DAVIS POLICE DEPARTMENT

HANDCUFFING/RESTRAINTS &
TRANSPORTATION OF PRISONERS
Policy and Procedure 3.14-A

DEPARTMENT MANUAL

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I. POLICY

The Davis Police Department authorizes the use of restraint devices in accordance with this Policy, Policy & Procedure 3.05-A, Use of Force, and Department training.

Restraint devices shall not be used to punish, to display authority or as a show of force. Handcuffing or the use of restraints is not required when the threat to personal safety is minimal, the offense is a nonviolent misdemeanor or infraction, the person displays no capacity or inclination to escape custody, or the person is not likely to assault or engage in conduct likely to injure themselves or others.

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search. Searches shall not be used for intimidation, harassment, punishment or retaliation.

When a restrained person complains of pain, injury, and/or impaired breathing, the officer shall determine whether there is a need to remove or adjust restraints and/or seek immediate medical attention.

II. RESTRAINTS & TRANSPORTATION

A. Department Approved Handcuffs and Auxiliary Restraints

Officers shall only use those handcuffs approved by the Department. Approved handcuff brands include:
Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons/restraints, the Safe WRAP and other similar devices. Auxiliary restraint devices are intended to provide enhanced restraint during transportation or while a person is in custody. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

B. Use of Handcuffs and Auxiliary Restraints

Only officers who have successfully completed Davis Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the detention/arrest.
- The demeanor and behavior of the person.
- Whether the person is under the influence of alcohol and/or drugs or is in crisis.
- The age and/or health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability that should be accommodated.

C. Special Considerations

1. Restraint of Detainees

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest or being taken into temporary custody. Unless taken into custody, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

2. Restraint of Pregnant Persons

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for their own and officer safety. In no event shall these persons be restrained by the use of auxiliary restraints or handcuffs behind the body unless there extraordinary circumstances where there is no other reasonable option for controlling them because they are violent or trying to inflict self-harm. Transportation by ambulance is usually the best course of action if the person cannot be released in the field. Transport by ambulance is required if the pregnant person is placed in auxiliary restraints or with 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, officers or others (Penal Code § 3407; Penal Code § 6030).

3. Restraint of Minors, the Elderly and/or Disabled

Minors under 14 years of age, the elderly and/or disabled persons should not be restrained unless they are suspected of a dangerous felony or when the officer has a reasonable suspicion that they may resist, attempt escape, injure themselves or others, or damage property.

4. High-Risk Situations/Individuals

a. Those under the influence of certain drugs or suffering from different psychoses present a difficult and dangerous problem to officers. Individuals who abuse narcotics may exhibit symptoms of a phenomena known as Substance Induced Excited/Agitated Delirium and be at extreme risk of sudden death. Generally, Substance Induced Excited/Agitated Delirium is a toxic reaction to the substances ingested.

Some of the symptoms may include:

- Bizarre and/or aggressive behavior such as self-inflicted injuries
- Jumping into water
- Shouting (frequently irrationally)
- Hiding behind cars, trees, and bushes
- Public disrobing (due to high body temperature or hyperthermia)
- Irrational or incoherent speech
- Dilated pupils
- Shivering
- High body temperatures (as high as 106 -108 degrees Fahrenheit +) or profuse sweating (due to high body temperature)
- Fear, paranoia, or panic
- Violence toward others, violence toward objects, especially glass, or violence in general
- High resistance to pain (standard defensive tactics and OC spray may be ineffective)
- Unexpected physical strength

Officers should avoid engaging a person displaying symptoms of delirium one-on-one unless there are no reasonable alternatives in the totality of circumstances.

Individuals who display these symptoms and initially resist arrest violently may become extremely tranquil, appearing to have given up and accepted their fate. They may seem to be sleepy and resting. This is termed “sudden tranquility” and usually occurs just prior to death. When faced with individuals displaying these symptoms, officers should immediately call for backup and EMS. An officer may be required to provide medical care to their training and ability.
5. Guidelines for the care of restrained persons are:

- If the person has been placed on their stomach, turn them on their side or in a seated position as soon as handcuffs are properly applied. They may need to be held in a non-slouched position to aid clear breathing.
- If the person continues to struggle, do not sit, lie or kneel on their back, chest or neck. Do not apply pressure to the neck.
- Hold the person’s legs down, or otherwise secure them, and secure their ankles with approved auxiliary restraints, if necessary.
- Ask the person if they have used drugs recently or suffer from a cardiac, respiratory disease or condition such as asthma, bronchitis, or emphysema.
- Monitor the person carefully, looking for breathing difficulties or loss of consciousness. Immediately transport to a medical facility by ambulance or patrol car if an ambulance is going to have a delayed response.
- Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail or medical staff upon arrival at the jail, hospital or facility that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transport.

