



# Florida Highway Patrol Policy Manual

<b>SUBJECT</b> RESTRAINING & TRANSPORTING PRISONERS	<b>POLICY NUMBER</b> 11.05	<b>ISSUE DATE</b> 02/01/1996
<b>APPLICABLE STANDARDS</b> LE 1.2.4, LE 1.2.5, LE 1.2.8, LE 41.1.3, LE 70.1.1-7, LE 70.2.1, LE 70.3.1-2, LE 70.4.1-2, TA 2.01, TA 21.01	<b>TOTAL PAGES</b> 9	<b>REVISION DATE</b> 06/16/2021

## 11.05.01 PURPOSE

To establish policy on the use of restraining devices and transportation of prisoners.

## 11.05.02 POLICY

It is the policy of the Florida Highway Patrol to ensure the safety of members, the public, and prisoners being transported while providing for reasonable needs of the prisoners.

## 11.05.03 OBJECTIVES

- A. To ensure and protect the rights of those individuals arrested as prescribed by law and Florida Highway Patrol policy.
- B. To establish guidelines for restraining and transporting prisoners.
- C. To protect members of the Florida Highway Patrol.

## 11.05.04 PROCEDURES

### A. PRISONERS TO BE TRANSPORTED

1. A member making an arrest will transport the arrested individual, or cause the individual to be transported, to the jail to be booked without

delay, and will be responsible for having the arrest properly recorded, unless otherwise ordered.

2. Except as provided in this policy, members will properly handcuff all prisoners being transported.
3. Mentally disturbed prisoners should be transported using restraints that prevent self-inflicted injuries (e.g. handcuffs, security cages, etc). If necessary, the appropriate health or emergency medical provider should be notified for assistance. Absent such devices, members should take reasonable measures to safeguard against such injuries.
4. Members will exercise due care concerning disabled prisoners and will ensure the transporting vehicle is appropriate for the prisoner's wheelchair, crutches, prosthesis or other device. Members are responsible for ensuring that all needed medications are transported with the prisoner if such medications are in the possession of the prisoner.

#### B. RESTRAINING DEVICES

1. Except as provided in this policy, prisoners will be handcuffed with hands behind the back and palms facing outward if possible.
2. Prisoners whose arms cannot be physically joined in back shall be handcuffed in front with hands back to back.
3. When the hands and wrists are too small or too large for the cuffs, the plastic flex-cuffs will be used.
4. When prisoners will be transported over an extended distance or for an extended period of time, they may be handcuffed with their hands in front. Further precautions may be taken to limit hand movement. The prisoner's belt may be looped through the handcuffs with the buckle to the rear, an extra set of handcuffs may be used to secure the applied handcuffs to the prisoner's reversed belt, or flex-cuffs may be used.
5. Handcuffs should be double-locked. Prisoners should remain handcuffed until released to the place of detention or incarceration.
6. Flex-cuffs should generally be considered as temporary restraints, useful in mass arrests, while transporting prisoners not deemed to be escape risks over long distances, or supplementary to steel handcuffs.

7. Other appropriate restraints may be used when necessary to prevent escapes, ensure member safety, or minimize self-inflicted injuries by prisoners.
8. Prisoners should not be handcuffed to any part of a vehicle while being transported.
9. Members will keep one handcuff key on the whistle lanyard and carry the other key on or about their person. Handcuff keys will not be left unattended near a prisoner.
10. At no time shall a member use any restraining technique that results in a prisoner being restrained with both the hands and feet together behind the back. Prisoners will not be placed in a position that results in their lying on their stomachs while restrained, as it may cause serious physical injury or death by positional asphyxiation.

#### C. PRISONERS TO BE SEARCHED

All prisoners, before being transported in a patrol vehicle, will be searched for weapons and devices that may be used to effect an escape. All prisoners are to be kept in visual contact by the member until turned over to another member, agency, or county sheriff. Prisoners will be searched each time they come into a member's custody.

