

Metropolitan Police Academy



6.2 Handling Prisoners

Introduction

There are thousands of custodial arrests made by MPD each year. Making arrests is a common task in law enforcement, and it can be dangerous. Prisoners pose potential risks. Prisoners must be searched due to the possibility of concealed weapons and other contraband. Many police officers have been hurt or injured because of lapses during the searching of prisoners. There are various other security risk factors including health ailments of arrestees, and physical as well as mental disabilities. These risk factors manifest themselves in prisoner injuries, illnesses, and possibly death while in the custody of MPD, exposing the department and MPD members to civil and even criminal liability.

6.2.1 Identify the three classifications of prisoners

In order to properly handle a prisoner, one must have a strong understanding of the regulations and policies guiding the handling of different types of prisoners.

A **prisoner** is a person deprived of liberty and kept in prison or some other form of custody as a punishment for a crime, while awaiting trial, or for some other reason. MPD policy defines a prisoner as a person who has been arrested and is being held in a holding facility pending arraignment, release, adjudication, or transfer to another facility. Typically, a prisoner is someone who has been placed under custodial arrest and must be booked and transported to the Central Cell Block (CCB). The prisoner may be released at the district station and not transported to CCB. However, MPD's custody of the prisoner may be lengthened for medical treatment, interrogation, etc.

A **security risk prisoner** is a prisoner who poses a threat to him or herself, to the facility in which he or she is being held, or to others with whom the prisoner may come into contact. This type of prisoner may also have a history of escape or have threatened escape. The security risk that the prisoner poses shall govern the kind of restraining devices used and other actions to be taken by a member to ensure proper protection and security of the prisoner and the member.

Another category of prisoner that is frequently encountered is the **at-risk prisoner**. The at-risk prisoner:

- poses a threat to him or herself.
- poses a threat to the facility in which he or she is being held.
- poses a threat to others with whom the prisoner may come into contact.
- may have a history of escape, threatening escape, or displaying escape risk behaviors.
- may experience hostility or other negative behaviors from other prisoners.

There are more ways in which a juvenile can be classified under this category. Members shall identify a juvenile as "at-risk" if the juvenile:

- is aged twelve (12) or under.
- is unusually small in size or stature.
- is physically disabled.
- expresses suicidal thoughts or desires.
- reports suffering from a serious illness, contagious disease, or medical condition.
- is visibly pregnant or reports that she is more than six (6) months pregnant.

- displays a sexual orientation, gender identity, or expression which would place them in a vulnerable or unsafe situation.

In addition, a prisoner can be at-risk due to drug ingestion where no medical treatment is recommended by the hospital and the prisoner is medically cleared. This type of prisoner **shall be observed no less than every ten (10) minutes after being placed in a cell.**

NOTE: Medical assistance must be summoned immediately whenever a prisoner is suspected of ingesting any illicit drug.

All transgender prisoners are considered “at-risk,” whether adult or juvenile.

All at-risk prisoners must be indicated as such by writing “at-risk” in red ink at the top of the arrest report.

A final category of prisoners is the **disabled prisoner**. A disabled prisoner is a prisoner who has a physical condition that restricts his or her movement or has a mental condition that hinders an ability to comprehend.

Included here are prisoners who:

- use a wheelchair
- use a walker for mobility
- use a cane for mobility

6.2.2 Describe the Metropolitan Police Department’s policies on securing prisoners

Once the decision is made to place a subject under arrest, an MPD officer must first handcuff the arrestee. The arresting officer might not be the handcuffing officer. In addition to being useful in preventing prisoner injuries and/or escapes, handcuffing of arrestees is required by MPD policy. The handcuffing must be accomplished with the minimum amount of force necessary. This is include juveniles.

Juveniles

As a general rule, curfew violators and truants shall not be handcuffed unless they become unruly or violent. Members shall handcuff, search, and transport juveniles in accordance with **GO-PCA-502.01**. Members shall use their best judgment and discretion when arresting juveniles aged thirteen (13) to seventeen (17). Members shall NOT handcuff juveniles under the age of twelve (12) unless they present a danger to themselves or others. When an officer has deemed it necessary to arrest a juvenile aged twelve (12) and under, he or she must, prior to making the arrest, contact the watch commander of the Youth and Family Services Division at **(202) 437-8062** or **(202) 576-6768** and be guided by their decision.

Handcuffing the Prisoner

MPD members shall apply handcuffs behind the prisoner’s back, with the prisoner’s palms facing outward. A member then must re-check the handcuffs to ensure that the prisoner is secured. This includes ensuring that the handcuffs are double-locked. It is good practice to use protective gloves when handcuffing an arrestee.

There are, however, few exceptions to departmental policy regarding the handcuffing of an arrested person's arms behind their back. These exceptions **may** require the member to use discretion and, instead, handcuff the prisoner's arms in the front so as not to exacerbate an apparent condition such as:

- extreme obesity in cases where two (2) sets of handcuffs are not sufficient.
- pregnancy.
- physical disability.

For deaf and hard-of-hearing prisoners, handcuffing the prisoner will make that prisoner unable to communicate if that prisoner uses sign language. Per MPD policy, these prisoners should have free use of their hands when they need to be interviewed. Security, of course, should be maintained under such circumstances.

Once handcuffing is complete, the handcuffs must remain on the prisoner until the prisoner is in a secure area at the station.

Occasionally, the arrest of a subject may end up with either the arrestee or MPD member falling to the ground. On these occasions, it is prohibited for any arrestee to remain in a face-down or prone position for any prolonged length of time, except during exigent circumstances. Such exigent circumstances include the situation wherein a felony Assault of a Police Officer (APO) is taking place and there is a struggle on the ground. However, such circumstances will be rare. Prisoners shall be carefully monitored while in a prone position as a prone position may cause or contribute to a prisoner's suffocation, which is known as positional asphyxiation.

