



Garner Police Department Written Directive

Chapter: 700 - Arrest, Detention, & Use of Force

Directive: 710.04 - Prisoner Custody & Transportation

Authorized by: Chief Brandon Zuidema

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710.4.1 - Purpose

The purpose of this directive is to specify guidelines for maintaining custody of and transporting prisoners to ensure the safety of the officer and prisoners.

710.4.2 - Policy

It shall be the policy of the Department to take every reasonable precaution to provide security and prevent escape, injury, or death to police personnel, prisoners, or other citizens while maintaining custody of and transporting prisoners.

710.4.3 - Definitions

- A. Body Cavity Search – A search that generally involves a digital touching or probing of the anal or vaginal cavity by another person.
- B. Interview Area – The three interview rooms (rooms 153, 154, and 155) and the interview room corridor (room 145) in the police department.
- C. Police Department – For the purpose of this directive, the Garner Police Department facility located at 912 7th Avenue.
- D. Prisoner – For the purpose of this directive, any person who is in the lawful custody of an officer pursuant to a criminal arrest, a court order for transport, or under an involuntary mental health commitment.
- E. Processing Area – The area of the police department intended for the processing and/or temporary detention of prisoners, including the officer work area (room 152), the prisoner toilet (room 149), and the two (2) prisoner temporary detention rooms (rooms 150 and 151).
- F. Strip Search – A search that generally involves all or part of the following: a removal, pulling down, or rearrangement of some or all of a person's clothing to provide an outside view of the genital or anal areas or exposure of female breasts, a search of the clothing, or a squat and cough or similar act that requires a person to expose anal or vaginal cavities for visual inspection.
- G. Temporary Detention – For the purpose of this directive, the detention of a prisoner for the purpose of processing (to include interviewing) in designated areas at the police department.
- H. Temporary Detention Area – The area of the police department where prisoners can be escorted outside of a vehicle, to include the interview area, the processing area, and the vehicular sally port.

- I. Vehicular Sally Port – The covered, secured area at the police department facility at 912 7th Avenue intended for the secured transfer of prisoners to and from the processing area in the police department.
- J. Warrant - For the purpose of this directive, any arrest authorization process.
- K. Weapons - For the purpose of this directive, the definition will include: all firearms, all ammunition, all chemical munitions, all stun guns, all sharp or pointed implements including but not limited to knives, razor blades, pocket knives, pen knives, broken glass, letter openers and/or screw drivers etc., all impact tools, including but not limited to convoys, blackjacks, slaps, sap gloves, metal knuckles, PR-24 and all batons.

710.4.4 - Restraining Devices (70.2.1; 71.3.1; 71.3.2)

- A. All prisoners (adults and juveniles) will be handcuffed with the hands of the prisoner placed behind the back unless otherwise dictated herein.
 - 1. The use of flex-cuffs in lieu of handcuffs is permissible when deemed appropriate by the arresting officer or a supervisor.
 - 2. Prisoners who are cooperative may be handcuffed in front if appropriate due to their age, health, or a medical condition or injury that makes being handcuffed behind the back impractical or unreasonable.
 - 3. Prisoners who are combative or who are transported due to special circumstances may require additional restraints such as waist chains and/or leg restraints. Prisoners wearing waist chains will be restrained with their hands placed in the front.
 - 4. Prisoners will never be handcuffed to any portion of a vehicle during transportation.
 - 5. Under no circumstances will a prisoner be transported without his/her hands being handcuffed or otherwise restrained.
 - 6. Prisoners being detained during processing at the police department may be handcuffed to the bench in a temporary detention room in accordance with the design of the bench. Prisoners may not be handcuffed to any other item at or in the police department.
- B. Prisoners that have been handcuffed or restrained will not be placed in a position on his/her chest or stomach area, on his/her side, or in any other position if that position could cause asphyxiation of the prisoner.
- C. It will be the responsibility of any officer maintaining custody of a prisoner to monitor the physical condition of the handcuffed/restrained prisoner. The officer will monitor the prisoner for any signs of injury, breathing difficulty, heart problems, or any other abnormalities. If the officer finds any signs of these, he/she will notify Emergency Medical Services (EMS). EMS personnel will assess the prisoner and determine if the prisoner needs to be transported to a medical facility.
- D. Prisoners that are under the influence of drugs and/or alcohol and have been involved in a struggle, either with another subject and/or the arresting officer(s) must be closely monitored. The influence of drugs and/or alcohol combined with the physical exertion of the prisoner during the struggle may cause an enhanced heart rate, which could lead to heart failure.

