

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 501.56
	Subject/Title: Searching and Transporting Arrestees		Issue Date: November 26, 2019 <u>September 15, 2022</u>
	Issuing Authority: Honorable Board of Police Commissioners		Effective Date: December 26, 2019 <u>October 1, 2022</u>
			Review Date: Annually
References/Attachments: Policies and Procedures #: 411, 502 Connecticut General Statutes: § 54-33k, 54-33l		Rescinds: 501.45	Amends: N/A

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding the searching and transportation of arrestees.

II. POLICY

- A. It is the policy of the East Haven Police Department that all personnel shall respect all the rights and ensure the safety of all arrested persons during transportation.
- B. Officers shall take every precaution to protect themselves, arrestees and others during the transportation of arrested persons. Additionally, and absent exigent circumstances, officers shall ensure that arrestees are secured with a seat belt at all times during transportation.

III. PROCEDURES

- A. Arrestees, prior to being transported by this Department, shall have their hands cuffed behind their backs, except where the arrestee is cooperative and is under arrest for a non-violent misdemeanor; is particularly young or old; and/or has a physical handicap or physical injury that would be aggravated by handcuffing; and/or is being transported by stretcher in an ambulance and the use of handcuffs would jeopardize the arrestee's health.
- B. Restraint Devices
1. There are four types of restraint devices available for the officer's use in restraining arrestees:

- a. Handcuffs - The handcuffs will always be double locked to prevent slipping of the ratchet and tightening of the handcuffs.
- b. Leg Irons - Leg irons are stored in the Control Room and should be used to restrain the feet of a combative or escape-risk arrestee. Handcuffs should not be used as leg irons to secure the feet of an arrestee.
- c. Flexicuffs - Flexicuffs are intended for mass arrests, or when the number of arrestees is more than the number of handcuffs available. Flexicuffs shall not be utilized when handcuffs are available.
 - 1) Officers using flexicuffs must be equipped with a tool that be can used for their immediate safe removal.
 - 2) As soon as feasible, officers will check flexicuffs for proper fit.
- d. Arrestee Restraint Belt – A belt or chain that secures an arrestee’s wrists to their waist to limit arm movements and keep hands visible at all times. The arrestee restraint belt shall be used to transport arrestees over long distances and/or for high-risk arrestees.

C. Body Searches

1. Officers shall perform an in-custody Search of all arrestees as soon as possible upon making the arrest.
 - a. An in-custody Search of an arrestee is a systematic search of the surface of their body clothing, including all types of pockets and folds, to discover evidence and dangerous weapons or instruments.
 - b. All objects found on the arrestee shall be removed and held by the arresting officer until the property can be inventoried, placed in a property bag and then placed in the arrestee’s locker at the Department.
 - c. An officer of the same sex as the arrestee should always search an arrestee. If no officer of the same sex is available, a neighboring jurisdiction should be contacted for assistance. Only under an emergency situation is a search of an arrestee of the opposite sex permissible. When such a search takes place, it shall be documented in the arrest report.
 - d. During the search of an arrestee while at the Department, the officer conducting the search shall use the Department’s hand-held metal detector to facilitate the discovery of any items on the arrestee’s person that may be harmful to the officer and/or arrestee.
2. Officers may conduct the following body searches of arrestees.
 - a. Strip Search
 - 1) As defined by Connecticut General Statute § 54-33k, a strip search means having an arrested person remove or arrange some or all of their clothing; or, if an arrested person refuses to remove or arrange their clothing, having a police officer or other designated employee of the Department remove or arrange the clothing of the

arrested person so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments use to clothe said anatomical part of the body.

- 2) A strip search may be conducted of persons arrested for felonies.
 - 3) A strip search also may be conducted of those persons under arrest for misdemeanors or motor vehicle violations if there is reasonable belief the arrestee is concealing a weapon, a controlled substance or contraband.
 - 4) When it is necessary to perform a strip search of an arrestee, a member of the same sex as the arrestee must conduct the search. The search should be done in a method that gives the arrestee as much privacy as possible.
 - 5) When conducting a strip search of an arrestee, permission must be granted in writing from the Chief of Police or his/her designee on the Strip Search Authorization Form. The Strip Search Authorization Form shall be completed by an on-duty supervisor and must be submitted to the Records Division.
 - a) A copy of the Strip Search Authorization Form shall be provided to the arrestee.
 - 6) If a strip search is performed, it shall be documented in an incident report.
- b. Body Cavity Search
- 1) In order for a search to be conducted of any body cavity (i.e. genitals, anus), a search warrant must first be obtained, and only a licensed physician can conduct the search.
 - a) The arrestee to be searched shall be transported to a medical facility where the search will be conducted.
 - b) An officer of the same sex as the arrestee being searched will be present when the search is conducted.
 - c) Body cavity searches shall be performed with due recognition and regard for privacy. The search should be done in a method that gives the arrestee to be searched as much privacy as possible.
 - d) The facts and circumstances for the need of the body cavity search along with the results shall be documented in an incident report.
 - 2) This section does not preclude the officers from searching the arrestee's mouth.
- c. Juvenile arrestees shall be treated the same as adult arrestees as it pertains to strip searches and body cavity searches as outlined within this directive.