6. Prosthetic/Orthopedic Devices

An individual who has been arrested shall not be deprived of the possession or use of any orthopedic or prosthetic appliance, if such appliance has been prescribed or recommended and fitted by a physician. If, however, the arresting officer has probable cause to believe possession of such orthopedic or prosthetic appliance constitutes an immediate risk of bodily harm to any person, such appliance may be removed. If such appliance is removed, the person shall be deprived of such appliance only during such time as the facts which constitute probable cause for its removal continue to exist; if such facts cease to exist, the arresting officer shall return such appliance to the person. (See Penal Code § 2656 for further information).

7. Religious Accommodation

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (Title 15 CCR § 1072). Requests for religious accommodations should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual’s head and face may be temporarily removed during the taking of any photographs.
D. Warnings and/or Lawful Orders

An officer may issue a lawful order to a person in order to accomplish a legitimate law enforcement purpose. Nevertheless, any such order must still be reasonable and the objective of the order should be able to be reasonably accomplished under the circumstances. For example, while it may be reasonable, in some circumstances, to order a person to lay flat on their stomach to safely accomplish an arrest, it may be unreasonable to do so when the pavement is extremely hot or the person suffers from an observable or reported injury or disability and doing so will result in unintended injury to the person. In these types of instances reasonably safe alternative directions/orders should be used in order to accomplish the legitimate law enforcement purpose.

In order to provide the individual with a reasonable opportunity to voluntarily comply, when feasible, officers shall tell a person they are under arrest and issue a verbal order to submit to their authority prior to using force.

E. Application of Handcuffs or Plastic Cuffs

1. Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person’s hands to ensure officer safety.

2. Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

3. In most situations, handcuffs should be applied with the hands behind the person’s back. However, officers may use appropriate discretion on whether this is necessary. In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person’s size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs. Obese persons should not be handcuffed with their hands behind their back unless it can be accomplished in a manner that ensures adequate breathing.

4. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

5. Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention or medical facility.

F. Application of Spit Hoods/Masks

1. Spit hoods/masks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

2. Spit hoods may be placed upon person when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

3. Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for
impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

4. Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded.

5. Persons who have been sprayed with OC spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

6. Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

G. Application of Auxiliary Restraint Devices

1. Only Department issued devices may be used. The Safe WRAP restraint is the highly preferred auxiliary restraint device.

2. Auxiliary restraints should only be used on individuals who are violently resisting arrest, and remain combative, or pose an escape risk. In determining whether to use auxiliary restraints, officers should consider:
   
   a. Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of the person.
   
   b. Whether it is reasonably necessary to protect the person from their own actions (e.g., hitting their head against the interior of the patrol unit, running away from the officer while handcuffed, kicking at objects or others).
   
   c. Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of a patrol car).
   
   d. Whether the auxiliary restraint would be useful in keeping a person in an upright, sitting position after a chemical agent or conducted electronic device has been used or they have been subjected to force.
   
   e. Whether the auxiliary restraint would be useful to restrain a person who is in a Substance Induced Excited/Agitated Delirium condition where positional asphyxia may be an issue (these individuals should be transported by ambulance).

3. When applying auxiliary restraints the following guidelines should be followed:
   
   a. If practicable, officers should notify a supervisor of the intent to apply the device. In all cases, a supervisor shall be notified as soon as practicable after the application of restraints.
   
   b. Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
   
   c. Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person’s ability to breathe. When the person cannot be transported in a seated position they should be transported by ambulance.
d. The restrained person should be continually monitored by an officer while in the restraint. The officer should ensure that the person does not roll onto and remain on their stomach.

e. **The officer shall ensure the person receives prompt medical attention if they show signs of any of the following (have medical aid respond immediately):**

   - Respiratory distress (coughing, gasping, shortness of breath).
   - Chest pain or pain down arm.
   - Change facial color.
   - Elevated body temperature.
   - Vomiting.
   - Sudden quiet or inactivity after violent resistance.

f. When transported by ambulance, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer shall describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

g. Any officer who uses the Safe WRAP device shall ensure it is returned to its proper storage location and is not damaged. Contaminated Safe WRAPS shall be properly cleaned by the using officer. Damaged restraints should be given to the Patrol Commander for repair.

H. Transportation of those in Custody

1. Whenever possible, those in custody will be transported while seat-belted in the rear seat of a patrol car that contains a screen.

   When a screened car is not available:

   a. Non-violent persons may be transported in the front seat of a solo unit, provided they are properly restrained.
   
   b. A person may be transported in the rear of a car, provided there is an officer in the back seat to monitor the person and the person is positioned on the opposite side of the driver.

2. If at all possible, where any force has been used in taking a person into custody, an uninvolved officer shall be responsible for transport, booking, and further contact with the person. It is the specific intent of this provision to limit contact between the person in custody and the officer(s) who used force when taking the person into custody.

