



SPECIAL ORDER

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SUBJECT
TRANSPORTATION OF DETAINEES

REVISIONS Revisions are italicized	RESCINDS Department Manual Directive 305.4 TRANSPORTATION OF DETAINEES	EXPIRATION DATE 12/16/2023	DISTRIBUTION B
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PURPOSE

To establish guidelines and procedures when a member of the Detroit Police Department (DPD) transports a person in the custody of this department.

POLICY

Transporting detainees is a potentially dangerous function. All members shall take the precautions necessary to protect the lives and safety of officers, the community, and the person in custody. All known health information and/or security risks pertaining to a detainee shall travel with detainees when they are transported to any facility.

DEFINITIONS

Detroit Detention Center (DDC)

The Detroit Detention Center (DDC) is a single processing and holding facility for arrests made by the Detroit Police Department, as well as arrests made by outside law enforcement agencies within in the City of Detroit. The DDC is comprised of two (2) buildings. The initial processing of arrests are completed by Detroit Police personnel in building 100 (DDC); and the final booking and housing of these arrests are completed by Michigan Department of Corrections (MDOC) personnel in building 500. The DDC is a temporary holding facility where the maximum length of confinement is seventy two (72) hours.

305.4- 3.2 Writ of Habeas Corpus (Court Order)

There are many different types of Writs of Habeas Corpus. The most common is a writ for obtaining a judicial determination of the legality of an individual's custody. An attorney or petitioner uses it to bring a person before a court to inquire into the legality of his or her confinement. The Writ of Habeas Corpus discussed in this directive is obtained by this department and is served on a correctional agency that is holding a detainee for the purpose of bringing a specific detainee before a court, in order that he or she may appear as a witness or a defendant in a pending trial.

PROCEDURES

General

1. In the event a detainee is released from the DDC or transported to another location, by anyone other than the arresting officer, the releasing or transporting officer will verify the identification of the detainee prior to transporting or release.
2. The investigator assigned to a case may release a detainee (e.g., complainant refused to prosecute, pending the issuance of a not-in-custody warrant,

discharge no case); however, only the officer-in-charge (OIC) of the DDC desk may release any detainee from the DDC.

3. In order to release a detainee it is necessary that both the DDC supervisor and the OIC verify the detainee's identity. This is accomplished by comparing the detainee's physical appearance with the Detainee Input Sheet (DPD 667) (e.g. height, weight, etc.) or interviewing the detainee (e.g., asking the detainee his or her address, social security number, etc.) and comparing the answers supplied with the Detainee Input Sheet of the detainee to be released to confirm proper identity. The OIC of the DDC desk shall make a desk blotter entry indicating the detainee's name, other identifying information (e.g., date of birth, address) and the circumstances of the release (e.g., bond, pick-up by other jurisdiction, discharge, etc.).

SEARCH OF DETAINEES AND TRANSPORT VEHICLE

Detainee Search

1. Prior to transport, all detainees shall be thoroughly searched for any weapons or contraband.
2. Transporting officers shall search the detainee regardless of any prior searches that may have been conducted by the arresting and/or detention officers.

Vehicle Inspection

1. At the beginning and end of each tour of duty all members shall inspect their vehicle for readiness as follows:
 - a. The safety screen and/or partition shall be securely in place and undamaged;
 - b. All windows shall be intact, and outer door latches shall be in proper working order;
 - c. The interior shall be thoroughly searched to ensure that no weapons or contraband have been left behind or hidden within the vehicle. Special emphasis shall be placed on inspecting underneath the vehicle's rear seat and the vehicle's floorboard; and
 - d. The vehicle inspection shall be documented on the *Officer's Daily Log*.
2. Prior to placing a detainee in the vehicle for transport, the transporting officers shall inspect the vehicle for weapons or contraband. The vehicle shall be searched again after the detainee has been delivered to the DDC or other destination (e.g., hospital, jail, etc.).

