

**SAN DIEGO POLICE DEPARTMENT  
PROCEDURE**

**DATE:** OCTOBER 7, 2020

**NUMBER:** 6.01 – PATROL

**SUBJECT:** HANDCUFFING, RESTRAINING, SEARCHING AND TRANSPORTING PROCEDURES

**RELATED POLICY:** 6.01

**ORIGINATING DIVISION:** INTERNAL AFFAIRS

**NEW PROCEDURE:**

**PROCEDURAL CHANGE:**  **MINOR CHANGES**

**SUPERSEDES:** DP 6.01 – 01/23/2019

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**I. PURPOSE**

NEW

This Department procedure establishes guidelines for handcuffing, restraining, searching and transporting subjects.

**II. SCOPE**

This procedure applies to all sworn members of the Department.

**III. BACKGROUND**

Officers are responsible for the safety and wellbeing of all subjects who are taken into custody. It is an officer's duty to keep prisoners safe from harm and prevent their escape, while also protecting others and preserving evidence.

Handcuffs are an effective security tool that officers should use to their full advantage. Refer to Department Procedure 3.08, Juvenile Procedures, for guidelines on transporting juveniles.

#### IV. DEFINITIONS

- A. Strip search – any search that requires a person to remove or arrange some or all of his/her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person.
- B. Body cavity – the stomach, vagina or rectal cavity.
- C. Visual body cavity search – a visual inspection of a body cavity.
- D. Physical body cavity search – a physical intrusion into a body cavity for the purpose of discovering any object concealed within the body cavity.

#### V. HANDCUFFING PROCEDURES

NEW A. All persons taken into custody **who are 13 years of age or older** shall be handcuffed. Persons who are detained during a police investigation may be handcuffed when that procedure reasonably appears necessary to ensure the safety of the officer and others. All persons shall be handcuffed with their hands behind them and with the backs of the hands together, unless this technique would hamper an investigation or the prisoner has a physical condition or injury that precludes this technique. If exceptions are made, officers should use caution and good judgment.

NEW B. **Juveniles under 13 years of age shall not be handcuffed unless:**

- 1. The officer has a reasonable suspicion the juvenile may actively resist;**
- 2. The officer has a reasonable suspicion the juvenile may attempt to escape from custody;**
- 3. The juvenile is suspected of a violent felony, or;**
- 4. The juvenile threatens the officer, himself/herself, or others with harm.**

- C. Officers shall apply handcuffs tightly enough to control the subject and shall double lock the handcuffs as soon as practical. Over-tightening the handcuffs shall be avoided. Inserting a fingertip between the handcuffs and the prisoner's wrist will ensure sufficient space and reduce the risk of injury.
- D. Officers shall not permit unattended prisoners to walk or stand behind them, whether or not handcuffed.

- E. Handcuffing a suspect in the high-risk kneeling or prone position should not be attempted by one officer. If practical, the officer should wait for a cover officer prior to handcuffing.

## **VI. SEARCHING PROCEDURES**

- A. All prisoners shall be carefully checked for weapons.
- B. All prisoners shall be searched prior to being placed in a police car and transported, unless exigent circumstances make the search impractical. If the arresting or transporting officer is equipped with a body worn camera, the BWC shall be recording in the event mode during the search. If money is discovered during the search, officers shall count the money in front of the prisoner with their BWC recording in the event mode prior to moving or transporting from the scene. Exceptions to this requirement can be made if such action either compromises safety, an investigation or an organized enforcement detail. It is recommended that a witness officer observe the counting of the money. The counting of money and names of subjects present during the counting shall be documented. Officers should use extreme caution and good judgment while searching suspects as soon as practical. Searches are conducted to recover:
  - 1. Instruments used to commit the crime;
  - 2. Fruits of the crime; and,
  - 3. Weapons.
- C. A subject arrested for non-custodial misdemeanors may only be searched if the officer has probable cause to believe there may be evidence of the crime concealed on that subject.
- D. Generally, officers shall handcuff prisoners prior to searching them. Officers should be thorough in their search, maintaining balance and control.

