

Processing and Handling of Arrestees

903.1 PURPOSE AND SCOPE

To establish procedures for the safe handling and processing of arrestees.

903.2 POLICY

Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of the Department. The arresting officer should consider the circumstances leading to the arrest, the attitude of the arrested person, and the age, sex, and health of the person before handcuffing. It must be recognized that officer safety is the primary concern.

It is not the intent of the Department to dissuade officers from handcuffing all persons they believe warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, an officer should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person. Handcuffs should be removed as soon as the arrested person is safely confined within the jail.

Arrestees should be handcuffed and relieved of all personal property while held in any lock up. Arrestees not handcuffed, for the purposes of interviewing or processing, are the sole responsibility of the officers who have custody of the arrestee.

903.2.1 AUTHORIZED TEMPORARY CUSTODY LOCATIONS

The following are the only authorized locations where employees will bring prisoners for processing:

Zone 1

- MET-G Patrol Area
- Fruitvale (administrative cuffing station)
- MET-2 (Criminal Investigations Division)

Zone 2 (R-Line)

- El Cerrito Del Norte

Zone 2 (C-Line)

- Walnut Creek
- Concord
- Pittsburg/Bay Point

Zone 3

- Castro Valley
- West Dublin

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- Bay Fair

Zone 4

- Powell Street
- Civic Center (administrative cuffing station)

Zone 5

- San Francisco Airport
- Millbrae

Zone 6

- **Fremont**
- **Milpitas**

Employees will not bring prisoners into any other offices, break rooms, or police facilities.

903.2.2 DOCUMENTATION OF TEMPORARY CUSTODY

Prisoner activity sheets are required to be completed for all prisoners (juveniles and adults) held in any Department authorized temporary custody location. The prisoner activity sheet does not replace the secure and non-secure juvenile detention logs, which are also to be completed for all juvenile detentions. The completed prisoner activity sheets will be forwarded to the Records Division with all associated paperwork for the case.

903.3 DEFINITIONS

Lock Up – A room or secure enclosure that is primarily for the secure detention of adults upon arrest.

Zone Facility - Any police substation or remote-reporting location.

Arrestee - Any person detained for investigation of a criminal incident.

903.4 PROCEDURES

All persons placed under physical arrest should be handcuffed with the hands to the rear, and the handcuffs shall be double-locked and checked for comfort. Arrestees should remain cuffed from the time of arrest until that person is turned over to the custody of a jail facility or other competent authority, unless the person is being interviewed, processed, treated at a medical facility or granted toilet privileges.

Arrestees may be handcuffed to the front only when it is necessary due to medical reasons or due to the physical size of the person. Complaints of handcuff irritation shall be checked as soon as practicable. Prior to granting toilet privileges, the facility or restroom must be checked for security and privacy. Officers are required to accompany arrestees into the restroom to maintain visual control. Arrestees shall be accompanied by an officer(s) of the same sex.

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When an arrestee is detained in any lock up, all personal property that could be used as a weapon or device to attempt suicide, shall be removed from the arrestee prior to placing the arrestee into the lock up.

No items which could be used as a weapon shall be placed in the lock up.

Officers entering any lock up shall secure their firearms prior to taking the handcuffs off any arrestee.

Violent arrestees shall be restrained by use of an approved restraint method to minimize self-inflicted injuries and injury to department personnel. Officers using a restraint method shall closely monitor the arrestee's vital signs to minimize any injury.

Whenever a lock up is occupied, the lock shall remain engaged.

903.4.1 RELEASE FROM CUSTODY

Anytime a person is arrested and released pursuant to 849 (b)(1) or (3) PC, the person shall be issued a certificate-of-release (BART Police form #0462) signed by the releasing officer or supervisor, describing the action as a detention.

903.4.2 TRANSPORT OF ARRESTEE TO ANOTHER FACILITY

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department, the transporting officer shall be responsible for the following:

- (a) Verify that the identity of each prisoner to be transported matches the booking paperwork.
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

903.4.3 ASSISTING CRIMINALS

Employees shall not communicate in any manner, directly or indirectly any information which might assist persons suspected of committing criminal acts to escape arrest or punishment or which may enable them to dispose of or secrete evidence of unlawful activity or money merchandise, or other property unlawfully obtained.

