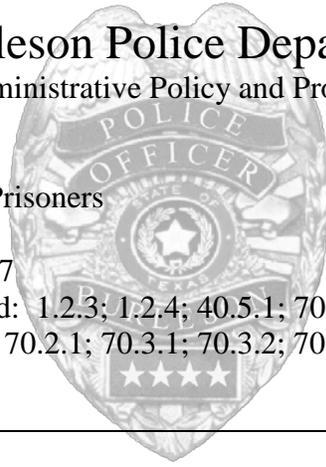


Burleson Police Department

Administrative Policy and Procedures



Number: 08-002

Document Title: Arrest and Prisoners

Effective Date: 10/15/2007

Last Revised Date: 01/18/2017

CALEA Standards Referenced: 1.2.3; 1.2.4; 40.5.1; 70.1.1; 70.1.2; 70.1.3; 70.1.4; 70.1.5; 70.1.6; 70.1.7; 70.1.8; 70.2.1; 70.3.1; 70.3.2; 70.3.3; 70.4.1; 70.4.2; 74.3.1

ISSUING AUTHORITY: _____

No unlawful means of any kind shall be used to obtain a statement, admission, or confession from any person in custody. [1.2.3 a/b]

- I. Restrictions Relating to Arrests and Prisoners
 - A. Members shall not suggest or recommend attorneys, firms, or place of business to anyone. They shall not obtain attorneys or bondsmen for prisoners unless the prisoners request that specific attorneys or bondsmen be notified. Attorneys desiring to see a prisoner for whom they claim to be counsel shall be permitted to do so if the prisoner desires such counsel. [1.2.3c]
 - B. Officers shall not request the dismissal of charges against an arrested person unless there is sufficient good reason, and then only with the knowledge and consent of a commanding officer in the division responsible for the arrest can make the request.
 - C. Members shall not permit themselves to become involved in any promises or arrangements between a criminal and their victim, which are intended to permit the offender to escape the full penalty provided by law. Members shall not take part, either directly or indirectly, in any action, which permits any person to escape the penalty of the law or the full responsibility for their acts. Members shall not, for the direct or indirect benefit of a defendant, seek to obtain the dismissal of a case or leniency for the defendant in any court except when such action enables them to obtain convicting evidence against a more serious offender, and then only with the knowledge and consent of their commanding officer can they seek such relief. Members shall not in any way interfere with the usual procedures of any courts, City Attorney's Office, County Attorney's Office, or District Attorney's Office.
 - D. An officer shall not apply for or serve a search or arrest warrant except with the knowledge and consent of their superior officers. An officer shall not apply for a criminal warrant in which the offense is alleged to have been committed against themselves except with the knowledge and approval of their commanding officer. [74.3.1]
 - E. Except when circumstances justify the use of self-defense or force to prevent injury to another, or when a serious offense has been committed, members shall not engage in controversies or attempt to exact police discipline or make arrests in their own quarrels, those of their families, or those of their neighbors. Disputes involving a member shall be called to the attention of the

shift commander. He shall investigate the complaint and take necessary action.

- F. Officers not on duty shall not arrest or cite traffic violators. An off-duty officer who witnesses a flagrant traffic violation should notify the dispatcher and request an on-duty unit.

II. Prisoner Transportation

Officers of the Burleson Police Department assigned to transport prisoners shall adhere to all applicable standard operating procedures relating to the safety and security of the prisoner(s) to be transported.

A. Search [\[70.1.1\]](#)

Officers of the Burleson Police Department assigned to transporting prisoners, either from the scene of an arrest or from one jail facility to another, will conduct a search of that prisoner.

1. Same Sex Prisoner Searches:

Systematic search will be conducted from head to toe by using the patrol officer's hand and searching all areas of the prisoner's body to reveal concealed weapons or contraband.

2. Opposite Sex Prisoner Searches:

Opposite sex searches shall only be accomplished if circumstances and articulate facts exist that cause the officer to believe that their, or others, safety is in question. Searches for contraband will be delayed until a person of the same sex can do the search. An accepted, and recommended, method for opposite sex search is to use the back of the hand as opposed to palm and fingers. If the search is necessary, it shall be documented thoroughly in a report.

