



<b>POLICY TITLE: IN-CUSTODY TRANSPORT</b>		<b>PAGE 1 OF 4</b>
<b>POLICY NUMBER: 9.18</b>		
<b>CHAPTER 9: SUPERVISION AND CASE MANAGEMENT</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
	<b>EFFECTIVE DATE:</b> <b>April 12, 2016</b>	<b>LATEST REVISION:</b> <b>March 7, 2017</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

Adult Community Corrections

**III. POLICY**

It is the policy of the Department of Corrections to provide the necessary level of supervision and control of persons who are in custody and being transported by Probation Officers.

**IV. CONTENTS**

- Procedure A: Transportation Guidelines, General
- Procedure B: Use of Restraints while Transporting
- Procedure C: Special Considerations while Transporting

**V. ATTACHMENTS**

None

**VI. PROCEDURES**

**Procedure A: Transportation Guidelines, General**

1. A Probation Officer may not perform an in-custody transport of a person who is not under the supervision or in the custody of the Department.
2. A Probation Officer may transport a person who has been placed in custody if the

person is:

- a. probationer who has been arrested for a probation violation and is being transported to a jail;
  - b. a sex offender who has been arrested for a violation of supervised release for sex offenders and is being transported to a jail;
  - c. a parolee who has been arrested for a parole violation and is being returned to a Department facility; or
  - d. a prisoner who is being returned to a Department facility from a furlough, a community transition program (work release, education release or public service release), or supervised community confinement.
3. If the Probation Officer is a member of the Department's Fugitive Investigation and Apprehension Team (FIAT) and is performing FIAT duties, the officer may transport a fugitive under the circumstances set out in Department Policy 7.4, Fugitive Investigations.
  4. A Probation Officer may transport only one person at a time, unless there is a second law enforcement officer available to assist with the transport or a caged vehicle is being used and approval to transport two persons has been granted by the Regional Correctional Administrator, or designee.
  5. Under no circumstances may the person be left unattended by the transporting officer.
  6. The officer shall determine appropriate places to use bathroom facilities and/or stop for meals when necessary and where appropriate security and safety precautions can be maintained.
  7. The officer shall inquire about healthcare issues prior to transport and shall ensure any noted issues are provided to the receiving facility.
  8. In the event it becomes apparent or the person complains during transport that the person is injured or is ill, the Probation Officer shall ensure that medical assistance is called and shall comply with the reasonable instructions of medical personnel.
  9. The officer shall obey all laws when transporting persons, including, but not limited to, laws related to speed limits, tolls, and parking.
  10. The officer is not authorized to engage in any activities not related to the transport, including, but not limited to, stopping to assist other motorists or pedestrians or responding to accidents. In such circumstances, the officer is authorized to notify appropriate authorities, provided it does not interrupt the transport.
  11. An officer shall not use a personal vehicle for in-custody transport.
  12. When an uncaged vehicle is being used and a single officer is conducting a

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
<b>9.18 In-Custody Transport</b>	<b>9. Supervision and Case Management</b>	<b>Page 2 of 4 03/07/17R</b>

transport, the officer shall place the person in the front passenger seat of the vehicle.

13. When an uncaged vehicle is being used and a second officer is assisting with the transport either:
  - a. the person being transported shall be placed in the front passenger seat and the second officer shall sit in the back seat; or
  - b. the person being transported shall be placed in the passenger side back seat and the second officer shall be seated behind the driver.
14. If there is a caged vehicle being used, the person shall be placed in the back seat and the second officer, if any, shall sit in the front seat with the driver.
15. The officer shall ensure the seat belt is appropriately placed and fastened on the person being transported.
16. The officer shall search the person and the passenger compartment of the vehicle prior to transport and after the transport, as well as when necessary during transport, to detect and confiscate any weapon, evidence of a violation, or contraband that may not be brought into the receiving facility.

**Procedure B: Use of Restraints while Transporting**

1. Restraints shall be used while transporting the person, except as provided in Procedure C.
2. Prior to transport, and as necessary during transport, the officer shall ensure that all restraint equipment is properly applied to the person and checked to prevent injuries and prevent compromises of security.
3. Restraints may be temporarily removed or adjusted to accommodate medical procedures and use of bathroom facilities providing safety and security can be maintained.
4. The person shall not be restrained in such a way as to prevent the person from being quickly removed from the transport vehicle.

**Procedure C: Special Considerations while Transporting**

1. The officer is authorized to use a reasonable degree of force consistent with Department Adult Community Corrections Policy 14.23, Use of Force.
2. When force is used during a transport, the officer shall report the use of force to the Regional Correctional Administrator, or designee, as soon as reasonably possible.
3. When warranted, the officer shall request additional assistance from an appropriate law enforcement agency to complete the transport in a safe and secure manner.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
9.18 In-Custody Transport	9. Supervision and Case Management	Page 3 of 4 03/07/17R

4. The officer shall carry a firearm during the transport in accordance with Department Adult Community Corrections Policy 14.24, Firearms.
5. For a transport involving air travel, the officer shall not bring a firearm, another weapon, or restraints into the airport or onto the airplane unless prior authorization has been received from the airline and all applicable federal law requirements have been met. The officer shall use seating arrangements designated by the airline, provided it is not in an exit row.

**VII. PROFESSIONAL STANDARDS**

None

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
9.18 In-Custody Transport	9. Supervision and Case Management	Page 4 of 4 03/07/17R