710.4.5 - Search of Prisoners (70.1.1)

- A. Any prisoner taken into custody will be searched by the arresting officer.

- B. Any prisoner who is under arrest and whose custody is transferred from one officer to another will be searched by the officer taking custody, to include but not be limited to, transfers for the purpose of transporting the prisoner.
- C. Officers of the same sex as the prisoner will conduct the search of a prisoner whenever possible. In the event an officer of the same sex as the prisoner is not readily available, officers may search a prisoner of the opposite sex, provided there is a witness officer also present.
- D. In the event there is probable cause to believe a prisoner is concealing a deadly weapon, and such weapon may be used to harm another, the retrieval of such weapon may be authorized even from normally restricted body areas (see below).

710.4.6 - Strip and Body Cavity Searches of Prisoners (1.2.8)

- A. Strip searches
 - 1. Are authorized only in those instances in which there is probable cause to search and there is reason to believe that a strip search is necessary to recover evidence or contraband.
 - 2. Will be conducted only by officers of the same sex as the prisoner; officers of the opposite sex may be present at the time such procedures are conducted, but will not be in a position that allows them to visually observe a male's genitals or a female's breasts or genitals.
- B. Body cavity searches
 - 1. Will only be conducted pursuant to a search warrant obtained after consultation with a Department supervisor.
 - 2. Will only be conducted by approved medical or correctional facility personnel.
- C. When a strip or body cavity search is conducted, officers shall document the search in their report, to include:
 - 1. The legal justification for conducting the search;
 - 2. The name of the officer or other person who conducted the strip search (to include their employing agency and ID number if not a Garner Police Officer) or the name of the medical professional or detention center employee who conducted the body cavity search; and
 - 3. The exact location of where the search occurred (i.e. the bathroom of the Police Department).

710.4.7 - Transport of Prisoners (70.1.3; 70.1.4; 70.1.6; 70.1.8; 70.2.1; 70.3.1; 70.4.1; 70.4.2; 70.5.1)

- A. General Guidelines
 - 1. Prisoners will not be left unattended or out-of-sight of the transporting officer (or another officer) at any time.
 - 2. Prisoners will be handcuffed anytime they are being transported as outlined in 710.4.4.
 - 3. Prisoners will be seat belted anytime they are being transported.
 - a. The only exceptions where seat belting is not required are as follows:
 - 1) If the prisoner is combative and/or securing the seat belt is likely to expose the officer to injury; or

- 2) If circumstances exist that make securing the prisoner with a seat belt impractical or impossible (including but not limited to the size of the prisoner).
 - b. In the event a prisoner is transported without a seatbelt, the circumstances establishing one of the two exceptions noted above will be documented in the incident report
4. Prisoners will be transported separately by gender (male vs. female) and age (adult vs. juvenile) unless exigent circumstances exist and a supervisor approves an exception to this directive.
5. Officers may transport prisoners of the opposite sex.
6. Officers transporting a prisoner of the opposite sex or any juvenile will notify the Raleigh Emergency Communications Center (RECC) at the beginning and end of such transport, to include giving their beginning and ending mileage.
7. Officers will take the most direct route to their destination any time that they are transporting a prisoner. Officers will not make unscheduled stops or deviate from the most direct route unless it is necessary to do so in order to assist with an emergency situation that requires immediate intervention.
8. Officers will operate their in-car camera system audio and video any time that they are transporting a prisoner in accordance with the guidelines set forth in Department directive 430.02, *Recording Devices*.