Male officers should make every effort to have a female officer search a female prisoner. If it is obvious that a female prisoner has a concealed weapon, a male officer may retrieve it if no female officer is immediately available. If a female officer is unavailable, a male officer may search a female prisoner provided a witness officer is present. The searching technique will incorporate the back and edge of the male officer's hand when searching the chest and groin areas.
- E. If a search of a wallet or purse of a suspect is conducted, a witness officer should be present. If the officer conducting the search or the witness officer is equipped with a body worn camera, the BWC shall be recording in the event mode.

- F. If the searches involve the handling of money, weapons, or jewelry, the nature and content of the property shall be documented in the appropriate report.

## **VII. STRIP SEARCHES OR VISUAL BODY CAVITY SEARCHES**

- A. California Penal Code Section 4030 (f) states, in part, that no strip search or visual body cavity search may be conducted without the prior written authorization of the supervisor on duty. There must be reasonable suspicion, based on specific and articulate facts, to believe the person is concealing a weapon or contraband, and a strip search will result in the discovery of the weapon or contraband.
- B. The following requirements, applying to both juvenile and adult searches, must be met prior to conducting a strip search:
  - 1. The arresting officer must receive written authorization to conduct the search from a supervisor on duty. A “Strip Search/Visual Cavity Search Authorization” form (PD-2581) must be filled out, with the specific facts, which formed the officer’s reasonable suspicion to conduct the search, and approved prior to the search;
  - 2. The subject to be searched must be lawfully arrested for a felony or misdemeanor involving weapons, controlled substances, or an act of violence. With the exception of physicians or licensed medical personnel, persons conducting or present during the search must be of the same gender as the subject searched;
  - 3. The search must be conducted in an area of privacy to ensure the search is not observed by anyone not participating in the search;
  - 4. The person(s) conducting the strip search or visual body cavity search shall not intentionally touch the breasts, buttocks, or genitalia of the subject; and,
  - 5. The completed authorization form (PD-2581) must be submitted with all arrest reports and placed in the agency’s records. It must be made available, upon request, to the person searched or their authorized representative.

## **VIII. PHYSICAL BODY CAVITY SEARCH**

To conduct a physical body cavity search the officer must:

- A. Obtain a search warrant (consent to search by the arrested person will not justify or authorize a physical body cavity search); and,

- B. Have the search conducted under sanitary conditions and then only by a physician, registered nurse, nurse practitioner, licensed vocational nurse, or emergency medical technician level II.
- C. Generally, body cavity search warrants should be limited to dangerous weapons suspected to be secreted in a body cavity. If contraband is suspected, medical clearance shall be obtained and jail staff notified to institute a contraband watch.
- D. After obtaining a body cavity search warrant, the prisoner shall be transferred to a local hospital, e.g., UCSD, Scripps Mercy, Alvarado, or Sharp Grossmont to have the warrant executed. Note: hospitals are not an extension of law enforcement and there is no requirement they execute any search warrant obtained.

#### **IX. EXIGENT CIRCUMSTANCES – WEAPONS**

An exception to the strip search rules would arise in the case of exigent circumstances; such as when the officer, pursuant to a lawful pat down search for weapons, has felt what he or she believes to be a weapon. A person hiding a weapon in their undergarments would constitute an exigent circumstance, justifying a strip search for the weapon. Keep in mind that the courts view strip searches, particularly body cavity searches, as invasive and offensive. Any deviance from the strip search rules will need substantial documented justification.

#### **X. ASSEMBLY BILL 953 – RACIAL IDENTITY AND PROFILING ACT**

Assembly Bill 953 (AB 953), also known as the Racial and Identity Profiling Act (RIPA) of 2015, requires law enforcement agencies to collect data on all stops, detentions, and searches. This includes consensual searches and instances where force was utilized. In order to capture this data, a new application became available for every event generated through the Department's MPS and Intranet systems beginning July 1, 2018. There is a template to collect the required data in the F: Drive under Templates/Patrol Based Forms/PD-953, if the database application is temporarily unavailable. The data documented on this form shall be entered into the electronic application prior to the end of officer's shift unless exigent circumstances exist.

