

**3.03-1**

**DAYTON POLICE DEPARTMENT  
GENERAL ORDER  
PRISONERS**



**RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE**

Rev. 9/15

**POLICY STATEMENT**

Dayton Police Officers initiating physical arrests or transporting prisoners, for any charge, must keep their prisoners safe and take all necessary measures to maintain custody and control of the prisoners. When a prisoner has been arrested, custody of that prisoner is the responsibility of the arresting and/or conveying officer until the prisoner is booked or otherwise released according to policy. This responsibility cannot be delegated to medical or security personnel at area hospitals, or **to any other person**, except as provided by policy, i.e., contract guards, etc.

Furthermore, the policies of the Dayton Police Department and the Montgomery County Jail **require** that all police officers, officers of the Court, and prisoners enter and exit the jail in a manner that maintains the security, safety, and integrity of the facility.

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**I. USE OF HANDCUFFS/RESTRAINING DEVICES**

A. Any person **physically** arrested, for any charge, will be handcuffed **BEHIND** their back unless some articulable reason exists for exception to this policy. The type of restraint used will depend on the condition of the arrested person. **EXCEPTIONS** may be as follows:

- Elderly or ill persons arrested for minor offenses.
- Persons incapacitated (i.e., serious wounds to the lower arms or hands; a woman in advanced stages of pregnancy, etc.).
- Persons with back injuries or ailments, which prevent putting their hands behind them.
- Handicapped persons.

**B. USE OF HOBBLE RESTRAINTS**

1. Officers who have been trained and certified by the Dayton Police Academy may utilize the RIPP Hobble Restraint issued by the department to secure the legs, ankles and/or arms of violent individuals.



2. Officers will apply the Hobble Restraint in compliance with the training provided. Hobble Restraints will **NOT BE USED TO "HOG-TIE" (FEET AND HANDS TOGETHER) A PRISONER UNDER ANY CIRCUMSTANCES.**
  - **POSITIONAL ASPHYXIA** - Occurs when a person's body is placed in a position that interferes with Breathing. Several factors, including a violent struggle with an officer, particularly when the use of behind-the-back handcuffing is combined with placing the subject in a stomach-down prone position, could increase the risk of positional asphyxia.
    - Any prisoner placed in a stomach-down prone position while handcuffed shall be closely monitored for breathing difficulties and/or other medical considerations.
    - Once an individual is controlled, he shall immediately be placed either in a seated position or placed in a position lying on his side with the legs no closer than a 90-degree angle to the torso.
    - No prisoner shall be transported in a stomach-down prone position while handcuffed, except as a last resort, when its use becomes necessary to prevent the prisoner from injuring himself or the transporting officer(s).
3. Circumstances, which may warrant use of the Hobble Restraint may include, but are not limited to, the following:
  - To secure the legs or feet of a prisoner considered an escape risk.
  - To restrict a prisoner's ability to run or kick while walking.
  - To secure the legs or feet of a violent prisoner prior to placing in a cruiser.
  - To secure a prisoner's feet during transportation to prevent injury and damage due to kicking.
  - To secure a prisoner's arms while removing handcuffs.
  - To secure a violent, mentally ill person before or during transport to a hospital or mental health facility.
- C. Nylon flexible restraints (flex cuffs) will **ONLY** be used during multiple arrest situations or as a back-up restraining device for large prisoners, small prisoners, violent prisoners, or when unique situations require them.
- D. Arrested persons will be handcuffed and searched prior to being placed in the police cruiser for transportation.
- E. Prisoners are **NOT** to be handcuffed to stationary objects (i.e., vehicles, rails, poles, etc.), except in emergency situations.
- F. All prisoners **MUST BE HANDCUFFED** when conveyed to and from Court or before leaving the Jail for transportation to other facilities. Detectives may elect to not use handcuffs on prisoners while on the second floor of the Safety Building, but must still maintain control of prisoners.
- G. Restraint of handicapped or injured prisoners
  - When transporting prisoners requiring special treatment because of an injury or handicap, consideration should be given to the type of vehicle and restraints to be used.
  - Whenever practical, all handicapped prisoners should be restrained. However, if the handicap or injury prevents them from being restrained, two officers must transport the prisoner regardless of the vehicle used.
- H. **Custodial Release Reporting in MIS**

Officers will enter custodial releases into MIS in lieu of a *BlueTeam Internal Complaint Report*. The form can be accessed from the MDC or MIS by pulling up the FIC screen and entering in "**HNC**" in the type field.



Officers will need to enter all of the personal information on the individual that was handcuffed and released. The reason for the handcuffing and which supervisor was notified will be noted in the comments field.

