

**TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
4.6 ARREST PROCEDURES AND PRISONER TRANSPORT**

SUBJECT: Arrest Procedures and Prisoner Transport		
4.6	EFFECTIVE: 09-17-2020	<i>William Cochran</i> William Cochran, Chief of Police
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4.6.1 PURPOSE

This policy identifies the rules and guidelines for safe, effective and lawful arrest and prisoner transportation.

4.6.2 POLICY

Officers shall arrest persons and transport prisoners only as permitted by law and department policy.

Detainees: Persons taken into custody who are not free to leave while an investigation is on-going.

Arrestees: Persons who are under arrest.

4.6.3 ARREST PROCESSES

A. Officer Discretion

1. Officers are accountable for their exercise or failure to exercise legitimate, legal authority. There are situations, when neither laws nor policies apply precisely to the circumstances confronting the officer. Officers shall use good judgment and exercise sound discretion in choosing which action to take, if any. The use of discretion requires each officer to make competent, responsible, and reasonable decisions that will withstand review by the officer's supervisors.
2. In regard to the arrest function, such discretionary decisions may be:
 - a. Release with no further action;
 - b. A verbal warning and release;
 - c. A written warning citation;
 - d. A written citation;
 - e. Written citations for juveniles in lieu of taking them into custody;
 - f. A referral of a juvenile or juvenile's guardian to Juvenile Court;
 - g. Referral to another agency, if appropriate; and
 - h. Custodial arrest, including transporting a juvenile to the Juvenile Intake or Juvenile Detention Center.
3. In dealing with juvenile offenders, officers shall use the least intrusive alternatives among the above discretionary alternatives.

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B. Arrest Alternatives

What is reasonable in terms of appropriate police action or what constitutes probable cause varies with each situation, and the particular facts and circumstances may justify an investigation, a search, an arrest, or no action at all. In every case, an officer must act reasonably within the limits of his or her authority as defined by statute, judicial interpretation, and the policy of the Department.

C. Arrests in General

1. Only sworn personnel shall execute arrest warrants.
2. Officers shall arrest only on probable cause and shall comply with consular notification and access requirements when arresting a foreign national.
3. Factors to be considered in making a custodial arrest decision include:
 - a. Seriousness of the offense(s) (e.g., felonies, misdemeanors, status offense) and/or if a juvenile, whether or not the guardian or Juvenile Facility is available to and/or able to take charge of the juvenile;
 - b. Department policy or procedure;
 - c. Officer's evaluation of the offender's intent and/or mental state;
 - d. Victim's willingness to prosecute, except in domestic violence matters where arrest is mandatory;
 - e. Ability to conclusively identify the suspect;
 - f. Applicable state law; and
 - g. Any other unusual circumstance or additional factors

D. Warrantless Arrest

1. Officers may arrest without a warrant:
 - a. When there is probable cause to arrest;
 - b. When an offense is committed in the officer's presence; and
 - c. In felonies
 - d. Certain municipal & other statutory violations
2. A fugitive arrest may be made based on reasonable belief that a warrant exists in the jurisdiction from which the suspect fled. Officers will not make an arrest of fugitive from outside the jurisdiction without a warrant except when completing a fresh pursuit.

E. Arrest Procedures

1. When a notice of warrant from NCIC occurs, officers may request that SCECC personnel contact the agency indicated in the notice of want to

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confirm the existence of a valid warrant for the person in question. When confirmation is received that a warrant is in existence then the person may be taken into custody. This shall be made part of the arrest report.

2. Officers shall complete an arrest report when an arrest is made.

F. Receiving Arrestees from another Jurisdiction

Prior to accepting custody of a wanted person from another jurisdiction/agency the officer will:

1. Make positive identification of the person presenting the arrestee for detention;
2. Verify the person's authority to make the commitment;
3. Obtain confirmation of the warrant through SCECC;
4. Conduct an officer safety and inventory search prior to placing the arrestee into the patrol vehicle and follow the procedures relating to same; and
5. Note the name of the officer, officer's agency, and warrant confirmation in the Arrest Report.
- 6.