B. Check of Patrol Vehicles [\[70.1.2\]](#)

All officers assigned to transport prisoners will check all areas of the patrol vehicle that a prisoner would have access to. This will assure that no contraband or weapons are present. This is to include, but not be limited to, under and behind seats.

This check will be accomplished at the beginning and end of the officer's watch or every time the officer assumes or gives up control of a different vehicle. Officers will search vehicles prior to transport of any prisoner and upon the immediate completion of a prisoner transport.

C. Prisoner Seating During Transport in Vehicle with a Screen.

Officers assigned to transporting of prisoners will ensure, for safety reasons, that the officer(s) and prisoner(s) are seated in a specific manner as to be able to keep the prisoner(s) under observation at all times.

Transportation of prisoners will be conducted in the manner outlined below. Vehicles utilized to transport prisoners will be equipped with a

shield or screen between the front and back seats. Door handles and window cranks on the back doors will be removed or disabled. [70.4.2]

1. One Officer / One Prisoner
Prisoner may be handcuffed behind the back, seated in the back seat on the passenger side, and secured with a seat belt pulled tight.
2. One Officer / Two Prisoners
Not a recommended procedure, but if the situation should arise, both prisoners may be handcuffed behind the back, seated in the back seat and secured with a seat belt pulled tight.
3. Two Officers / One Prisoner
Prisoner may be handcuffed behind the back, seated in the back seat on the passenger side and secured with a seat belt pulled tight. Both officers seated in the front seat.
4. Two Officers / two Prisoners
Prisoners may be handcuffed behind the back, both seated in the back seat and secured with seat belts pulled tight. Both officers seated in the front seat.

D. Prisoner Seating During Transport in Vehicle without a Screen or Shield [70.1.3]

Prisoners will be transported in a vehicle without a screen or shield only under extenuating circumstances approved by a patrol supervisor. In this event, transporting prisoners will be conducted in the following manner:

1. One Officer / One Prisoner
Prisoner may be handcuffed behind the back, seated in the front passenger seat and secured with a seat belt pulled down tight.
2. Two Officers / One prisoner
Prisoner may be handcuffed behind the back, seated in the rear passenger seat and secured with a seat belt pulled down tight. One officer will be seated in the front seat and second officer will be seated in the back seat on the driver's side next to the prisoner.
3. Two Officers / Two Prisoners
Both prisoners may be handcuffed behind the back, with one seated in the front passenger seat and the other seated in the back passenger seat. Both will be secured with the seat belts pulled down tight. One officer will be seated in the front seat (driver) and the other will be seated in the rear seat, behind the driver.

E. Prisoner Security

When officers are transporting prisoners, the first priority shall be security. Officers will be responsible for the prisoner's safety / officer's safety and shall take all necessary precautions to ensure that the prisoner will not escape.

1. When prisoners are being transported:
 - a. Officers will not lose eye contact with prisoners;

1. From the time the prisoner is in officer's custody during transport, until the prisoner is placed into the cell at the police department.
 - b. There will be no restroom stops made at public places when an arrest was made within the city of Burleson, under any circumstances.
 - c. Due to the short distance, no stops shall be made during transport of the prisoners to Johnson or Tarrant County Jails.
 2. In the transport of prisoners, officers may only stop when [\[70.1.4\]](#)
 - a. It is an extreme emergency such as:
 1. Another law enforcement officer is found in a life-threatening situation;
 2. Major life threatening offense in progress and responding officers may be delayed.
 3. Toilet facilities are available in all cells for prisoners use.
 - a. Cell area is monitored by video and audio equipment.
- F. Prisoner Communication During Transport [\[70.1.5\]](#)
Any prisoner in the custody of an officer of this department shall not be provided with the opportunity to communicate with anyone during the transport process.
1. When any prisoner is being transported, the safety of the prisoner and officer dictates that no stops are made to allow the prisoner to communicate with anyone.
 2. In cases of emergency, the transporting officer may relay, via radio, any emergency message the arrestee may wish to communicate.
 3. Upon arrival at the police facility, the arrestee will be granted visiting privileges as prescribed in the policy and procedures of this department.
- G. Transporting Officer's Actions Upon arriving at Facility
The transporting officer shall comply with the rules and regulations established by the jail of destination. All officers transporting a prisoner to another agency's jail facility shall adhere at a minimum to the following:
1. Upon arrival at the jail facility, the transporting officer(s) shall secure their weapons in a place provided for this function [\[70.1.6a\]](#)
 2. If no such facility is provided for the securing of the weapons, the weapons shall be secured in the trunk of the police vehicle prior to removal of the prisoner from the vehicle.
 3. Upon entering the holding facility and that room being secured from escape, all restraining devices shall be removed from the prisoner. [\[70.1.6b\]](#)