HANDCUFFING/USE OF RESTRAINTS

General

1. All detainees shall be handcuffed prior to transport, unless otherwise stipulated in this directive. (Refer to Training Directive 08-02, Handcuffs)
2. Handcuffs shall be placed on detainees with their hands behind his/her back. Whenever possible, the palms of the detainee's hands are to be facing out with the handcuff keyholes facing up. Care shall be taken to ensure that the handcuffs are not too tight. The handcuffs shall be double locked whenever possible to ensure security and to prevent self-tightening.
3. Officers may handcuff the detainee with their hands in front when the individual:
 - a. Is in an obvious state of pregnancy;
 - b. Has an apparent physical handicap; or

- c. Has an injury or a general physical condition that precludes standard handcuffing procedures.
4. Officers may use discretion in handcuffing the elderly and juveniles but shall use handcuffs to control all unruly detainees.
5. Detainees shall not be handcuffed to any part of the vehicle during transport.
6. Officers shall summon Emergency Medical Services (EMS) to transport detainees when the restraints (e.g., handcuffing) employed indicate the need for medical monitoring (e.g., swelling).

Positional Asphyxia

1. Persons who are restrained shall not be transported in a prone position. Doing so may contribute to positional asphyxia, a form of suffocation that may cause death. (Refer to Directive 304.2, Use of Force, and Training Directive 05-04, Positional Asphyxia).
2. As soon as any detainee who is lying on his or her stomach has been handcuffed, officers shall roll the detainee onto his or her side or place the detainee in a seated position.

Transportation Procedures

General

1. When an officer makes an arrest or for any other reason has a person in custody that is not confined at the DDC, the officer will ensure that the detainee is in sight continuously and will use the utmost precautions to prevent escape. Once secured, detainees shall not be left unattended.
2. All marked vehicles used to transport detainees will have a safety barrier that prevents physical contact between the detainee and driver. In addition, doors and windows of the detainee compartment, in all such vehicles, will be rendered inoperable from inside the compartment.
3. One (1) transporting officer shall not attempt to transport more than one (1) detainee in a vehicle equipped with a safety barrier, but shall request transport assistance.
4. One (1) officer is prohibited from transporting any detainee(s) by his/her self in a vehicle that is not equipped with a safety barrier.
5. All detainees shall be seat-belted absent exigent circumstances (e.g., officer safety, size of detainee, etc.).
6. Female detainees shall usually be separated from male detainees during transport.
7. Felony detainees shall not be transported with misdemeanor detainees.
8. Officers shall use care when assisting a detainee into the vehicle for transport.
9. Detainees shall be transported in a manner that allows for constant visual observation. Seating of officers and detainees shall conform to the following:
 - a. When the vehicle has a security screen and only one (1) transporting officer, the detainee shall be positioned on the passenger side of the rear seat; or
 - b. When the detainee is being transported in a two (2) officer vehicle without a security screen, the detainee shall be placed on the passenger side of the rear seat. The second officer shall sit on the driver's side of the rear seat.
10. Officers shall not engage in law enforcement activities while transporting detainees, unless failure to act would risk death or serious bodily injury to another. In non-life-threatening, yet serious situations, officers shall call for back-up assistance and standby until such assistance has arrived.

11. Members shall transport all arrestees from the location of arrest directly to the holding facility. This does not apply to a detainee requiring immediate medical attention, who shall be conveyed to DRH.
12. Any escape shall be immediately reported to the appropriate zone dispatcher with a complete description of the escapee, method and direction of travel, initial crime, and propensity for violence, if known.
13. No relatives, attorneys, or other associates of a detainee are authorized to accompany a detainee in the transport vehicle or communicate with a detainee during transport.

Injured/Sick Detainees

1. If at any time before, during or after an arrest or detainee transfer, the detainee becomes injured or sick, the officer shall render aid and seek medical attention immediately (e.g., administer first aid, request EMS, convey to DRH) and promptly notify a supervisor.

