

PSF-3.05 - Handcuffing, Searching & Transportation of Persons Under Arrest or Detained

HANDCUFFING, SEARCHING AND TRANSPORTATION OF PERSONS UNDER ARREST OR DETAINED

Administrative Rules Adopted by Police Bureau Pursuant to Rule-Making Authority

ARB-PSF-3.05

Section 1- Procedure

Directive Specific Definitions

Restraint cords are flexcuffs, or other devices, i.e., cords, chains or straps used to temporarily restrict a prisoner's movement.

Maximum restraint or maximum restraint position is placing an in-custody person with hands secured behind the back, legs secured together, and the legs and hands connected together behind the back of the subject with the subject's legs flexed at the knees. The length of the restraint cord used to secure the hands to the feet will be such that the lower legs are at an approximate 90 angle in relation to the person's trunk.

In an attempt to minimize the risk of personal injury to members and citizens during arrest situations, all members will handcuff, as soon as possible, all persons arrested:

- a. Under the authority of a warrant or a court order.
- b. On probable cause pursuant to ORS 133.310 and 133.225.

In addition, members have authority to handcuff persons under the following circumstances:

a. Investigatory stops (131.605-625) Members have authority to handcuff a person when the member has a reasonable suspicion, based on articulable facts that the person has committed a crime, and:

1. A reasonable suspicion based on articulable facts that the person will flee if not restrained.
2. A reasonable suspicion based on articulable facts that the person might present an immediate threat of serious physical injury to the member or others present if not restrained (per Oregon and Federal law).
3. The person is, or the member reasonably suspects, based on articulable facts, that the person will be physically uncooperative with the member in a way that interferes with

the member's ability to pursue the investigation or conduct the stop safely if the person is not restrained.

4. The authority to handcuff during investigatory stops continues only as long as one of the circumstances listed above exists, or as long as continued restraint serves to avoid one of the circumstances. If a change in situation eliminates all justification for the handcuffing, and no member believes that any of the circumstances listed above will exist if the person is released from the handcuffs, the handcuffs must be removed.

b. Detentions for investigation of infractions and violations: Members have authority to handcuff a person when the member has authority to detain the person under ORS 133.072 (Non-traffic Violation in Presence of Officer) or ORS 810.410(2) (Traffic Infraction Investigation and Citation), and:

1. A reasonable suspicion based on articulable facts that the person will flee if not restrained.

2. A reasonable suspicion based on articulable facts that the person might present an immediate threat of serious physical injury to the member or other present if not restrained (per Oregon and Federal case law).

3. The person is, or the member reasonably suspects based on articulable facts that the person will be, physically uncooperative with the member in a way that interferes with the member's ability to pursue the investigation or conduct the detention safely if the person is not restrained.

4. The authority to handcuff during investigatory stops continues only as long as one of the circumstances listed above exists, or as long as continued restraint serves to avoid one of the circumstances. If a change in situation eliminates all justification for the handcuffing, and no member believes that any of the circumstances listed above will exist if the person is released from the handcuffs, the handcuffs must be removed.

c. Other authority to handcuff: Members have authority to handcuff a person when they have authority to detain under the following relevant statutes:

1. Detox holds (ORS 430.399).

2. Mental holds (ORS 426.228).

3. Detentions for conducting mandatory fingerprinting and photographing

of sex offenders and Uniform Controlled Substances Act violators (ORS 181.515).

4. Detentions to determine identity of a person for the purpose of issuing a citation for a violation or infraction (ORS 133.072 and 153.110).

5. A reasonable suspicion based on articulable facts that the person will flee if not restrained.

6. A reasonable suspicion based on articulable facts that the person might present an immediate threat of serious physical injury to the member or others present if not restrained (per Oregon and Federal case law).

7. The person is, or the member reasonably suspects based on articulable facts that the person will be, physically uncooperative with the member in a way that interferes with the member's ability to pursue the investigation or conduct the detention safely if the person is not restrained.

8. The authority to handcuff during the above situations continues only as long as one of the circumstances listed above exists, or as long as continued restraint serves to avoid one of the circumstances. If a change in situation eliminates all justification for the handcuffing, and no member believes that any of the circumstances listed above will exist if the person is released from the handcuffs, the handcuffs must be removed.

d. Execution of search warrant at private residence: Members have authority, under ORS 133.605(1), to handcuff people they encounter on the premises as is reasonably necessary for the execution of the search warrant with all practicable safety.

e. Execution of search warrants at business premises open to the public (restaurants, bars, public area of offices, etc.): Under the common law of Oregon, members engaged in a lawful police activity can justify the handcuffing of a person who is not a suspect if it reasonably appears under the circumstances that handcuffing is necessary to protect a member or others from physical harm. Resistance to handcuffing under these circumstances does not support a charge of Resisting Arrest because the person is handcuffed not as part of an arrest, but only as a means of self-defense or defense of others. Because these kinds of detentions are not based on criminal conduct and the justification for the handcuffing can dissipate rapidly, members must pay close attention to the circumstances which justify these handcuffings, and if a change in circumstances eliminates all justification for the handcuffing, the handcuffs must be removed.

f. Regardless of the situation, the handcuffing of an individual and its justification will be documented in the member's notebook and, when applicable, in an appropriate police report, per DIR 1010.20.

Handcuffing

Only Bureau approved handcuffs will be used and require the following characteristics:

- a. A ratchet locking system
- b. Of solid metal construction
- c. With a double locking mechanism
- d. Operated by a standard skeleton key
- e. With an interlocking metal chain consisting of two links
- f. Connected to the handcuffs by an eye bolt that rotates freely on the metal cuff; and, engraved with a manufacturer's serial number.