G. Arrest Documentation

1. An officer who makes an arrest, with or without a warrant will document the arrest in an Offense Report and/or an Arrest Report.
 - a. This documentation includes any arrestee who is taken to see the appropriate Judge, and released from court.
2. Officers may use their discretion and take any additional photographs of the arrestee(s) prior to transport to the jail facility, depending upon the circumstances (e.g., injuries).

4.6.4 TRANSPORTATION OF DETAINEE/ARRESTEES

A. In General

1. Officers shall take necessary precautions while transporting and securing detainees/arrestees to protect the lives and safety of officers, the public, and the detainee/arrestee.
2. The Department does not operate a jail, holding facility, or court holding facility. All arrestees shall be transported to the appropriate destination without unnecessary delay.
3. The primary vehicle for detainee/arrestee transport shall be a Department vehicle which has the driver separated from the detainee by a safety barrier, generally the marked patrol car or the police prisoner transport van.
4. Prisoners shall not be left unattended during transport.
5. Officers shall have their Body-Worn Camera (BWC) activated during all transportations of prisoners.

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6. Subjects with City warrants may be picked up from bordering or other counties at the Watch Commander's discretion.

B. Search of Detainee/Arrestees

1. All persons being detained or arrested shall be searched before any transport begins. If custody of the subject is turned over to another officer, the receiving officer shall again search the arrestee.
2. Searches shall include a thorough pat down of the person's clothing. Pockets and other areas where items might be concealed shall be searched thoroughly.
3. All personal items shall be removed and transported separately from the subject so that the arrestee/detainee has no access to any of his or her personal property during the transport.
4. All property shall be safeguarded and secured in a reasonable manner by the transporting officer.
5. When the arrestee is turned over to jail personnel, the personal property of the arrestee shall also be turned over.
6. If a person is injured and in the care of an emergency medical service, the search of may be delayed, but shall be conducted as soon as reasonably possible. Officers shall maintain visual contact, for safety reasons, until the subject is searched.

C. Marked Patrol Car

1. Only sworn personnel in marked patrol cars equipped with security screens/safety barriers or the prisoner transport van shall transport detainees or arrestees. Such vehicles have had modifications to minimize the risk of prisoner escape.
2. All transporting officers shall provide SCECC the police vehicles' mileage and beginning and end locations, regardless of gender of the person being transported.
3. In the case of a violence or an unusual security risk, the officer will notify detention personnel of the appropriate agency of his or her arrival and shall wait for the assistance of a detention officer prior to removing the subject from his or her vehicle. No restraining device, with the exception of the seatbelt, will be removed until he or she is safely contained within the book-in area of the detention facility.

D. Seating in the Vehicle and Transports

1. When transporting only one person, the officer shall place the subject in the rear seat behind the protective barrier in the right rear passenger side of the transport vehicle to allow maximum visibility for the officer.

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2. If there are two officers in the vehicle, the subject may be seated in the left back seat behind the protective barrier, and the second officer will be responsible for observing from the right front seat.
3. Officers shall not be seated in the rear seat with a detainee or arrestee when the transporting vehicle is equipped with a protective barrier.
4. Seat belts shall be placed on all persons during transport, unless the person's actions make this impossible. If seat belts are not on during transport, the reasons will be documented in the report.
(Note: Those exempt by state law are outlined in KSA 8-2503; 8-2504, and amendments thereto).
5. If possible, only one detainee or arrestee shall be transported in each vehicle. If more than one subject must be transported in the same vehicle, they will be seated in locations that provide maximum security and visibility for the transporting officer(s).
6. Persons of the opposite sex shall be transported separately, if possible.
7. Persons arrested as a result of a domestic violence charge against each other shall be transported separately.
8. Juveniles shall always be transported separately from adults.

E. Prisoner Transport Van (PTV)

1. The PTV is not an authorized emergency vehicle.
2. Officers operating the PTV should not be dispatched on calls for service. They may serve as backup, but remain available to transport prisoners.
3. The driver is responsible for proper ventilation of the vehicle during transport.
4. The transport area of the van shall be recorded.

F. Transports in Ambulance

1. When a person in custody who is in danger of hurting others is transported by ambulance, a supervisor shall be notified, and it may become necessary for a police officer to ride in the ambulance with the individual when requested by EMS. Upon supervisor approval, another police officer will follow the ambulance in a police vehicle.
2. Upon arrival at a mental health facility or hospital, the officer shall use the same standard procedures for delivering a detainee/arrestee to a temporary detention facility.

