
	GAITHERSBURG POLICE DEPARTMENT		
	Prisoner Searches and Transports		
	GENERAL ORDER	601.1	
Effective Date	08/23/2017		
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE
		<i>Mark Sroka</i>	08/23/2017

I. PURPOSE

The purpose of this directive is to ensure that all weapons and contraband that could prove dangerous to the detainee, officers or other persons are discovered and secured prior to any transport.

II. POLICY

Detainees will be searched for weapons and contraband prior to transport. Vehicles used to transport detainees will have weapons and contraband secured before and after the detainee comes into contact with the vehicle. Vehicles used for transport will be safe, free of damage or functional defect and properly equipped for use.

It is the policy of the Department that transports of prisoners to medical facilities for treatment, examination, or admission take precedence over arrest procedures. Officers are responsible for the safety and well-being of their prisoners and will take reasonable steps to ensure that a prisoner in their custody is not unnecessarily or unreasonably exposed to harm.

III. DEFINITIONS

A. Detainee

Within the context of this directive, the term “detainee” refers to any person who is lawfully in police custody for purposes such as arrest or service of an emergency petition.

B. Field Search

Within the context of this directive, the term “field search” refers to the initial search of a person who has been taken into police custody, performed for the purpose of removing weapons, contraband or escape implements. This term does not include more extensive searches such as strip searches and cavity searches.

IV. PROCEDURE

A. General Provisions

1. An injured or ill detainee's health and safety takes precedence over processing. If appropriate, the detainee may be transported by ambulance to the nearest medical facility for treatment.
2. At the beginning of each shift, all police vehicles that will be used for transporting detainees will be inspected by the vehicle operator to ensure the vehicle is properly equipped for use and free of weapons and contraband.
3. Prior to and after the completion of transport of a detainee, the transporting officer will again search the vehicle used for the transport to ensure that the vehicle is free of weapons and contraband.
4. Whenever an officer receives a detainee from another individual, the officer to whom custody is relinquished will search the detainee for weapons and contraband.
5. Detainees will be transported without unnecessary delay.
6. Officers will reasonably accommodate a detainee's injury, illness, condition, or disability, so as not to cause greater injury or indignity than that which would be suffered by other persons under similar circumstances. Officers will utilize their training and discretion concerning the reasonableness of such accommodation, in light of the exigency of the situation.
7. Whenever an officer from this Department relinquishes custody of a detainee to another agency or facility, the officer relinquishing custody will ensure that:
 - a. The detainee has been searched;
 - b. The detainee's property has been inventoried, appropriately packaged and turned over to the receiving officer or facility;
 - c. Information describing the detainee's escape or suicide potential, medical and security concerns, as well as any other risks and hazards, are provided in written form to the receiving officer or facility;
 - d. Communication of these details is documented in the event report; and
 - e. Information is communicated with discretion and in a

manner that protects the privacy of the detainee.

8. See Section V of General Order 612.1- Communicable Disease for additional procedures concerning individuals with body fluids on their persons or individuals who have or may have a communicable disease.
9. Officers will not transport prisoners to visit relatives or to funerals, as this is handled by the Sheriff.

B. Field Searches

1. Prior to transport, all detainees will be searched for weapons and contraband.
2. A thorough field search of prisoners should be conducted by officers of the same sex as the detainee.
 - a. If necessary to ensure officer safety, an officer may conduct a patting of the clothing of a detainee of the opposite sex for weapons as long as the search does not extend to the groin area of the male or the genital or breast areas of the female.
 - b. An officer may fully search a detainee of the opposite sex if the officer sees any weapon, escape implement, or evidence, or if he or she has reason to believe that the detainee is in possession of any of these items.
 - c. Opposite sex field searches will be conducted in a professional manner, documented in the Event Report and, absent exigent circumstances, witnessed by another officer.
3. If the arresting or transporting officer deems a more extensive field search be conducted for safety reasons, an officer of the same sex will be requested to conduct the search.
4. Officers must remain mindful of the reasonableness of the scope of a field search. See General Order 601.2 – Strip and Body Cavity Searches for additional procedures concerning strip searches and body cavity searches.