Leg restraints are allowed by MPD. They may be used to secure prisoners who violently resist arrest, pose an escape risk or at the discretion of the member. For safety reasons, members shall always attach leg restraints from the side of the prisoner. MPD policy, though, explicitly prohibits hog-tying or the attaching of leg restraints in such a fashion that forces the legs and hands to be close to one another.

Securing prisoners is part of the job and doing it correctly and safely is the expectation. You should follow GO for handcuffing not only for yourself, but also for your fellow members. Keep everyone safe and accountable at all times.

As officers, we must ensure no one in the custody of law enforcement is deprived of any rights protected by the Constitution. Officers have a duty to act, intercede, and subsequently report misconduct. You must take an active role in the intervention of wrongful conduct. For example: You arrive at the 8th District to process after making an arrest. As you go to the station to put property on the property book, you observe your arrestee in the holding cell with his right wrist handcuffed to his left ankle. What should you do? You should advise the station clerk about the situation and that it's a violation of the general orders, as well as notify an official immediately.

Flex Cuffs

Flex cuffs may be used in accordance with MPD policy. They come in two varieties: single loop and double loop. The single loops can be used on a day-to-day basis to secure arrested persons. The double loops are primarily used for CDU operations and will not be discussed here.

To use the single loop flex cuff, have the arrestee place his or her hands behind their back with wrists crossed. The single loop flex cuff then shall be placed around the intersection of both wrists and tightened

securely. The standard by which to judge whether there is enough space between the flex cuff and wrist is the width of a pen. When flex-cuffs are properly applied, arrestees can still place pressure on the flex-cuffs, or turn their hands within the flex-cuff, causing constriction on part of the hand.

When flex cuff restraints are used to secure an arrestee's hands or arms, the member applying the flex cuffs must always check restraint tightness. To avoid injuries that may be caused by over-tightening the restraints, the member should draw the strap up only until the strap comes in contact with the arrestee's skin at all points. Again, the MPD member must ensure that the flex cuff is not too tight. If upon checking the flex-cuffs, the member finds that the flex-cuffs are too tight, the member shall remove the flex-cuffs as soon as reasonably possible and replace them with flex-cuffs applied to fit properly.

NOTE: Only department-issued and/or approved flex cuffs can be used. Members should not buy their own flex cuffs.

MPD members shall give prompt attention to complaints that the flex-cuffs are too tight. Even after using the precautionary measures indicated above to prevent over-tightening of flex-cuffs, if the restrained person complains that the cuffs are too tight the member shall stop (if reasonably possible) and check the tightness of the cuffs.

Flex cuffs cannot be applied over clothing, jewelry, or any other item that will prevent flex cuff-to-skin contact. Additionally, linking of any single loop flex cuffs is explicitly prohibited by the department. If the arrestee cannot be secured with one single loop flex cuff, the member shall only use the standard issued metal handcuffs.

NOTE: Only MPD-issued flex cuff cutters shall be used to remove the flex cuffs. Knives, box cutters, scissors, power tools, and Leatherman tools should not be used to remove flex cuffs.

Searches

The securing of prisoners does not end at handcuffing. In order for a prisoner to be secure, there must be no weapons or contraband on their person. This requires that a field search be conducted on the arrest scene. If a field search cannot be done, then transporting members shall ensure that a protective pat-down is conducted. A **protective pat down** is a search of the individual's clothing to determine the presence of concealed weaponry or other dangerous items.

A field search must be conducted in the van port and prior to the transfer of custody to station personnel. A **field search** is the removal and search of the outer garments (jackets, shoes, coats, etc.) of a prisoner as well as the probing of the items of clothing in order to determine the presence of concealed weaponry or other dangerous items.

6.2.3 Explain the Metropolitan Police Department's policies on field searches of prisoners

Whenever a member takes a person into custody, he or she shall conduct a thorough field search. Members shall not assume that another member has searched a prisoner. The member shall ensure that the prisoner removes or shall assist the prisoner with the removal of all outer clothing, including hats, wigs, and multiple layers of shirts, pants, and socks **down to a single outer layer of clothing** (e.g., jeans, pants, shirt, dress). Shoes must also be removed.

Members *shall not* search persons of the opposite sex who are in custody or under the care of the MPD. If a member of the same sex as the arrestee is not on the scene, one should be requested to assist with the search.

There is a strict policy in place for prisoners wearing religious head coverings or other articles of faith. If it becomes necessary for members to remove a person's religious head covering during a field search and the person objects or appears reluctant or upset, members shall inquire whether the person requires special accommodations for religious reasons (e.g., the member should ask, "Does your religion require you to wear this head covering?"). If a person requests an accommodation for religious reasons, the member removing a head covering shall be of the same sex as the person wearing the religious head covering and shall conduct the removal in an area that is as private as is practical under the circumstances, taking all steps reasonably necessary to assure that persons of the opposite sex are not present during removal. Once the field search is complete, officers will allow the person to replace the head covering, if possible. Members shall confiscate articles of faith from prisoners that could potentially be used to harm another person or the prisoner.

Members shall ensure that all contents (e.g., money, belts, jewelry, sunglasses, medications, contraband, and weapons) are removed from prisoner's clothing including, but not limited to, their pockets, jackets, coats, shoes, socks, etc.. Members shall pat down and visually inspect a prisoner, paying particular attention to all areas where contraband such as evidence or a weapon may be hidden (e.g., the waistband, inseams, outer seams, pant/shirt cuffs, pockets, underarms, groin area, collars, jacket liners, insoles, etc.).

Members shall run their fingers under waistbands of all layers of clothing, including undergarments. Members shall pull bras away from the body without removing the single outer layer of clothing or exposing the breast in order to dislodge any contraband that might be hidden under the elasticized areas. Members shall look inside each shoe, remove the insoles when possible, flex the soles of each shoe, and pound each shoe to ensure that nothing is lodged or taped inside. The member shall inspect all property removed from a prisoner. Any requisite Property Record or prisoner's property must be handled accordingly.