G. Detective Vehicle

1. In the event that the primary transport vehicle, (marked patrol), is unavailable or not conducive to the situation, detectives are authorized to transport persons in a detective vehicle after notification of, and approval by, their immediate supervisor.

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2. If transporting an arrestee, there shall be two officers in the vehicle. The arrestee will be placed in the front seat beside the driver and the second officer will sit behind the arrestee.

H. Inspection of Vehicles Used to Transport

1. Officers are required to inspect patrol vehicles at the beginning and at the end of each shift. As a part of that inspection the interior of the vehicle will be checked for weapons and contraband. The inspection for weapons and contraband will be documented on the Vehicle Inspection Form.
2. If possible, concealed areas shall not be searched with bare hands.
3. If the officer has not been in continuous control of a vehicle, it will be searched prior to any transport. If the patrol vehicle has been left in an unsecured location, it shall be checked prior to transport.
4. When a subject is removed from the vehicle at the end of a transport, the vehicle will be searched prior to it being re-mobilized to locate items that may have left in the car, including any weapons or contraband.
5. Search of the vehicle immediately after transport shall be documented on the report.

I. Avoiding Diversions

The primary duty of a transporting officer is to deliver the subject safely to the destination. Officers will avoid diversions or distractions, even those based on needs for law enforcement services, while transporting a subject.

1. Transporting officers shall proceed directly to the proper destination and shall not be diverted from the transport.
2. If a transporting officer observes an incident that requires law enforcement attention, contact SCECC and another officer shall be dispatched to handle the problem. Only if a risk to a third party is clear, grave, and imminent and only if the risk to the arrestee is minimal, shall a transporting officer stop and attempt to rectify the situation.
3. Officers shall not engage in vehicle pursuits while transporting an arrestee.
4. Officers shall not operate a vehicle with lights and siren engaged while transporting a subject unless directed to do so by a supervisor, and only then for a valid reason related to officer or detainee/arrestee safety.
5. In the event the transporting vehicle is involved in an accident, the officer will immediately notify SCECC of the incident. The officer will provide all pertinent information such as unit number, location, vehicles involved, the need for medical response, etc. Officers involved in traffic accidents will remain at the scene until properly relieved by a supervisor.
6. Officers will keep the detainee/arrestee being transported in sight at all times. Subjects will not be left unattended in patrol vehicles except under the most extreme circumstances involving a threat of death or great bodily harm.

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J. Detainee/Arrestee Communications

1. To ensure the safety of the subject and the transporting officers, arrestees being transported will not be allowed to communicate with anyone outside the police vehicle with the exception of police officers.
2. The detainee/arrestee will be able to communicate with the transporting officer at all times during the transport and officers shall assure this ability.

K. Arrival at Transport Destination

Upon arriving at the destination facility, transporting officers will, at a minimum:

1. Notify SCECC of his or her arrival at the destination and vehicle mileage when transporting subjects regardless of gender;
2. If at detention facility,
 - a. Secure their firearms and other weapons for safekeeping;
 - b. Leave the arrestee handcuffed until inside a secured area;
 - c. Complete the initial arrest information sheet and any other documentation needed by the facility;
 - d. Deliver documentation to receiving personnel;
 - e. Advise the receiving agency personnel about any medical or unusual security risks;
3. If transporting to Law Enforcement Center for further investigation:
 - a. Once placed in an interview room, assigned personnel will keep the interview room within line of sight and visually monitor the subject at all times while in the room.
 - b. Provide escorted access to restrooms, water in a timely manner.
 - c. Search the transport vehicle prior to leaving the facility;
4. Document the transfer by way of the Offense or Arrest Report; and
5. Notify SCECC of departure of the facility.

4.6.5 RESTRAINING DEVICES

A. In General

1. Prior to being placed inside the transport vehicle and unless it would be unreasonable because of injuries or disabilities, all detainees/arrestees will be secured with properly placed handcuffs using two or more sets of handcuffs when necessary and/or any other approved restraint device.
2. Generally, the person in custody shall be restrained with their arms handcuffed behind their back. Handcuffs will always be double locked prior to transport, and officers will check the handcuffs for proper tightness.
3. Officers will not use any unauthorized restraining devices.