D. Safety Interrogation

1. Prior to the search of an arrestee the searching officer will ask the arrestee the following question.

- a. Do you have, in your possession, any needles or sharp objects that may injure me?
- b. The officer, for his or her own safety, should wait for a reply or ask the question again. No matter what the response, the searching officer should use extreme care and diligence so as not to get stuck by any hidden objects.

E. Transportation

1. Arrestee Search

- a. The transporting officer must not assume someone else has searched the arrestee. The transporting officer shall search the arrestee prior to placing the arrestee into the right rear seat of the transport vehicle for transport.

2. Transport Vehicle Inspection and Search

- a. The transporting officer is responsible for ensuring the transporting vehicle is safe, properly equipped, and free of weapons and/or contraband both before and after a transport.
 - 1) Prior to placing an arrestee into the right rear seat of the transporting police vehicle, the transporting officer shall search the vehicle for weapons or contraband that the arrestee could use or destroy. After completion of the transport, the transporting officer will search the police vehicle again.
- b. A police vehicle that could be used to transport an arrestee shall be inspected and searched by the police officer operating such vehicle at the beginning of his/her tour of duty in accordance with Policies and Procedures # 411 – Police Vehicle Operation.

3. The a Arrestee(s) should be transported in a marked patrol vehicle with a security cage. The arrestee will be seated in the right rear seat and secured in place with the earvehicle's seat belt unless a medical condition prevents the arrestee from wearing a seat belt or in the case of a violent, resisting arrestee where it is not feasible to access the seat belt. The Mobile Video Recorder (MVR) will be activated at all times when an arrestee is seated in the rear of a patrol vehicle.

—Arrestees may be transported in the Department's prisoner van, provided they are secured by a seat belt (absent exigent circumstances) and only under the following circumstances.

4.

- a. Transportation of more than one arrestee from the Department to court or a correctional facility.
- b. During special or large events with the authorization of the Chief of Police.
- c. Arrestees that cannot be transported in a patrol vehicle due to size, medical condition, or other physical conditions.

3-d. Permission of a supervisor at the rank of Captain or higher above.

4.5. When a vehicle is not equipped with a security cage and the arrestee must be transported, the following procedure will be followed.

- a. Prior to placing an arrestee into a non-caged transporting police vehicle, the transporting officer shall search the vehicle for weapons or contraband that the arrestee could use and/or destroy. After completion of the transport, the transporting officer will search the police vehicle again.
 - b. Two officers must be present and the arrestee will be handcuffed or otherwise restrained.
- ~~5.6.~~ Upon placing a subject in a police vehicle, an officer will remain within line of sight of the subject or police vehicle unless an exigent circumstance exists.
- ~~6.7.~~ Once it is determined a subject is under arrest and is secured within a transporting vehicle, the transporting officer shall radio the East Haven Public Safety Communication Center (EHPSCC) personnel of when they are enroute to the Department with an arrestee.
- a. If outside of police radio communication, the transporting officer shall make this notification to the EHPSCC on the Department's main telephone number.
8. The officers shall radio the EHPSCC of their location and starting mileage only if transporting an arrestee of the opposite sex and the vehicle is not equipped with an MVR. Dispatch will enter the above information into the comment section of the Law Enforcement Administration System (LEAS) Computer Aided Dispatch (CAD) system.
- ~~9. If an arrestee is injured and/or requires medical attention during transport, the transporting officer shall immediately pull over and summon the necessary medical attention, absent exigent circumstances.~~
- ~~7.10. If an arrestee cannot be seat belted during transport due to an exigent circumstance, a medical condition or because an arrestee is violent and/or resistive, then the transporting officer shall document in an incident or supplemental report the specific reason why the arrestee was not seat belted.~~
- ~~8.11.~~ Responding to third party emergencies enroute.
- a. The primary duty of the transporting officer is to safely deliver the arrestee(s) in their care.
 - b. Only when there is clear risk of death or injury to a third party and with the specific approval of the shift supervisor may the transporting officer stop to render assistance to other parties while enroute to headquarters.
 - c. The dispatcher shall promptly dispatch additional police units. The first officer to arrive at the scene shall immediately relieve the transporting officer who will continue the transport assignment.
 - d. Upon being relieved, the transporting officer shall check the security of the arrestee and resume the transport. The dispatcher shall be advised of the resumption of the transport.