If you believe that the person you are arresting is a transgender individual, you must adhere to specific MPD policies on how to conduct prisoner searches. The member shall inform the transgender individual that a search must be performed and ask if the individual has any objection to being searched by a male or female officer. If there is an objection, note the reason in your notebook and have an individual of the gender requested by the arrestee conduct the field search. Update your notebook as to the gender of the member who searched the transgender individual.

This procedure must be adhered to except under exigent circumstances. Exigent circumstances could mean a volatile scene where there is no time to await a searching officer's arrival. In such a scenario, MPD policies should be adhered to as soon as the situation is under control.

If the transgender arrestee is not cooperative, notify an official to make the determination whether a male or female MPD member will search the arrestee. All information regarding the transgender arrestee's gender identity shall be passed to the next member taking custody of the arrestee. Further information regarding handling transgender persons will be in a subsequent lesson.

Transgender arrestees are to be treated in a manner similar to non-transgender individuals regarding any prosthetics, clothes, wigs, and cosmetic items. If there is any safety issue regarding the item in question, it must be secured. Under no circumstances can a member search any person solely for the purpose of determining that person's gender.

After a member has handcuffed and conducted a field search of the arrestee, the prisoner is ready for transport to the district for booking. Members shall transport prisoners in vehicles equipped as transport units, when practicable.

The MPD's policies on field searches of prisoners largely stems from three court cases. Although understood to be routine practice today, the full search incident to arrest was found to be too intrusive by many courts in the 1960s. These courts found that a search further than a frisk (i.e., protective pat down) for safety needed a search warrant. That changed on December 11, 1973, when the US Supreme Court decided that an MPD officer's search incident to arrest that resulted in finding heroin on a traffic arrest did not violate the Fourth Amendment.

United States v. Robinson

On April 19, 1968, Officer Richard Jenks was a 15-year MPD veteran patrolling the area of 9th and U St. NW when he observed a recent model Cadillac. Officer Jenks decided to conduct a routine spot check on the vehicle. (These types of stops were common until 1979, when the US Supreme Court ruled that they were unconstitutional in *Delaware v. Prouse*). Officer Jenks proceeded to check the vehicle operator's permit and registration. The operator of the vehicle, Willie Robinson, Jr., handed to officer Jenks a temporary DC driver's permit, a DC registration card, and his Selective Service Card (this was during the Vietnam War).

Although Officer Jenks allowed Willie Robinson, Jr. to drive away, he noted a discrepancy between the temporary driver's permit and the Selective Service card. The DOB on the former showed "1927" while the latter stated that the driver's DOB was "1938." This was no small difference in 1968 since a 41-year-old was not eligible to be drafted to go to Vietnam though a 30-year-old was. Did Officer Jenks have a draft dodger? Was one of the forms of identification fake? Or was it an innocent mistake? Like any other prudent MPD officer, Officer Jenks decided to follow up.

A check of police traffic records revealed that a Willie Robinson, Jr. born in 1927 had a DC driver's permit that was revoked. The photo on the revoked driver's permit confirmed to Officer Jenks it was the same person he had stopped. Officer Jenks also saw that a temporary driver's permit had been issued to a Willie Robinson (not junior) with a date of birth in 1938. The pictures on the revoked permit and the application for the temporary permit were of the same man—the person stopped by Jenks for a routine traffic "spot check." Officer Jenks now knew that he had probable cause to arrest Willie Robinson, Jr. for Operating After Revocation (OAR) as well as fraudulently obtaining a permit. OAR was a violation of DC Code and a probable cause misdemeanor.

Four days later, on April 23, 1968, at approximately 11 pm, Officer Jenks and his partner were patrolling in the area of what today is known as the First District. They observed Willie Robinson, Jr. driving his 1965 Cadillac at the intersection of 8th St. NE. They immediately conducted a traffic stop and Willie Robinson, Jr. exited his vehicle and met the officers. Officer Jenks again asked for his permit and the same temporary permit from four days earlier was exhibited. Officer Jenks immediately placed Willie Robinson, Jr. under arrest for OAR. Per MPD policy, Officer Jenks proceeded to frisk (i.e., conduct a protective pat down) and search the arrestee for any weapons or other contraband.

During the pat down, Officer Jenks felt something in the left breast pocket of the respondent's heavy overcoat. Although Officer Jenks knew it was not a gun, he took it out and examined a crumpled-up cigarette package. He felt the package and could tell that there was something other than cigarettes inside of it. That something ended up being fourteen (14) gelatin capsules containing a white powdery substance that Officer Jenks believed to be heroin. Willie Robinson, Jr. was additionally charged with heroin possession.

Despite arguments for the suppression of the heroin, the trial court allowed the drugs to be introduced as evidence. Willie Robinson, Jr. was convicted of heroin possession and sentenced. An appeal was filed in the US Court of Appeals for DC. The Court of Appeals reversed on the grounds that the heroin had been obtained as a result of a search in violation of the Fourth Amendment. The court found that MPD training on field searches should not have allowed much more than a protective pat down for weapons. There was nothing specifically alluded to by Officer Jenks that may have led him to believe that he was about to find a weapon. The US Attorney's Office for DC filed an appeal with the US Supreme Court. The US Supreme Court, in a 6-3 vote, reversed the lower court thereby reinstating Robinson's conviction for heroin possession. It found that in the case of a lawful custodial arrest, a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but also it is a reasonable search.

MPD training and policy on field searches were vindicated. The US Supreme Court found that the safety considerations of MPD for both the prisoner and its officers were real. Can a prisoner have dangerous pills in his possession? Can a prisoner have a small, irregularly-shaped sharp object that can hurt someone? Such safety issues become magnified during booking and housing with other prisoners at detention facilities. MPD and other law enforcement agencies claimed and continue to claim that the search incident to arrest protects both the defendant and police officers from the possible weapons or contraband. Safety was the most influential issue in *US v Robinson*.

The case of *United States v. Robinson* allowed police to conduct a search incident to arrest both out in the field and prior to booking. But what happens when the arrestee has long since been booked and is awaiting arraignment in court inside a holding facility where officer and/or prisoner safety is no longer an issue? The case of the *United States v. Edwards* guides police in the searches and seizures of prisoners well after the time of arrest.

