

HONOLULU POLICE DEPARTMENT
POLICY
PRISONER AND COURT-RELATED ACTIVITIES

March 16, 2015

Policy Number 7.02

SECURITY CONTROL OF ARRESTEES

POLICY

Whenever an arrest is made or an arrestee is transported from one location to another, the arresting officer and any officer taking custody or control of the arrestee shall take measures to (1) provide for the safety of the arrestee and the officer and (2) prevent the arrestee from escaping or committing any criminal offense.

PROCEDURE

I. **INITIAL SEARCH OF ARRESTEES**

- A. Unless circumstances indicate otherwise, when an officer makes an arrest, the officer shall immediately "pat down" the arrestee to detect any weapons, means of escape, and fruits and instrumentalities of the crime.
1. All weapons, means of escape, and fruits and instrumentalities of the crime shall be seized. The officer shall seize all contraband revealed and recognized in the course of removing articles thought to be weapons, means of escape, and/or fruits and instrumentalities of the crime. The officer shall articulate in the police report why each item was sought and removed.
 2. Seizure of all items shall be recorded, and these items shall be submitted in accordance with prescribed procedures.

3. An arrestee's property (e.g., wallets, pouches, purses, backpacks, canisters, envelopes, etc.) may be opened only if the officer first obtains the arrestee's consent or a search warrant, unless circumstances merit an exception to the requirements for a search warrant.
- B. Available information and/or questioning shall be used to classify the sex of the arrestee in order to follow appropriate procedures.
1. An arrestee who has had a complete sex change shall be treated according to the sex that the person has assumed.
 2. An arrestee who has had a partial sex change shall be treated according to the person's original sex.
- C. Any pat-down of an arrestee shall normally be conducted by an officer or authorized employee of the same sex as the arrestee. Exceptions are listed below:
1. If an officer or authorized employee of the same sex as the arrestee is not available, the attending officer shall pat down the arrestee in the presence of another officer, supervisor, or employee; or
 2. If none of the personnel listed in the section are available and the attending officer feels that his or her safety is threatened, the officer may pat down the arrestee without the presence of another officer, supervisor, or employee.

II. USE OF RESTRAINTS

- A. Only restraining devices issued or approved by the department (e.g., handcuffs, body cuffs, flex cuffs, leg irons, etc.) shall be used on arrestees.

- B. The hands of all arrestees shall be restrained. Handcuffs shall be used whenever possible.
 - 1. Arrestees shall be handcuffed with their hands behind them unless facts or circumstances indicate otherwise.
 - 2. Handcuffs shall be secured and double-locked without causing arrestees any unusual injury, pain, or discomfort.
 - 3. Circumstances where alternate, approved restraining devices may be used instead of handcuffs include:
 - a. The arrestee is injured, and the process of handcuffing could inflict additional physical trauma to the arrestee;
 - b. Physical characteristics (e.g., size and missing limbs) of the arrestee prevents the use of handcuffs; and
 - c. Handcuffing the arrestee would be an excessive measure of restraint (e.g., the arrestee's age, physical health, or condition).
- C. Arrestees shall be treated humanely.
- D. Juvenile offenders shall be restrained for serious offenses or when circumstances dictate.
- E. An officer shall not attach himself or herself to an arrestee.
- F. Restraints shall be used in accordance with departmental training.

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[In all instances, restraints shall be used to facilitate the safe transport of the arrestee.]

III. SAFETY PRECAUTIONS FOR ARRESTEES

- A. Arrestees should be kept under constant observation whenever possible to protect the health and safety of the arrestee and prevent escape.
- B. Officers should avoid leaving restrained arrestees on their stomachs longer than necessary. This prone position can contribute to breathing difficulties. Officers should be alert to difficulties in breathing or other signs of distress, illness, or injury in arrestees in any position, and they should provide medical assistance to arrestees when necessary.
- C. Disabled, injured, or ill arrestees may require unusual responses in restraining and transporting methods. In determining whether to handcuff or otherwise restrain a disabled, injured, or ill person, officers should make an objective evaluation of the risks posed to the officer, the arrestee, and others.
 - 1. Officers should transport arrestees' wheelchairs, crutches, canes, prosthetic devices, or other necessary aids for coping with physical disabilities that are needed by arrestees when these devices/aids are present at the scene of the arrest.
 - 2. Officers should transport medicine, insulin, and other items needed by arrestees to maintain health or bodily functions or to treat disease when these are present at the scene of the arrest.
- D. Unless circumstances indicate otherwise or do not permit, officers shall keep arrestees separated, particularly:
 - 1. Arrestees who are aggressive or hostile;
 - 2. Juveniles from adults;
 - 3. Males from females;
 - 4. Suicidal or mentally deranged persons; and

5. Felony arrestees.

IV. TRANSPORTING ARRESTEES TO DEPARTMENTAL HOLDING/TEMPORARY
DETENTION FACILITIES

- A. Whenever possible, city-owned police vehicles should be used to transport arrestees.
1. City-owned police vehicles used primarily for transporting arrestees must meet these minimum specifications:
 - a. The driver's compartment must be separated from the arrestee's compartment by a safety barrier or security partition; and
 - b. In those vehicles that are routinely used to transport arrestees alone in the rear, the arrestee's compartment shall be modified to minimize opportunities for exit without the aid of the transporting officer.
 2. Officers who operate city-owned vehicles normally used for the transport of arrestees shall conduct an examination of their vehicles at the beginning of each shift prior to using them to transport prisoners.
 - a. The examination shall determine if the vehicle is operationally safe to transport prisoners.
 - b. The inspection of equipment shall include (but not be limited to) the following: spare tire, jack, lug wrench, flares, first aid kit, and blanket.
 - c. The examination shall be documented on the department's automobile check list form and turned in to the supervisor for approval.