9.12. Non-emergencies observed while transporting arrestees.

- a. When the transporting officer encounters a non-emergency need for law enforcement service (e.g. disabled vehicle, motor vehicle accident without injuries), the officer will not stop but will report the need to the dispatcher. Officers assigned to the incident should be directed to explain to citizens the reasons why the transporting officer did not stop.

10.13. Arrestees will not be permitted to communicate with anyone during transport.

- a. Family members, friends and attorneys will not be permitted to accompany an arrestee nor shall the transport be interrupted to allow communication by the arrestee with any other person.

11.14. The taking of meals during transport of an arrestee is permissible only when the transport extends more than three (3) hours.

- a. There must be two transporting officers before a meal or rest stop is allowed.
- b. The stopping place must be chosen at random and should be a public area that is not crowded.
- c. One officer should purchase food while the second officer remains with the arrestee and vehicle.
- d. Meals should be consumed in the vehicle.
- e. One officer at a time should eat while the other officer remains alert and on guard. The arrestee's hands may be freed for the purpose of eating.

12.15. If the arrestee needs to use restroom facilities, both officers shall escort the arrestee to the restroom.

- a. One officer should thoroughly search the facility (including inside the toilet's water tank) first before the arrestee and second officer enter.
- b. The officer should select the stall used by the arrestee.
- c. Handcuffs may be removed just prior to the arrestee entering the stall and be re-attached immediately after use.
- d. When possible, the officers should use an unoccupied restroom.

13.16. Transporting to another facility.

- a. Officers shall positively identify all arrestees being transported by the Department from East Haven to another facility.
 - 1) The transporting officer will identify the arrestee by reliable means, such as booking records, photographs, and/or fingerprint identifications.

- b. If there are any potential medical and/or security risks regarding the arrestee, the transporting officer should advise the receiving agency or court of such information. Information may include:
 - 1) Illness or medical condition.
 - 2) Suicidal or violent tendencies.
 - 3) Potential risk of escape.
- c. The transporting officer will carry all documentation relative to the arrestee's identification, destination, escape or suicidal tendencies, or unusual medical conditions; such documentation shall be transferred to the receiving agency/facility.
- d. Transporting officer(s) should also carry a properly executed governor's warrant or waiver for interstate transports.
- e. Transporting officers will follow intake procedures regarding securing of weapons, and removing restraints of the receiving facility.
 - 1) Prior to entering the secured area(s) of the receiving agency, firearms shall be stored in weapon lock boxes or other secured area according to the procedures of the receiving agency.
 - a) If the receiving facility does not provide secured storage for firearms, officers may utilize the trunk of their police vehicle to store their firearms.
 - 2) Restraint devices should be removed from arrestees in accordance with the procedures of the receiving facility or at the direction of the personnel who is accepting custody of the arrestee.
- f. At the completion of the arrestee transfer, the transporting officer shall document in an incident report the transfer of custody. The incident report should include:
 - 1) Name of receiving agency.
 - 2) Name of receiving personnel.
 - 3) Arrestee's name and date of birth.

14.17. Transporting from another facility to the East Haven Police Department.

- a. Officers shall positively identify all arrestees being transported by the Department from a different facility to East Haven.
- b. When possible, the transporting officers should have at a minimum, a complete description of the arrestee to be transported. A recent photograph of the arrestee is highly desirable.
- c. An arrestee shall be asked for their name and questioned concerning personal identification data, the answers shall be checked against known data.

- d. The transporting officer should check with the facility personnel to verify the means by which the arrestee was identified.
- e. When an arrestee claims misidentification, the officer shall take immediate steps to attempt to verify the arrestee's identity.
- f. When the transporting officer has reasonable doubt as to the identity of the arrestee, the officer shall contact the Department, first to determine if the identity of the arrestee can be confirmed, and second for further instructions from a ranking officer.

~~15.18.~~ 15.18. Transporting Handicapped, Sick or Injured Arrestees.