United States v Edwards

On the night of May 21, 1970, Patrol Officer Ashley of the Lebanon, Ohio Police Division was on routine patrol. Lebanon, Ohio is a Midwestern city of approximately 20,000 people with a small police force. Officer Ashley received a radio run for a suspicious vehicle parked near a post office building and initially found nothing of note. Downtown Lebanon, Ohio gets desolate at night and when the post office's alarm was activated, Officer Ashley stopped and arrested (by himself) the only two people in its vicinity. One of those arrested was Eugene Edwards, and he was charged with attempting to break and enter (a burglary charge if it occurred here in DC).

Although there was no entry into the post office, Lebanon police found that someone did try to gain entry through a window using a crowbar. Paint chips were seen everywhere due to this attempt to force entry. Knowing that their case against Edwards needed more evidence, Lebanon police wanted to search and seize Edwards' clothing and look for the same paint chips. Lebanon police purchased Eugene Edwards a new set of clothes and seized the clothes he had been wearing while he was in their custody, several hours

after arrest. The paint chips found on Edwards' clothing linked him to the very window that someone on the night in question tried to force open with a crowbar.

A pretrial motion to suppress the evidence was denied by the trial court and Eugene Edwards was convicted. All Ohio appeals courts agreed with the trial court. Like in *US v Robinson*, there was an appeal made to a US federal appellate court. In this case, the appeal was to the US Court of Appeals for the Sixth Circuit in Cincinnati, Ohio. Edward's appeal was successful and his conviction was reversed. The reasoning of the appeals court was that once the field search and booking had ended, the officers needed a warrant to seize Edwards' clothing. Since the attempted burglary was of a federal government building, the US Attorney's Office for Dayton, Ohio prosecuted the case. They appealed to the US Supreme Court.

The US Supreme Court reversed the US Court of Appeals for the Sixth Circuit and reinstated Edwards' conviction. In a close 5-4 vote, the majority decided that a search or seizure of a prisoner's clothing or property while the person is in full police custody cannot be considered unreasonable. To this very day, the *Edwards* ruling allows police across the country the ability to search and seize property, even personal clothing, from a defendant as long as the defendant is in the custody of the department at the time. For example, if a robbery suspect is placed under arrest, booked, and awaiting transport to court, MPD can seize the robbery suspect's clothing. This is particularly helpful in cases where a witness later comes forward with a description not of the suspect's face, but what they were wearing at the time of the offense. This ability to seize clothing has assisted MPD in countless robbery cases.

Additionally, prisoners may have to be searched for safety reasons even after booking. Contraband in holding facilities is a constant concern. Thus, an initial search at booking does not preclude an additional subsequent search or seizure of a prisoner's property. This is for the safety of all prisoners and the MPD officers involved in booking at MPD stations.

There are instances whereby MPD officers will encounter a backpack or perhaps a purse that is not on the arrested person's body. Can this be searched and inventoried like property found on a person's body? Obviously, safety is not as much an issue with containers or bags that the arrestee possesses in that they will have to take an item out of the vessel before it can be used. Police Departments, including MPD started requiring that officers do a blanket inventory of all property that the defendant possesses, even if not on their person.

MPD policy requires that officers take a full inventory of all items in possession of a prisoner at the time of arrest. This is done to ensure that the prisoner's property is safeguarded and that there are no frivolous claims of MPD loss or theft of property. The department also feels it necessary that any harmful substance or object not be in the bag while the prisoner is in police custody. This is strictly a procedural requirement on the part of MPD and does not give any discretion to the member in regard to probable cause, reasonable suspicion, etc. Police departments across the country have a similar requirement; however, there is controversy over whether this constitutes an illegal search and seizure under the Fourth Amendment.

Illinois v. Lafayette

On September 1, 1980, at approximately 10 p.m., Officer Maurice Mietzner of the Kankakee Police Department responded to a call for a disorderly subject at the Town Cinemas of Kankakee, Illinois. Upon arrival, he witnessed Ralph Lafayette embroiled in a loud argument with the theater's manager. Officer Mietzner proceeded to arrest Lafayette who was wearing a purse at the time of his arrest. Ralph Lafayette was charged with Disorderly Conduct. Officer Mietzner did not fear for his safety during the arrest and

transported Lafayette to the police station without incident. Upon arrival at the station, Officer Mietzner followed his department's procedures in searching and inventorying Lafayette's purse. This procedure is similar to the one utilized today by MPD. Officer Mietzner did not have any safety or investigatory reason for going through Lafayette's bag.

Mietzner testified at trial that he never expected to find any contraband inside Lafayette's bag. Officer Mietzner, however, did find ten (10) amphetamine pills inside Lafayette's purse so he was additionally charged with Possession of a Controlled Substance. At trial, Lafayette's attorney argued that Mietzner's search of the bag was not reasonable under the Fourth Amendment. This was because there was no probable cause to search the bag at the station and securing the contents of the bag could have been done in other ways (such as sealing the purse in a larger bag). The defense also argued that the window to conduct a search incident to arrest had closed by the time the defendant arrived at the police station. The Illinois trial court agreed with the defendant and the evidence of the drugs was suppressed. The Illinois Supreme Court refused to hear the case. The local prosecutor for Kankakee, Illinois then appealed to the US Supreme Court.

The US Supreme Court unanimously reversed the Illinois trial court. It found that it was "reasonable for police to search the effects of a person under lawful arrest as part of the routine administrative procedure at a police station house incident to booking and jailing the suspect." The Supreme Court felt that it was actually in the best interests of the public that police inventory all property coming into their possession. If the police department did not have these procedures in place however, the court would likely have found that there was no basis for the search.

Today, MPD requires a full inventory search of all prisoners' property coming into the custody of the department. It's a standard requirement that makes it reasonable under the Fourth Amendment.