4. If the prisoner is violent, then the correctional officer at the holding facility shall be advised of the danger of the prisoner being unrestrained. The decision of the receiving correctional officer regarding the restraining devices shall be followed. [70.1.6b]
5. All documents pertaining to the booking report, property sheet and all warrant data will be delivered to the receiving officer. [70.1.6c]
6. The transporting officer shall inform the receiving officer as to the prisoner's escape / medical /suicide potential. [70.1.6d; 70.1.8]
7. The transporting officer shall obtain a signature on the Burleson Police Department Prisoner Receipt Form from the receiving officer. [70.1.6e]

H. Prisoner Escape During Transport [70.1.7]

If a prisoner escapes during transit, the transporting officer will be responsible for all necessary personnel notifications and requests for assistance.

1. Notify the on-duty supervisor immediately. [70.1.7a]
 - a. The on-duty supervisor will then determine what further actions will be taken. Supervisor instructs communications to notify, in order:
 1. Operations Bureau Captain
 2. Chief of Police
 3. All other needed personnel
 4. Organizes an orderly, methodical search.
2. If, while in transit, a prisoner escapes when traveling within another jurisdiction the transporting officer shall notify the agency with jurisdiction, as soon as possible, advising them of the circumstances and request: [70.1.7c]
 - a. Their assistance.
 - b. That they contact the transporting officer's agency.
 1. That agency will be responsible for notifying the immediate supervisor, the Operations Captain and if necessary the Chief of Police.
 - c. The transporting officer shall prepare on their arrival at the police department an offense report setting forth the circumstances of the escape. [70.1.7b]
 - d. The Communications Operator, upon being notified of a prisoner escape shall take the following action: [70.1.7c]
 1. Broadcast to all on duty police units the following
 - a. Name and description of the suspect.
 - b. Location and time of escape.
 - c. Nature of offense suspect was arrested for.
 - d. Any additional data that might be of importance.
 2. The Police Dispatcher shall also send information regarding the escape by teletype regions 1-6.

I. Transport of Prisoner to Court

Anytime a prisoner is to appear before a Court, it shall be the responsibility of the transporting officer to maintain courtroom security during that time. In order to ensure that the appearance of a prisoner before the court is peaceful and orderly, the following precautions may be taken:

1. The prisoner may remain handcuffed unless ordered otherwise by the magistrate.
2. The escorting officer(s) shall remain no further from the prisoner than ten (10) feet during the court appearance.
3. The prisoner shall be held outside the courtroom in a secure place with constant supervision, by the escorting officer, until called before the court.
4. In the event the prisoner is violent or the possibility exists that the prisoner will become violent, if brought before the court, the magistrate will be so notified well in advance of the scheduled appearance. [70.1.8]
5. The magistrate may at this time order restraining devices used and additional officers for court security. [70.1.8]

J. Restraining Devices Used During Prisoner Transport [70.2.1]

During transport, prisoners shall be restrained with all necessary restraining devices. The extent of restraint is left to officer's discretion and the safety /security of the prisoner and officers should be the primary determining factor.

Prisoner being transported shall be restrained to the satisfaction of the officer by:

1. Use of standard handcuffs, behind the back of the prisoner.
 - a. If necessary to prevent escape and to ensure safety, a humane transport belt may be used, especially in long distances.
2. When transporting two (2) or more persons, they may be handcuffed with arms intertwined.
3. At no time during the transport shall a prisoner be handcuffed to any part of the vehicle.
4. When transporting mentally or physically handicapped prisoners, officer(s) shall maintain their physical safety. Any items that these persons require will be transported with them. [70.3.1]
5. A prisoner who is handicapped is not exempt from wearing restraining devices. The use of restraining devices on handicapped persons will be determined on an individual basis. If a handicapped person is arrested the use or non-use of restraining devices will depend on: [70.3.1]
 - a. The type of handicap. In cases of deformities, missing limbs, etc, restraining devices obviously cannot be used.
 - b. The transporting officer's assessment of risk factors.