903.4.4 ACTING AS BAILOR PROHIBITED

Employees cannot act as bailors for any person in BART Police custody, except relatives, and in no case where any fee, gratuity or reward is solicited or accepted.

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903.4.5 RECOMMENDING ATTORNEYS AND BAIL BOND BROKERS PROHIBITED

Employees shall not suggest, recommend, advise or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of department business.

903.4.6 MONIES ACCEPTANCE OF

Officers shall not accept money as bailer in payment of a fine except as provided in Departmental orders.

903.5 CUSTODY OF PRISONERS

Officers charged with the custody of prisoners shall observe all laws and Departmental orders regarding this activity. Prisoners shall be kept secure, treated fairly and humanely, and shall not be subjected to unnecessary force. Member shall strictly observe the laws of arrest and the following provisions when making arrests:

- Only necessary restraint to assure safe custody and the safety of the officer shall be employed.
- The arresting officer is responsible for the safety and protection of the arrested person while in his custody. He/She shall notify the transporting officers of any injury, apparent illness, or other condition which indicates the arrested person may need special care.
- The arresting officer is responsible for the security of personal property in the possession of the arrested person under his control at the time of arrest. This responsibility transfers to the transporting officers when they accept custody of the arrested person, except for vehicles.
- A disabled detainee in a wheel chair or who uses walking aids may not require the use of restraints in all circumstances, depending on the nature of the disability.
- The officer's supervisor shall be notified in all arrest situations prior to booking.

903.6 TRANSPORTATION OF PRISONERS

Officers transporting prisoners shall do so in accordance with Departmental policy.

- (a) The transporting officer shall search the prisoner's person and belongings prior to transportation to a booking or medical facility.
- (b) Prisoners requiring medical attention shall be delivered to the appropriate emergency hospital, and the transporting officers shall be responsible for the security of the prisoner until properly relieved, unless otherwise directed by a higher ranking officer.
- (c) Prisoners and their property shall be surrendered at the jail to custodial officers or as directed otherwise by supervisory personnel.
- (d) Any prisoner transported to a hospital in an ambulance shall be accompanied and guarded by an officer unless police emergencies dictate otherwise.
- (e) Any Department vehicle used for transporting an arrested person is to be searched at the beginning of each shift, and prior to and following transporting an arrested person, for contraband or weapons.

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- (f) During the transportation of prisoners, prisoners will not be allowed to communicate with outside parties, including attorneys, clergy and family members.
- (g) Employees shall not communicate in any manner, directly or indirectly, any information which might assist persons suspected of committing criminal acts to escape arrest or punishment or which may enable them to dispose of or secrete evidence of unlawful activity or money, merchandise, or other property unlawfully obtained.

903.6.1 MAINTAINING OBSERVATIONS OF TRANSPORTED PRISONERS

Prisoners shall be properly restrained and should be transported in a caged patrol vehicle. Officers will not lose sight of prisoners. The prisoner shall be placed in a position to allow the greatest degree of visibility and control by the transporting officer(s).

Prisoners should be transported in a police vehicle equipped with a safety barrier, except in incidents requiring medical attention or other emergencies. No more than three prisoners shall be transported in a marked/caged patrol vehicle [or no more than eight prisoners shall be transported in the transport van.](#) -

When a vehicle is equipped with a safety barrier, the prisoner should be transported within the confines of the safety barrier. Officers should position prisoners in the right-hand rear seat so they can be observed by the transporting officer.

If the vehicle is not equipped with a safety barrier, a single prisoner should be placed in the front seat where the transporting officer can maintain observation and control of the prisoner. If a second officer is available to assist transport, the prisoner should be placed in the rear seat with the assisting officer positioned behind the transporting officer.

Under certain circumstances, Detective Officers may be used to transport prisoners, but they must follow the guidelines as stated above.

While transporting prisoners, officers shall not respond to routine calls for service, initiate any enforcement action or become involved in a pursuit.

Upon observation of a situation requiring police action along the transport route, BART PD dispatch shall be advised. Transporting officers should respond only to situations where risk of serious bodily injury or death to third parties is imminent and the risk to the prisoner is minimal.

903.7 SECURITY CONCERNS

In any instance where the department becomes aware that a particular prisoner poses a security risk, whether it is due to previous escape attempts or other information which would constitute a risk, said information will be communicated to county jail officials or any other receiving custodial institution.

