



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 71.1

### TITLE: PRISONER TRANSPORTATION AND GUARDING

**EFFECTIVE: 12/6/15**

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#### PURPOSE

The purpose of this Chapter is to govern the transportation of persons in custody by law enforcement officers of this Department between points of arrest and initial booking, the transportation of persons in custody between jurisdictions and facilities and the temporary guarding of persons in custody in treatment settings.

This Chapter provides for the safety and security of persons in custody, the transporting officers, and the public.

#### POLICY STATEMENT

Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of NOPD that officers are to take the precautions necessary while transporting prisoners to protect the lives and safety of officers, the public, and the person in custody. The transporting officer should never assume that the prisoner was searched by another officer. The Officer transporting the subject shall use the degree of restraint that is objectively reasonable to safely complete the task.

#### DEFINITIONS

Definitions relevant to this Policy include:

**Guard detail**—The act of providing security over a person while he or she is in the custody of the NOPD and being evaluated for treatment, undergoing treatment or being admitted to a health care facility that has been charged with the commission of an offense that requires physical booking and incarceration. Once the booking paperwork has been turned over to the Sheriff's Office for processing, the responsibility for the person in-custody's security, by law, rests with the sheriff.

**High-Risk Prisoner**—A person in custody for a crime or in transport between detention facilities who is a:

- Violent or hostile individual;
- Suspect charged with violent crimes;
- Suspect with known record for assaulting officers and/or attempting escapes; and

An individual with known mental history including commitment. (Procedures listed herein do not apply when the Crisis Transportation Service is involved in the transportation of a patient – see **Chapter 41.26 – Crisis Transportation Service**).

**Prisoner**—An individual who is lawfully in the physical custody of an officer. A prisoner may be a suspect but may also include others for whom the officer has lawful authority to take into custody.

**Suspect**—An individual who is reasonably believed to have a connection to criminal activity.

## GENERAL PROVISIONS

1. Suspects in custody for traffic arrests will not be transported with other suspects charged with non-traffic related crimes unless they are arrested from within the same vehicle and are known to each other.
2. Juveniles will not be transported with adult arrested subjects.
3. Male and female prisoners will not be transported in the same vehicle.
4. Prisoners showing hostility toward each other will not be transported in the same vehicle.
5. No more than three arrested subjects will be transported in one patrol vehicle at one time, but, only the number of prisoners for which there are functioning seat belts.
6. Under no circumstances will arrested subjects be transported in the front seat of a vehicle.
7. Officers will not transport arrested subjects to a district police station or any other location than a booking facility except for the purpose of taking statements or debriefing by officers **after** obtaining approval from their supervisors. The transport, reason and approval must be specifically noted on the officer's and the supervisor's Daily Activity Sheet.

## OFFICER RESPONSIBILITIES

8. Vehicle Inspection:
  - (a) At the beginning and end of each tour of duty, the officer assigned a vehicle regularly used for prisoner transport shall inspect it for readiness as follows:
    1. The safety screen shall be securely in place and undamaged.
    2. All windows shall be intact and outer door latches in proper working order.
    3. Rear-seat door handles and window controls shall be deactivated.
    4. The interior shall be thoroughly searched to ensure that no weapons or contraband have been left behind or hidden within the vehicle.
  - (b) Prior to placing a prisoner in the vehicle for transport, the transporting officer shall inspect the interior for weapons or contraband.
  - (c) The transporting officer shall inspect the vehicle again after the prisoner has been delivered to the detention facility or other destination.
  - (d) All property or contraband discovered/seized from a transport vehicle is to be turned over to the New Orleans Police Department's Central Evidence and Property Section. Officers shall complete the required incident report documenting all circumstances surrounding the discovery of the contraband.
  - (e) The searching/discovering officer shall immediately notify his or her supervisor if contraband is discovered in a transport vehicle search. Items discovered in the search can then be linked to the prisoner in a timely manner.