6.2.4 Discuss the Metropolitan Police Department's policies on transporting prisoners

MPD policies on transporting prisoners are meant to address the different issues and situations that officers face on a daily basis. A transport vehicle is almost always required in conducting a transport. Members operating transport vehicles must ensure that there is no contraband in the prisoner portion of their vehicle. Upon taking possession of the vehicle and after each transport, the transporting officer(s) must check to make sure that no contraband is in the portion of their transport that houses prisoners. Contraband typically found inside prisoner transports includes drugs, knives, and other weapons.

If one is not already on the scene, a transport vehicle or wagon must be requested via the dispatcher. Until being placed inside of the transport, members must maintain control over their prisoners at all times by physically holding them as learned during the handcuffing prisoner's portion of instruction.

Two (2) members are required whenever a prisoner is escorted outside of an MPD transport or holding facility. When a non-transport vehicle is used (e.g., during an emergency or when no transport vehicle is available), two (2) members shall be present to transport the prisoner. The prisoner shall be seated in the rear seat of the vehicle. The second member shall be seated in the rear seat so that his or her gun holster is on the side away from the prisoner.

Transporting officers are required to again search all prisoners prior to transport, even if the prisoner has just been searched by the arresting officer or searching officer.

Transport Wagon

Male and female prisoners shall not be transported in the same transport vehicle unless the transport vehicle is a split wagon. A wagon shall be used to transport violent prisoners whenever possible. Violent prisoners have been known to break police cruiser windows or otherwise cause damage. A wagon shields all parties from unnecessary tumult. Transport wagons are better equipped to handle violent prisoners.

When a member transports a prisoner alone, he or she must use a transport vehicle. A sole member utilizing a transport vehicle needs the assistance from another member when placing or removing the prisoner from the vehicle. The prisoner must be seated in the member's rearview mirror line of sight on the passenger side of the rear seat. The transporting member shall verify the identity of each prisoner and the arrest forms that accompany each prisoner with the arresting member or the station clerk prior to taking custody of the prisoner.

Once a prisoner is placed in the transportation vehicle, member(s) shall secure the containment area window between the front and rear of the vehicle passenger area in the closed and locked position. All prisoners shall be secured by a seat belt, when available, before being transported. Prisoners transported in wagons are seated and informed of the handles available for their safety during the transport. This is in addition to their being seated while utilizing the wagon's safety bar restraints. If the prisoner is combative, obese, etc. and they cannot be secured using a safety bar restraint, then the member must contact the watch commander and be guided by his or her directions. Per **TT-06-033-15**, only transport wagons equipped with safety bar restraints can be used for MPD prisoners. In addition to **EO 16-007**, members shall belt prisoners in a side-loading compartment though the side compartment is not designed for prisoners in wheelchairs.

Members cannot stop or interrupt a transport, except under exigent circumstances (e.g., medical emergencies, safety issues). Members must transport prisoners directly to the appropriate location once placed in a transport vehicle.

Transporting members must do their best to ensure that prisoners do not communicate during transport. Co-defendants cannot be transported in the same vehicle in case there is to be an interrogation by a detective. Any vents in the transport must remain open and any spontaneous utterances of value must be recorded by the member into his or her notebook.

The transporting officer must observe the prisoner as often as possible to ensure that there are no suspicious behaviors that may warrant investigation. Upon arrival at the holding facility, the sally port doors must be shut before the prisoner can be allowed outside of the transport.

There have been many unfortunate incidents across the country regarding prisoners being transported in extreme hot or cold conditions. Members must ensure that the transport vehicle is properly heated or cooled at all times when prisoners are inside. If a prisoner is restrained in a transport vehicle without air conditioning, (e.g., during intake transport when the sally port is backed up), the transporting member may open the rear doors of the transport vehicle or a single rear door of the wagon to allow fresh air into the vehicle provided that two (2) or more members are in the area and the prisoner is secured to the seat by a seat belt and remains handcuffed.

The air conditioning in the confinement area of transportation wagons shall be activated during periods of excessive heat. The air vents shall never be covered. Transportation vehicles shall not be used for transporting prisoners during periods of excessive heat unless absolutely necessary if the air conditioning is not functioning or the air conditioning is functioning but the temperature continues to be extremely high within the transport vehicle. In those cases, members shall:

- Make notification to an official at the beginning of the transport.
- Take the most direct route to the location of prisoner processing, medical treatment, and/or confinement.
- Ensure that arrestees are removed from the transport wagon immediately upon arrival at the destination.
- At the conclusion of the transport, contact an official to advise that the transport has ended and to report any unusual circumstances at the time.

There are extra procedures in place for the transportation of prisoners of the opposite sex. Whenever a member transports a prisoner of the opposite sex, the member shall notify the dispatcher of the beginning mileage and location. At the conclusion of the transport, the member shall notify the dispatcher of the ending mileage and location. Any prolonged stops or delays during the transport shall be voiced to the dispatcher. Situations involving a male and a female prisoner require two separate transport scout cars or a transport wagon with two separate compartments (a split wagon).

The transportation of juveniles also requires special procedures. Wagons cannot be used to transport juveniles unless there is approval from the watch commander. Male and female juvenile prisoners cannot be transported in the same compartment of the transport vehicle. Juveniles cannot be transported with adults, even if they have been given adult charges.

Transporting members are also reminded that many of their juvenile transports are considered at-risk. As noted earlier in this lesson, members shall identify a juvenile as at-risk if the juvenile:

- is under 12 years of age.
- is unusually small in size or stature.
- is physically disabled.
- expresses suicidal thoughts or desires.
- reports suffering from a serious illness or contagious disease.
- is visibly pregnant or reports that she is more than six (6) months pregnant.
- displays a sexual orientation that would place them in a vulnerable situation.

Remember that adults can be “at-risk,” too.

The arresting member shall write the words “AT RISK” followed by the type of risk at the top of the Arrest Report (PD163) or the Juvenile Intake Form (PD 379) and next to the prisoner’s name on the transport list. (e.g., “AT RISK – Escape,” “AT RISK – Transgender,” “AT RISK – Mental Observation.”) Prisoners who are suicidal or have any other medical problem shall be brought to the attention of transporting members by the arresting member.