This procedure will not displace regular FIC's when an officer pulls up information on an individual and will keep the possibility of the appearance of excessive complaints against an officer from occurring.

## II. PRISONERS WITH INJURIES

### A. Injuries Prior to Arrest

1. When an arrested person has received injuries prior to arrest, the arresting officer must contact a supervisor to respond to the scene prior to transporting the injured prisoner, unless the **need for immediate medical attention is obvious**.
2. The supervisor will respond and determine whether the injury requires removal to a medical facility. Photographs of the injury will be taken by the supervisor or a Crime Scene Investigator for inclusion in the investigative package. **No** photographs will be taken of a person's private areas unless there is an allegation of officer misconduct and then only by a supervisor or CSI of the same sex or by hospital personnel. When supervisors determine that hospital treatment is not necessary, they will advise the transporting crew to take the prisoner to jail without delay. The transporting crew will advise intake personnel at the jail of the injury as soon as possible and stand by until the jail paramedic examines the prisoner. The prisoner will be removed if the paramedic determines hospital treatment is needed. If a removal has already been made, the supervisor will respond to the medical facility.
3. **Situations involving injury prior to arrest and no other incident (such as force, canine bite, chemical irritant, etc.)**, require the arresting officer(s) to note the existing injury in their Report of Arrest and the supervisor will enter a *BlueTeam Internal Investigation Incident Report* for Injuries Prior to Arrest. The report, along with attached photographs and any other pertinent documents will be forwarded through the appropriate Commander to the Professional Standards Bureau.
4. **When a prisoner is injured prior to arrest and some other incident has occurred (such as force, canine bite, chemical irritant, etc.)**, the officer(s) involved will complete a Special Report for the Response to Aggression and include complete information concerning the injuries prior to arrest and any treatment obtained or refused by the prisoner. The investigating supervisor will include comments reference the injuries prior to arrest in the Blue Team Administrative Investigation for the Response to Aggression.
5. **Excited Delirium - (ExDS)** is a serious and potentially deadly medical condition involving psychotic behavior, elevated temperature, and an extreme fight-or-flight response by the nervous system. Failure to recognize the symptoms and involve emergency medical services (EMS) to provide appropriate medical treatment may lead to death.
  - a. Some of the signs of someone in Excited Delirium are:
    - Incoherent or irrational speech
    - Aggressive, agitated or disorderly behavior
    - Extraordinary strength or resistance to pain
    - Profuse sweating
    - High heart rate
    - Public disrobing (partially or fully naked, even in the winter months)
    - Attraction to lights, mirrors, glass and water
  - b. If you suspect someone of being in Excited Delirium remember:
    - Rapid control of the situation and timely execution of medical evaluation are important
    - Subjects with excited delirium often do not respond to verbal redirection
    - Attempts at physical control may not be as effective given extreme levels of strength and resistance to painful stimuli



- Ongoing physical struggle can worsen a subject's innate fight-or-flight system, which can raise a patient's temperature, cause changes in the body's acid-base balance, and increase the risk of sudden death
- Call for EMS and get medical treatment as soon as possible
- The safety of officers and the general public is paramount

Even if you recognized someone in the condition of Excited Delirium, and you do everything you can to get them medical help, there is no guarantee that they will survive this condition

- B. Injuries may be incurred by a prisoner during the course of their arrest and custody due to force incidents, use of chemical irritants, attempts to escape, etc. Generally, such injuries will require removal of the prisoner to a medical facility for treatment prior to transportation to the jail. Investigation and reporting of such injuries are addressed elsewhere in this manual. (See **General Order 3.03-2, Citizen Resistance/Non-Compliance**)
- C. Situations wherein serious injury requires removal to a medical facility by Medic crew may necessitate that an officer accompanies the prisoner in the Medic. **IF** the risk of the prisoner escaping is clearly absent due to the extent of injury, an officer will not need to accompany the prisoner. If accompanying the prisoner is not possible or needed, an officer will be assigned to follow the Medic to the medical facility and assume control over the prisoner on arrival.
- D. In some situations, prisoners may be certified by medical staff at a medical facility for emergency admissions which may preclude their being booked into the Montgomery County Jail. (See **General Order 2.04-5 - Response to the Mentally III**)
1. If the prisoner is to be **CONFINED** at a hospital or other medical facility, the officer is to complete an MDC booking screen and send it but do not print it. The officer will then go to an MIS terminal and type the name of the local hospital or other medical facility in the "CONVEYED TO" field. See Section VIII. in reference to release.
  2. If a prisoner is **refused admittance** to the hospital or medical facility, they will be taken or returned to the Jail with the refusal paperwork. The transporting crew will enter into the remarks section on the call, the name of the doctor who refused admittance and the circumstances of the refusal.
- E. Prisoners that have been booked into the Montgomery County Jail may be injured during the course of their incarceration. If they have been arraigned in court, then the Montgomery County Sheriff's Office will provide transportation to a Medical Provider. Prior to arraignment, the City of Dayton is responsible for medical services.