C. Use of Restraints

1. All prisoners will be restrained with handcuffs and seatbelts during transport unless, in the officer's discretion, use of certain restraints

would be inappropriate.

2. Officers will not secure a restrained detainee to a stationary object, except as a temporary measure undertaken in an extreme emergency situation. Where required by policy in processing or interview areas, a cuffing ring may be used when secure holding is authorized.
3. A detainee will normally be handcuffed behind his or her back. Handcuffs will be double locked until removed. If it is not possible or appropriate to restrain a detainee in this manner, the officer may use other methods or resources to restrain a detainee in a reasonable manner.
4. Plastic flex-cuffs, primarily used in mass arrest situations, are authorized for use as a temporary restraining device. Officers applying flex-cuffs will ensure that a device is readily available for their safe removal.
5. Detainees will not be secured to the transport vehicle by restraining devices other than a seatbelt or a hobble used in accordance with the manufacturer's instructions.
 - a. No detainee will be "hog-tied" or similarly restrained.
6. A detainee exposed to pepper spray or like substances will be placed in an upright, sitting position and monitored for medical problems.
7. While a detainee should not be presumed to be harmless based solely upon an illness, handicap or disability, the person may require an additional level of care and handling for transport. Officers should recognize that a disability may not allow the detainee to be restrained and transported by conventional means.
8. The restraining and transporting of a mentally disturbed detainee requires officers to exercise caution to avoid injury to themselves or the detainee.
9. Depending on the nature of the detainee's condition, restraining devices may not be required, or consideration may be given to applying other non-traditional restraint devices such as leather restraints, or ankle cuffs and waist chains. When determining the appropriateness of restraint devices, officers should consider factors such as:

- a. Safety of the officer, detainee, and other citizens;
 - b. Nature and severity of the handicap;
 - c. Propensity for violence by the detainee;
 - d. Prior knowledge or history of the detainee and likelihood of escape;
 - e. Whether the use of restraints would keep the detainee from harming himself or others; or
 - f. Whether the use of restraining devices will injure or further aggravate existing injuries.
10. If an officer determines that restraints in addition to handcuffs and leg restraints are needed, or if traditional transport vehicles will not accommodate a disabled, ill or injured prisoner, Fire/Rescue will be contacted to assist with detainee transport by ambulance.
- a. Officers shall assist with the application of appropriate restraining devices provided by fire/rescue personnel.
 - b. An officer will ride in the ambulance with the detainee and a second officer will follow behind the ambulance in a police vehicle.
11. If an officer elects not to use restraining devices, the officer should consider using another law enforcement agency's transport van, if available, or safety barrier-equipped police vehicle. At least two officers will be present during the transport of unrestrained detainees.

D. Officer/Detainee Seating Positions during Transport

1. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

E. Observation of Detainees During Transport

1. To the greatest extent possible, transporting officers will keep detainees under observation at all times.
 - a. Officers must watch for unusual or diversionary occurrences, whether instigated by the detainee or a person attempting to free the detainee.
 - b. The audio/video digital recording system will be activated for recording during transport, in accordance with General Order 619.2 – Audio/Visual Digital Recording Systems.
2. Transporting officers will not take enforcement action, respond to calls for service, or stop to render assistance, unless a situation arises in which the risk to third parties is both clear and grave and the risk to the detainee is minimal.
3. Detainees will not be permitted to communicate or have physical contact with other persons during transport.

F. Escapes

1. In the event that a detainee escapes during transport, the transporting officer shall notify the Public Safety Communications Center (PSCC) immediately. The PSCC will notify the following as soon as possible:
 - a. City Police shift supervisor;
 - b. City Police Command Staff;
 - c. K9 and Air Support;
 - d. MCP shift supervisor and duty commander; and
 - e. Other state and local law enforcement agencies having jurisdiction.
2. The following reports shall be completed and submitted by the officer as soon as possible:
 - a. An Event Report (classification 2725) reflecting complete details of the incident; and
 - b. If an officer was assaulted, the event report will reflect so and be appropriately classified.
3. If necessary, the transporting officer will coordinate efforts with investigators and other specialized assignments to enhance the probability of recapture.
4. If this occurs in another jurisdiction, where the officer has no communications with Montgomery County's PSCC, the officer will contact the local jurisdiction via radio or phone.