The transportation of transgender prisoners requires specific procedures as well. Generally, transgender prisoners should be transported separately whenever possible. For example, if a transport cruiser is utilized, then the transgender arrestee shall be the only prisoner in the back seat. When the transgender arrestee is in a transport wagon, the arrestee shall be either the only prisoner or the only prisoner on one

side of a split wagon. Transporting officers shall adhere to the same guidelines as arresting officers with regard to searching transgender arrestees. The transporting officers shall provide to officers processing and housing the arrestee all information obtained from the arresting officer. Transporting officers shall also record the beginning and ending mileage for all transports involving transgender arrestees.

MPD officers will encounter disabled prisoners in wheelchairs, with canes, with walkers, etc., who are able to walk albeit with assistance. These prisoners will be assisted into the transport by MPD members. Prisoners cannot be in possession of such walking assistance equipment during transport. MPD members are responsible for placing walking assistance equipment in the prisoner's property book. If the prisoner has a prosthetic limb, however, or medically needed equipment like an oxygen tank, then the transport shall take place with this equipment in place.

MPD members should use their discretion on whether it is better to have a physically disabled prisoner's hands handcuffed in the front. If handcuffing is not possible, as in the case of amputees, then two (2) members are required during the transport.

If an arrestee is in a wheelchair and states that he or she is unable to walk, the MPD member then must notify the Command Information Center (CIC) and an official of their organizational element. The notification is for a request of a wheelchair accessible van (WAV) or a transport company to assist MPD in the transportation of the prisoner. The MPD member then obtains from the CIC the name of the transporting company that is enroute and the estimated time of arrival (ETA). The arresting officer must include in the Arrest Report (PD163) narrative the time of notification and the name of the company conducting the transport for MPD. A member of MPD must then ride with the arrestee to the district station, Central Cell Block (CCB), hospital, Comprehensive Psychiatric Emergency Program (CPEP), or any other authorized holding facility, and another member must follow the transport in an MPD vehicle.

MPD members may encounter arrestees with service animals. Citation release is recommended in such cases when the arrestee qualifies for it. If citation release is not possible, then the service animal should be given to a friend or family member of the arrestee. If nobody can be located to take custody of the service animal, DC Animal Control must be called to take custody of it.

If the arresting officer is not also the transporting member, all information about whether the arrestee is a security risk or has health issues must be given to whoever transports the prisoner. The Quick Booking form (PD256) must be completed on the scene and, if applicable, given to the transporting officer. The transporting member then gives the form to the station personnel at the station that receives the arrestee for booking.

MPD policies on transports give members guidance on the wide range of issues arrestees typically present once in MPD custody. If the policies are not adhered to, unfortunate incidents like escapes can occur. For example, if an MPD member was not diligent and an escape occurs, a lookout must be voiced over the air as well as a notification made to the watch commander. The watch commander will coordinate the efforts to retrieve an escaped prisoner. The watch commander will also put into motion an investigation as to whether the transporting officer(s) neglected their duties. There are many other negative developments that can occur if MPD members are not following MPD policies and procedures during transports.

6.2.5 Demonstrate how to process the property of a prisoner in MPD custody

During the field search, all personal property belonging to the prisoner is removed. Personal property includes wallets, cell phones, money, credit cards, etc. Religious head coverings, wigs, necessary medical equipment, and prosthetics can be allowed to stay with the prisoner. Everything else becomes prisoner's property unless it is taken as evidence, held for civil forfeiture, or suspected proceeds of a crime.

Once the field search is complete and the prisoner's property has been collected, the recovering officer places everything into a Property Bag form (PD14). The original recovering member is responsible for all items of property and must ensure they are processed until handled or the officer is relieved of such duty. Denote on the property bag the exact inventory of its contents.

NOTE: Nothing perishable or dangerous ever enters the property bag.

Property entries should have physical descriptors and never be speculative. For example, a "gold-colored watch" is correct while a "gold watch" is incorrect. It is not the recovering officer's responsibility to ensure that they know the composition or quality of the property recovered. It is incumbent, however, on the officer to be able to describe the appearance of the item so that it can be readily identified.

Perishable prisoner's property is handled in accordance with DC Code which stipulates that "all perishable property so taken and unclaimed shall be sold at once." An official will be able to assist in the immediate sale of perishable property.

Any money found with the prisoner is put onto a separate Property Bag form (PD14). However, it stays on the same Property Receipt (PD 58) and Property Book (PD82) entry. Once the property bag(s), property receipt, and property book entry are completed, the recovering officer presents them to the station clerk. The station clerk reviews all the paperwork and items to make sure everything is accurate. The station clerk then takes possession of the prisoner's property.

6.2.6 Analyze the Metropolitan Police Department's policies on more intrusive searches of prisoners beyond the field and full custody searches

Although field searches are successful in accounting for the property and contraband involved in an overwhelming majority of cases, circumstances exist where a more invasive search becomes necessary. Contraband that can be hidden beyond the scope of what can be found through a field search includes drugs, weapons, and other illicit objects. It is important that such property is recovered; however, strict departmental guidelines must be followed due to the delicate nature of these situations.

If a member suspects that after a full field search the arrestee still has a weapon, contraband, or other evidence concealed on his or her person, the member can employ the use of the BOSS chair. If the prisoner refuses the BOSS chair or the chair alarms, then the member shall obtain approval of the watch commander to conduct a strip or squat search.

- **Strip Search** – This is the practice of searching a person for weapons or other contraband suspected of being hidden on their body or inside their clothing that cannot be found by performing

a full custody search. This type of search requires that the prisoner remove some or all of his or her clothing. A strip search is more intrusive than a full custody search and requires justification.

Strip searches must be conducted by a member of the same sex as the prisoner in a private and secure area of the station. This is usually performed in a closed room such as where fingerprinting and booking are performed.