Handcuffs will be applied with the person's hands placed behind their back. When possible, handcuffs will be applied so as to not inhibit blood circulation. Handcuffs will be double locked prior to transport to prevent accidental tightening and to reduce the possibility of escape. If the handcuffs are cutting off circulation, the member will loosen them at the earliest safe opportunity to do so.

All individuals must be handcuffed prior to entering a custodial, detoxification or hospital facility.

Alternate means of securing a subject may be used if the person in custody has, or reasonably appears to have, an injury or condition that would be further aggravated by handcuffing.

a. Flexcuffs: Flexcuffs may be used in lieu of regular handcuffs when handcuffs are not available or when it is practical for the situation. Flexcuffs may also be used as leg restraints when necessary to restrain violent or unruly persons. Flexcuffs should be removed with wire cutters, unless emergency conditions exist which make it impractical to obtain wire cutters.

b. Restraint Cords: Members are authorized to use restraint cords when necessary to subdue or secure a violent or unruly person. Restraint cords should not be used in lieu of handcuffs.

Inventories of Personal Property

Member Responsibilities

- a. Transporting Prisoners Under Maximum Restraint

1. Members are responsible for monitoring the condition of persons taken into their custody. Except when necessary for the safety of members, persons who have been handcuffed will not be allowed to remain in a face down position in order to avoid possible asphyxia or death due to restricting or blocking the normal functions of the lungs or airway. In particular, members should closely monitor subjects placed in maximum restraint positions who are markedly obese and/or under the influence of substances.

2. After restraint devices have been applied, the person should immediately be placed in a position to allow free movement of the chest and stomach for breathing functions. The best options are upright seated position or lying on a side. The intent is to not allow body weight or the restraints to restrict the lungs' ability to fill and expel air.

3. Special attention will be given to persons who must be restrained in custody and exhibit bizarre, violent and paranoid or deranged behavior. A subject in this condition who suddenly becomes quiet and/or appears to be unconscious may be subject to drug-related death. As conditions dictate, members will exercise good judgement in administering aid and calling for emergency medical services to respond.

4. Prisoners who are placed in a maximum restraint position will be transported to the appropriate facility in a two-member car. The passenger will constantly monitor the prisoner's condition. Members will inform the facility where transported of those prisoners who have been under a maximum restraint position during transport.

5. Members will notify a supervisor in all cases where a prisoner is under maximum restraint.

b. Routine transportation of prisoners or others: All persons should be secured in a seat belt in an upright position. Child safety seats must be used for all children under four years of age and 40 pounds or less, and must be secured with less than one inch of movement at the belt path.

Children under one year or under 20 pounds, regardless of age, must be rear-facing in the child safety seat and must be transported in the back seat of a Bureau vehicle with standard back seats. A rear-facing child safety seat must not be put in the front seat of a vehicle with a passenger side air bag, whether the air bag can be deactivated with a switch or not.

Children between one year and four years must be in an upright, forward-facing child safety seat, and may be secured in the front seat of a vehicle with passenger side bag.

Child safety seats will not be used in the back seats of caged patrol cars with the hard plastic seats and no lap belts. Children must not exceed the height and weight limits of the child safety seat.

Safety belts will be used for children over four years of age and over 40 pounds.

1. To provide for the safe and humane treatment of persons in custody, transporting members will:

a) Drive in a manner so as to provide as little discomfort as possible to passengers.

b) Not leave the vehicle unattended while person in custody are being held inside.

c) Not engage in personal activities (lunch, coffee, etc.), engage in pursuits or cover other calls while persons in custody are in the vehicle.

d) Ensure only one violent prisoner is transported in a police vehicle.

2. Circumstances will arise which dictate alternate courses of action. However, under normal circumstances members will:

a) Transport no more than 10 persons in the patrol wagon or two persons in a police car.

b) Deliver person(s) in custody to the appropriate holding facility, detective section, youth service center or home without delay and by the most direct route.

c. Members will notify the dispatcher and note the times of arrest (10-61), departure from the arrest scene (10-62), arrival at the detention facility (10-64) and return to service (10-8).

d. The person in custody will be checked for outstanding warrants.

Supervisor Responsibilities

When notified that a subject is under maximum restraint, a supervisor will determine the best method of restraining and transporting the subject. The supervisor will respond to the scene if he/she can do so in a timely manner. If a timely response is not practical, the supervisor may direct the appropriate restraint and transport via telephone or radio.

Section 2- References

ORS 131.605 Stop and Frisk, defined

ORS 131.615 Stopping of Persons

ORS 133.225 Arrest by Private Person

ORS 133.310 Authority of Peace Officer to Arrest Without Warrant

ORS 181.515 Crimes for which Criminal Offender Information is Required

ORS 426.228 Custody; Authority of Peace Officer; Transporting to Facility; Reports; Examination of Persons

ORS 430.399 When Person Must be taken to Treatment Facility; Admission or Referral; When Jail Custody may be Used; Confidentiality of Records

ORS 810.410 Arrest and Citation

ORS 811.210 and 811.215 Seat Belts/Vehicle Restraints

City Code 14.10 Police Duties to Inventory Property

DIR 611.00 Radio Code, Administrative Status

DIR 660.10 Evidence Property Procedure

DIR 910.00 Field Reporting Handbook Instructions

DIR 930.00 Notebooks, Duty

DIR 1010.20 Use of Force

HISTORY

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