



Waco Police Department General Order

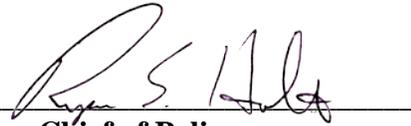


**Title: CARE AND CUSTODY
OF PRISONERS**

Number: 63.02 Effective: 06/15/2020

Cancel: 63.02 Issued: 06/22/2018

Approved:



Chief of Police

63.02.01 POLICY

The Department provides for the safety and security of prisoners, and other persons in the care and custody of the Department. The Civil rights of prisoners will not be violated (Penal Code, Chapter 39, Sec. 39.04)

63.02.02 PROCEDURES

A. General Operation

1. Prisoners and persons in the care and custody of the Department shall not be mistreated in any way. Personnel have the duty to immediately intervene to prevent mistreatment of prisoners or persons in the care and custody of the Department. In addition, personnel have a duty to report such mistreatment to their chain of command as soon as is practical considering the safety of the officers and the prisoner.
2. Arrested persons are thoroughly searched by officers for weapons and contraband, handcuffed and the handcuffs double-locked before being transported.
3. Prisoners transferred to other officers are to be searched by the receiving officer prior to transporting.
4. Officers assigned patrol vehicles conduct a complete and thorough search of the vehicle both at the beginning and end of a tour of duty, and prior to and after any person is transported in the vehicle for any reason.
5. Officers ensure proper care is taken of property that is confiscated or taken from any arrested or detained person.
6. In police vehicles equipped with a cage, prisoners are transported in the back seat of a caged patrol vehicle.
7. Prisoners transported in non-caged vehicles ride in the front passenger seat. A second officer sits in the back seat.
8. Prisoners must be monitored by an officer while in Department vehicles.

9. Prisoners are given reasonable opportunities to use restroom facilities (i.e., prisoners transported long distances).
 - a. Officers take into account time and distance to their destination.
 - b. Prisoners are not left alone while using restroom facilities, except when the officer and prisoner are of the opposite sex.
10. Officers transporting prisoners do not respond to any call for law enforcement service unless:
 - a. Life threatening circumstances exist
 - b. Serious injury to any person is likely
 - c. There is a request for emergency assistance from another officer
11. Persons wanting to communicate with prisoners in custody:
 - a. Officers may allow persons to communicate with prisoners taking into consideration need and safety but officers will not allow physical contact between the person and the prisoner.
 - b. Prisoners are not left alone with non-law enforcement personnel.
12. When transporting prisoners, the transporting officer notifies the dispatcher of departure place, beginning and ending mileage and upon arrival at the jail.
13. Dispatcher notifies the County Jail when officers are in route with a prisoner.

B. Special Transport Situations

1. Transporting physically or mentally challenged persons may require additional officers or a special vehicle to ensure officer and prisoner safety.
 - a. Restraining devices are used as necessary.
 - b. In extreme cases, the assistance of an ambulance or a vehicle equipped to transport the handicapped may be needed.
2. Officers will activate the in-car camera and video when transporting violent prisoners, prisoners making accusations against police personnel, making incriminating statements, and other times when the officer believes recorded documentation could assist/protect the Department and its employees.

C. Escape of Prisoner During Transport

1. The transporting officer notifies:
 - a. Dispatch has general information broadcast to other units.
 - b. The officer's immediate supervisor.

- c. The on-duty shift commander.

2. Reports

- a. The transporting officer completes an offense report using the appropriate charges.
- b. The officer's immediate supervisor reviews the circumstances of an escape and determines whether the situation warrants a personnel complaint or an administrative report which is then forwarded through the chain of command.

3. Escape Occurring Outside of Jurisdiction

- a. Officer immediately calls for backup from the local police agency having jurisdiction where the escape occurred.
- b. The transporting officer attempts to locate the prisoner in the immediate area.
- c. If the prisoner is not found, officer(s) make an offense report with the local police agency, giving the prisoner's description and authority to transport.
- d. Officers are to notify the on-duty WPD shift commander as soon as practical.

D. Restraining Devices

1. Handcuffs and Restraints

- a. All persons taken into custody are handcuffed behind their back to ensure safety of the officers and other citizens. The exceptions to this rule are:
 - 1). When the person has an injury that does not permit his/her arms to move behind their back.
 - 2). When the person's age, physical condition or physical limitations may also indicate a change in this procedure is needed.
 - 3). When the tactical or investigative situation indicates an exception is appropriate.
- b. After handcuffing a person, the handcuffs are double-locked. The exception to this is when the arrest environment is tactically unsafe for the officer to double-lock the handcuffs.
- c. If a person complains the handcuffs are too tight, the officer should (when tactically feasible), ensure unnecessary tightness does not occur.