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4. Persons may not be handcuffed to any part of the vehicle, unless emergency circumstances exist.
 - a. Should such circumstances exist; the officer will contact a supervisor immediately and inform him or her of the situation.
 5. Restraint devices described in this policy are authorized for use by officers who have successfully completed Department-approved training in the use of those devices.
- B. Types of restraints include:
1. Handcuffs;
 - 1) Only department authorized handcuffs are approved for use.
 2. Leg Restraints;
 - a. Only department authorized leg restraints are approved for use.
 - b. In the event that an officer feels the need to utilize this form of restraint, he or she must first obtain permission from a supervisor, when circumstances permit. If no permission is obtained beforehand, officers shall advise a supervisor as soon as possible.
 - c. No individual shall be "hogtied" (i.e., restrained by connecting the lower limbs to the upper body or upper body limbs behind the back).
 3. Flex-cuffs;
 - a. Flex cuffs - a commercially produced plastic flexible band cuff with a one-way locking system that can be fastened as a restraint around a person's wrists.
 - b. Only department authorized flex cuffs are approved for use.
 - c. In certain situations officers may find the need to use flex cuffs in order to restrain a subject.
 - d. When flex cuffs are used in restraining a subject, the officer must ensure that the device is not applied in a manner that restricts the blood circulation.
 - 1) Because of the nature of the ratcheting mechanism of flex cuffs and their inability to be double locked, officers shall make frequent checks to insure the suspect secured has not tightened them restricting blood flow.
 - 2) Flex cuffs should be removed as soon as the situation warrants a safe resolution and/or environment.
 - e. Officers will not use an open bladed knife to remove flex cuffs.

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4.6.6 MEDICAL NEEDS AND TRANSPORT TO MEDICAL FACILITIES

- A. If a subject is transported to hospital for medical clearance it shall be noted in the report.
- B. Refer to TPD policy 4.23 titled, "First Aid and Medical Attention."

4.6.7 SPECIAL CONSIDERATIONS

A. In General

Handicapped or physically impaired detainees/arrestees are those that have an obvious physical disability or impairment. Officers shall assure that such individuals, including the deaf and hard of hearing, are treated in a manner that is reasonable in light of such disabilities or impairments.

- 1. The transporting officer shall treat these persons with appropriate restraint of action while providing for security and safe transport.
- 2. The transporting officer shall determine if a physically impaired subject who uses supporting devices such a crutches, canes, or walkers is of such a disposition as to use the device as a weapon. Normally, the physically impaired person will be allowed to use supporting devices to move to and from the transporting vehicle. During transport, supporting devices will be removed and placed in a separate, secure area.
- 3. If a physically impaired person is violent, supporting devices will be removed from that individual. If the subject is not ambulatory without devices, he or she will be assisted to and from the transport vehicle by the transporting officer who will take care to ensure that the person is safely restrained. Medical personnel will be utilized if needed.

B. Physically Handicapped Prisoners

- 1. When it is necessary to transport an individual who is physically handicapped, care must be taken so as not to aggravate the prisoner's condition or to humiliate the individual.
- 2. In those cases where normal measures would be ineffective or might aggravate physical or medical problems, qualified medical personnel shall be summoned and utilized to provide appropriate assistance.

C. Restraining Disabled, Sick or Injured Arrestees

- 1. Discretion and judgment are called for when making the decision to handcuff a disabled or injured person.
- 2. Persons with missing limbs, severe deformities, and persons confined to wheel chairs or those who use devices to assist walking may not always require handcuffs or other restraints.

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3. The decision to use or not to use handcuffs in such situations must be reasonable. The officer's supervisor may be consulted for advice or direction.
4. If medical personnel are caring for a sick or injured person, their advice shall be sought before handcuffs are applied unless an imminent threat exists. The officer's discretion, after consultation with his or her supervisor, shall be the deciding factor in the use of restraints.

D. Restraining Deaf or Hard of Hearing

1. When the person has a hearing or speech disability consideration should be given, safety permitting, to handcuffing in the front in order to allow the person to sign or write notes.

E. Restraining Mentally Impaired Individuals

1. Handcuffs and physical restraint may be used on violent or uncontrollable mentally disabled persons until emergency medical assistance arrives or when he or she no longer presents a threat to the officer or to others.
2. The selected device shall restrain the person securely without causing injury to the individual, department employees, and the public.