6. Prisoners shall not be hog-tied, left in, or transported in the prone position. If symptoms of “excited delirium” syndrome exist special attention, i.e., notifying medical personnel to respond or immediately transferring the prisoner to a care facility, will be paid to the prisoner’s physical safety.

NOTE: Some of the symptoms commonly associated with “excited delirium” are as follows: delirium or psychosis, violent behavior, super-human strength, dilated pupils, paranoia, hallucinations, hypothermia, undressing in public, hiding behind cars, bushes or trees, hearing voices, high blood pressure and pulse rate, aggression toward objects especially glass, thrashing after restraint, jumping into water, yelling and self-inflicted injury. Hypothermia, according to medical sources, seems to be the key to identifying those incidents in which sudden death is most likely to occur.

EXCEPTIONS: If the arrest is for a misdemeanor offense and / or the arrestee is: [\[70.3.1\]](#)

- a. Elderly
- b. Under the age of ten (10) years
- c. Physically or mentally impaired or
- d. Pregnant;

The officer may at their discretion; choose to either handcuff the person with hands in front or not at all if he/she feels no threat.

- K. Transporting Prisoners of the Opposite Sex
The transporting of prisoners of the opposite sex, offers unique problems. Every effort shall be made to pair prisoners and transport officers of the same sex. Occasions will arise when an arrest will require an officer to transport a prisoner of the opposite sex. Officers transporting prisoners of the opposite sex shall exercise due caution when seat belting them in not to touch the prisoner inappropriately.
 1. The transporting officer shall call in the mileage on the speedometer and the location started from.
 2. Upon arrival at the holding facility, the ending mileage shall be called into the dispatcher.
 3. The dispatcher shall in each case record the time and mileage of the departure and arrival of the transporting officer.
 4. If the transportation of the prisoner should take the officer out of radio range, the officer shall radio their departure mileage and as soon as possible, upon arrival, telephone the dispatcher advising of the ending mileage. This will not only tell the dispatcher the officer has arrived safely, but will also establish the time frame of the transport.

5. On long, extended trips where a male and female prisoner is to be transported, a male and female officer team shall do the transporting.
 6. Whenever possible, two (2) officers will be utilized to transport a prisoner of the opposite sex. (example: two (2) male officers transport one (1) female prisoner).
- L. Transporting Sick, Injured or Disabled Prisoners.
Any time a prisoner becomes ill or injured while in custody and control of the police department they will be transported to a medical facility by police vehicle or ambulance if treatment is required. The on-duty supervisor will determine when and by what means the prisoner shall be transported. [70.3.2]
1. If illness or injury occurs incidental to the arrest of the prisoner;
 - a. The prisoner may be taken to the jail if the injury or illness is minor;
 1. The prisoner shall be examined by ambulance personnel or a physician at the jail.
 2. If a prisoner becomes ill or injured while staying in the holding facility;
 - a. An ambulance will be dispatched to the jail.
 - b. Ambulance personnel will determine if further medical attention is required.
 3. The on-duty supervisor will determine when and by what means the prisoner shall be transported.
 4. While transporting mentally disturbed prisoners they will be restrained with a straitjacket. Distance is not at issue such as with other types of restraining devices. A straitjacket should not be depended upon as a maximum restraining device.
 - a. The straitjacket shall be stored in the booking room of the Police Department holding facility and be available to each officer as needed.
 - b. It shall be the responsibility of each patrol shift supervisor to train each officer or employee under their command in the use of this restraining device.
 - c. No less than two (2) officers or employees shall attempt to place this restraining device on any prisoner.
 - d. The use of the straitjacket shall be documented on appropriate transfer documents.
- M. Transporting Prisoners to Medical Care Facilities.
When prisoner(s) are transported to a medical facility, officers will maintain high security awareness at all times. [70.3.2]
1. Prisoners who are transported to a medical facility:
 - a. Should be restrained unless the inability to treat the prisoner exists due to the restraining devices.