## 9. Handcuffing/Use of Restraints:

- (a) Officers shall only use restraints or handcuffs consistent with **Chapter 1.3.1.1 – Handcuffing and Restraint Devices**.
- (b) Prisoners shall not be handcuffed to any part of the vehicle during transport.
- (c) Additional approved restraint devices may be used to secure a prisoner who violently resists arrest or poses a threat to himself or to the public. Supervisory approval should be obtained prior to use or a supervisor notified as soon as practicable after use and safety permits.
- (d) Leg restraints shall be used when an officer believes the prisoner has a potential for violent behavior.
- (e) Officers are prohibited from transporting prisoners who are restrained in a prone position (see **Chapter 1.3.1.1 – Handcuffing and Restraint Devices**).

## 10. Transport:

- (a) Prior to transport, the transporting officer shall thoroughly search all prisoners for any weapons or contraband.
  - 1. A protective search should be conducted by an officer of the same sex as the prisoner. When this is not practical, officers shall strictly adhere to **Chapter 1.2.4 - Search and Seizure** on searching prisoners of the opposite sex.
  - 2. The transporting officer shall ensure that a search of the prisoner is conducted prior to transport, whether or not searches were conducted by arresting officers.
- (b) Activate all video and audio recording devices within the transporting vehicle and continue to record the transport until such time as custody of the prisoner is transferred to another individual or agency.
- (c) When available, female officers should transport female prisoners. If a male officer is transporting a female prisoner, they shall advise communications section that they are transporting a female prisoner.
- (d) Special precautions shall be employed when transporting **high-risk prisoners**. In particular:
  - 1. Two officers shall participate in the transport;
  - 2. The transport vehicle **MUST** have a safety screen/cage; and
  - 3. Rival gang members should not be transported together.
- (e) Prior to initiating the transport, the officer shall provide the communications section with the following information:
  - 1. Arrest location and destination of transport; and
  - 2. Time and mileage readings before and after transport.
- (f) The officer should use care when assisting a prisoner into the vehicle for transport to prevent injury to the prisoner and to the officer.
- (g) Prisoners shall be transported in a manner that allows for constant visual observation. Seating of officers and prisoners should conform with the following:
  - 1. Where the vehicle has a security screen but only one transporting officer, the prisoner shall be placed in the back seat on the right-hand side of the vehicle.
  - 2. When a prisoner is being transported in a two-officer vehicle without a security screen and a supervisor has granted permission, the prisoner shall be placed in the right rear seat. The second officer shall sit in the left rear seat behind the driver.
  - 3. One transporting officer shall not transport more than one prisoner in a vehicle without a security barrier, but should request transport assistance.

4. All prisoners shall be secured in the vehicle by proper use of a seat belt unless a supervisor has given prior approval for the seat belt to not be used. Supervisors shall grant such approval only under extenuating circumstances. The reasons for not securing the individual in a seat belt shall be documented by the transporting officer and approved by the Supervisor. The approval shall be noted on both the officer's and supervisor's Daily Activity Sheet and in any related EPRs.
- (h) The physical well-being of prisoners shall be monitored during transit. Particular attention shall be directed to persons reported or suspected of being under the influence of drugs and/or alcohol or who have a history or propensity for violence.
  1. Prisoners who report/display symptoms of serious illness during transit shall be taken to the nearest emergency room for treatment.
  2. Escorting officers shall remain with the prisoner-patient at all times unless relieved by other authorized personnel.
  3. Potentially violent persons in custody shall be restrained at all times in the treatment facility unless such restraint would interfere with essential treatment.
- (i) Symptoms or reports of physical or mental illness (such as threats of suicide or psychotic behavior) shall be reported to the booking officer.
- (j) Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the prisoner.
- (k) Prisoners shall not be left unattended during transport.
- (l) The transporting officer should proceed directly to the destination. Officers shall not engage in enforcement activities while transporting prisoners unless failure to act would risk death or serious bodily injury to another. In non-life-threatening yet serious situations, officers should call for backup assistance and may remain on-hand until such assistance has arrived.
- (m) Any escape shall be immediately reported to the communications section together with a complete description of the fugitive, mode and direction of travel, crime, and propensity for violence if known.