B. Positioning of Prisoners During Transport

1. Prisoners will normally be transported in police vehicles equipped with a protective screen or shield physically separating the prisoner compartment from the rest of the vehicle. These vehicles will have the door locking and window operating mechanisms disabled to minimize unauthorized exit from the vehicle.
2. When transporting prisoners in a vehicle with a secure prisoner compartment, the following guidelines will be adhered to:
 - a. One prisoner: prisoner in the right rear seat.
 - b. Two prisoners: one prisoner in the right rear seat and one prisoner in the left rear seat.
3. Officers operating vehicles without secure prisoner compartments will not transport more than one prisoner.
 - a. If one officer is conducting the transport, the prisoner will be placed in the front passenger seat.
 - b. If two officers are conducting the transport, the prisoner will be placed in the right rear seat; the second officer will ride in the left rear seat. If a third officer is conducting the transport, he or she will ride in the front passenger seat.
4. Officers will not transport more than two prisoners in a single police vehicle unless it is a police vehicle specifically outfitted for transport of three or more prisoners.

C. Transporting Prisoners to the Wake County Jail

1. Officers will transport prisoners who are under arrest on existing legal processes or who are under arrest based on probable cause and need to go before the magistrate to the Wake County Jail.

2. Upon arriving at the Wake County Jail, the transporting officer will adhere to all Wake County Sheriff's Office policies and procedures, to include but not be limited to the following:
 - a. The officer and prisoner will enter the jail sally port via the overhead door at the rear of the building
 - b. Once parked, the transporting officer will secure his/her firearm in the trunk of their vehicle or inside a secured area located within the detention facility.
 - c. After the weapon has been secured, the officer and prisoner will enter the jail. The officer will remain with the arrestee while he/she is searched and processed by jail staff and until processing is completed by CCBI unless the officer needs to go before the magistrate prior to going to the CCBI processing area.
 - d. Jail staff will take custody of the prisoner after CCBI has completed processing the prisoner. The transporting officer will be responsible for the following when transferring custody:
 - 1) Providing the jail staff and/or the magistrate all necessary documentation pertaining to the prisoner and transfer of custody; and
 - 2) Providing jail staff any information about the prisoner's medical condition, escape or suicide potential, or other concerns of a security nature.
3. Prisoners may be released from handcuffs and/or other restraints during any of the following circumstances:
 - a. If it is necessary to allow for processing of the prisoner by the detention or CCBI staff;
 - b. If custody is transferred to another law enforcement agency; or
 - c. Any time an emergency situation should arise where the officer feels the safety of his/her prisoner outweighs possible security considerations.

D. Transporting Mentally and Physically Handicapped Prisoners

1. When transporting a mentally handicapped prisoner, a second officer shall accompany the transporting officer. If the prisoner is of the opposite sex as the transporting officer, the second officer shall be of the same sex as the prisoner whenever possible.
2. When transporting more than one mentally handicapped prisoner, different vehicles shall be used.
3. Physically handicapped prisoners should be placed and secured in the vehicle in a position as comfortable and convenient as possible. Aids such as wheel chairs, crutches, canes, or other devices will be placed in the trunk of the vehicle.
4. If the handicapped prisoner is not violent or exhibiting violent behavior, and the transporting officer believes it will be of assistance, a spouse, parent, or legal guardian of the prisoner may accompany the prisoner with the permission of a supervisor. The person's name and their relationship to the prisoner will be documented in a written report.

710.4.8 – Temporary Detention of Prisoners at the Police Department (71.1.1; 71.3.1; 71.3.3; 71.4.1; 71.4.2; 71.5.1)

- A. Prisoners brought to the police department will be detained in the temporary detention area.