G. Transport of Detainees by Officers of Opposite Sex

1. When an officer determines the need to transport a detainee of the opposite sex, and a second officer is not available to assist in the transport, the transporting officer shall do the following:
 - a. Notify Public Safety Communications Center via radio of the starting location, destination and beginning mileage on the vehicle odometer; and
 - b. Notify Public Safety Communications Center via radio that the transport has concluded and provide the ending mileage

from the vehicle odometer.

- c. If it is not possible to make notifications to Public Safety Communications Center, the above information shall be recorded in the Event Report.
2. The most direct and expeditious route of travel will be taken by the transporting officer to the destination.

H. Arrival at Destination Facilities

1. Upon arrival at the destination facility, transporting officers will secure their firearms in a designated location for safekeeping.

[REDACTED]

[REDACTED]

2. Officers will abide by the policies and procedures established for the destination facility before placing a detainee into a holding cell. Restraints will not be removed by the delivering officer unless directed by the facility staff.
3. When a detainee is delivered to another facility the transporting officer will ensure that all paperwork and documentation pertaining to the detainee is in order and delivered to facility staff. Delivering officers shall ensure that the delivered paperwork properly identifies the detainee and accounts for the detainee's property.

I. Transfer of Custody from One Agency to Another

1. When the Department is notified that an allied agency is holding a person wanted by this agency:
 - a. The shift supervisor will confirm the warrant and ensure that the Montgomery County Sheriff's Office is contacted to determine if they can handle the transport.
 - b. If the Sheriff's Office does not assume responsibility for the transport the supervisor will arrange for City officers to

transport the detainee.

- c. Two officers will advise Public Safety Communications Center of their status and respond to pick up the detainee in a safety barrier equipped police vehicle, using the most direct or expeditious route.
2. Upon the officer's arrival at the detention facility and prior to taking custody of the detainee, the officer will confirm the detainee's identity, employing one or more of the following methods:
 - a. Ask the detainee to state their identity;
 - b. Ask the detainee personal information known to the officer, such as place of birth, Social Security Number and address;
 - c. Match any photograph the officer has in possession against the detainee.
 3. Once the detainee's identification has been established to the officer's satisfaction, the officer will sign and retain a copy of the required detention facility documents affecting the transfer of custody.
 4. The officer will provide the facility/agency with a copy of the warrant and maintain copies of detainee related documentation in the officer's file.

J. Juvenile Transports

1. Transports and processing of juveniles will be in accordance with this directive and the additional provisions outlined in the 900 series General Orders.
2. Under no circumstances will an adult detainee and a juvenile detainee be transported in the same police vehicle.
3. When a juvenile is transported to a juvenile facility, the transporting officer will obtain the name of the person at the facility to whom custody is relinquished and indicate that person's name in the related event and arrest reports.
4. If authorization is obtained from a judge allowing an officer to transport a juvenile from a juvenile detention facility, a copy of the judge's order or other authorizing document will be shown to an official at the juvenile facility and will remain in the officer's

possession while the officer has custody of the juvenile.

5. If custody is relinquished to a Sheriff, bailiff, intake officer or other authorized official, the judge's order or other documentation will be presented to the person taking custody.