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- B. Male officers shall transport female arrestees in the presence or with the escort of another officer. If another officer is not available, the use of the body-worn camera (BWC), in lieu of an escort officer, will suffice.
- C. The name of the transporting officer shall be documented.
- D. Before placing an arrestee into and after removing him or her from a vehicle, the transporting officer shall search the arrestee and the area used to hold the arrestee for evidence, personal property, contraband, weapons, and any means of escape.
- E. Whenever a city-owned police vehicle equipped with a security partition is used, the arrestee shall be secured in the rear seating/cabin area.
 - 1. Whenever possible, the transporting officer (i.e., the operator of the vehicle) and the other officer(s) in the vehicle should be seated in the front of the vehicle during the transport, protected from the arrestee by the security partition.
 - 2. Opportunities for the arrestee to escape or attack the transporting officer should be minimized.
 - 3. Arrestees should be secured to the maximum degree practicable under the circumstances of the transport with appropriate restraining devices and fastened safety restraints (seat belts) whenever available. The arrestee should be made as comfortable as practicable given the length of the transport trip.
 - 4. For the safety of the transporting officer and the arrestee, the arrestee's right to communicate with attorneys and others will not normally be afforded during the period in which he or she is being transported.

- F. Whenever an authorized vehicle not equipped with a security partition is used, the following guidelines shall apply:
1. At least two law enforcement officers shall be in the vehicle during the transport;
 2. The arrestee shall be secured to the maximum degree practicable under the circumstances of the transport with appropriate restraining devices, placed in the rear seating area farthest from the driver, and secured with available seat belts. If equipped, child safety door locks shall be activated; and
 3. A law enforcement officer should be seated next to the arrestee in a position to physically prevent escape or assault to the driver.
- G. Arrestees shall normally be taken directly to the station/substation of the district in which the arrest was made.
1. Exceptions may be made for the following:
 - a. The arrestee requires medical attention;
 - b. A person arrested on a felony warrant is unable to post bail. Booking may then be done at the Central Receiving Division (CRD);
 - c. An arrest warrant is served on an adult at a correctional facility. Booking may then be done at that facility as prescribed in Policy 7.01, ARRESTS AND ARRESTED PERSONS; and
 - d. An arrestee may be processed at another district with the prior approval of the watch commanders of both the district in which the arrest was made and the station/substation where the arrestee will be processed.

2. Whenever bail cannot be posted at a regional district station or substation, the arrestee shall be booked at that station or substation and then taken to the CRD for detention.
- H. Upon arrival at the holding/temporary detention facility, the transporting officer shall:
1. [REDACTED]
 2. Remove the arrestee from the transport vehicle and [REDACTED]
[REDACTED]
[REDACTED];
 3. Inform the officer in charge of the holding/temporary detention facility of the reason for the arrest and of any potential medical or security hazards pertaining to the arrestee;
 4. Include the name of the officer receiving the arrestee in the officer's report; and
 5. When applicable, inform the officer in charge of the holding/temporary detention facility of an arrestee with oversized or excess property.

Excess property shall be handled in accordance with Policy 7.01, ARRESTS AND ARRESTED PERSONS.

V. TRANSPORTING ARRESTEES FROM DEPARTMENTAL HOLDING FACILITIES

- A. Each arrestee being transported from a departmental holding facility (either to another departmental facility or elsewhere) must be positively identified as the person to be moved. If the prisoner's identification is open to question, the following procedures shall be adhered to whenever an arrestee is removed from a holding facility.

1. Booking records in the initial holding facility must be verified with a picture of the arrestee made at the time of booking (if the arrestee was photographed at the time of booking). Any identification documents the arrestee may have had at the time of booking that will help to verify the arrestee's identity should be used.
 2. If none of the above information is available, inked fingerprints of the arrestee to be transported should be taken and compared to the set of inked fingerprints taken from the arrestee at the time of booking.
- B. Proper documentation must accompany each prisoner transported from a departmental holding/temporary detention facility to another. This documentation shall include the following:
1. A copy of the mittimus or temporary mittimus (e.g., warrant of arrest), if one was issued;
 2. All copies of the computerized booking system arrest report, including mug photograph (if available) and any inked fingerprints taken at the time of booking (this requirement applies when an arrestee is moved from one police district to another on Oahu);
 3. The original prisoner's Property Receipt, HPD-101 form, as well as the arrestee's personal property. If the arrestee has no property, a property receipt shall be filled out showing that the prisoner has no property and the original of that document shall accompany the arrestee;
 4. Copies of any documents regarding medical treatment received by the arrestee while in custody, if any;
 5. Information pertaining to the arrestee's potential for escape, suicide, or other personal traits of a security nature (this information shall be recorded on the computerized booking system arrest report); and

