

Persons in Custody and Transportation

5.18.01 PURPOSE

The purpose of this order is to outline protocols for the care of persons in police custody, including security and transportation.

5.18.02 DEFINITIONS

- A. Medical Assessment** – Examination of a person in custody by emergency medical personnel.
- B. Medical Evaluation** – Examination of a person in custody by a physician at a medical facility.
- C. Person in Custody** – Person who has been lawfully detained, arrested, or who is in protective custody.
- D. Positional Asphyxia** – Situating a person in a manner that would restrict their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia.
- E. Mobility Device** – These include, but are not limited to, braces, canes, crutches, walkers, wheelchairs, motorized scooters, and electric personal assistive mobility devices such as "Segways."

5.18.03 POLICY

It is the policy of the San Francisco Police Department (SFPD) that members take necessary steps to ensure the safety and well-being of persons in their custody. Members shall transport persons in custody in a manner consistent with law.

5.18.04 VEHICLE INSPECTION AND SECURITY

- A. Inspections** - Members shall inspect the custody compartment of the vehicle they are assigned prior to and immediately after any custody transport to ensure the following:

1. Any weapons, contraband, or personal items are located, secured, and documented appropriately and, if applicable, in compliance with DGO 6.02, *Physical Evidence and Scene Preservation*.
2. All seatbelts and door locks are in working order.

B. Security - During transport of a person in custody in a vehicle equipped with a custody compartment, members shall ensure the locking mechanisms are engaged.

5.18.05 CONTROL AND RESTRAINT

A. Handcuffing – Approved handcuffing techniques are listed in the SFPD Arrest and Control Manual.

1. Persons who are transported in a police vehicle shall be handcuffed with their hands to the rear, unless one of the following criteria is met:
 - a. The person has a physical condition which precludes this technique.
 - b. In situations where people are handcuffed together during multiple means of transport.
 - c. A supervisor has authorized an alternative option.
 - d. During exigent circumstances.
2. Members may use an additional set of handcuffs in situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort during transportation due to the person's size.

B. Searching – Approved searching techniques are listed in the SFPD Arrest and Control Manual.

1. A transporting member shall thoroughly search a person who is in custody for weapons, prior to transport.
2. Searches should be conducted by a member of the same or preferred gender of the person being searched, when practical and in accordance with DGO 5.22, *Interacting with Transgender, Gender-Variant, and Nonbinary Individuals*.
3. In exigent circumstances when members are unable to complete a careful and thorough search of a subject prior to transport, members must complete the search

as soon as practical.

C. Other Restraint Devices – Persons under arrest who have demonstrated violent actions or tendencies, must be restrained using Department approved restraint methods to minimize self-inflicted injuries and/or injuries to members of the public, medical, fire and police personnel. In addition to handcuffs, the following alternate restraint methods may be used on a case-by-case basis:

1. Hobble Cord (i.e. Ripp Restraint Cord')
2. Flex Cuffs
3. Soft Restraints (usually used by the San Francisco Fire Department (SFFD) or Paramedics)

5.18.06 CARE & SAFETY OF ILL / INJURED

A. Ill/Injured – Persons in custody who claim to be ill or injured and request medical attention should be medically assessed or evaluated prior to transport to a holding facility. In these circumstances, members may elect to transport the person in custody to a medical facility.

1. Members shall not transport persons who appear to be experiencing any of the following conditions, except in extenuating circumstances where alternatives are not reasonably available:
 - a. Where the person is not at a functional level of consciousness.
 - b. The person is having difficulty breathing.
 - c. The person appears seriously ill or seriously injured.
 - d. Any other medical condition that requires immediate medical attention.

In any of the above situations, when practical and safe to do so, emergency medical services (EMS) personnel shall be called to the scene. The member may resume transport if EMS personnel medically release a person in custody who, based on their criteria, does not require medical evaluation.

B. Medical Aid and Use of Force

1. **Medical Assessment:** After a reportable use of force incident and prior to transport, persons in custody shall be medically assessed by EMS per DGO 5.01, *Use of Force Policy and Proper Control of Person*.

2. **Medical Evaluation:** Persons in custody shall be medically evaluated under any of the following conditions:

- a. The person was seriously injured due to use of force (DGO 5.01).
- b. The person was struck by a vehicle resulting in serious injury.
- c. The person undergoes a noticeable change in level of activity, demeanor or consciousness and becomes unresponsive to members.
- d. Any other situation where a member or supervisor determines medical evaluation is necessary.