Under this mandate, the data collected will include the date, time, and duration of the stop, the location, perceived race or ethnicity, perceived gender, perceived LGBT, perceived or known disability, English fluency, perceived age, and the reason for the stop, detention, or search. The reason for the stop may be generated from a call for service, a traffic violation, reasonable suspicion or knowledge that the person was engaged, or about to engage in criminal activity and conclude with the actions taken by the officer. These actions will describe the basis of the search, whether or not contraband or other evidence is discovered, the reason for and type of property seized and the results

of the stop or detention. The data collected under RIPA replaces the data previously collected from vehicle stop data cards.

- A. When completing a detention and/or arrest report, officers will ensure the narrative includes that a RIPA entry was submitted for every person being arrested or detained.
- B. Supervisors will verify officers have documented the RIPA entry in their narrative prior to approval.

## **XI. TRANSPORTING**

- A. An officer shall not transport an unattended prisoner in the back seat of any vehicle not equipped with a prisoner cage
  - 1. When it is necessary to transport a prisoner in a vehicle not equipped with a prisoner cage, the prisoner shall be placed immediately to the rear of the driver officer and kept under constant observation by another officer riding in the rear seat to the immediate right of the prisoner.
  - 2. The decision to transport without the benefit of a prisoner cage will be made only after careful consideration of the type of crime and number of prisoners.
- B. When transporting prisoners in a vehicle equipped with a prisoner cage, officers will position the prisoner(s) in the middle or right-hand rear seat where the prisoner can be observed through the rearview mirror.
- C. Transporting females as passengers in Department vehicles will require two officers.
  - 1. Female passengers shall be transported with a second officer in the vehicle.
  - 2. The female passenger shall be placed in the back seat.
  - 3. This pertains to all females contacted during the course of official duties including but not limited to suspects, victims, witnesses and stranded motorists.
  - 4. Exemptions to this policy are listed below. Any exemption to this policy must be articulated in the report or on the incident history in cases where no report is taken.

5. Exemptions:
  - a. Transporting civilian Department employees, Police Cadets, PERT clinicians, or Ride-A-Longs in the course of official duties; however, a second officer shall follow when the transporting officer is also transporting prisoners, suspects, witnesses or stranded motorists.
  - b. Transporting family members or females known to the officer (e.g., friend, acquaintance), during authorized off-duty use of Department vehicles. No documentation is required in these circumstances.
  - c. On limited situations that require immediate assistance in response to danger or public safety, including rare situations where it may be more practical for a second officer to follow the transporting officer in a separate vehicle, the second officer shall remain with the transporting officer until the person transported is released, custody is transferred to a third party, or the contact is otherwise concluded. All other transporting related to Department procedures still apply.
  - d. Officers equipped with a body worn camera may transport a female passenger or prisoner without the required second officer if the body worn camera is recording during the entire transport.
6. Police Chaplains may be counted as the second required officer.
7. Officers transporting female passengers shall notify the radio dispatcher of departure time and beginning mileage, as well as arrival time and ending mileage.
- D. Prisoners of opposite sexes should generally not be transported together, unless arrested together and not combative. Juveniles should not be transported with adults or other combative juveniles.
- E. After placing the subject in the police vehicle, officers shall lock the rear doors of the patrol car.
- F. When suspects are detained in the back seat of a patrol vehicle, officers should dim their MPS terminals or change the screen to prevent the suspect(s) from viewing confidential information about reporting parties or witnesses.