1. A reasonable search of prisoners to be transported by patrol vehicle may be conducted regardless of the age, sex, or charges to be filed. **STRIP AND BODY CAVITY SEARCHES BY FHP MEMBERS ARE PROHIBITED.** (see FHP Policy 11.02.06(B)(8))
2. Purses, coats, knapsacks, jackets, or other outer garments in the possession of the prisoner should be separated from the prisoner and searched.
3. In cases where the member and the prisoner are of a different sex, assistance from a member of the same sex as the prisoner should immediately be requested if available. If assistance is not immediately available, the officer is authorized to conduct a limited pat-down frisk for the purpose of seizing obvious weapons. The prisoner should then be immediately transported to a detention center or law enforcement facility where a member of the same sex can conduct a more detailed search and visual observation.
4. In certain rare cases, it may be necessary for a male member to search a female prisoner or for a female member to search a male

prisoner beyond a pat-down. In these cases, the search must be limited to the minimal invasion of privacy necessary to accomplish legitimate police purposes. **STRIP AND BODY CAVITY SEARCHES BY FHP MEMBERS ARE PROHIBITED.** Refer to FHP Policy 11.02.06(B)(8).

D. TRANSPORTING OF PRISONERS - GENERAL PROVISIONS

1. Members assigned a vehicle equipped with a cage or safety barrier will make certain that the child safety power deactivation switches for both the window and door locks are in the on position. When these locks are set, the rear doors and windows cannot be opened from the inside. The rear doors can be opened from the outside when the doors are unlocked.

**WARNING**  
**ON CERTAIN VEHICLE MODELS, THE CHILDPROOF LOCKS MUST BE SET SEPARATELY FOR EACH DOOR. SETTING THE LOCK FOR ONE DOOR WILL NOT AUTOMATICALLY SET THE LOCK FOR BOTH DOORS. PLEASE CHECK YOUR VEHICLE OWNER'S MANUAL FOR INSTRUCTIONS ON HOW TO ACTIVATE THESE SAFEGUARDS.**

2. Members will examine their assigned vehicles at the beginning of each shift to ensure the vehicle is safe and properly equipped for routine patrol and transporting prisoners.
3. Members will advise the appropriate communications center by radio upon taking custody of a prisoner. The member will give the location and the mileage indicated on the patrol car odometer both at the beginning and end of the trip. Communications personnel will note the mileage in the CAD system. If practical, prisoners will be transported by members of the same sex.
4. Members will ensure their MVR remains activated during transport in accordance with FHP Policy 17.22
5. Patrol vehicles will be searched prior to and after transportation of a prisoner. The area to be searched may be limited to areas accessible to the prisoner.
6. If a member believes a prisoner cannot be transported safely, the member should remain at the scene until additional help arrives.

7. All handcuffed prisoners should be secured with a safety belt during transportation. The feet of violent prisoners should be secured with hobble restraints, flex-cuffs, or similar restraints if their actions indicate they may pose a threat to the transporting officer or to the patrol vehicle or equipment.
8. The primary duty of a member transporting a prisoner is the safe delivery of the prisoner in his or her care. Members transporting prisoners should not stop to take enforcement action, pursue a violator, or become involved in any other duty-related activity, except in exigent circumstances.
  - a. Only when the risk of physical harm to other individuals is obvious, and the risk to the prisoner is minimal, should a member become engaged in any other duty-related activity.
  - b. Members who encounter disabled vehicles, traffic crashes, or other minor incidents will immediately notify the regional communications center to have another member or an officer from an appropriate agency dispatched to handle the incident. Members may assist in clearing any roadway obstructions but should be able to maintain a continuous view of the prisoner.
  - c. If a member must leave the vehicle, the anti-theft device will be activated, or the key will be removed from the vehicle. Appropriate ventilation or heat will be provided for the prisoner. Prior to leaving a prisoner unattended for any amount of time, the member will ensure that the prisoner is properly restrained to prevent escape.
  - d. Members should be alert to diversionary incidents that may divert the transporting member's attention and place the prisoner in jeopardy or enhance chances for escape.
  - e. Members will continue the prisoner transport as soon as possible after the incident stabilizes.
9. If a minor commits a crime or criminal traffic offense and transportation of the offender is necessary, the minor shall not be placed in a patrol car or prisoner transport van which contains an adult under arrest unless the minor and adult participated in the same offense or incident as prescribed in Section 985.101, Florida Statutes.
10. In the event a prisoner becomes sick or injured during an arrest or while being transported, it is the arresting member's responsibility to

take the prisoner to the nearest medical facility for treatment. The member will maintain security of the prisoner until relieved by a supervisor. The supervisor will be responsible for making arrangements for the security of the prisoner at the medical facility until such time as the county sheriff can detain the prisoner. Members and supervisors are to comply with the requirements of FHP Policy 17.09 to report non-employee injuries.