### III. TRANSPORTING PRISONERS

- A. Any prisoner being transported in any City of Dayton police automobile will wear all of the available elements of a properly adjusted occupant-restraining device subject to the conditions/circumstances delineated below. Officers will assist all prisoners or incapacitated persons occupying the rear seat to secure restraining devices.
1. The seat belting of prisoners will fall into the following 2 categories:
    - a. Cooperative Prisoners:
      - Officers are required to seat-belt prisoners regardless of the type of safety/security equipment installed in marked police vehicles.
    - b. Uncooperative Prisoners:
      - Standard Seat Belts (with door window barriers).
        - Officers will not be required to use seatbelts if it is unsafe to do so.



- Modified Restraint System (3P restraint belts only with the factory seats).
  - Officers will be required to secure prisoners in the restraint belts.
- Laguna 3P System (3P Restraint belts and molded seats)
  - Officers will be required to properly secure prisoners into the 3P restraint system.

\* Hobbled prisoners may be seat belted if it is possible and safe to do so.

2. All prisoners exhibiting unpredictable behavior or serious mental illness and all prisoners exhibiting combative or assaultive behavior must be transported in a cruiser with the full Laguna 3P restraint system or a Prisoner Transport Van if available. If these are not readily available, prisoners shall be transported in a modified 3P restraint vehicle or a vehicle with door window barriers.
  3. Officers are encouraged to utilize the Prisoner Transport Van whenever possible to transport extremely uncooperative or combative prisoners, prisoners who are of very large size, have bodily fluids such as urine, blood, vomit, etc...on their clothing, been sprayed with Pepper Spray, or other special circumstances exist where the use of a Prisoner Transport Van will increase the overall safety and security of both the prisoner and the officer.
  4. **Prisoner Transport Vans** – Officers are encouraged to seat-belt all prisoners in the back of the Prisoner Transport Van. Some exceptions to this are listed in #3 above; where seat-belting the prisoner creates a significant risk to the officer' safety or well-being.
- B. **Prisoners are NOT to be transported in police vehicles without a security screen.**
- C. **Method of transporting prisoners in police cruisers equipped with security screens:**
1. Prisoners are placed in the rear seat and seat belted/secured as listed in Section II. A. with both doors locked.
  2. **ONE-UNIT** crews may transport ONE prisoner within the City or a jurisdiction adjacent to the City, if the prisoner is nonviolent.
  3. **TWO-UNIT** Crews are required on all prisoner transports not adjacent to the City.
  4. Male and female prisoners may not be transported together unless arrested together.
- D. The Fugitive Squad may use a restraining belt in lieu of handcuffing prisoners behind their back.
- E. A police officer is not required to ride in the rear of a Prisoner Transport Van when transporting prisoners provided the door locks are set to prevent escape.
- F. The In-Car Camera system must be activated to record the entire transport.
- G. Prior to transporting a prisoner, the transporting crew will notify the dispatcher by radio of their starting location, starting mileage and destination. This must be done **OVER THE RADIO**. Upon arrival at their destination, the crew will similarly report their ending mileage and location.
- The transporting crew should take their prisoner directly from the area of arrest to the jail with minimal delay except in circumstances where the prisoner would have to be transported to a location other than the jail facility prior to booking (i.e. the hospital for medical treatment, detective section, etc.).
  - Officers will avoid removing the prisoner from a relatively secure location (the police cruiser/ prisoner transport van) unnecessarily prior to booking into the jail facility (i.e. taking a prisoner back to the Division Headquarters prior to booking, etc.). Officers must request permission from a supervisor to bring prisoners to any Division Headquarters.



#### H. Prisoners for Processing/Interviewing

When a prisoner is transported from the Montgomery County Jail to be interviewed/processed or for any other reason, officers will continue to transport them via the annex. However, the prisoner must now be transported back through the receiving area so that they can be searched/patted down prior to being returned to the general population.

Additionally, all detectives and officers walking prisoners from CPS to the jail sally port will adhere to the following:

- No less than 2 sworn personnel will be utilized for any transport
- 4 -6 prisoners require 3 sworn personnel
- 7-9 prisoners require 4 sworn personnel
- 10-12 prisoners require 5 sworn personnel

A single prisoner is required to be handcuffed behind their back. More than one prisoner requires handcuffing each prisoner to the other by one wrist.