- G. When the prisoner is in the back seat of a patrol vehicle, it is the responsibility of the arresting officer to ensure that the prisoner is monitored at all times. When it is necessary for an officer to conduct business away from their prisoner, the officer shall have another officer watch the prisoner and remove the ignition key. When prisoners are left in cars during hot weather, either the front windows shall be rolled completely down or the air conditioning will be left on for ventilation. The back windows shall not be rolled down.
- H. When equipped with seatbelts, officers should not transport more prisoners than the vehicle has seatbelts. All transported persons shall be restrained with seatbelts, unless the officer determines doing so would pose a safety risk to the officer. Officers who do not secure a prisoner with a seatbelt should be prepared to clearly and specifically justify their actions.
- I. Prisoner van officers shall secure prisoners with seatbelts unless the officer determines doing so would pose a safety risk to the officer. Officers who do not secure prisoners with seatbelts in a prisoner van shall document the reason for not doing so. Officers may document the reason in the Computer Aided Dispatch (CAD) system.
- J. When the transporting officer believes the prisoner's health or safety would not allow for the prisoner's safe transport in the van without being secured with a seatbelt, the prisoner shall not be transported in the van.
- K. Officers transporting persons shall use good judgment in deciding whether to respond to emergency calls or undertaking vehicular pursuits. If an officer decides to pursue with a prisoner(s) in the vehicle, they must abandon their approved position in the pursuit to the first available alternate patrol vehicle without any prisoners.
- L. If an officer is transporting a wheelchair user, the primary consideration should be the health and safety of the arrestee. Having the arrestee transfer to the back of the police car may be the easiest option. However, if the arrestee is not able to transfer to the police car, if the arrestee is using an electric wheelchair, or if the arrestee's medical condition dictates they should be transported in their chair, then officers should utilize a wheelchair transportation service. Communications retains the name and phone number of the contracted transportation service. In all cases of prisoners or 5150 detainees utilizing a wheelchair transportation service, at least one officer shall ride with the arrestee in the transport van.
- M. Prisoner van officers shall not unduly delay the transport and processing of prisoners. Officers experiencing transport and processing delays of three or more hours shall notify Communications and request additional assistance. In addition, officers must notify their on-duty supervisor about the delay. If no assistance is available, the on-duty supervisor shall notify the Field Lieutenant.



- N. Prisoner van officers who transport both males and females to the Sobering Center and have both male and female prisoners rejected shall make reasonable efforts to arrange for the separate transportation of the female(s) to Las Colinas. Officers shall document their attempts on their journal. If unable to locate a transport unit, officers must notify their on-duty supervisor.

## **XII. PRISONER CONTROL IN A POLICE FACILITY**

- A. Officers escorting prisoners in the Headquarters building should use unoccupied elevators.
- B. The escorting officer should notify other persons entering the elevator that prisoners are present.
- C. Adult prisoners shall remain handcuffed when in all common areas of any police facility, including the elevators.
- D. Prisoners shall be made to face the walls while being escorted in the elevators.
- E. In accordance with California Penal Code Section 851.5, any person who is arrested and held for more than three hours without being booked has the right to make at least three telephone calls. The arrested person shall be entitled to make the telephone calls at no expense, if calling within a local area. The telephone calls shall be facilitated immediately upon request or as soon as practical.
- F. Officers processing prisoners shall honor a suspect's request to use a restroom facility whenever reasonable and practical. Officers' priorities are to maintain officer safety, preserve evidence, avoid escape attempts and monitor the suspect's health and welfare. Officers shall process this request in a timely manner, requesting assistance as needed, to ensure proper security and officer safety standards are maintained at all times.

If a prisoner needs to use a restroom, an officer of the same sex shall keep the prisoner under observation during that time. If an officer of the same sex is not available within a reasonable amount of time, the responsible officer shall allow the prisoner to use a restroom after the officer has visibly inspected the restroom and can secure it from any potential safety and security hazards. The officer shall discreetly monitor the prisoner in a manner that ensures contraband/evidence is not destroyed, while still respecting his or her privacy by not unnecessarily observing the prisoner (e.g., leaving the bathroom or stall door slightly ajar).

### **XIII. CONTROLLING UNRULY PRISONERS**

- A. Officers transporting persons suspected of being mentally disturbed, under the influence of any hallucinogen, or under the influence of a drug-induced psychosis shall have a second officer monitor the prisoner.
- B. A “spit sock” may be used to deter spitting and to prevent contamination to a person or property. It shall not be modified for any other purpose. Under no circumstances will any other type of restraint be placed over the mouth or around the subject’s neck to control spitting.
- C. OC spray may be used on a handcuffed prisoner to prevent injury to the officer, the prisoner, or other people and/or property (such as a police vehicle.) (Refer to Department Procedure 1.06, Use of Liquid Chemical Agent, for specifics regarding the use of OC spray.)