3. Officers will radio their beginning and ending mileage when transporting any person.

4. Officers will turn on the in-car audio/video camera and rear seat camera during all transports. If the vehicle is not equipped with a working in-car camera, the officer’s body-worn camera must be activated during any transport.

5. Placing a person in a “hog-tied” (hands and legs bound behind the back) prone position is not permitted.
6. Violent persons on a mental health hold, psychotic, highly intoxicated, sick or injured individuals, or persons who are having trouble breathing, should be transported to a hospital by ambulance prior to booking.

If a patrol car is used, two officers shall transport the person to ensure their medical condition can be monitored.

7. The “Hobble” brand, “Ripp” brand, or a similar style nylon web leg restraint may be used to control violent and/or kicking persons when the Safe WRAP restraint is not immediately available or, under the circumstances, it would not be practical to use.

I. Required Documentation

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints. Documentation of the incident shall be made to record the details of the detention, including the need for handcuffs and name of the detainee. This documentation shall be made by either a regular crime report, if one is taken, or through a detailed CAD entry.

If an individual is arrested or otherwise taken into custody, the use of restraints, other than handcuffs, shall be documented in the related report. The officer should include, as appropriate:

1. The amount of time the person was restrained.
2. How the person was transported and the position of the person.
3. Observations of the person’s behavior and any signs of physiological problems.
4. Any known or suspected drug use or other medical problems

III. SEARCHES

A. Definitions

- Custody search - An in-custody search of an individual and of their property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

- Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

- Strip search - A search that requires an individual to remove or rearrange some or all of their clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where their underclothing, buttocks, genitalia or female breasts are visible.

B. Field and Transportation Searches

An officer shall conduct a full-custody search (search incident to arrest) of an individual immediately after their arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex, or how the person identifies relating to gender or gender identification or expression, as the person being
searched. If an officer of the same sex is not reasonably available, a witnessing officer should, if circumstances allow, be present during the search.

C. Searches/Inventory at Police Facilities

Custody searches and/or inventories shall be conducted on all individuals in custody, upon entry to the booking area. Except in exigent circumstances, the search should be conducted by a member of the same sex, or how the person identifies relating to gender or gender identification or expression, as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the Police Department.

1. Property

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be handled in accordance with PP 4.02-B Property for Safekeeping.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual’s signature cannot be obtained, the inventory shall be witnessed by another member.

2. Verification of Money

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The member sealing it should place their initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

D. Strip Searches

1. When Allowed

No individual in temporary custody by the Davis Police Department shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

a. The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

b. Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
A felony arrest charge or being under the influence of a controlled substance does not suffice as reasonable suspicion absent other facts.

c. Custody history (e.g., past possession of contraband while in custody, assaults of officers, escape attempts).
d. The individual’s actions or demeanor.
e. Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual’s genital status. If the individual’s genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

2. Strip Search Procedures

Strip searches at Davis Police Department shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

a. Written authorization from the Watch Commander shall be obtained prior to the strip search.
b. All members involved with the strip search shall be of the same sex or gender, including gender identification or expression, as the individual being searched, unless the search is conducted by a medical practitioner.
c. All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
d. Whenever possible, a second member of the same sex or gender, including gender identification or expression, as the individual being searched should also be present during the search, for security and as a witness to the finding of evidence.
e. Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
f. The primary member conducting the search shall prepare a written report to include:
   - The facts that led to the decision to perform a strip search.
   - The reasons less intrusive methods of searching were not used or were insufficient.
   - The written authorization for the search, obtained from the Watch Commander.
   - The name of the individual who was searched.
   - The name and sex of the members who conducted the search.
   - The name, sex and role of any person present during the search.
   - The time and date of the search.
   - The place at which the search was conducted.
   - A list of the items, if any, that were recovered.
   - The facts upon which the member based their belief that the individual was concealing a weapon or contraband.

g. No member should view an individual’s private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless they otherwise qualify for a strip search. However, if serious
hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual’s consent and/or otherwise protect their privacy and dignity.

h. If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

i. A copy of the written authorization shall be retained and made available upon request to the individual or the individual’s authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.

3. Special Circumstances Field Strip Search

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

a. There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

b. There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative, such as securely restraining the person with auxiliary restraints or transportation by ambulance with 5-point restraints, to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

E. Physical Body Cavity Search

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

1. No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

2. Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

3. Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary members needed to maintain the safety and security of the medical personnel shall be present.

4. Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
5. All such searches shall be documented, including:
   a. The facts that led to the decision to perform a physical body cavity search of the individual.
   b. The reasons less intrusive methods of searching were not used or were insufficient.
   c. The Watch Commander’s approval.
   d. A copy of the search warrant.
   e. The time, date and location of the search.
   f. The medical personnel present.
   g. The names, sex and roles of any members present.
   h. Any contraband or weapons discovered by the search.

6. Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or the individual’s authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.

Darren Pytel
Police Chief

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