1. The temporary detention area is a secure area that will only be accessed by authorized Department personnel or individuals who are escorted by authorized Department personnel. The temporary detention area is designed with secure doors and video monitoring to avoid prisoner escape from custody.
 2. At no time will individuals requiring an escort be left unattended in the temporary detention area without prior supervisory approval other than as specifically defined herein.
 3. The temporary detention area is a non-smoking area and has sprinkler heads installed for fire suppression if necessary.
 4. The temporary detention area has multiple means of egress in the event of a fire. The activation of the fire alarm in the police department will release all secure doors to allow for emergency egress from the building into the secure parking lot at the rear of the building.
- B. Prisoners will only enter the police department via the vehicular sally port entrance. The only exception to this is that a prisoner may be brought to the temporary detention area via the employee entrance to the police department (room 146) if the vehicular sally port entrance is not accessible.
1. The transporting officer will notify RECC via radio at the time that he/she arrives at the police department with a prisoner for temporary detention and the time that he/she departs from the police department with the prisoner in custody.
 2. In the event the prisoner is released from custody at the police department, the transporting officer (or the officer with custody of the prisoner at the time of release) will notify RECC via radio or will manually note the release in CAD.
- B. Prisoners will not be left unattended (inside or outside a police vehicle) in the vehicular sally port area for any reason. Prisoners will remain handcuffed anytime they are in the vehicular sally port area.
- C. Prisoners brought to the police department will only be allowed in the temporary detention area and will be escorted and/or monitored in accordance with the guidelines herein.
1. A supervisor may grant an exception to this rule if the supervisor determines it is necessary given the totality of the circumstances.
 2. In the event authorization is granted for a prisoner to be outside the temporary detention area, the following guidelines will be adhered to:
 - a. At no time will a prisoner be left unattended outside the temporary detention area.
 - b. At no time will a prisoner be handcuffed to a fixed object outside the temporary detention area.
- D. Prisoners in the processing area will be detained in accordance with the following guidelines:
1. At no time will there be more prisoners than officers in the processing area; the only exception to this is if a prisoner is secured to a bench in a temporary detention room.
 2. Any prisoner brought into the temporary detention area will be searched used a metal detecting wand.
 3. Prisoners will be allowed to utilize the prisoner toilet if they request access; the officer with custody of the prisoner will ensure that the toilet's flushing capability is disabled prior to allowing use of the toilet and will inspect the toilet after use (and prior to flushing) for contraband. Prisoners may have their handcuffs placed in front or removed in order to use the toilet at the discretion of the officer.

4. Prisoners may be detained in a temporary detention room in the event that the officer with custody of the prisoner needs to complete processing that does not require the physical presence of the prisoner.
 - a. The officer will visually inspect the temporary detention room prior to placing a prisoner in the room and after removing the prisoner from the room for weapons and/or contraband.
 - b. The officer will search the prisoner for weapons and/or contraband prior to placing the prisoner in a temporary detention room.
 - c. A prisoner detained in a temporary detention room will remain handcuffed and will be placed in the room by the officer with the door closed. The temporary detention room doors do not lock; it is the responsibility of the officer to monitor the prisoner. The officer will visually check the prisoner's status at least once every thirty minutes anytime that a prisoner is in a temporary detention room.
 - d. A prisoner detained in a temporary detention room may be handcuffed to the bench if the prisoner is uncooperative or the officer feels it is necessary given the totality of the circumstances. In the event that the prisoner must be handcuffed to the bench, the officer will secure his/her handgun(s) prior to entering the temporary detention room to handcuff the prisoner to the bench or to release the prisoner from being handcuffed to the bench.
 - e. There must be an officer present in the processing area anytime that a prisoner is in a temporary detention room.
 - f. Only one prisoner will be detained in each temporary detention room at a time.
4. Prisoners may be detained in the officer work area if the officer deems it appropriate to do so.
 - a. Prisoners will remain handcuffed but will not be handcuffed to any fixed object while in the officer work area.
 - b. Adult prisoners will not be detained in the officer work area at the same time as juvenile prisoners.
- E. Prisoners in the interview area will be detained in accordance with the following guidelines (see also GPD 840.01 – *Criminal Investigations*):
 1. The officer leading the interview is responsible for clearing the interview room of any weapons or any items that could be used as weapons prior to bringing a prisoner into the interview room.
 2. Any officer entering an interview room with a prisoner will secure their handgun(s) prior to entering the room.
 3. Prisoners will remain handcuffed anytime they are outside an interview room.
 4. Prisoners may have their handcuffs put in the front or removed inside an interview room at the discretion of the officer leading the interview.
- F. In the event that an officer is dealing with an uncooperative or combative prisoner in the temporary detention area, the officer has two options for requesting emergency assistance from other Department personnel:
 1. The officer can request emergency assistance via portable radio (either verbally or by activating their emergency distress button); and/or