#### **DOCUMENTATION OF CUSTODY FOR TRANSPORT**

11. Arresting/transporting officers shall document the name and agency and title of the individual accepting or transferring custody of each arrested person. The following guidelines apply:
12. For arrests by NOPD in Orleans Parish, the arresting officer shall:
  - (a) Obtain the name of the receiving deputy and record it in the incident report. (In the absence of an incident report, the receiving deputy's name shall be listed in the remarks/comments section of the transporting officer's paperwork, affidavit, summons, or traffic citation.)
  - (b) In instances where the transporting officer is not the arresting officer, the transporting officer shall obtain the name of the receiving deputy and relay their name to the reporting officer for inclusion into their report.
13. For the transport of arrests outside of Orleans Parish the receiving/transporting officer shall:
  - (a) Obtain the name of the individual from whom they received custody.
  - (b) Upon arrival at Central Lock Up, the transporting officer shall obtain the name of the OPSO deputy who accepts custody of the prisoner. This information shall be documented in the report/transport paperwork.

**TRANSFERING CUSTODY OF AN NOPD PRISONER TO AN OUTSIDE AGENCY**

14. Should it be necessary for an officer with a prisoner in custody to relinquish custody of that prisoner to an outside jurisdiction, the following shall apply:
  - (a) The name and jurisdiction of the accepting individual shall be documented in an NOPD incident report.
  - (b) If the transfer of custody is not part of a crime investigation report, it will be written under a signal 21 (miscellaneous incident) stating how the officer came into custody of the suspect and providing reasons why the suspect was turned over to another jurisdiction.
15. Should an officer arrest a federal detainee for a warrant or a detainer who is not accepted by the Orleans Parish Sheriff's Office intake processing center, that does not require medical clearance, the officer shall notify their rank and transport the federal detainee to the officer's district station or an appropriate NOPD facility while awaiting transfer to the appropriate federal authority.
16. Officers shall ensure their Body Worn Camera is activated according to policy during the exchange.

**DOCUMENTATION OF CUSTODY – JUVENILES**

17. Documentation of custody in a juvenile detention incident (see **Chapter 44.1.4 – Temporary Custody of Juveniles**) shall be completed as follows:
  - (a) Arresting/Transporting officers shall document in their report the identity of the person accepting custody of the detained juvenile from the Juvenile Intake Unit.
  - (b) Arresting/Transporting officers shall document in their report the identity of the person accepting custody of the detained juvenile from either the Truancy Center or the Curfew Center.
  - (c) Arresting/Transporting officers from the Juvenile Intake Unit shall document in their report/transport paperwork the identity and place of employment of the person accepting custody of the detained juvenile. This will include all outside enforcement jurisdictions and/or social service agencies.

**IDENTIFICATION OF PRISONERS TO BE TRANSPORTED**

18. Officers accepting custody of a prisoner from a detention facility shall utilize all resources available to confirm the identity of the prisoner prior to transport. Sources can include, but are not limited to: photographs, fingerprints, tattoos, scars, other identifiable markings, and/or personal effects in possession of the prisoner at the time of their arrest.

**ESCAPE/SUICIDE POTENTIAL – OTHER IMPORTANT TRAITS**

19. Prior to accepting custody of a prisoner from a detention facility, transporting officers shall inquire if the prisoner:
  - (a) is a suicide threat;
  - (b) is an escape threat;
  - (c) feigns illness;
  - (d) has unusual physical dexterity or strength;
  - (e) possesses martial arts skills; or
  - (f) has any other traits which may be deemed important and effect safe transport.
20. All such information shall be documented by the transporting officer on their Daily

Activity Sheet.

21. The transporting officer shall verbally inform the accepting individual of the officer's knowledge of the arrested subject in addition to whatever written documentation is available.

#### **DISPOSITION OF DOCUMENTATION RECEIVED FROM DETENTION FACILITIES**

22. All paperwork received from a detention facility pertaining to the transfer of custody of a prisoner, whether adult and juvenile, shall be delivered by the transporting officer to the facility accepting custody of the prisoner.

#### **USE OF FORCE**

23. In all cases when an officer uses physical force while making an arrest or during the transport of a prisoner, the officer shall immediately notify a supervisor and ensure the prisoner receives appropriate medical treatment. The provisions of **Chapter 1.3 – Use of Force** provide direction and control (specifically paragraph 7-Medical Attention).