F. Special Considerations

In most cases it shall be reasonable to transport a handicapped subject in the same manner as any other person, but in special situations it may be necessary to accommodate the subject's limitations. An example would be providing a larger vehicle for transportation when the handicap would make transportation in the back of a patrol car unreasonable, collecting and transporting the subject's aids (e.g., wheelchairs and walkers), or providing other reasonable assistance.

4.6.8 OTHER PRISONERS REQUIRING SPECIAL ATTENTION

A. Pregnancy

1. Care and discretion will be taken if a prisoner is obviously pregnant or indicates that she is pregnant.
2. Pregnant prisoners shall be transported by a medical unit if at any time they complain of unusual symptoms, pain, miscarriage or labor. Officers shall immediately re-route to a hospital if they are in the process of transporting a pregnant prisoner to booking or detention facilities and she indicates any kind of medical problem.

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B. Diabetes

Persons suffering from certain diseases may appear to be under the influence of alcohol/drugs. A medical unit shall respond and immediately transport the prisoner to a hospital if an officer becomes aware that a prisoner is diabetic, and there is reason to believe that the diabetes is not under control (high blood sugar or insulin shock).

C. Unconscious Prisoners

1. Unconscious prisoners shall immediately be transported by an emergency medical unit to the nearest hospital.
2. Officers transporting a prisoner who loses consciousness shall immediately inform SCECC, pull over, attempt to ascertain the reason for the prisoner's unconsciousness, summon medical attention, and begin first aid and/or CPR. Officers shall begin CPR immediately if the prisoner has stopped breathing or his or her heart has stopped. (Note: unconscious for the purpose of this order means "unresponsive" or "unresponsive to verbal requests or commands.")

G. Mentally Ill Prisoners

1. KSA 59-2970 and amendments thereto require committed individuals to be transported in an unmarked police car when it is available. Officers will use an unmarked vehicle with an installed safety barrier if it is available. If not, the officer shall use a marked vehicle with a safety barrier.
2. Mentally disabled prisoners may pose a significant threat to the transporting officer(s), and shall be handled in a manner that is designed to reduce the danger to both the subject and the officer(s).
3. Officers shall apply the following guidelines when required to transport a prisoner who is believed to be mentally ill:
 - a. As much as reasonably possible, gather information related to the person's condition, particularly related to expected behaviors and responses, and likely "triggers" of those responses;
 - b. Avoid agitating comments and attempt to be truthful with the subject, which may help to establish some rapport;
 - c. Take time in dealing with the subject, attempt to calm the person, move slowly, and turn off sirens and lights when they are not necessary;
 - d. Handcuff the subject in accordance with restraining devices, but make reasonable efforts to keep the subject calm; and
 - e. Utilize multiple assisting officers or qualified medical personnel during transportation rather than resort to extraordinary restraint measures.
4. Officers will use "the least amount of restraint necessary" when transporting such persons per KSA 59-2970.

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H. Other High Risk Prisoners

1. High-risk prisoners are individuals that possess one or more of the factors that contribute to sudden death in custody. Those indicators generally include:
 - a. Bizarre/violent activity and excited delirium;
 - b. Obesity;
 - c. Drug and/or alcohol impairment; and/or
 - d. Apparent ineffectiveness of Oleoresin Capsicum (OC) spray
2. Officers shall take special precautions to assure the safety and well-being of themselves and high risk prisoners, and shall immediately summon or provide medical assistance upon the first sign that a person is experiencing a medical emergency. Prisoners who may have difficulty breathing shall not be restrained or positioned in any way that may add to that problem.

I. Transportation between Facilities

1. In the event that a person is transported from one facility to another, the officer shall:
 - a. Make positive identification of the detainee/arrestee to be transported from Facility personnel;
 - b. Receive written documentation accompanying the person to be transported;
 - c. Request all information relating to the subjects escape or suicide potential, along with other personal traits of a security nature.
 - d. Conduct an inventory search prior to placing the person into the patrol vehicle and follow the procedures relating to same; and
 - e. Note in the report the name of the facility where the subject was received, the names of the facility personnel involved, along with pertinent other information.