2. The officer can push one of the wall-mounted panic alarms available in the vehicular sally port, the processing area, or the interview area. This will activate an audible alarm throughout the police department for assistance in the temporary detention area.
- G. There is a water fountain available in the interview area that can be made available to prisoners upon request.
- H. All sworn personnel will receive training on the use of the temporary detention area prior to using the temporary detention area. All sworn personnel will receive triennial refresher training on the use of the temporary detention area.
- I. The Operations Captain will be responsible for inspection of the temporary detention area.
1. The Operations Captain will conduct an inspection of the temporary detention area at least monthly to ensure that the area is clean and that no unsafe conditions have developed. These inspections will be documented in memorandum format and submitted to the Chief of Police.
 2. The Operations Captain will conduct a triennial administrative review of the temporary detention process to ensure that it is adequate and to determine any procedural changes necessary. This review will be documented in memorandum format and submitted to the Chief of Police.

710.4.9 - Transporting Prisoners To and/or From Other Jurisdictions (70.1.6; 70.1.8; 70.2.1; 70.5.1)

- A. On occasion, officers may be required to transport prisoners to or from outside our jurisdiction.
- B. Officers have legal authority to conduct prisoner transports as outlined in NCGS 15A-402.
- C. If the Department receives a request for prisoner transport, the following guidelines will be adhered to:
1. Any prisoner transport outside of Wake County must be approved by the on-duty patrol supervisor; any prisoner transport that is expected to last beyond the current patrol shift must be approved by the Patrol Division Commander or a higher ranking authority.
 2. Two (2) officers will be assigned to escort the prisoner; if the prisoner is a female, at least one (1) of the two (2) officers will be a female.
 3. Both transporting officers will independently verify the identity of the prisoner prior to taking custody based on any of the following that are available; the transporting officers will not take custody if there is any question as to the identity of the prisoner.
 - a. Verbal self-identification by the prisoner, to include full name, date of birth, social security number, and any other identifiers available in the prisoner's paperwork;
 - b. Photo identification;
 - c. Correctional facility booking documents;
 - d. Court commitment and/or related paperwork;
 - e. Medical records; and
 - f. Personal belongings of the prisoner.
 4. In addition to the above records for confirming identification, the transporting officers will ensure they receive a properly executed warrant and any other items belonging to the prisoner that the jail or police facility may have custody of.

5. The transporting officers will inquire about any escape threat or other security risk, any suicide attempts or threats, and any medical problems when taking custody of the prisoner. The transporting officers will share any such information when turning custody of the prisoner over and will note the information in their report for conducting the transport.
6. Should a meal be required during transport, the selection of the place for such meal is to be conducted at random.
7. Upon arrival at the detention facility, officers are to secure their firearms for safekeeping. When possible, transporting officers will not remove restraining devices until just prior to placing the prisoner in a cell. Prisoners may be released from handcuffs and/or other restraints during either of the following circumstances:
 - a. When it is necessary for processing of the prisoner;
 - b. When custody is transferred to another law enforcement agency; or
 - c. Any time an emergency situation should arise where the officer feels the safety of his/her prisoner outweighs possible security considerations.

710.4.10 - Other Prisoner Transportation Issues (70.1.5; 70.3.1; 70.3.2)

A. Communications with Others

1. Communications between prisoners and other individuals (i.e., relatives, attorney, etc.) will not normally be permitted during the period that the prisoner is being transported.
2. In the case of an emergency or necessity, officers may permit telephone contact. Officers shall take every precaution to ensure such contact does not jeopardize the safety of themselves or others.

B. Use of Toilet Facilities

1. Continuous visual observation of prisoners of either sex utilizing toilet facilities is to be conducted only when there is reason to believe that the prisoner may cause harm to himself or herself and/or may attempt to dispose of contraband.
2. Prisoners allowed to utilize toilet facilities will be instructed not to flush so that the commode or urinal can be inspected for contraband.

