.

Body Cavity Search: A search conducted pursuant to a warrant that authorizes a physician to conduct an internal manual inspection of any human body cavity.

General Considerations/Guidelines

The purpose of this Rule is to clarify Department policy relative to custodial Strip Searches and/ or Body Cavity Searches authorized by a warrant.

During the course of any custodial search police officers may uncover evidence, contraband or other items that may be used to harm the arrested person or someone who comes in contact with the arrested person. When an officer has Probable Cause that an arrested has such contraband and/or weapon(s) in his or her possession and when a "pat search" is inconclusive and/or is an impractical during the course of any custodial search, police officers may use a method of searching for such contraband and/or weapon(s), it may be necessary for officers to conduct a "strip search." This rule will provide strict guidelines for conducting a "strip search."

This policy clarifies the Department's stance governing "Body Cavity Searches." When an officer has a high degree of probable cause to believe that an arrestee has secreted contraband and/or weapon(s) in any body cavity, that officer must seek a warrant pursuant to M.G.L. c. 276 to authorize a qualified medical professional to perform a body cavity search." This requirement must be strictly adhered to even if an object is observed partially protruding from the body cavity. (Note: The exigent circumstances exception to the warrant requirement will apply if a suspect attempts to swallow contraband in the presence of the officer.)

This policy requires the OIC to determine whether a Strip Search should be conducted during the booking process, and to determine whether a warrant for a body cavity search should be sought at any time during the period the suspect is in custody.

Role of the Officer in Charge:

It shall be the responsibility of the O.I.C. to make the determination whether or not a strip search should be conducted during the course of the booking procedure of a prisoner. It shall also be the responsibility of the O.I.C. to make a determination whether to seek a warrant for a body cavity search. The O.I.C. will ensure that every provision of this rule is complied with in those cases where a Strip Search is to be performed.

Utilization of a Strip Search

A strip search MAY NOT be conducted as a routine part of the booking procedure.

A strip search may ONLY be conducted if the O.I.C. finds that the suspect who is in custody and has PROBABLE CAUSE to believe that the suspect has CONTRABAND AND/OR WEAPONS that may BE CONCEALED, DESTROYED OR JEOPARDIZE THE HEALTH AND SAFETY of the arrested person and/or those who come into contact with the arrested person. (1.2.8a)

After such a finding is made, the OIC shall ensure that the following procedures are followed:

The search is performed by an Officer who is the same Gender as the prisoner and that all officers present are of the same gender as the prisoner, and will be conducted in an area that affords COMPLETE PRIVACY. (1.2.8b) Such a

search may occur "in the field" provided that such search is in conformance with the above standards. (e.g. using a police vehicle that is windowless such as the prisoner transport vehicle) If there is a video monitor in that area it shall be draped so that no accusation can be made that it was monitored by anyone else in the area. (1.2.8b)

The custodial strip search shall be recorded on the incident report, including the facts supporting probable cause, the name of the officer performing the search, and the location where the search is conducted. (1.2.8c)

The evidence or property discovered shall be seized, recorded and secured in the normal manner, and recorded on the incident report as well as on the booking sheet.

Arrestees may be requested to manipulate their own body parts. Police Officers may not touch or prod any body part. In the event that a "strip search" is not accomplished, due to a lack of cooperation on the part of the arrested person, the OIC shall determine whether or not the arrested person is placed in a cell or kept under guard.

Police Officers are prohibited from conducting a "strip search" in which force shall be applied to accomplish a "strip search". If a "strip search" in the field is authorized by the Watch Commander all responsibilities listed for the Watch Commander in this section shall be transferred to the Patrol Supervisor / Sgt. Detective in charge of the search.

The courts have shown that they are reluctant to allow strip searches where a less intrusive Pat Frisk would uncover that the arrestee has something concealed on his/her person. Therefore the safest way to develop probable cause for a "Strip Search" is a thorough and proper pat down of the suspect's outer clothing by a proper person. Once a foreign object is felt probable cause exists for the more intrusive search at the direction of the OIC.

Utilization of a Body Cavity Search:

Body Cavity Searches may only be conducted when authorized by a warrant. It shall be the responsibility of the OIC to make the determination whether a warrant should be sought authorizing a body cavity search. (1.2.8a)

NOTE: Precautions should be taken by police officers when

handling evidence recovered in this fashion, such as wearing protective gloves.

Under no circumstances shall a "body cavity search" be conducted by a police officer.

If an officer has probable cause that evidence and/or contraband may be secreted in the body cavity of the arrested person, or any other item that may jeopardize the health and safety of the arrested person and/or those who come into contact with the arrested person a search warrant shall be sought (1.2.8a). This applies even when an item may be viewed partially protruding from the body cavity. If the arrested person personally extracts any items from their own body cavity, no such warrant will be necessary.

The OIC, or his designee, shall make application for the warrant in accordance with established Department procedures.

Only a Judge may issue such a warrant. Only a qualified medical professional, pursuant to a warrant, may conduct an intrusion of a body cavity, or extract any items from the body cavity. After the warrant is issued, the arrested person shall be transported to a medical facility so that a qualified medical professional may extract any items from the body cavity. The OIC shall ensure that the arrested person is constantly monitored during the trip to the medical facility until such time that the "body cavity search" is completed. (1.2.8b)

The "body cavity search" shall be recorded on the incident report, including the name of the physician conducting the search, the name of the officer seizing the evidence or property, the name of the authorizing OIC, and the facts contributing to the high degree of probable cause. (1.2.8c) The arrested person shall then be transported back to the station where the evidence or property discovered shall be seized, recorded and secured in the normal manner, and recorded on the incident report as well as the booking sheet.

NOTE: Although not considered a "body cavity search" in the event that an arrested person creates an exigent circumstance by endangering their own health by swallowing an item, then the arrested person should be offered the

opportunity to be transported to a medical facility for treatment as determined by medical personnel. The OIC shall ensure that the arrested person is constantly monitored during this trip to the medical facility until such time that the treatment is completed. Any evidence or property recovered by medical personnel pursuant to a warrant and/or turned over to the Department shall be seized, recorded and secured in the normal manner, and recorded on the incident report, as well as on the booking sheet. A search warrant is not necessary in those cases where medical personnel perform an operation necessitated by good medical practice, for medical reasons only and incidentally results in the recovery of evidence for police use.

Use of Civilian's for Searches:

If a civilian employee has completed Reserve Intermittent Training or its equivalent, are currently employed as a Reserve Police Officer or its equivalent and the Chief gives their approval the employee may assist with searching prisoners if no Police Officers are available.

11/20/2015 re-formatted no changes

03/20/2019 Add last para. Regarding civilian search

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