J. Transportation to Law Enforcement Center

- a. Officers shall positively ID subject to be transported.
 - b. Officers shall search subject to be transported.
 - c. Officers shall use reserved "Transport" parking spaces on north side of LEC and bring detainee/arrestee in through most convenient entrance.
2. Provide all necessary documentation, such as (arrest report/juvenile data report; offense reports, and property), to the receiving agency or facility. Any information regarding the escape or suicide potential, in addition to other security risks that the person may present must be documented on the booking report or citation.

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3. The transporting officer will notify the receiving agency of any potential medical or security hazards that the subject may present.
4. Officers should record all pertinent information regarding the transport on the Officer's Activity Log. This should include the case number, and transport destination.

4.6.9 ESCAPES

- A. If a detainee/arrestee being transported escapes from custody, the following actions will be taken immediately:
 1. Notify SCECC of the escape, the location, the direction of travel, and the description of the person;
 2. Notify SCECC why the person is in custody; and
 3. Pursue the subject on foot or in compliance with the vehicle pursuit policy if it is reasonably safe to do so, unless directed not to by a supervisor.
- B. SCECC shall coordinate responding officers and notify the appropriate patrol supervisor.
- C. Prepare a complete report detailing the circumstances that resulted in the escape. The report will furnish details of the situation before, during, and after the event, to include type and extent of restraints used, security precautions taken, and efforts to apprehend.
- D. The Watch Commander shall determine which Department personnel need to be notified of the escape.

4.6.10 SUDDEN IN-CUSTODY DEATH SYNDROME (EXCITED DELIRIUM)

Officers shall attempt to identify persons displaying symptoms of excited delirium (ED) and to de-escalate such situations with care, utilizing department training and this policy, ensuring that the person receives a response which is appropriate to his or her needs and protects the safety of all concerned. A person displaying this acute excited state shall be considered in medical crisis.

- A. Responding officers shall:
 1. Assess the situation and confer with other responding officers and the supervisor in an attempt to determine whether the person is suffering from, but not limited to, mental illness or excited delirium.
 2. If excited delirium is suspected, the officer shall request:
 - a. A supervisor;
 - b. Medical personnel; and
 - c. The Crisis Intervention Team (CIT) officer, if practical.

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3. Establish containment of the area.

Formulate a custody plan prior to making physical contact with the person. The object of the plan shall be to de-escalate the situation, calm the person and gain control as soon as practical. This shall include:

- a. Verbal communication;
 - b. Request for CIT-trained officers; and
 - c. Levels of force reasonable for the situation.
4. Closely observe the person prior to arrival of qualified medical personnel and share any observations.
 5. Once sufficient officers are present, and if the determination is made that physical force is necessary, the custody plan must be executed quickly to prevent the escalation of the excited physical state of the person and an increase in distress.
 6. Consider options available to help reduce the physical and mental distress that person may be experiencing:
 - a. Using two sets of handcuffs to avoid further discomfort;
 - b. Assisting the person in sitting upright or lying on his or her side to facilitate breathing; and
 - c. Calming the person verbally by reassurances, explaining the situation and advising that medical personnel have been summoned to assist.
 7. Once the person is secured, the officers shall quickly release any pressure on a person while they are in the prone position. Move the person, as soon as reasonably practical, to his or her side or into a sitting position.
 - a. The person is never to be left in the prone position. Do not place the person on his or her stomach in the patrol vehicle seat. The person shall be seat-belted during transport to reduce the chance of the person falling into the prone position.
 - b. The hog-tie restraint shall never be used.
 - c. The person shall be constantly monitored while in custody.
 8. A person who suddenly becomes quiet or who no longer offers resistance shall be immediately assessed to ensure adequate breathing and the presence of a pulse.
 9. Officers shall coordinate with qualified medical personnel to transfer custody of the person, assisting as appropriate, to avoid delay in transporting the person to a medical facility.
 10. The officer shall complete the appropriate paperwork, reports, and a Use of Force report if necessary.

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B. Supervisor's response shall include:

1. Responding to the scene and ensuring that proper procedures are being followed and appropriate decisions are being made.
2. Ensuring that reports are completed as required.

C. In the case of a death when excited delirium is suspected, both a blood sample and core temperature shall be requested as soon as possible.