6. A Custody Transit Log, HPD-247 form.
 - a. The Custody Transit Log form shall be signed by the officer accepting the arrestee and a copy of the log shall be returned by the transporting officer to the originating facility as a permanent record of the prisoner transaction.
 - b. The Custody Transit Log form shall include (in the "remarks" section) known or suspected medical or security risks pertaining to the arrestee.
- C. The transporting officer shall deliver all documentation and the arrestee's property to the responsible officer at the receiving facility.

VI. EXIGENT CIRCUMSTANCES

The primary duty of the transporting officer is the safe delivery of the arrestee at the completion of the transport. However, there are circumstances under which the transporting officer can stop to respond to the need for law enforcement services while transporting an arrestee.

- A. The most important responsibilities of a police officer are preserving life and rendering aid to the seriously injured. The transporting officer may interrupt an arrestee transport to render assistance or engage in other law enforcement responsibilities when the risk to a third party is both clear and serious.
- B. The transporting officer has a responsibility to protect the arrestee from injury, and any risks to the arrestee should be minimized.
- C. The transporting officer should be aware that there is a risk that diversionary incidents may place the arrestee in jeopardy or enhance his or her chances for escape, whether or not instigated by persons attempting to free the arrestee.

VII. ESCAPES

If an arrestee escapes from custody (while being detained or transported), the following course of action shall be taken:

- A. The transporting officer shall immediately notify the Communications Division of the escape, circumstances, description and identification of the escapee, and other relevant information for an all-points bulletin;
- B. The procedures contained in Procedure 9.13, ESCAPES, shall be followed and proper notifications made;
- C. Notification shall be made to the commanding officer on duty in the district where the escape occurred, and a field supervisor shall respond to the scene;
- D. The field supervisor and all available field personnel in the area shall search the vicinity and routes of escape to locate and apprehend the escapee;
- E. The transporting officer shall prepare the appropriate escape reports; and
- F. If the escape occurs in another jurisdiction (i.e., outside Oahu), the transporting officer shall report the escape to the appropriate law enforcement agency of the jurisdiction in which the escape occurred.

VIII. TRANSPORTING ARRESTEES TO DISTRICT COURT

A. Search and Security

- 1. Arrestees awaiting transport to the district court for arraignment shall be searched at the receiving desk by two officers for weapons and other contraband.
- 2. When handcuffs are deemed necessary for misdemeanants and felons, their hands shall be cuffed behind their back, unless facts and/or circumstances indicate otherwise.

3. When the transport involves multiple prisoners, two or more individuals may be handcuffed together [REDACTED] for purposes of security and accountability.
4. In situations involving an additional security risk, leg irons shall be used.
5. [REDACTED] shall be assigned as escorts.
6. Female arrestees shall be transported to the district court in a city-owned police vehicle. No male officer shall transport a female arrestee without the presence of a female officer or a second male officer.
7. Prior to placing arrestees into and after removing arrestees from the transporting vehicle, the transporting officers shall search the security portion of the transporting vehicle for evidence, contraband, and weapons.
8. The driver of the transport vehicle shall inform the dispatcher of the destination [REDACTED]
[REDACTED]

B. Transfer at District Court

1. The driver of the transporting vehicle shall inform the dispatcher when the vehicle arrives at the district court.
2. The escorting officers shall ascertain that the sheriffs are present at the holding cells before removing any arrestee from the transporting vehicle and surrendering custody to the sheriffs.
3. Once the arrestee is confined in the holding cell, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

4. The officer responsible for bail receipts, prisoner property, and money shall proceed to the appropriate office to deliver the property. The second officer will remain in the area of the holding cells until the return of the first officer, and both shall then return to the station.

IX. TRANSFERRING ARRESTEES TO OTHER AGENCIES

- A. When an arrestee is transferred from a departmental holding/temporary detention facility to another agency (e.g., the U.S. Marshals Service and Department of Public Safety), the receiving desk supervisor or designee shall inform the agency receiving the prisoner of any known or suspected medical or security risks regarding the arrestee.
- B. See also section V A above regarding arrestee identification.


X. TRANSPORTING PRISONERS ON AIRCRAFT

The Honolulu Police Department shall be guided by Transportation Security Administration regulations for prisoner transport when escorting prisoners on commercial aircraft. See Policy 2.51 , TRAVEL FOR OFFICIAL GOVERNMENT BUSINESS.

XI. COORDINATION OF PERSONNEL IN ESCORTING PRISONERS

The Criminal Investigation Division shall be responsible for coordinating departmental personnel in escorting prisoners into and out of the jurisdiction.

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ARTHUR J. LOGAN
Chief of Police

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board for one week

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