11. At the member's discretion, certain individuals may be exempted from handcuffing. These may include the sick, injured, disabled, elderly, or other individuals whose physical condition may be aggravated by handcuffing. Sound professional judgment should be used when exceptions are made, and alternative safety precautions should be taken.
12. Communications by the violator with individuals other than the transporting or arresting member will be restricted until the prisoner has reached the booking location. Only communications addressing a legitimate concern and which do not impair security or adversely affect prosecution of the case shall be permitted. Communications that are permitted shall be closely monitored.
13. Upon delivery of a prisoner to a county jail or other similar facility, members will abide by the facility's rules regarding:
  - a. The securing of the member's firearm(s) and ammunition.
  - b. The removal of restraining devices from the prisoner.
  - c. Delivering necessary reports or other documentation to a receiving officer.
  - d. Documenting the name of the receiving officer. The signature of the receiving officer attesting to the arrest affidavit will fulfill this requirement.
  - e. Advising the receiving officer(s) of any potential medical or security hazards.
  - f. Prisoner fingerprinting and photographing will be conducted as set forth by established operational protocol of the intake facility.

#### E. PROCEDURE WITH ONE PRISONER

1. When transporting one prisoner with a rear seat prisoner retention

cage, the prisoner will be placed in the rear seat.

2. When transporting one prisoner without assistance and without a rear seat prisoner retention cage, the prisoner will be placed in the right front seat.
3. When two members are present and transporting one prisoner without a rear seat prisoner retention cage, a prisoner will be placed in the right rear seat with the guard member seated directly behind the driver.

#### F. PROCEDURE WITH TWO OR THREE PRISONERS

1. When it is necessary for a member to transport two prisoners, one prisoner will be placed in the right front seat and the second prisoner in the right rear seat. Under no circumstances will one member transport more than two prisoners without the use of a cage.
2. Members assigned vehicles equipped with cages may transport a maximum of two prisoners of the same sex within the cage and one prisoner in the right front seat, if necessary, provided the vehicle is large enough to accommodate them safely and comfortably.

#### G. ESCAPE DURING TRANSPORT

1. Immediately notify the appropriate law enforcement agencies within the local patrol area, such as the sheriff's department, city police department, or the Florida Department of Corrections, to gain assistance in recapturing the prisoner(s).
2. Immediately notify the appropriate supervisor of the circumstances surrounding the escape.
3. File a criminal arrest report covering the escape and any follow-up investigation as deemed necessary by the immediate supervisor.

#### H. PRISONER TRANSPORT BY COMMERCIAL AIR CARRIER

1. Notify the air carrier if the member is armed. If so, the member will present:
  - a. A Division identification card and badge.
  - b. A letter on Department letterhead signed by the Director, to each air carrier, setting forth the specific circumstances creating the need to be armed during the flight. It will also

specify the name of the member involved, trip itinerary, and include the period during which the need to be armed in flight will exist. Air carriers have the option of allowing or refusing armed personnel to board their aircraft. See FHP Policy 10.02.

2. Notify the air carrier at least one hour before departure concerning:
  - a. The identity of the prisoner.
  - b. The flight on which the prisoner will be transported.
  - c. Whether the escorted prisoner is considered dangerous.
3. Be equipped with adequate restraining devices to be used if it is determined that restraint of the individual in custody is necessary.
4. Keep constant surveillance of the prisoner.
5. At least two members will escort a dangerous prisoner. No more than one dangerous prisoner will be carried on board the same aircraft.
6. There will be at least one member for each prisoner. If the prisoner is a female, the escort will include at least one female member.
7. Board with prisoner before all other passengers board. Deplane after all other passengers have left the aircraft.
8. Be seated in the rear most passenger seats that are not located in a lounge area or next to, or directly across from, an exit.
9. Ensure that at least one member is located between the prisoner and the aisle.
10. Assure no food, beverages, metal eating utensils, or other items are given to the prisoner unless authorized by the member.
11. Neither the escorting members nor the prisoner in custody will consume any alcoholic beverages.

#### I. PRISONER TRANSPORT VAN

1. All prisoner transport vans will be equipped with a safety barrier separating the driver from the prisoner(s).



2. Transport vans shall be used at the discretion of the troop commander or his/her designee.
3. Van drivers will be sworn members and will follow all applicable guidelines on prisoner transportation.
4. The primary use of the vans will be for the transportation of prisoners to county jail from scene of arrest, such as:
  - a. DUI checkpoints.
  - b. Driver licenses and faulty equipment checkpoints.
  - c. Civil disturbances (mass arrests).
5. When the van is deployed as a transport, the troop commander or his/her designee may direct the driver to patrol certain areas to increase staffing or visibility in that area.