C. In all cases where EMS personnel are called to transport a person in custody from an arrest, a member shall ride with paramedics during the transport to a medical facility.

5.18.07 SEATBELTS FOR PERSONS IN CUSTODY

- A. Members are responsible for the safe transportation of persons in their custody and must ensure they are wearing a seatbelt.
- B. When transporting a person in custody whose size or build, coupled with the configuration of a sedan or SUV, does not allow for the proper use of a seat belt, members shall use a marked department patrol wagon for transportation. Refer to DGO 9.04 *Seat Belt Policy* for guidance and exemptions.

5.18.08 VULNERABLE POPULATIONS

- A. Members are responsible for the safety and care of people in their custody, which may include vulnerable populations such as juveniles, pregnant or elderly people, and people with mental or physical disabilities.
 - 1. **Juveniles** – Juvenile custodies shall be transported in compliance with DGO 7.01, *Policies and Procedures for Juveniles Detention, Arrest, And Custody*
 - 2. **Pregnant Persons** - Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for members’ safety. In no event shall these people be restrained by handcuffs behind the body. No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, members, or others (Ca. Pen. Code, § 3407).

3. **Elderly** – Elderly persons in custody who appear to be unable to resist victimization by others shall be transported individually and separately from other persons in custody.
4. **Mental Health Disorder** – Members shall transport persons with mental health disorders as described in DGO 6.14, *Psychological Evaluation of Adults*.
5. **Physical Disability** – Members should consult with their supervisor to ensure persons in custody with physical disabilities are transported in the most safe and effective manner.
 - a. **Mobility Device:** In all cases, members shall transport a person who uses a mobility device with their mobility device.
 - i. **Member Transportation-** Members shall transport the person in a patrol vehicle if the person using a mobility device is able to transfer themselves to the rear seat of a patrol car, and if the mobility device fits into the vehicle trunk or can be folded or collapsed to fit into the trunk without being disassembled. Members shall place the mobility device in the vehicle trunk (although if a person is wearing leg braces, the person may continue to wear them).

Members are reminded that they must remove restraint devices from a person using certain mobility devices (e.g., wheelchair) to transfer them to the rear seat of a patrol vehicle.

- ii. **Transdev Transportation-** Members shall contact Transdev (or current paratransit transportation vendor) for an accessible van to transport the person in custody under the following circumstances:
 - a. The person is unable to transfer themselves from the mobility device to the rear seat of the police vehicle.
 - b. The person cannot be transported in a police vehicle unless the mobility device is disassembled.
 - c. The person possesses a motorized mobility device, one with life support or other computerized controls.
 - d. The person requests to be transported while remaining in their mobility device.
 - e. A member shall accompany the arrested person in the van to its destination. Officer safety shall not be compromised at any time.

5.18.09 PROPERTY

- A. Mixed Loads** – Persons in custody shall not be kept or transported in the same compartment that contains property or equipment.
- B. Personal Property** – Once the personal property of a person in custody has been given to a transporting member, the transporting member shall take reasonable precautions to safeguard the individual's property until relieved by another member or until the property is inventoried.

5.18.10 TRANSPORTATION OF PERSONS IN CUSTODY

- A.** Members who take a person into custody for a crime should share the circumstances of the arrest with the transporting member.
- B. BWC-** Members are reminded to adhere to DGO 10.11 *Body Worn Cameras* when transporting any person in custody.
- C. Vehicles & Seat Position of Persons in Custody**
 - 1. Screened police vehicles including the patrol wagon are the preferred methods of transporting persons in custody.
 - 2. Unscreened police vehicles may be utilized to transport a single person in custody if all the following apply:
 - a. Two members are physically in the vehicle during the transport.
 - b. The person in custody is properly handcuffed and secured with a seatbelt in the rear passenger seat.
 - c. The second member shall be seated behind the vehicle operator, next to the person in custody.
 - d. With supervisory approval.
 - 3. In extenuating and exigent circumstances, a supervisor may approve other means of transport for a person in custody (E.g., private vehicles, solo member in unscreened vehicle). Any such circumstances shall be documented in the incident report.
- D. Prompt Transport** – Persons under arrest should be transported from the place of their arrest to the booking location as soon as practical. Persons in custody shall not be held in vehicles for extended periods of time.
- E. Safety Precautions** – Members should always keep people in custody, who are under their control in constant view to observe any change in demeanor, behavior, or consciousness.