- a. Prior to transporting the arrestee, the transporting officer shall determine any special medical conditions for the transport.
- b. Arrestees who require medical treatment during the transport, or who are para-or quadriplegic, will not be transported in a standard police vehicle but in an ambulance, wheelchair van or other suitable vehicle staffed with personnel medically qualified to administer whatever care may be necessary.
- c. All arrestees determined to be mentally ill, and needing such evaluation, shall be transported via an ambulance to the hospital.
- d. Injured arrestees in need of or requesting medical attention should not be held in the Department's holding facility, but should be transported directly to an emergency medical facility.
- e. If the arrestee is violent, the arrestee will be secured for the protection of the arrestee and transporting personnel.
- f. When necessary an officer will ride in the rear of the ambulance with the arrestee, and will remain with the arrestee in the hospital until such time as they are relieved or the arrestee is discharged from the hospital.
- g. The officer will have a release form, which is provided by the medical facility, signed by the examining physician and will place this form in the case file.
- h. Additional restraint devices (handcuffs, leg irons, flexi-cuffs or arrestee restraint belt) will be used only when absolutely necessary to prevent escape of the arrestee, and only when a physician or medical control has stated that the use of a physical restraint will not injure the arrestee.

~~16.19.~~ 16.19. Guarding Arrestees in a Medical Facility.

- a. The shift supervisor shall ensure an officer is assigned to guard an arrestee in a medical facility where an arrestee is being treated.
- b. Any officer responsible for guarding an arrestee at a medical facility shall ensure the arrestee is monitored and secured with restraint devices at all times while at the

medical facility, and during transport to and from the medical facility unless an arrestee's medical condition dictates otherwise.

- c. The assigned officer at the medical facility shall provide periodic updates of the arrestee's status to the on-duty supervisor.
 - 1) The assigned officer shall notify the on-duty shift supervisor, if known, of when the arrestee is about to be discharged from the medical facility.
- d. The assistance of the medical facilities police and/or security personnel shall be requested when escorting the arrestee to the transporting vehicle.

Prior to transporting an arrestee to the Department, the assigned officer shall notify EHPSCC personnel via the police radio of the transport.

~~17.20.~~ Arrestee Escape.

- a. In the event of an arrestee escape, the primary objective is to recapture the arrestee, prevent injury to the public, property or to police officers. In the event an arrestee escapes during transport, transporting officers shall do the following.
 - 1) Notify the EHPSCC personnel and the on-duty supervisor of the escape.
 - 2) Make an immediate attempt to recapture the arrestee. If an immediate recapture is not possible, it is more prudent to await the assistance of other police officers.
 - 3) If located beyond radio communication distance, transporting officers should notify the nearest local police authority, and as soon as possible, make a telephone report of the escape to the Department's supervisor.
 - 4) If the escape takes place within East Haven, EHPSCC personnel will advise all police units of the escape, including the name and physical description of the escapee and the nature of the charges (misdemeanor, felony, violent felony, etc.) and any information as to where the escapee may be heading.
 - 5) If the escapee is outside of East Haven town limits, the on-duty supervisor may detail an investigator or other officers to respond to the location of the escape to provide assistance in the search to recapture the escapee.
 - 6) The shift supervisor shall submit a Department Review (DR) to the Head of Patrol regarding the escape.
 - 7) If the escapee is not recaptured within the normal tour of duty of the transporting officer, that officer shall prepare an application for an arrest warrant on the charge of escape. The application for the warrant will be forwarded to the court as soon as possible for issuance of an arrest warrant. This procedure does not apply if the escape took place outside the boundaries of the State of Connecticut.
 - 8) The officer who was assigned to transporting the arrestee shall complete an incident report detailing the facts and circumstances of the incident.

~~18.21.~~ Transport of More Than One Arrestee.

- a. Two officers are recommended in all multiple arrestee transports.
- b. At no time will multiple arrestees be transported in a vehicle not equipped with a security screen.
- c. Arrestees will not be handcuffed together.
- d. The number of arrestees will not exceed the seating capacity of the secured area of the vehicle.

~~19.22.~~ Transporting to the East Haven Police Department.

- a. All arrestees will be brought into the Department via the sally port entrance unless an exceptional circumstance exists that dictates otherwise.
- b. Upon arrival at the Department, the transporting officer will notify the EHPSCC of their arrival via the police radio.
- c. The transporting officer and/or receiving officer will secure their firearm in weapon lock boxes in accordance with Policies and Procedures # 502 – Securing Arrestees in Station.
- d. The sally port shall be closed prior to removing an arrestee from the transport vehicle unless an exceptional circumstance exists that dictates otherwise.
- e. Once at the Department, the arrestee shall be handled in accordance with Policies and Procedures # 502 – Securing Arrestees in Station.
- f. If applicable, the transporting officer shall turn all ~~paper work~~ paperwork, identifications, and property over to the receiving officer.