#### **CEW**

24. The provisions of **Chapter 1.7.1 – Conducted Electrical Weapon (CEW)** provide direction and control (specifically paragraphs 86 thru 91 under Medical Treatment). All persons who have been struck or subjected to the electric discharge of the CEW shall be transported to a hospital for medical evaluation or attention prior to booking and be monitored at all times while in police custody.
25. Arresting or transporting officers must obtain a medical treatment form from the health care facility for all arrested persons detailing the treatment or refusal.
26. The officer will deliver the medical treatment form to Central Lockup with the arrested person.
27. A copy of the medical treatment form shall be attached to the incident report.

#### **GUARD DETAILS**

28. When a prisoner is transported to a medical care facility, extreme caution will be taken to ensure the prisoner is isolated from other patients and not left unattended by the transporting officer.
29. If the prisoner is admitted, the transporting officer shall immediately notify his/her immediate supervisor and the on duty Communications Services platoon supervisor.
30. The arresting officer is responsible for guarding the prisoner until relieved by his/her immediate supervisor or a replacement is sent by the supervisor.
31. Hospital guard details are the responsibility of the arresting officer's unit of assignment until relieved or the prisoner is released by the attending physician.
32. If the arresting officer's unit cannot provide adequate personnel for a twenty-four (24) hour guard detail, the officer's Commanding Officer shall request the on duty Communications Services platoon supervisor to notify the respective unit's Bureau Chief who will determine if the detail should be assigned to another unit.
33. An officer involved in or witness to a shooting incident is excused from the guard detail.

**GUARD DETAIL – SUPERVISOR’S RESPONSIBILITIES**

34. A supervisor having an officer on a guard detail shall:
- (a) Rotate an officer every four hours. Circumstances may require an officer to exceed the four-hour limit but the specific reason(s) shall be noted on the supervisor’s Daily Activity Sheet.
  - (b) Physically check the guard detail at least once during each assigned officer’s tour of duty.
  - (c) Assign two officers for guard duty if the prisoner is considered violent because of his/her past history, mental state, or pending charges. The respective unit’s Bureau Chief may reduce the number of officers assigned after being briefed by the on-duty platoon commander.
  - (d) If unit staffing permits, supervisors will assign officers of the same sex as the prisoner to the guard detail.

**GUARD DETAIL – PRISONER RELEASE/TRANSPORT**

35. When released from treatment, all instructions for future medical care and medication should be obtained in writing and signed by the attending physician. All guidelines for search, restraining and transporting shall be followed.

**TRANSPORTATION BY AIRCRAFT**

36. The use of commercial air carriers for the extradition and transportation of prisoners may arise and be the responsibility of the New Orleans Police Department.
37. When transporting by air, two officers will accompany each prisoner.
38. The air carrier will be notified of the identities of the officers and prisoner(s) to be transported at least one hour before the scheduled flight. Carriers may require a letter on Departmental letterhead authorizing the flight and signed by the Superintendent of Police. The extradition paperwork may be required by TSA and some air carriers.
39. Officers will display their police identification and badge to the airline ticket agent, supervisor or TSA agent as required.
40. The air carrier’s agent will be notified if the prisoner is an escape risk or has displayed a history of violent behavior.
41. Before leaving the detaining jurisdiction, the senior officer shall contact the airport security office and arrange for a secure location to hold the prisoner during the time spent waiting for the flight.
42. Officers will comply with all TSA and airport regulations regarding prisoner transportation.
43. A search of the prisoner will be conducted prior to leaving the airport detention facility. After the search, the prisoner will not be left alone prior to boarding the aircraft.
44. Officers shall make every effort to cooperate with airline ticketing and boarding agents and security personnel at the passenger screening points.

45. When cleared to board, the officers and prisoner shall:
  - (a) Identify themselves to pilot and flight crew.
  - (b) Board prior to other passengers and deplane after other passengers have departed.
  - (c) Be seated in the rear-most section of the aircraft; and be seated away from any lounge area and not next to or across from any normal or emergency exit.
46. At least one officer will be seated between the prisoner and the aisle.
47. The prisoner will be escorted and kept under close surveillance when a visit to the lavatory is necessary.
48. While on board, officers shall remain anonymous insofar as their position as armed law enforcement officers. Extreme care will be taken **not** to display their firearms and alarm other passengers.
49. In the event of a hijacking, officers are to take no action unless requested to do so by the captain of the aircraft and/or it is necessary to prevent death or great bodily harm.