903.8 TRANSPORTATION TO DETENTION FACILITIES

When transporting a prisoner to a detention facility, the officer shall do the following upon arrival:

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- (a) Secure weapons either in a firearm locker or in the trunk of the patrol vehicle. The vehicle's shotgun and rifle may remain locked in the electro-lock mechanism of the patrol car.
- (b) Restraints will be removed at the direction of the receiving officer.
- (c) Complete and submit all necessary paperwork to the receiving officer and advise of any medical or security hazards. Retain a copy of the pre-booking sheet for return to the Records Unit to confirm transfer of custody.

903.9 ESCAPE OF PRISONER DURING TRANSPORT

If an escape occurs, the transporting officer must immediately advise the BART PD communications center of the following:

- (a) Officer's call sign
- (b) The location of the escape.
- (c) The escapee's description.
- (d) The charge the escapee was in custody on.
- (e) Any known accomplice.
- (f) Whether the escapee and/or accomplices are armed.
- (g) Method of flight including vehicle description.
- (h) Direction of flight.

If the escape occurs within radio range of the BART PD Integrated Security Response Center, the officer must request that the center notify applicable on duty patrol units and/or law enforcement agencies. If the escape occurs beyond radio range of BART PD Integrated Security Response Center, the officer must, as soon as practicable, contact the BART Police Department Integrated Security Response Center. The BART Police Integrated Security Response Center must then notify the on duty patrol watch commander.

The initial law enforcement response to assist and search for an escaped prisoner should be coordinated by the supervising officer of the agency having jurisdiction over the location where the escape occurred, or is believed to have occurred. The transporting officer is responsible for any additional prisoners he/she is transporting. Therefore, in the event of an escape during transport, he/she should remain with the transport vehicle and any remaining prisoners. Extenuating circumstances may dictate a different course of action.

Upon making the above notifications, and as soon as practicable, the officer should transport the remaining prisoners to their destination, or the nearest detention facility, as circumstances dictate. Officers must complete all necessary reports and procedures before reporting off duty. Officers must follow all Department policies and procedures applicable to the Use of Force regarding any attempt to prevent an escape or to recapture an escapee.

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903.10 TRANSPORTING SICK, INJURED OR DISABLED PRISONERS

Any prisoner who has sustained an injury that requires medical attention shall be medically cleared prior to transporting to the nearest Jail. A medical clearance may be obtained at the emergency room of a county or local hospital. If the prisoner is in transport and requires immediate medical attention the officer shall take the prisoner to the nearest medical emergency facility.

If, while in custody, a prisoner appears to need medical attention or expresses a desire for medical attention (even if no obvious medical problems are apparent), request medial aid and immediately notify a supervisor.

If the prisoner is mentally or physically disabled to the point that they cannot be safely transported in a police vehicle, the officer shall contact the on-duty supervisor. If continued custody is essential, the prisoner may be transported by ambulance, or at the supervisor's discretion. If transported by ambulance, appropriate restraints should be used and the arresting officer should accompany if possible.

Medicine, medical devices, walking aids and prosthetic devices shall be placed in an area not accessible to the prisoner, absent those devices (such as oxygen) required to sustain essential life functions.

903.11 TRANSPORT TO MEDICAL FACILITIES

When transported to a medical facility, officers should ensure that prisoners are isolated from other patients and are not left unattended. All contacts with the prisoner should be monitored. Restraints should be removed only when necessary and at the direction of medical personnel.

The officer shall not leave the medical facility until relieved by another officer or released by a supervisor. If the prisoner is admitted to the hospital, a supervisor should be notified to determine if the prisoner can be released on a citation or a warrant sought.

When the prisoner is released from the hospital, the officer should obtain written instructions for future treatments and medication, and the prisoner should be searched and properly restrained.

903.12 SPECIAL CIRCUMSTANCES

Prisoners will not normally be transported to locations other than medical or detention facilities. Any exceptions will be made with the approval of the on-duty supervisor. Prisoners will be handcuffed at all times during unusual situations.

903.13 TRANSPORTING PRISONERS OF OPPOSITE GENDER

Prisoners of the opposite gender should not be transported together. Under certain circumstances, the Watch Commander may authorize opposite gender prisoners to be transported together.

903.14 TRANSPORTING JUVENILE PRISONERS

Juveniles shall not be transported with adults regardless of relationship. Juvenile prisoners may be transported together unless of opposite gender.