1. Two-Member Transport

- a. Transporting a person in custody outside of San Francisco (e.g., the pick-up of a person with an out of county warrant) requires a two-member transport unless otherwise approved by the Platoon Commander of the member's assignment.
- b. A person who has been taken into custody due to any of the following conditions should be separated from other persons in custody and transported by two-member transport, if practical:
 - i. The person has physically assaulted members at the time of arrest.
 - ii. The person is in custody due to an alleged crime including or relating to a shooting incident, homicide, rape, robbery, or mayhem.
 - iii. The person has been retaken into custody after previously escaping custody.

2. Hot Weather – When a person in custody is placed in a police vehicle during hot weather, either the front windows shall be rolled down, or the air conditioning should be left on for ventilation.

3. Contagious Disease – Persons in custody who have reported or are suspected of suffering from a contagious disease or parasitic infection (e.g., body lice, external parasites, etc.) shall be transported separately from others. If under exigent circumstances, any of the above requirements are not met, members shall notify a supervisor when safe to do so and shall document the circumstances in an incident report.

4. Positional Asphyxia

- a. Members shall not transport a person in custody in a manner that could cause positional asphyxia.
- b. If transporting members become aware that a person in custody has positioned themselves in a manner that may involve positional asphyxia, the members must take reasonable attempts to verbally and/ or physically re-position the person to a safe position for transportation. Members shall monitor the person for any change in activity, demeanor, or consciousness.

D. Calls for service – Members will not respond to routine calls for service during any custody transport except in exigent circumstances.

E. Pursuit – Members shall not engage or participate in any pursuit while transporting a person in custody.

F. Code 3 – Members shall not respond Code 3 to any location while transporting a person in custody except:

1. In exigent circumstances; or
2. When authorization has been directly given to the transporting unit by a supervisor.

5.18.11 PRISONER SECURITY

A. Preventing Escape- Members must be vigilant and maintain constant awareness of the person in custody. Members shall take reasonable steps to minimize the possibility of escape by a person in custody under their control. Considerations include:

1. Properly handcuffing or otherwise restraining a person in custody.
2. Maintain physical control of the person in custody through appropriate holds, body positioning (E.g., using the triangulation technique with another member, when practical), or by confining a person in custody in a properly equipped police vehicle.
3. Not leaving a person in custody alone and unattended.
4. Ensure proper searches are conducted.
5. Remain mindful of surroundings while in an unsafe or unsecured environment (E.g., officers outnumbered by unruly crowd, person in custody's associates/family members, possible weapons, escape routes, etc.).

B. Hospital Custodies and Escorts - While with a person in custody at Zuckerberg San Francisco General Hospital and Trauma Center (ZSFGH) or another hospital, members are required to maintain member and public safety, preserve evidence, monitor the person's health and welfare while preventing escape attempts.

1. It is preferred to have one member for each person in custody while at a medical facility.
2. In some circumstances, medical staff may request members remove the handcuffs from a person in custody. Members should use discretion and reasonable considerations when determining to unhandcuff, while not in a secured police facility.
3. In situations when a person in custody is using a non-secured restroom facility, the following conditions should be applied:
 - a. If an opposite gender, nonbinary, or transgender individual who makes reasonable request that a preferred gendered member escort them to the restroom, members should accept the request if a member of the same or preferred gender is available.

- b. Members should visibly inspect the restroom and secure it from any potential safety or security hazards.
 - c. Members should prevent the person in custody from locking any door which would keep the member from immediately accessing them, if necessary.
4. In circumstances when a person in custody has been arrested for a crime and is taken to ZSFGH Psychiatric Emergency Services (PES), see DGO 6.14, *Psychological Evaluations of Adults*.

5.18.12 AIRPORT BUREAU

Airport Bureau members and other members of the SFPD providing services at the Airport will adhere to Airport Bureau policies. The general provisions of this order apply to all Airport Bureau members. References to specific facilities (e.g., ZSFGH) shall be governed by the protocols of its San Mateo County counterpart. Members assigned to the Airport Bureau shall follow San Mateo County procedures for transporting persons who use mobility devices.

References

DGO 5.01, *Use of Force Policy and Proper Control of Person*

DGO 5.22, *Interacting with Transgender, Gender-Variant, and Nonbinary Individuals*

DGO 6.02, *Physical Evidence and Scene Preservation*

DGO 6.14, *Psychological Evaluations of Adults*

DGO 7.01, *Policies and Procedures for Juveniles Detention, Arrest, And Custody*

DGO 9.04, *Seat Belt Policy*

DGO 10.11, *Body Worn Cameras*

Arrest and Control Manual

Booking and Detention Manual

FTO Manual