- b. Will be kept in visual contact with officer(s) as much as possible.
 2. The amount/type of security of a prisoner admitted to the hospital will be determined by the Watch Commander and/or the Operations Bureau Captain.
 3. While at the medical facility:
 - a. Visitors, other than a representing attorney, should be prohibited.
 - b. Officers should not fraternize with the prisoner.
 - c. All unusual occurrences should be reported and recorded.
 - d. Guards should be rotated frequently to prevent boredom.
 - e. Prior to leaving the facility, the prisoner should be searched and, if appropriate proper restraints applied.
- N. Transporting Prisoners in Special Situations [\[70.3.3\]](#)

Under special and unusual circumstances, prisoners may be removed from the City holding facility and transported under guard to a specific location away from the jail.

 1. The Chief of Police or their designated representative shall be authorized to release a prisoner from the holding facility under special circumstances. Each request for such a release shall be considered on an individual basis. If a release under guard is approved the following procedure shall be followed:
 - a. The prisoner shall be transported in a marked or unmarked police vehicle equipped with a radio.
 - b. At least two (2) officers shall accompany the prisoner.
 - c. At least one (1) of the officers shall be the same sex as the prisoner.
 - d. The prisoner shall be restrained by a traveling chain and handcuffs.
 - e. There shall not be any overnight trips unless approved by the Chief of Police.
 - f. There shall be no trips outside Johnson or Tarrant Counties.
 - g. Any person, other than another law enforcement agency, requesting the presence of a prisoner shall make application in writing giving reasonable prior notice of the need for the prisoner's presence. The application shall be addressed to the Chief of Police giving all details about the special need, location needed, time date, etc.
 - h. The Chief of Police shall either grant or deny the request and notify the requester of thier decision.
- O. Transporting Vehicle Safety Barrier [\[70.4.1\]](#)

All units used primarily for prisoner transport shall have a partition inside the vehicle to separate front and rear compartments. Design shall be such

as to allow for greatest officer safety while still enabling verbal communication between the officer and the prisoner.

1. The safety screen shall consist of:
 - a. Wire mesh and / or
 - b. heavy gauge plastic
 1. The safety screen shall be one of good quality to ensure that it cannot be damaged by a prisoner allowing them access to the driver or the front compartment.

P. Modifications Made to Prisoner Transport Vehicles [70.4.2]

The rear compartment of the vehicle used to transport prisoners will be modified in a manner to prevent a prisoner from being able to exit the vehicle. To prevent possibility of prisoner exiting the rear seat of patrol vehicle the following modifications are necessary:

1. Window handles and rear door locks removed or otherwise disabled.
2. The transporting officer shall be able to lock the rear doors of the patrol vehicle from the front seat.
3. A security screen shall be installed between the front seat and rear seat of the vehicle.

Q. Transported Prisoner's Information

Prior to the removal and transportation of any prisoner from the City of Burleson Holding facility, the releasing officer shall confirm the identity of the subject. This can be accomplished by the following: [70.5.1a]

1. Interview the subject to be released about personal data on their booking sheet.
2. If a driver's license is available with a picture, compare the picture to the subject being released.
3. Compare the subject's signature on the property release form.
4. If a previous booking photo is available, compare it to the subject being released.
5. When a prisoner is transported to court, the transporting officer shall take the following documents: [70.5.1b]
 - a. Copy of prisoner's booking sheet.
 - b. Copy of any warrant or other document authorizing custody of prisoner.
6. When a prisoner is transported to another detention facility or medical institution, the following documents shall accompany the prisoner. [70.5.1b]
 - a. Copy of booking sheet.
 - b. Copy of prisoner property sheet.
 - c. Copy of prisoner medical record sheet.
 - d. Prisoner's personal property (if prisoner is to be left at other facility)

7. When extraditing from out of state, information such as Governor's Warrant must go with the officer. [\[70.5.1b\]](#)
8. When a prisoner is transported, status of their suicide or escape potential must accompany the person's paperwork to bring it to the attention of the receiving agency. A copy of the prisoner's booking sheet and medical sheet bearing the risk data must be given to the agency receiving the prisoner. [\[70.5.1c\]](#)