#### I. EMERGENCY SITUATIONS

1. The primary duty of the transporting officer is the safe delivery of the prisoner in their care. Only where the risk to third parties is both clear and grave, and the risk to the prisoner is minimal, should the officer stop to render emergency assistance or engage in any law enforcement activity. Should the officer decide to stop, they should notify the Regional Dispatch Center (RDC) and/or local authorities of the following before stopping:
  - a. The identity of the officer (department, call number, etc.)
  - b. Their status (prisoner transportation, etc.)
  - c. The nature of the incident
  - d. Location
2. If two officers are transporting, they may stop provided they comply with the aforementioned instructions, and they stop the transporting vehicle a sufficient distance away from the scene so that the circumstances at the scene do not compromise the security and safety of the prisoner. One officer will remain with the transport vehicle, while the other renders the necessary assistance at the scene.
3. The transporting officer(s) should only consider stopping when their assistance is imperative, and will remain only until other emergency assistance has arrived.
4. The transporting officer(s) will not become involved in a pursuit, roadblock, or other situation, which might create risk or harm to his/her prisoner.

#### J. PRISONER ESCAPE

1. Should an escape occur within the jurisdiction of the Dayton Police Department, the transporting officer will immediately contact the RDC and initiate a broadcast of all pertinent information concerning the escape.
2. The RDC and/or the involved officer will immediately notify an appropriate on-duty supervisor who will respond to the scene of the escape and commence an investigation of the circumstances leading to the escape.
3. If the escape occurred after the prisoner was under control and in restraint, the officer from whom the prisoner escaped must complete a D.I.B.R.S. Report for Escape and such other reports as dictated by the circumstances.



- a. The officer will also complete a Special Report to the Chief of Police detailing the circumstances surrounding the escape.
- b. The investigating supervisor must also complete an Administrative Investigation containing the facts surrounding the escape and the conclusions reached during the investigation. Whether the prisoner is recaptured immediately or eventually is irrelevant.
- c. The circumstances of each escape will be reported immediately to supervision and thoroughly investigated.

#### K. RESTRICTED COMMUNICATION

Safety aspects of the transportation function require that the prisoner's rights to communicate with attorneys, clergy, family and/or others will not normally be accorded during the period the prisoner is being transported. A prisoner will not be permitted to make any phone calls or communicate with others while being readied for transport. Should a special circumstance arise which would necessitate an exception to this policy, the transporting officer will be the individual responsible for monitoring the communication.

- L. The transporting officer should be familiar with the procedures at the different State institutions, forensic hospitals, mental health units, and City/County jails. The following procedures apply to all detention facilities:
  1. The transporting officer will at no time enter a secure area or receiving area with a firearm. If the institution does not have a facility for securing firearms, they are to be locked in the trunk of the vehicle or in the lock box if provided in the vehicle.
  2. The restraints will only be removed on the instructions of the receiving officer.
  3. The transporting officer will be responsible for making sure that all the necessary paper work is properly exchanged with regard to the transfer and obtain a signature of the receiving officer on receipt.
  4. The transporting officer will notify their supervisor of any change in procedures at the State institutions.

#### M. Arson Investigations

Anytime officers arrest someone for arson and the arson investigators were not called to the scene, they will advise their supervisor who will then notify the RDC supervisor to notify the arson investigators of the arrest.

### IV. CONFINING PERSONS IN THE MONTGOMERY COUNTY JAIL

- A. **ALL PRISONERS ENTERING THE FACILITY MUST BE HANDCUFFED.**
- B. **ALL PRISONERS MUST BE SEARCHED FOR WEAPONS AND CONTRABAND BEFORE ENTERING THE FACILITY.** Small knives and other potential weapons will be placed in the Property Room as prisoner effects. The items taken from the prisoner will be documented on an Impounded Property Receipt Form F-468 and in the D.I.B.R.S. arrest report.
- C. Each person booked into the Montgomery County Jail must be entered into the MIS system "Booking Slip" screen. Officers may enter the booking information from a MDC terminal, MIS terminals located at a police facility or the MIS terminals located in the sally port of the jail.
- D. The Montgomery County Sheriff's Office has established detailed written procedures for booking prisoners into the jail. Dayton Police personnel must adhere to the current MCSO procedures when booking prisoners into the jail.
- E. Officers are reminded that they are responsible for control of their prisoners until such time as MCSO personnel assume custody.