Special Transportation Situations

1. Special conveyances require particular attention to the safety and dignity of the person(s) being conveyed, the safety of officers, and the community. Officers are encouraged to take additional protective measures whenever circumstances indicate, or when transporting a person(s) who is:
 - a. Exhibiting erratic or irrational behavior;
 - b. Physically aggressive or threatening; or
 - c. Physically challenged
2. Juveniles shall not be transported with adult detainees absent exigent circumstances.
3. Juvenile "status" offenders (e.g., curfew) shall not be transported with juveniles detained for criminal offenses.
4. Prior to initiating a transport of a female and/or juvenile, the transporting officers shall provide the appropriate zone dispatcher with the following information:
 - a. Arrest/Detention location or location transported from and destination of transport;
 - b. Notification of arrival at destination; and
 - c. Mileage reading before and after the transport.
5. The physical well-being of all detainees shall be monitored during transit and:
 - a. The detainee shall be transported to the hospital immediately if in evident distress (e.g., having trouble breathing, chest pains, seizures, or in a state of confusion);
 - b. The transporting officers shall notify the appropriate zone dispatcher, the officer-in-charge of the precinct desk and the DDC;
 - c. Members shall remain with the patient (detainee) until relieved by other authorized personnel; and
 - d. Potentially violent persons in custody shall be appropriately restrained at all times unless such restraint would interfere with essential health care.
6. Symptoms, observations, or information received of mental illness (e.g., threats of suicides or irrational behavior) shall be reported by the arresting/conveying officer to the *MDOC medical staff* and the DDC supervisor during detainee intake. The *MDOC medical personnel* is responsible for documenting this

information, including medical information (e.g., medical condition, medications required, conveyances for medical treatment, etc.), on the Detainee Custodial Transfer Log prior to conveyance to other facilities.

7. Any wheelchairs, crutches, and medication, shall be transported with, but not placed in the possession of the detainee. Casts, braces, or prosthetic devices (e.g., artificial limbs) should be visually examined for hidden weapons. In the event a cast, brace or prosthetic device must be removed for safety or security concerns (e.g., hook or possible weapon) EMS shall be used for the transport.
8. In instances when a person has a disability that prevents transport in a marked patrol vehicle, a supervisor shall be requested for assistance to determine the most appropriate method of transportation. Alternate methods of transportation may include, but are not limited to, the use of an unmarked scout car, van or EMS to transport.

DETAINEE CUSTODIAL TRANSFER LOG

General

1. The front desk supervisor shall document each detainee being transferred from the DC to another location in the desk blotter.

POST-ARRAIGNMENT TRANSPORTATION

General

1. Members are reminded that as soon as an individual is arraigned, their care and custody becomes the responsibility of the Wayne County Sheriff Department. Post-arraignment transportation (e.g., preliminary examination, trial, motions) is usually the responsibility of the Wayne County Sheriff Department. However, in the rare instances that a member of this department is responsible for transporting, the *normal transporting procedures* shall apply:

WRITS OF HABEAS CORPUS

General

1. Any member wishing to obtain a Writ of Habeas Corpus (MC 203) may do so at 36th District Court or on line at <http://courts.mi.gov/pages/default.aspx>.
2. The writ shall be completed in its entirety and signed by a judge prior to presentation to any detainee custodial or lodging facility.

Temporary Custody of Detainees Housed at the Michigan Department of Corrections (MDOC)

1. If a detainee in the custody of the Michigan Department of Corrections (MDOC) has a not-in-custody warrant issued against him or her for a case investigated by the Detroit Police Department, the Office of the Wayne County Prosecutor will be responsible for having a Writ of Habeas Corpus issued for temporary release of the detainee for prosecution on the warrant.
2. The officer-in-charge of the case for the Detroit Police Department, upon learning that a defendant in a case is in the custody of MDOC, must immediately notify the Extradition Unit of the Office of the Wayne County Prosecutor. Immediate notification is required due to the fact that detainees have a right to a speedy trial under law. The detainee's incarceration does not affect this right. Upon such notification, the Wayne County Extradition Unit will prepare a Writ of Habeas Corpus on which the Office of the Wayne County Sheriff will be listed as the law enforcement agency into whose custody the detainee will be given by MDOC.