2. Additional Restraints

- a. Due to the continuation of resistive and/or violent behavior, officers may find it necessary to use additional restraints to control an arrested person. If officers have been trained in the proper use of these devices, they may use Department issued arm/leg restraints.
 - 1). **Prisoners will not be "hog-tied"** by any means (leg restraint, rope, leg irons, etc.).

Hog-tied means a person's arms and legs are restrained together in a manner that they apply oppositely opposing pressure.

- 2). Officers should avoid placing a person who has been controlled by the use of leg restraints in a prone position face down.

3. Transporting Prisoner with Handcuffs/Restraints

a. Unless exceptional circumstances exist to prevent doing so,

- 1). All prisoners should be transported in an upright seated position. If the transport vehicle is equipped with seat belts in the prisoner area, these will be used to ensure safe transport.
- 2). When feasible, only arrested persons of the same sex and age group are transported together (i.e., adult/juvenile).
- 3). Prisoners are not handcuffed to any part of the vehicle during transport.

b. Ankle cuffs and handcuff belts may be used for transporting prisoners long distances.

E. Medical Care of Prisoners

1. In case of injury, illness, unconsciousness or other condition of an arrested person indicating medical attention is needed, the transporting officer is responsible to see that the prisoner receives medical attention prior to booking.
 - a. Officers notify their supervisor as soon as practical after encountering an ill or injured prisoner.
 - b. Taking into consideration the nature of the injury or illness and the security risk, officers may call an ambulance to transport prisoners.
 - c. If an ambulance is not needed, officer transport prisoners to medical facilities.
 - d. Offense Reports are made by the arresting officer or the officer who has custody of the prisoner and include:
 - 1). If the injury or illness occurred during or prior to the arrest.
 - 2). Hospital or location where medical care was received.
 - 3). Doctor's name.
 - 4). Other pertinent information.
2. Taking into account the nature of the offense and the escape risk, supervisors may assign officers to guard prisoners at medical facilities, until a warrant is issued and the prisoner is transferred to the county, at which time the prisoner becomes the County's responsibility.

F. County Jail Procedures

1. Arrival

- a. Entry is made into the sallyport.
- b. Firearms and knives are secured in the lock box located in the sallyport or in the trunk of the officer's patrol car prior to removal of prisoners.
- c. The transporting officer is responsible for unloading the prisoner.
- d. Prisoners are searched by County jailers prior to entry into the booking area.
 - 1). Prisoners are escorted to the booking desk by Jailers. Prisoner's property is given to Jailers. If the decision is made to release a prisoner in the field, the primary officer will ensure that all confiscated property is released back to the prisoner.
 - 2). If prisoners are unruly or if jailers are busy, prisoners are taken to a holding cell and booked later. Officers attempt to obtain the prisoner's name and date of birth.
 - 3). County Jailers are told of security risks or suicide potential of persons brought to the Jail.
 - 4). Officers are responsible for booking prisoners, completion of a Form 6 and any other necessary paperwork.

2. Communications

- a. Records supervisors receive all arrest paperwork on persons who are arrested and contact a County Jailer if problems exist.
- b. Public inquiries are handled by Records supervisors if the PIO is unavailable.

3. Interview of Prisoners

- a. Officers may interview prisoners in the interview room located adjacent to the booking area. Prior to the interview, the prisoner is read their Miranda Warning.
- b. Prisoners may be brought to the police building in accordance with County Jail release procedures, but such releases are kept to a minimum.
 - 1). Officers are responsible for the safety, security and protection of prisoners.
 - 2). Prisoners are positively identified by Jail Records prior to their removal from jail.

4. Attorneys and Bondsmen

- a. Employees do not make suggestions or recommendations as to any specific attorney,

bondsmen or agency as counsel to persons coming in contact with Department employees as a result of police business.

- b. Employees do not carry personal items bearing the name, address or telephone number of any person or business engaged in the bail bond business while on duty.

G. Documentation

1. Arrest Report forms, Warrantless Affidavit, and DIC paperwork if appropriate are completed by the arresting officer or the officer who has custody of the prisoner and copies faxed to Records.
2. Complaints are completed and notarized on all charges.
3. Impound Cards are turned in and logged with the PST immediately after leaving the jail.
4. Warrants
 - a. Copies of warrants are faxed to the County Jail by Records' employees.
 - b. Class C Warrants are given to the Records Supervisor to be forwarded to municipal Court.
 - c. All other warrants are sent to the investigative section responsible for that offense.
 - d. Warrants are put in the tray by the Back Desk by Records employees.

End of General Order 63.02

TPCA

7.04, 7.05, 10.01, 10.02, 10.10