

SUBJECT:	Prisoner Transportation
DEPT./SECTION:	Police
EFFECTIVE DATE:	10/01/03
REVISED DATE:	1/1/09
APPROVED BY:	Agency Superintendent
PRIMARY RESPONSIBILITY:	Chief of Police
COORDINATING RESPONSIBILITY:	All Sworn Police Officers

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SUMMARY: To establish guidelines for Ohio Veterans Homes Police Officers in transporting persons and/or suspects in custody.

A. Police Officer Responsibility:

The transporting police officer(s) assumes the responsibility for the prisoner's safety and rights, while making sure that they do not escape, become injured, injure others, and endanger the safety of other police officers.

B. Transporting Vehicle:

1. A marked patrol vehicle will normally be used. Unmarked vehicles may also be used.
2. The vehicle shall be searched prior to transporting to ensure no weapons, or items, which could be used as a weapon, are accessible to the prisoner.
3. The vehicle shall be searched immediately after transporting to ensure that no contraband, weapons, or items, which could be used as a weapon, were left in the vehicle.
4. The vehicle shall be equipped with a police radio, or the transporting officer shall carry a portable radio to maintain contact with the OVH Communication Center or other Law Enforcement Agency.

C. Searching:

1. All prisoners must be searched prior to transporting.
2. Prisoners in custody should be handcuffed before being searched.
3. Prisoners in detention facilities or at court must be searched immediately when taken into custody.
4. Assume prisoners may have had the opportunity to obtain a weapon or contraband.
5. Strip and/or body cavity searches are prohibited without a search warrant.

D. Restraining Prisoners:

It should always be assumed that prisoners will attempt to escape and therefore should be restrained. Officers will only use that amount of restraint necessary and reasonable to prevent injury, escape, or to overcome resistance.

1. Prisoners shall be handcuffed behind their back. Handcuffs shall be double locked.
2. Prisoners may be handcuffed to the front only when a medical or physical condition prohibits handcuffing behind the back. Hands should be kept close the prisoners' body by securing them to the prisoner through the use of a Portable Restraining Device.
3. Prisoners shall normally be transported in an erect position with seat belt properly installed.
4. Under no circumstances should the prisoner be handcuffed to any part of the transporting vehicle not specifically designed for such purpose.
5. At the officer's discretion, certain persons may be exempt from handcuffing; sick, injured, disabled, handicapped, elderly, or persons whose physical condition may be aggravated by handcuffing. Alternative safety precautions should be taken.
6. All felony prisoners shall be handcuffed. Misdemeanor prisoners may be handcuffed at the officer's discretion.

7. Portable Restraining Device may be applied to a combative prisoner's ankles to prevent injury or damage to persons and/or property.
8. Only in extreme cases shall prisoners be transported in a prone or semi-prone position; never while lying on their stomach.
9. Officers shall closely monitor prisoners restrained in any manner to prevent positional asphyxia. This occurs when the position of the body inhibits the mechanical process of breathing in that the stomach and chest muscles and diaphragm are unable to function properly. The problem is compounded when the prisoner is unable to change position.

E. Transporting Prisoners:

1. Patrol Vehicle With Protective Screen:
 - a. One Prisoner – Place prisoner in the right rear seat. If present, second officer rides in the right front seat.
 - b. Two Prisoners –Place both prisoners in the rear seat. If present, second officer rides in the right front seat.; or , place one prisoner right front seat and second prisoner in the right rear seat.
 - c. Under no circumstances will a single officer transport more than two prisoners.
2. Patrol Vehicle Without Protective Screen:
 - a. One Prisoner – Place prisoner in the right front seat. If present, second officer rides right rear seat. Under no circumstances should one officer transport more than one prisoner.
 - b. Two Prisoners – Place one prisoner in the right front seat and second prisoner in the right rear seat. Second officer rides behind the driver. Two officers shall transport.

F. Special Transport Situations:

1. Persons/Prisoners of the Opposite Gender
 - a. Prisoner transport procedures apply equally to both male and female prisoners.
 - b. When transporting prisoners of opposite gender, advise OVH Communication Center, or other Law Enforcement Agency, of prisoner's name, location, destination, odometer reading, and reason for transport. Advise the Communication Center your odometer reading upon arriving at the destination.
 - c. Radio Dispatcher shall log this data and time on the police daily log.
2. Physically Handicapped Persons/Prisoners
 - a. These persons present conditions for their transport that dictate special care and attention. The situation and the nature of the handicap will dictate what actions are necessary to ensure the person's and officer's safety.
 - b. Officers shall use their own discretion in determining what, if any, restraining devices will be used and the type of transporting vehicle used.
3. Mentally Handicapped Persons/Prisoners
 - a. These persons may pose a significant threat to themselves and/or transporting officer.
 - b. It is the officer's decision as to what restraining device is used. The device used should restrain the person securely with minimal chance of causing injury.
 - c. Every attempt should be made to have two officers present during the transport.
4. Sick or Injured Persons/Prisoners
 - a. If a prisoner becomes sick or injured during an arrest or transport, or complains of an injury or sickness, while in custody, the officer shall seek necessary medical attention for the prisoner as soon as possible. Notify supervisor immediately.
 - b. It is the transporting officer's responsibility to provide for prisoner security during any and all medical treatment.
 - c. Sound judgment should be used when deciding whether the prisoner should be kept in sight during treatment.
 - d. If a prisoner is held at the medical facility or hospital for extended period, security procedures will be initiated to prevent escape. Transporting officer shall report the circumstances to a police supervisor or Chief of Police.