K. Injured or Ill Detainee

1. Officers will begin first aid treatment for life threatening conditions and request Fire/Rescue to respond. When requesting Fire/Rescue, the officer should provide as much information as possible about the detainee's condition.
2. Officers shall notify the on duty supervisor of all illnesses and injuries complained of or sustained by detainees, summon appropriate medical aid and indicate such details in the associated event report.
3. Injuries sustained, or allegedly sustained, by detainees as a result of an arrest or transport will be documented and reported in accordance with General Order 600.2 – Response to Resistance/Aggression Reporting & Review Process.
4. Officers shall advise Public Safety Communications Center via radio of the transport to the hospital, the nature of the injury or illness and to notify the hospital staff of the transport.
5. While ensuring the safety and well-being of detainees, officers must also take reasonable measures to ensure that any detainee transported, or in the process of being transported, to a medical facility does not jeopardize the safety and security of other patients, medical staff and authorized visitors to the facility. This shall include but not be limited to:
 - a. An officer providing additional security by following any ambulance that is transporting a detainee who is in the Department's custody; and
 - b. An additional officer accompanying, within the confines of the ambulance itself, any violent detainee who is in the Department's custody.
6. To ensure the safety and security of everyone within the facility, hospital staff will be fully advised of the reason the individual was transported to the facility.
7. Officers shall stay with and closely monitor the detainee during

treatment unless medical treatment, such as while the detainee is undergoing surgery, prohibits the presence of officers.

8. A medical practitioner's examination and treatment of a detainee may require special security measures. Officers will consult with medical staff to determine the most suitable manner for the detainee to be restrained, so that potential escape opportunity is lessened and examination or treatment is not unduly hindered.
9. Transporting officers will restrict the detainee's communication to law enforcement and hospital staff only.
10. Officers will guard detainees transported to a medical facility for treatment, as long as the detainee remains in police custody.
 - a. If a citation can be issued pursuant to District Court and Department regulations and procedures, a citation should be issued as the charging document and the medical evaluation documented in the related event report.
 - b. If a citation cannot be issued, the prisoner will be transported without unnecessary delay to CPU for processing after medical release.
 - c. If it appears that the prisoner will be admitted for follow up care or observation and charges have not yet been placed by the arresting officer, the officer will remain with the prisoner, immediately notify the shift supervisor that the prisoner will be admitted for treatment and await further direction.
 - d. Officers shall not leave persons taken into custody for the alleged commission of a crime of violence (as defined under Criminal Law Article, § 14-101, of the Maryland Annotated Code), known gang members, those arrested for domestic violence / protective order violations or unidentified detainees until and unless:
 - i. Relieved by another GPD officer;
 - ii. Custody of the prisoner has been transferred to another law enforcement agency; or
 - iii. The prisoner has met the conditions of release established by a District Court Commissioner.
 - e. In all cases where an officer is assigned to guard a prisoner who has been admitted to a medical facility, the bureau

commander shall consider requesting assistance from the Office of the Sheriff or the Montgomery County Department of Police.

- f. In cases involving non-violent offenders whose identity can be established, the bureau commander may authorize officers to release the prisoner from the Department's custody and seek charges at a later time.
- g. If a detainee must be guarded, the officer shall:
 - i. Be in uniform and equipped with all required duty gear, unless exigent circumstances exist or as otherwise directed by the Chief of Police;
 - ii. Be in a position to observe the prisoner at all times, unless not feasible for medical reasons;
 - iii. Inspect all articles coming into the prisoner's room;
 - iv. Ensure that the prisoner is handcuffed or otherwise secured to his or her bed, unless medical reasons would make the use of restraints prohibitive or unnecessary;
 - v. Ensure that metal eating utensils are not used and account for all other utensils;
 - vi. Maintain a log that contains the detainee's name, guarding officers' names, date and times of changes in the guard, and the names of all persons who enter the room;
 - vii. Ensure that the detainee is allowed only those visitors and phone calls that have been approved in advance by command staff personnel; and
 - viii. Notify the shift supervisor, as soon as possible, when it is determined that the detainee will be discharged from the hospital and transported for processing.

L. Petition for Emergency Evaluation

- 1. Under the Health Article, Section 10-622 of the Annotated Code of Maryland, police officers may seek emergency evaluation of an individual whom they reasonably believe, as a result of their

observations, experience, training, and best judgment, is suffering from a mental disorder and presents a danger to the life or safety of the themselves or to others.