Transgender arrestees must be asked which particular gender of the searching member they would prefer.

- **Squat Search** – This is the practice of searching a person for weapons or other contraband suspected of being hidden inside a body cavity. The person is asked to squat and then is asked to cough, which will dislodge a hidden object.

Both strip and squat searches require the approval of the watch Commander. Information that can form the basis for a strip or squat search includes that the arrestee makes suspicious body movements such as squirming, clenching, etc., but the field search did not result in the finding of a weapon or contraband. The fruits of a strip or squat search must be documented in the Arrest Report (PD 163).

A **body cavity search** is more intrusive than a full custody search and requires further justification. There are no circumstances under which an MPD member is allowed to conduct a **body cavity search** on a prisoner suspected of concealing one or more weapon(s), contraband, or evidence inside a body cavity. However, MPD can ask in these extremely rare instances that a physician conduct a body cavity search in a private and secure area of the nearest hospital. **The MPD member must have probable cause to believe that there is contraband hidden inside of a body cavity.** Additionally, the watch commander must authorize a body cavity search.

An MPD member of the same sex as the arrestee must be present for a body cavity search as well as to seize whatever evidence is found. Again, transgender arrestees must be asked if they have any objection to a physician of a particular sex conducting the search. Any evidence found as a result of a body cavity search must be documented on the Arrest Report (PD163).

The arresting member shall be responsible for recording details of the strip, squat, or body cavity searches of a prisoner in a log that shall be maintained in the station. The information contained in the log must include:

- The name of the prisoner and the justification for the search.
- The type of search conducted. (strip, squat, or body cavity)
- A complete inventory of items found or a notation that nothing was found.
- The name(s) of member(s) involved in the search.
- The name of the official who authorized the search.
- The date and time of the search.
- The name of the person notified at the CCB.
- The name(s) of member(s) witnessing the search.
- The name of the physician and the medical facility if the search was a “body cavity” search.

NOTE: If a physician refuses to conduct a body cavity search, the arresting member must apply for a search warrant.

6.2.7 Describe the Metropolitan Police Department's policies on providing care to injured prisoners

MPD must take all injury or illness claims made by a prisoner seriously. Medical care should be prompt and take place at the hospital. A PD313 (Arrestee's Injury/Illness Report) must be filled out by an on-scene member before it is turned over to an official. MPD members must have a copy of the arrestee's injury/illness report, however, necessary treatment should never be delayed due to one not being immediately available.

Ordinarily, the arrestee's injury/illness report is completed by the arresting or other on-scene member. However, if the illness or injury is the result of the arrest, the report must be completed by a member who *was not involved* in the arrest.

If the injured or ill prisoner needs immediate medical care, the on-scene member must relay this over the radio to the Office of Unified Communications (OUC). The member must then await the arrival of an ambulance which will then transport the prisoner to a hospital. In such instances, one member must ride in the back of the ambulance near the prisoner while the other one follows in an MPD scout car. While on-scene or in an ambulance, the prisoner must remain secured.

For example, if a member suspects, observes or otherwise has knowledge that an individual has swallowed drugs, an ambulance must be requested through OUC. No attempt can be made to retrieve the ingested drugs. If the hospital then advises that the prisoner is medically cleared despite the swallowed drugs, the prisoner is automatically considered at-risk and the prisoner must be closely monitored by cell block personnel. Such information must be relayed to each officer upon passing custody of the prisoner to another member.

Routine medical care such as taking prescribed medication and receiving long-term illness care still requires the completion of a PD313.

If the prisoner does not require emergency medical assistance, MPD may transport the prisoner via MPD scout car or wagon. The scout car must be a transport vehicle. Any removable medical identification must be left on the prisoner (e.g., LIFE ALERT tags, med bracelets, etc.). If the medical transport goes outside of DC, the watch commander must be notified.

Transportation of the prisoner to the hospital shall be conducted by two (2) members unless exigent circumstances exist and an official advises otherwise. Security risk prisoners shall always be transported by two (2) members.

Upon arrival at the hospital, the prisoner must be taken to the emergency room (ER). The member must notify hospital security whenever a prisoner is brought to a hospital. If the prisoner is admitted into the hospital, the transporting or attending members must notify the watch commander.

It is important that the arrestee injury/illness report is filled out with the same CCN number as was used during the prisoner's arrest. The report must contain sufficient information so that the treating doctor can understand the nature of the injury or illness. This report must include information on all cuts, bruises,

or other visible injuries. The doctor will affix his findings and signature to the report after examining the prisoner.

The prisoner must be taken back to the hospital if he or she complains again of injury or illness.

Juveniles injured or in need of medical treatment must be transported to Children's Hospital on 111 Michigan Ave. NW or to its affiliate at United Medical Center. The transport should be to whichever medical facility is closest.

In the unlikely event that a prisoner dies en route to the hospital, you must immediately notify an official. An immediate call for EMS personnel should already have been made.

6.2.8 Complete a PD313 per department directives

The arrestee's injury/illness report is two (2) pages long.

The arresting/transporting member completing the first page. The first page contains basic incident information such as the date, CCN, organizational element, prisoner name, address, arresting officer name, and the arresting charge. There is also a section for the hospital name and the doctor's remarks. An explanation of the cause of injury or illness is also required.

If it can safely be done, the arrestee's signature should be obtained on the report underneath the statement of the nature of the injury or illness. The arrestee's account of the incident surrounding the reported injury or illness is also included at the bottom of the report. Again, if safe to do so, the arrestee's signature should be obtained here as well.

6.2.9 Describe the Metropolitan Police Department's policies on hospital guard details

Hospital guard details can be a managerial challenge for a police department. There are a multitude of safety and health concerns which the department must be able to address.

After transport to the hospital, the members guarding the prisoner must notify the dispatcher of their arrival. When it becomes apparent that the prisoner will be admitted to the hospital, an official must be notified. Nonetheless, even without admittance, an official must be notified if it is estimated that examination of the prisoner will take longer than two (2) hours at the hospital. In such cases, the DC Department of Corrections (DOC) will take over the hospital detail.