G. Visual Contact and Security:

1. Transporting officer shall maintain visual contact with the prisoner at all times.
2. Toilet facilities can usually wait until arrival at the detention facility. Should it be necessary to use the facilities, every effort shall be made to use a secure one, such as at a police station.
3. Sound judgment shall be used in deciding to maintain visual contact.

OHIO VETERANS HOMES PROCEDURE

DIVISION OF POLICE

PROCEDURE NO. Police-14

SUBJECT: Response to Resistance

DEPT./SECTION: Police

EFFECTIVE DATE: 12/08/08

REVISED DATE:

APPROVED BY: Agency Superintendent

PRIMARY RESPONSIBILITY: Chief of Police

COORDINATING RESPONSIBILITY: All Sworn Police Officers

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SUMMARY: To establish uniform standards for response to an offender's resistance by Department sworn police officers; to establish requirements for carrying authorized firearms; to reduce the psychological effects on any officer involved in a critical incident; to give immediate attention to those involved in a critical incident, and provide evidence of their psychological good health before they return to their assigned job duties.

All Sworn Police Officers:

1. Officers must understand and appreciate the limits of their authority when responding to resistance.
2. When responding to resistance, the response must be based on the actions and behavior of the person and be reasonable for the situation.
3. The level of response must be balanced against the likelihood of injury to the person, to innocent bystanders, and to law enforcement officers, including themselves.
4. Officers shall use only that response to resistance that is reasonable to affect an arrest, detention, or mission. The amount or type of response needed will be determined and reassessed as an incident progresses.
5. Officers must react to aggressors in a manner that will limit injury to themselves, the suspect, the public, and other law enforcement personnel.
6. Before any crowd dispersal is attempted by an officer using any less-lethal weapon, an audible order to disperse shall be given.
7. Under no circumstances shall an officer discharge warning shots.
8. Officers shall carry firearms when on duty. Such firearms shall be issued by the Chief of Police, and officers shall not carry any firearms or other weapons not authorized by the Chief of Police.
9. The use of neck restraints, or similar weaponless control techniques, intended to restrict a person's breathing is prohibited.

Definitions

1. Active Resistance – Behavior that consists of non-threatening physical opposition to being controlled.
2. Assaultive Behavior – Aggressive physical opposition directed towards the officer or others. Assaultive behavior can be either an actual attack or the threat of attack conveyed through body language and assaultive verbalization.

3. Controlling Force - Usually the minimal amount of physical force needed to control a person who will not submit to verbal commands. Generally, this level of response involves the application of pain without injury. Control techniques are used to encourage a person to go in a desired direction and are usually applied to a person who is either passively or actively resisting the officer's attempt to control him/her.
4. Less-Lethal Force – Any force that, by the nature of the device used to apply the force, carries the unintended potential for serious injury or death.
5. Deadly / Lethal Force – Any force which carries a substantial risk that it will proximately result in the death or serious physical injury of any person.
6. Reasonable Belief – That belief by an officer, acting on personal knowledge of facts and circumstances which are reasonably trustworthy, that would justify a person of average caution to believe a crime has been or is being committed. (Similar to the probable cause standard).
7. Reasonable Response to Resistance – The lowest level of response necessary to control the person, while protecting the safety of the officer(s) and others.
8. Serious Physical Injury – Injuries being inflicted or about to be inflicted, which could cause the death of any person.

Use of Deadly Force

1. An officer must have a reasonable belief that deadly force is necessary to protect life before s/he resorts to the use of deadly force. Officers shall be justified in using deadly force only under the following circumstances:
 - a. To defend themselves from serious physical injury or death; or
 - b. To defend another person from serious physical injury or death.

Deadly force will not be used against a fleeing felon unless the situation meets these criteria.

Response Continuum

Level 1 – Physical Presence of the Officer

Level 2 – Issuance of Verbal and Physical Directions or Commands.

- a. To direct a person
- b. To inform bystanders
- c. To create a voice stunning value
- d. To calm a person

Level 3 - Empty Hand Control

- a. Soft
 - 1) Assistance from other officers
 - 2) Escort position
- b. Hard
 - 1) Joint manipulations or pressure points
 - 2) Striking motor points, muscle masses, or takedowns

Level 4- Intermediate Weapons

- a. Soft
 - 1) Baton restraints
 - 2) Mace, tear gas
- b. Hard
 - 1) Striking structural areas
 - 2) Baton techniques

Level 5 – Lethal / Deadly Force

Effective and proper use of the Action – Response Continuum is dependent on the person's action against the officer, special circumstances, and officer/offender comparative factors.