3. The Wayne County Sheriff will take custody of the detainee from MDOC, pursuant to the writ, and house him or her in the Wayne County Jail during the arraignment on the warrant and preliminary examination. The Wayne County Sheriff will notify the officer-in-charge of the case of the date on which the detainee will arrive at the Wayne County Jail.

At the conclusion of the preliminary examination, the officer-in-charge of the case will notify the Wayne County Sheriff who will return the detainee to the custody of MDOC.

Temporary Custody of Detainees in Institutions in the State of Michigan

A member wishing to present a detainee to testify or for trial before the Third Circuit Court, from an institution in the state of Michigan, must obtain a Writ of Habeas Corpus from the Wayne County Prosecutor. The Wayne County Prosecutor will be responsible for the issuance of the writ beginning with the arraignment on the information.

Temporary Custody of Detainees from County Jails in the State of Michigan

1. When seeking temporary custody of a detainee from a county jail in the state of Michigan, for the purpose of testifying or for trial before the Third Circuit Court, DPD members must deliver the original copy of the Writ of Habeas Corpus to the holding institution.
2. If lodging is necessary, DPD members shall transport the detainee to the Wayne County Jail with one (1) copy of the writ prior to the trial date. The writ must indicate the detainee to be in the custody of the DPD and Wayne County Sheriff, or the Wayne County Jail will not accept the detainee. The DPD member will be responsible for the return of the detainee to the holding institution upon disposition of the case.

Temporary Custody of Detainees in the Federal Correctional Institution at Milan, Michigan

1. When seeking the temporary custody of a detainee to testify as a witness or for trial in Third Circuit Court, who is serving a federal sentence at the Federal Correctional Institution in Milan, Michigan, the officer-in-charge of the case or the trial prosecutor shall prepare a Writ of Habeas Corpus (signed by a judge) and a prosecutor's certification (ten [10] point letter). This process shall be completed with notification to the Federal Correctional Institution. Members shall be guided by the institution for the time frame necessary to prepare the detainee for transport.
2. The detainee shall not be returned to Milan until all court proceedings are concluded.
3. The original Writ of Habeas Corpus and the prosecutor's certification shall be presented to the institution prior to release of the detainee.
4. When seeking the temporary custody of a detainee to testify as a witness or for trial in Third Circuit Court, who is awaiting trial at the Federal Correctional Institution Detention Center in Milan, Michigan, the officer-in-charge of the case or the trial prosecutor shall prepare a Writ of Habeas Corpus (signed by a judge).
5. The Writ shall be presented to the United States Marshall's Criminal Specialist who will seek approval from the United States Attorney. Once approved, the DPD member shall be responsible for transport of the detainee, which may include the assistance of the Wayne County Sheriff.

DISCHARGE OF A WRIT OF HABEAS CORPUS

1. Upon completion of the detainee's testimony the trial judge or court clerk will record "Discharge of Writ" on the original Writ of Habeas Corpus. The original discharged Writ of Habeas Corpus shall be retained for the court file.
2. Upon completion of the detainee's trial, the trial judge or court clerk will record "Discharge of Writ" on the original Writ of Habeas Corpus. The original discharged Writ of Habeas Corpus shall be retained for the court file. The trial judge will attach a copy of a Commitment and Judgment of Sentence (explaining the disposition of the case) to the copies of the discharged writ, to be transported with the detainee.
3. The officer-in-charge of the case shall deliver one (1) copy of the discharged writ and one (1) copy of a Commitment and Judgment of Sentence, if applicable, to the Wayne County Sheriff's Office if the detainee was housed in the Wayne County Jail. If the detainee must be returned to a county jail, other than the Wayne County Jail by members of the Detroit Police Department, one (1) copy of the discharged Writ of Habeas Corpus and one (1) copy of the Commitment and Judgment of Sentence, if applicable, shall be delivered with the detainee. A copy of the discharged writ and Commitment and Judgment of Sentence shall be retained for the court jacket.