#### **FUGITIVE ARRESTS FROM SURROUNDING PARISHES**

50. Upon verification of warrants by NOPD N.C.I.C. Section, prisoners wanted by the New Orleans Police Department and detained in Jefferson, St. Bernard, St. Tammany or Plaquemines Parishes will be picked up and transported.
51. Upon receiving such a transport request, Communications Services shall dispatch a district unit as follows:
  - (a) Second District units will be used for arrestees being held in Harahan, Louisiana.
  - (b) Third District units will be used for arrestees being held at the Jefferson Parish East bank Lockup or Kenner.
  - (c) Fourth District units will be used for arrestees being held in the Jefferson Parish West bank Lockup and Plaquemines Parish.
  - (d) Fifth District units will be used for arrestees being held in St. Bernard Parish.
  - (e) Seventh District units will be used for arrestees being held in St. Tammany Parish.
  - (f) In the event no units are available in the assigned district, and one will not be clear in a reasonable amount of time, the on-duty Communication Services Platoon Commander will determine which unit is the closest available unit, and assign the transportation to that unit.

#### **FUGITIVE ARRESTS FROM OTHER JURISDICTIONS**

52. Where it is necessary to pick up an arrested subject from a parish other than those listed above, the on-duty Communications Services Platoon Commander shall assign the transport request to the Special Operations Division.

#### **EXCEPTION TO HANDCUFFING OF ALL PRISONERS**

53. When juveniles are detained solely for the status offenses of truancy or curfew violation (see **Chapter 44.1.4 – Temporary Custody of Juveniles**), they should not be handcuffed for transportation to the appropriate facility except:

- (a) If the officer has an objectively reasonable belief a truant or curfew violator has a violent criminal arrest record; or
- (b) The offender has demonstrated violence, or reasonably presents a risk of harm to himself, the officer or others.

### **SAFETY BARRIERS**

- 54. The New Orleans Police Department uses marked four-door vehicles as primary transport vehicles.
- 55. These vehicles are equipped with a poly/steel safety barrier which prevents the prisoner from having access to the driver's compartment of the vehicle.
- 56. In addition to the above safety barrier, vehicles are modified in order to render the interior rear door handles and window controls inoperable. These modifications are necessary to minimize opportunities for exit without the aid of the transporting officer.
- 57. Prisoners shall not be transported in a vehicle that has not been modified as required without the express authorization of their supervisor.

### **UNUSUAL SITUATIONS / SPECIAL EVENTS OR OPERATIONS**

- 58. For certain special events such as Mardi Gras, etc., vans, prisoner wagons, and buses may be utilized for the transportation of several prisoners to Central Lockup.

### **VANS/BUSES**

- 59. Requirements for vans and busses for prisoner transport include:
  - (a) Vans and prisoner wagons used for the transport of prisoners must have seating area for all passengers.
  - (b) Seating capacity shall not be exceeded.
  - (c) All prisoners shall be secured in the vehicle by proper use of a seat belt
  - (d) Windows allowing access to the prisoner compartment must be rendered inoperable in a closed position.
  - (e) Doors accessing the prisoner compartment must be kept locked at all times while containing prisoners and **CANNOT** be unlocked from the inside.
  - (f) The seating area must be separate from the driver's compartment as to not allow physical contact between the prisoners and the driver.
  - (g) When transporting multiple prisoners, the guidelines of this policy relative to male/female prisoners, juveniles, violent individuals, etc. shall apply.
  - (h) For purposes of this section, two officers must be assigned to each transport vehicle.
  - (i) The detention/transport vehicle shall not be left unattended while occupied
  - (j) In keeping with **Chapter 1.3.1.1 – Handcuffing and Restraint Devices**, officers shall observe the condition of prisoners detained in vehicles (including vans/buses) every 5 minutes to ensure the safety, security and physical well-being of the prisoner(s).
  - (k) Prisoners shall not be detained in buses, vans, or prisoner wagons for extended periods of time where proper ventilation of the interior prisoner area cannot be maintained.
  - (l) A supervisor shall be responsible for any bus(s), van(s), or prisoner wagon(s) used at a stationary location for prisoner detention awaiting transport. The supervisor shall be aware of weather conditions which may expose detained prisoners to heat or cold for extended periods of time.