### **XIV. MAXIMUM RESTRAINT**

“Maximum Restraint” techniques should be used to control handcuffed subjects who are violent and continue to resist or kick. There are two methods of maximum restraint. The cord-cuff maximum restraint and the WRAP maximum restraint system.

A field supervisor shall be called to all incidents involving a suspect being maximally restrained.

Officers shall not transport any subject in a prone position.

- A. Officers may utilize the cord-cuff leg restraint if the subject's hands are handcuffed behind his/her back and the handcuffs are double locked. Officers must not apply the cord-cuff leg restraint to the head or neck of a subject.
- B. When applying the cord-cuff restraint, one officer should be responsible for the application and another officer should be responsible for controlling the subject.
- C. The following techniques may be used to apply the cord-cuff leg restraint:
  - 1. The “waist/handcuff restraint” technique is used to prevent a subject from slipping their handcuffs under their legs to the front position.
    - a. The restraint is looped around the subject's waist and clipped to the double locked handcuffs.
    - b. To make the restraint taut, the restraint can be wrapped around the handcuff chain.

- c. When a large subject is involved, two restraints may be joined together.
  2. The “leg hobble restraint” technique controls movement of the feet, yet allows the subject to walk.
    - a. The restraint is looped once around the subject’s leg, just above the ankle, and pulled taut.
    - b. The restraint is then wrapped twice around the other leg, above the ankle, and snapped onto the cross member formed by the restraint. The subject can then walk, but with limited mobility.
- D. The cord-cuff maximum restraint technique incorporates two or more cord-cuffs. The subject is placed in the prone handcuffed position, with hands behind the back, and the handcuffs double locked. One cord-cuff is used to restrain the feet and is attached to another cord-cuff that is wrapped around the subject’s waist.
  1. As soon as the subject is maximally restrained with the cord-cuff technique, immediately roll the subject onto his/her side and monitor consciousness and breathing.
  2. The preferred method for lifting and carrying a subject in the maximum restraint position is to sit that subject up. An officer will be positioned on each side of the subject.

If the subject continues to struggle, bite, or spit, officers can lift and carry the subject in the prone position. At least three officers should be involved with this lift. Two officers will be on either side and the third will be on the legs. As soon as possible, the subject should be placed on his/her side or in the sitting position. Officers should simultaneously lift to minimize the potential for injury.
  3. Subjects who have been maximally restrained shall be transported lying sideways across the back seat facing toward the front of the vehicle; this will allow the passenger officer the ability to monitor the restrained subject’s condition. The subject will be seat-belted.
  4. If a subject becomes compliant and passive after being placed into a cord-cuff maximum restraint, officers have the option of releasing the subject from the maximum restraint position. If the subject is released, the cord-cuff(s) should be kept in place in case he/she again turns violent. Also, if a subject continues to kick, shoes/boots can be removed to limit the damage that can be done.

- E. The WRAP maximum restraint system incorporates one standard size WRAP safe restraint device.

The WRAP maximum restraint system should be applied to a subject who is in the prone position with hands cuffed behind the subject's back and the following steps should be applied:

1. Apply the ankle strap;
  2. Position the leg wrap;
  3. Secure the leg bands;
  4. Apply and secure the harness; and,
  5. Attach the harness tether.
  6. To properly lift and move a person who has been restrained with the WRAP maximum restraint device, a minimum of three officers are needed. Two officers shall lift the subject's upper body by utilizing the lift straps located on the WRAP near the thigh area of person being restrained. A third officer will lift the restrained person from the strap that was placed around the restrained person's ankles.
  7. Officers shall not transport any subject in a prone position. Subjects who have been restrained utilizing the WRAP device shall be transported in an upright seated position and seat belted in the back seat of the transport unit behind the driver's seat. The seat belt shall be placed underneath the WRAP harness straps to minimize the potential for injury.
  8. Two officers are required to transport any person restrained with the WRAP device when the transportation is provided via police vehicle. This will allow one officer **to** constantly monitor the WRAP restrained subject while the subject is in police custody. One WRAP certified officer shall accompany the subject with medics if the subject is transported by ambulance.
- F. An ambulance should be called to the scene and transport any subject who is in the maximum restraint position when that subject is:
1. Unconscious;
  2. Not at a functional level of consciousness (does not know who he/she is, where he/she is, what the time and date is, or what is happening);
  3. Having difficulty breathing;

4. Convulsing;
5. Having a seizure; or,
6. Complaining of pain or injury.

At least one officer shall ride in the ambulance during the transport of a subject in maximum restraint.