Return of Detainees and Witnesses from State and Federal Institutions Located Outside the State of Michigan

1. Detainees may be returned from state and federal penal institutions outside the state of Michigan under the Agreement of Detainers Act. The Agreement of Detainers Act encourages the expeditious disposition of untried indictments, warrants, and complaints pending against an inmate incarcerated in a penal or correctional institution. This grants the complaining jurisdiction temporary custody of the detainee.
2. The procedure for returning an inmate to this jurisdiction for trial under the Agreement of Detainers Act is to file a detainer warrant with the prison authority through the assistant prosecuting attorney in charge of extradition, who will prepare the necessary forms used under the agreement to request temporary custody. The Prosecutor's Office will then forward the request to the prison authorities.
3. When the prison authority having custody of the detainee has granted approval for temporary custody, members of this department shall present the paperwork to the Wayne County Sheriff. The Wayne County Sheriff will be responsible for arranging the transportation of the detainee.
4. When seeking the release of a detainee from federal institutions outside of Michigan to testify as a witness in criminal proceedings, a Writ of Habeas Corpus shall be secured from the trial assistant prosecuting attorney or the Wayne County Extradition Unit. Members shall be guided by the institution for the time frame necessary to prepare the detainee for transport.

Disposition of Detainee Returned Under the Act on Detainers

1. The officer-in-charge of the case shall notify the Wayne County Extradition Unit of the final disposition made in the case and the intended date of return of the detainee to the sending state.
2. The detainee must be returned to the sending state to complete the sentence. A discharged writ and a Commitment and Judgment of Sentence will be issued by

Third Circuit Court. This paperwork must accompany the detainee to the out-of-state institution.

EXTRADITION

Detainee Held for Detroit by Outside Authorities

Requests by outside authorities regarding arrests on Detroit traffic warrants shall be referred to the DPD Message Center. Outside authorities requesting verification of non-traffic arrests on a Detroit warrant or *capias* shall be advised to notify the DPD Message Center via the Law Enforcement Information Network (LEIN).

Extradition and Intrastate Pickup of Detainee

Members shall adhere to the following procedure:

1. Upon notification by another jurisdiction that a detainee they hold for this department is available, the Message Center shall contact the *DDC* for verification that the detainee is still wanted, and shall provide this information to the jurisdiction holding the detainee;
2. If the detainee is wanted, the *OIC of the DDC shall verify the warrant and determine whether the detainee will be picked up for transport.*

General Procedures for Extradition and Interstate Pickup of Detainee

1. Upon notification by an out-of-state jurisdiction that a detainee they hold for this department is in custody, the Message Center shall contact the officer-in-charge of the command having jurisdiction in the case for verification of the warrant. If the detainee is wanted, the Message Center shall fax a message to the officer-in-charge of the command.
2. The officer-in-charge of the case shall contact the Wayne County Prosecutor's Office - Extradition Unit, who is responsible for ensuring that the detainee is wanted and determining whether the detainee shall be extradited.
3. If the Wayne County Prosecutor's Office - Extradition Unit determines extradition is warranted, they shall be responsible for the extradition of the detainee in accordance with their established policies and procedures.

Extradition from other Authorities

When extradition papers are served on a member of the department for the release of a detainee, the member shall have the papers verified by the prosecuting attorney before releasing the detainee.

TRANSPORTATION OF FUGITIVES

Use of Department Vehicles

When conditions dictate and the officer-in-charge of the case makes arrangements to personally pick up a fugitive, this shall be done through the use of a department vehicle and gasoline credit card.

JAMES E. WHITE
Chief of Police