1. Actions Against Officers
 - a. Verbal or physical danger cues
 - b. Not responding to commands
 - c. Refusing to move –dead weight
 - d. Pulling away from officer
 - e. Pushing officer
 - f. Wrestling with officer
 - g. Striking or kicking officer
 - h. A life-threatening weaponless assaults
 - i. Attempting to disarm officer
 - j. Weapons attempted/used against officer
2. Special Circumstances
 - a. Closeness of a weapon
 - b. Injury or exhaustion
 - c. Being on the ground
 - d. Distance from the person
 - e. Special knowledge
 - f. Availability of other options
3. Officer/Offender Comparative Factors
 - a. Age
 - b. Sex
 - c. Size
 - d. Skill level
 - e. Multiple person/officers
 - f. Relative Strength

Response to Resistance Investigations

An officer shall notify his/her supervisor as soon as possible after responding to resistance to effect an arrest, detention, or mission. A supervisor shall complete an Administrative Investigation and/or Case Investigation. Notification may be made to the Ohio State Highway Patrol as determined by the Chief of Police.

Use of Deadly Force – In those situations where an officer used deadly force, which resulted in injury or death to any person or presented a high risk for serious physical injury or death to any person, whether intentional or accidental, the Chief of Police or his designee will conduct an Administrative and Case Investigation. The Ohio State Highway Patrol will be notified.

Response to Resistance Review Committee

The Committee comprised of the Chief of Police, Police Captain, FOP Union Labor representative, and OVH Deputy Superintendent will convene as necessary to review the investigative reports and report their findings and recommendations to the Superintendent of the Ohio Veterans Homes.

Discharge of Firearm

Whenever a firearm is discharged on duty, either intentionally or accidentally, the incident shall be investigated and documented by the Chief of Police or his designee. The Ohio State Highway Patrol may be notified.

1. On all discharges of any firearm, an Administrative Investigation will be conducted. If the discharge was intentional, or an injury results from an accidental discharge, a Case Investigation shall be completed by the Chief of Police or his designee.
2. If the discharge was accidental, the officer may be required to undergo additional firearms certification training.
3. If a Department issued firearm is discharged off-duty under any circumstance other than firearms practice, an Administrative Investigation will be completed.

Less-Lethal Weapons – The use of any less-lethal force shall result in an Administrative Investigation. Officers shall only carry less-lethal weapons authorized by the Department and only after receiving appropriate training in the use of the less-lethal weapon.

Post – Shooting Trauma

1. When an officer is involved in an incident where deadly/lethal force was used by an officer or against an officer, the officer involved:
 - a. Should be removed from the scene as soon as possible
 - b. Should be attended to by an uninvolved officer
 - c. May be required to meet with a Department approved psychologist
 - d. May be placed on administrative leave.
 - e. May be assigned administrative duties and would not resume patrol duties until the Chief of Police or designee conducts a review of the incident.
2. In the event an officer uses deadly/lethal force to take the life of another person, causes serious physical injury in the performance of duty, has been fired upon, or has fired his/her weapon at a person, the officer involved shall:
 - a. Be required to meet with the Department approved psychologist as soon as possible.
 - b. Be placed on administrative leave. The officer shall remain on administrative leave or be assigned administrative duties, as determined by the Chief of Police and shall not resume patrol duties until the Chief of Police conducts a review of the incident. The decision to continue on administrative leave, continue on assigned administrative duty, or resume full patrol duty shall be made by the Chief of Police after consultation with the Department approved psychologist and the Deputy Superintendent.
3. In the event an officer uses deadly force to take a life of another person in the performance of duty, the Chief of Police or his designee shall keep the officer informed of the status of the investigation.

Weapon Retention

Officers will be issued a high security level III, grab resistant holster. The weapon will be securely placed in the holster at all times during their tour of duty. The weapon will only be removed;

1. To defend themselves from serious physical injury or death; or
 - a. To defend another person from serious physical injury or death.
 - b. During high risk felony arrest
 - c. Training
 - d. Cleaning
 - e. Storage

Weapons will not be removed for display purposes.

Training

1. All sworn police officers shall be provided with a copy of this procedure and any subsequent revisions. Roll Call training shall be completed by the Chief of Police or designee.
2. This procedure shall be reviewed annually with all sworn police officers during their annual firearms qualifications.
3. All officers shall successfully complete the annual firearms qualification prescribed by the Ohio Police Officers Training Academy (OPOTA)
4. All Officers will demonstrate proficiency in weapon retention and firearm loading/unloading at the annual firearms qualification..
5. All officers shall attend and successfully complete all training, testing, and procedure reviews.
6. All training, testing, and procedure reviews shall be recorded and documented. Officers shall sign the documents after completion of the training, testing, and procedure reviews.