- G. Whenever a maximally restrained subject needs to be evaluated at the San Diego County Psychiatric Hospital and one or more of the previously mentioned six circumstances exist that mandate ambulance transportation, the subject must first be transported to a hospital by paramedics and evaluated by a physician. Subjects who do not meet these requirements and cannot be transported safely in a police vehicle can be transported to the San Diego County Psychiatric Hospital by private ambulance.
- H. Maximally restrained people shall not be left unattended and shall be monitored at all times. Two officers should transport in the police car, with the passenger officer monitoring the restrained person.
- I. Officers should not remove the maximum restraint system if it compromises officer safety.

## **XV. PROCESSING**

- A. In-custody prisoners shall be processed and booked as promptly as possible, consistent with proper investigative procedures. Unreasonable delays shall be avoided.
- B. All prisoners processed for petty theft or misdemeanor weapon charges will be fingerprinted. CAL-ID is mandatory regardless of any identification found in possession of the prisoner.

## **XVI. "AT-RISK" PRISONERS**

- A. Some prisoners may be at risk of sudden death. Such prisoners may be suffering from a drug-induced psychosis, genetic psychosis, or excited delirium. These prisoners may exhibit one or more of the following symptoms and may be considered "at-risk":
  1. Tremors;
  2. Convulsions;

3. Seizures;
  4. Delirium;
  5. Hallucinations – visual (seeing things), tactile (feeling bugs on skin), auditory (hearing voices);
  6. Violent, aggressive behavior;
  7. “Superhuman” strength;
  8. Dilated pupils;
  9. Paranoia;
  10. Non-purposeful behavior, meaningless acts (e.g., licking windows);
  11. Rapid, slow, or irregular pulse rate;
  12. Hyperthermia (high body temperature, sweating);
  13. Yelling or screaming;
  14. Confusion; or,
  15. Thrashing after being restrained.
- B. A prisoner who exhibits symptoms of drug-induced psychosis or excited delirium shall be evaluated by a physician at an approved hospital prior to being transported to a police facility.
- C. The decision whether to transport a prisoner by police vehicle or to call paramedics should be based on the officer's judgment as to which option will provide the fastest access to advanced life support and professional medical care. If paramedics transport the prisoner, an officer shall ride in the ambulance. If officers make the transport, two officers shall ride in the police vehicle, with the passenger officer monitoring the prisoner.
- D. "At-risk" prisoners shall be kept under constant observation by Department personnel while in police custody.

## **XVII. RESTRAINT CAR SEATS**

Vehicles equipped with rear restraint seats should be used to transport people who are violent, maximally restrained with the cord-cuff, or “at-risk” medically. Whenever the

seats are used, officers shall document the use of the seat in their reports, articulating the reason the seats were used.

### **XVIII. SAFETY CONTROL CHAIR**

A safety control chair is located in the sally port area. The control chair should only be used to secure passive or active resistive prisoners who require a “non-consensual” blood draw or decontamination from OC spray. At no time will a prisoner be left unattended while confined to the safety control chair. The chair does not meet State requirements for a secured restraint-type chair and is not intended to control violent or assaultive prisoners.

### **XIX. PRISONER DETENTION ROOM PROCEDURE**

- A. Prisoners within a police facility shall not be locked into any room. Additionally, prisoners may not be handcuffed to any fixed object or furniture within a police facility.
- B. Prisoners shall be under constant observation and supervision by an officer. Observation by television monitor alone is not sufficient; constant observation is required. Officers must be in close enough proximity to intervene if necessary to ensure safety.
- C. There is zero tolerance for prisoner on prisoner violence or intimidation. Acts of violence will be stopped, documented, and investigated.
- D. First aid kits must be available for use in all Department holding rooms. The location of the first aid kits must be posted at each holding room. These kits must contain first aid supplies for use on prisoners, as well as infectious disease control items for use by employees.