C. Sick or Injured Prisoners

1. Prisoners with medical conditions requiring treatment are to be transported to a medical facility by ambulance. When possible, an officer should be designated to accompany the prisoner during such transport. A determination of the need for restraining devices is to be made based upon consultation with medical personnel.
2. An injured or ill prisoner in need of medical attention must be treated and released from a medical facility prior to transport to the county jail. Officers are to advise the magistrate and detention staff of any health problems of prisoners of which the officer has knowledge (e.g. heart condition, is taking medication, etc.).
3. An ambulance may be requested for transporting those handicapped persons whose condition would prohibit transport in police vehicles. Officer discretion should be used to determine whether restraints are required.

D. Treatment at Medical Facilities

1. When a prisoner is to be treated at a medical facility, officers are to cooperate with medical personnel. In order to allow for medical care to be administered, normal police practices may need to be altered; however, the safety of the officer and the public is not to be compromised under any circumstances. Officers becoming aware of conflicting requirements or experiencing problems with medical personnel are to notify their supervisor.
2. When a prisoner is to be admitted to a hospital:
 - a. The arresting officer shall notify their supervisor so that a relief officer may be assigned to maintain prisoner custody at the hospital;
 - b. The arresting officer will go the magistrate's office to obtain the necessary warrant(s). When possible, the arrest of persons to be hospitalized will be accomplished through a releasable order for arrest or will be delayed in order to eliminate the need for maintaining custody while the prisoner is hospitalized.

710.4.11 - Prisoner Escapes (70.1.7)

- A. In the event a prisoner should escape from the custody of a transporting officer, RECC is to be notified immediately so that all necessary personnel and agencies may be informed.
- B. The Department will immediately initiate an investigation to locate the prisoner by conducting a canvass of the immediate area, checking businesses, residences, or other locations that the prisoner may frequent, and questioning the prisoner's known associates about the prisoner's possible whereabouts.
- C. Documentation detailing the circumstances of the escape is to be submitted in memorandum format prior to the completion of the transporting officer's tour of duty. The memo is to be forwarded, through the chain-of-command, to the Chief of Police for review.

710.4.12 - Searches of Police Vehicles (70.1.2)

- A. Officers are to search the police vehicle they are operating at the beginning of each tour of duty, prior to transporting a prisoner, and after each prisoner transport.
- B. At a minimum, this is to include visual observation of the interior of the vehicle, to include but not be limited to the floor board and under the front seats as accessed from the prisoner compartment.
- C. Whenever possible, the rear seat should be removed as part of the search. Officers are advised against placing their hands blindly into the area where the seatback and bench meet, as this could result in the officer being cut or stabbed by dangerous objects (e.g. needles, blades) left by prisoners.

710.4.13 – Arrest Procedures for Foreign Nationals (1.1.4)

- A. The following steps should be taken when a foreign national is arrested or detained:
 1. Determine the foreign national's country of origin. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
 2. Determine if the foreign national's country of origin is located on the mandatory notification list. An updated list of mandatory notification countries can be located at:

- a. Consular Notification and Access Reference Card (Pocket Card issued to each officer),
 - b. Consular Notification and Access Publication (located at the police station), or
 - c. Via the Internet at Consular Notification and Access.
3. If the foreign national's country is on the list of mandatory notification countries;
 - a. Notify that country's nearest consular officials, without delay, of the arrest/detention. For phone and fax numbers for foreign embassies and consulates in the United States, see Part Six of the Consular Notification and Access Publication. A suggested fax sheet for making the notification is also included.
 - b. Tell the foreign national that you are making this notification. A suggested statement to the foreign national is found at Statement 2, and translations into selected languages are in Part Four.
 4. If the foreign national's country is not on the mandatory notification list:
 - a. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention. For a suggested statement to the foreign national, see Statement 1 from the pocket card or manual. Translations of the statement into selected foreign languages are in the Consular Notification and Access Publication.
 - b. If the foreign national asks that consular notification be made, notify the nearest consular officials of the foreign national's country without delay. For phone and fax numbers for foreign embassies and consulates in the United States, see Part Six of the Consular Notification and Access Publication. A suggested fax sheet for making the notification is also included.
 5. Keep a written record of the provision of notification and actions taken.