In cases where MPD must handle the detail, including while awaiting a transfer of the hospital guard detail to DOC, typically a two-member detail is used; however, a single member detail can be used. Single member details are used only when there is no security risk. Every effort is made to have at least one (1) member on the guard detail be of the same sex as the prisoner. Members shall ensure that at least one (1) of the prisoner's arms or legs is secured to a fixed object at all times during these guard details.

The prisoner is not allowed to watch TV or utilize any electronic device, to include a cell phone. The prisoner must never be left alone and no visitors are allowed. Members should utilize particular care when allowing the prisoner to use the restroom as it poses a potential escape risk. For this reason, the guarding member(s) must closely monitor the prisoner's activity inside the restroom. The restroom door must

remain open with the prisoner in full view. The restroom must be checked beforehand to ensure that there are no weapons or contraband or objects that can be used by the prisoner. Additionally, any windows, drop ceilings, or other escape routes must be accounted for before the restroom can be used by the prisoner. The prisoner must not be allowed to lock him or herself inside the restroom.

The member(s) must remain with the prisoner until properly relieved of duty or advised that the detail is over by an official. Both incoming and outgoing members must make bed checks of the prisoner. The prisoner must be identified name and charges. Any prisoner-specific safety, medical, or other issues must be relayed to the relieving members. The relieving members then become responsible for the prisoner until properly relieved of this responsibility.

If the prisoner is still at the hospital when an official declares the guard detail to be over, the guarding members will be advised of this over the radio. In the event that the radio is not utilized, the members will receive a phone call from the official advising that the detail is over. The guarding members must then return the phone call to the official to re-confirm that the detail is complete. If for any reason during a guard detail a member must be relieved prior to when his or her relief is scheduled to report, the member shall notify his or her official and the official shall make arrangements for the relief.

Members must retain and wear their service weapons while detailed to guard prisoners at any hospital. Members must avoid socializing with prisoners at any time. Members have to prevent unauthorized contact and access to prisoners. Members on guard detail have to continuously follow up on the medical status of prisoners under guard in order to determine when the prisoner may be released from the hospital. Members must remain in communication with their respective officials to advise them as to the treatment and pending return of the prisoner back to the district. When relieved, members must retrieve their handcuffs and leg restraints, if used, prior to their departure. The relieving members must utilize their own handcuffs and/or leg restraints.

The procedure described above is the same for juveniles except that when a juvenile is admitted to the hospital, an additional notification to the Juvenile Processing Center (JPC) is required. JPC may decide to release the juvenile prisoner from the hospital and into the care of a parent or guardian. Members on guard detail must notify the JPC of the juvenile's status at the beginning of each shift.

If hospital staff ever infringe upon MPD policies and procedures with regard to hospital guard details, a guarding member must notify the watch commander. Sometimes MRI, x-ray, and other medical procedures require special ways in which to proceed with the guard detail. The watch commander will advise the member how to proceed in such situations.

Hospital details for prisoners that will eventually be sent to the Central Cell Block should not last over two (2) hours. A member must notify an official if it appears that the detail will go longer than two (2) hours. The DC Department of Corrections will take over these details.

If a prisoner escapes, the guarding member(s) must immediately voice this as a priority over the radio. A full lookout and direction of travel must be relayed to members in the same district as the escape took place. Hospital security must also be notified.

6.2.10 Describe the Metropolitan Police Department's policies regarding prisoners with contagious diseases or infestations

Occasionally, MPD encounters prisoners who have an infestation or contagious disease. Extreme caution must be taken in these instances. It is incumbent upon the member to detect any contagious diseases or infestations. Questioning a prisoner about a disease or infestation should be done in a compassionate manner and in private. To address potential issues with this type of prisoner, MPD has developed a comprehensive set of policies. The directives cover all activity from the field search to the station cell block. MPD members must be able to handle such a prisoner and his or her property without issue.

Some things to know about dealing with prisoners in such instances:

- **Contagious Disease** – This is a type of disease that is easily transmitted by physical contact with a person suffering from the disease, or by his or her secretions, or by objects he or she touched, or by airborne particles (e.g., tuberculosis, meningitis, and COVID).
- **Decontamination** – This is the process of cleansing the human body, items, and/or areas to remove contamination by using hazardous or infectious materials.
- **Infestation** – This is the state of being invaded or overrun by parasites or pests. It can also refer to parasites living in or on a host (e.g., lice).

Members detecting or notified of an infestation or contagious disease of a prisoner must:

- Limit contact with the prisoner to only essential members.
- Notify the watch commander.
- Prepare an arrestee's illness/injury report and notify an official.
- Summon a transport SUV or sedan to take the prisoner to the nearest hospital. A transport wagon should NOT be used.

If the member comes into contact with a prisoner who has a communicable disease or infestation, prepare a Communicable Disease Contact form (PD318) and report to the clinic. If the clinic is closed, then the member must respond to either Providence Hospital or Washington Hospital Center, depending on the first letter of his or her last name).

Before the transport is re-used, it must be thoroughly decontaminated. This decontamination will be performed by a company contracted by MPD.

The prisoner must be cleared by the hospital before he or she is allowed inside an MPD vehicle or holding facility. The cleared prisoner must be housed separately from all other prisoners. Usually, the transport from the hospital will be directly to the Central Cell Block in such instances. A copy of the arrestee's injury/illness report must stay with the prisoner.

Summary

Members need to identify the four categories of prisoner by following the departments guidelines and policies. These guidelines and policies are in place to keep the prisoner safe as well as the officers involved with the arrest, field search, and transportation. There are instances where a more intrusive search of a prisoner may be warranted. Such examples include strip, squat, and body cavity searches. Although rare, MPD officers conducting these searches must strictly adhere to the procedures set forth by MPD.

The department has created forms that address arrestees who are sick or injured as well as procedures for MPD members who guard a prisoner on a hospital detail. There are also specific procedures in place for those exposed to communicable diseases when encountering prisoners.