- a. If an officer observes such behavior, the individual shall:
 - i. Be taken into custody;
 - ii. Be appropriately restrained for the safety of the officer, the individual, and bystanders;
 - iii. Be searched prior to being transported; and
 - iv. Be transported to the nearest hospital.
 - b. No less than two officers will be assigned to serve the petition and at least one of the officers should be a member of the same sex as the evaluatee, whenever possible.
2. A citizen who has reason to believe that a person is suffering from a mental disorder and presents a danger to the life or safety of themselves or to others may complete a Petition for Emergency Evaluation of that person. Judicial approval is required before officers may take action in such cases.
- a. The life of the judge's order is five days, with day number 1 being the day the Judge signed the document. If the order is older than five days, the officer will not act upon it and the citizen will be requested to return to the court. Officers serving a Petition signed by a judge shall ensure that the Petition is in order and still in effect.
 - b. If a citizen petitioner responds to the Gaithersburg Police station with a valid, signed petition, station personnel will request an officer to ensure that the document is valid. The Sheriff's Office will be contacted to respond to serve the petition.
 - i. If the shift supervisor determines that it would not be appropriate to delay service of the petition by awaiting the Sheriff's Office Transport Unit, the Police Department shall serve the petition.
 - ii. Shift supervisors will not delay service of a petition arbitrarily. If all officers are assigned to non-emergency calls, shift supervisors should reassign officers to ensure that the petition is served as soon

as possible.

3. The Montgomery County Crisis Center, which includes the Mobile Crisis Team (radio number MC-44), may request assistance with service of petitions. Emergency Evaluation Petitions signed by the Crisis Center staff, either at the Crisis Center or on site in the community, do not require prior judicial review.
 - a. Upon the completion and signing of a Petition for Emergency Evaluation, in accordance with all the aforementioned legal criteria and requirements, the Crisis Center staff will contact Public Safety Communications Center to request assistance with service of the petition.
 - b. If the Mobile Crisis Team requests police assistance for any reason other than the actual petition service, such as back-up/security to interview a potential evaluatee, officers will provide assistance as appropriate.
4. Once the evaluatee is taken into custody, he or she shall be transported without delay to the nearest designated emergency facility, unless the Judge has ordered otherwise.
5. Once at the hospital, officers will complete a Petition for Emergency Evaluation, ensure that the officer's name, rank, and ID number are on the document, and present it to the physician in charge of the emergency department at the hospital.
6. Hospital Security staff will be notified of the evaluatee and his or her behavior in advance, if possible. Officers will give emergency department staff all pertinent information about the evaluatee including the identity of the evaluatee's relatives, if known.
7. If a physician requests the officers to remain, Maryland law requires:
 - a. The officers to notify their supervisor of the request;
 - b. The officers must remain until their supervisor responds to the physician's request; and
 - c. If the evaluatee is violent, the supervisor shall direct the officers to remain at the hospital.
8. When officer(s) are requested to remain at the hospital, it is the responsibility of the attending physician to examine the evaluatee as soon as possible.

- a. An evaluatee must be examined within six hours of their arrival at the hospital and may not be detained for longer than 30 hours from the time of arrival at the facility.
 - b. If the examining physician does not certify the evaluatee for follow up care or admission, the evaluatee will be released immediately.
9. If a police officer was the petitioner, the Department will provide transportation for the released evaluatee from the emergency facility back to the location where he or she was taken into custody if there is no alternative transportation available.
10. If the petitioner was someone other than a police officer, transportation will not be provided, unless a Shift Supervisor believes that extenuating circumstances dictate otherwise.
11. In all circumstances, whether or not the evaluatee is certified, officers shall complete an event report and any other applicable forms. A copy of the petition will accompany the event report.
12. Under circumstances that, absent the intervening need for an emergency evaluation, would otherwise warrant an arrest, the on-duty supervisor shall determine the most appropriate means for placing charges. When such charges involve a “crime of violence” (as defined under Criminal Law Article, § 14-101, of the Maryland Annotated Code), the evaluatee shall be guarded by Department personnel until:
 - a. The evaluatee is properly secured at the appropriate facility; and
 - b. A charging document has been obtained; and
 - c. The appropriate bureau commander has been notified; and
 - d. The facility staff has been informed of the pending charges; and
 - e. The facility staff has released the officer(s).