## V. DNA SAMPLE COLLECTION

ORC 2901.07 directs arresting agencies to collect a DNA sample from adults arrested for any felony. There are currently about 400,000 entries in Ohio's database, which is connected to CODIS, the Combined DNA INDEX System. CODIS is a national system of DNA databases used to search and compare DNA profiles collected from offenders and from crime scenes. The Ohio Bureau of Investigation and Identification (BCI&I) oversees the process in Ohio. BCI&I provides the collection kits and a pre-paid envelope to return the sample for processing. The actual collection is a simple swabbing of the inside of the mouth to collect cells from the cheek lining.

Unlike fingerprints, which are preferred for each arrest and required for some, a DNA sample needs to be collected and processed only once per person. As such, there are several steps involved to help verify the person's identity before processing the sample, to include:

- A check to verify the person's identity through fingerprints or other records;
- A check of the Computerized Criminal History via LEADS or OHLEG to determine if the person is already in the DNA database;
- Obtaining a thumbprint of the person on the collection form;
- Obtaining the person's signature on the collection form.

Due to these and other requirements, the Bureau of Identification has the primary responsibility for the collection of the DNA samples. Arresting officers can assist by verifying as much as possible the person's identity prior to booking. Detectives need to arrange for B of I fingerprinting and DNA collection for anyone processed through the system without being physically booked or before a detective release.

We will not compel anyone or use force to collect a DNA sample. The collections officer will inform the arrested person that the Court will not approve bail or release until a DNA sample is collected. Officers will indicate in their reports whether or not a sample was obtained.

The estimated processing time once the sample is received and it appears in the database is a minimum of two weeks. If the sample submitted to BCI&I is rejected for any of several reasons, the arresting agency is expected to obtain and submit another sample.

## VI. JUVENILE PRISONERS

- NO JUVENILE WILL BE LODGED IN THE MONTGOMERY COUNTY JAIL EXCEPT DURING EMERGENCY SITUATIONS**, or when authorized by Court Order. Juveniles may be taken to the jail for purposes of fingerprinting and photographs after being arrested for a felony offense.
- Officers will be guided by the dictates of the **General Order 2.05-1 Juveniles**, when arresting juveniles.
- If a prisoner booked into the Montgomery County Jail is found to be a juvenile, MCSO personnel will notify the RDC. A crew from the Division where the juvenile was arrested will be sent to transport him/her to the Juvenile Justice Center or to release him/her to his parent/guardian.
- Arrested juveniles age 14 years or more may be transported in a police squadrol. Juveniles will not be transported in a squadrol with prisoners of the opposite sex or with prisoners arrested at a different incident without supervisory permission. Juveniles may be transported in a squadrol to a division headquarters if a supervisor grants permission. Supervisors should consider granting permission to waive this section during curfew sweeps.
  - Officers are reminded that anytime the Dayton Police Department detains a juvenile in a Dayton Police facility, we are required to complete a Juvenile Holding Log. The Department of Youth Services divides detention status into two classifications, secure and non-secure.



- Secure is defined as being physically detained in a locked room, cell, or handcuffed to a stationary object and they are not free to leave. This situation would apply to when we question juveniles in an interview room that is locked.
- Non-secure is defined as a juvenile in custody but not in a secure area and can “technically” leave the building. They may be handcuffed but not to a stationary object or a locked room. This would apply to curfew sweeps, removing a juvenile to Division Headquarters to sit in the roll call room, etc.
- Officers detaining a juvenile will complete a juvenile FI record and accurately enter all of the required information on the Juvenile Holding Log “JHL”. The officer or detective that ultimately transports or releases the juvenile will be required to complete this form. Supervisors are to be informed when a juvenile is brought to any facility and will ensure the FI record has been entered.

#### VII. Authority to Arrest Parolees

The Adult Parole Authority has authorized the arrest of parolees residing in half way house facilities that violate their supervision during non-traditional work hours, but are not committing crimes, utilizing an Adult Parole Authority Order of Hold. If an offender, who is residing in a half-way house facility “acts out, absconds, or participates in an activity that may not be a crime but is harmful to the community”, the Dayton Police Department will have the authority to take the offender into custody. The half-way house staff will have the information necessary to issue the Order of Hold and the offender will be booked into the Montgomery County Jail.

#### VIII. RELEASE OF PRISONERS ON THEIR OWN RECOGNIZANCE (O.R. Release)

- A. Police supervisors may periodically find it appropriate to release an arrested person on their own recognizance prior to booking.
  - 1. Any on-duty supervisor is authorized to release, on their own recognizance, **nonviolent Misdemeanor** prisoners arrested in their Division/Bureau. Investigative supervisors are authorized to release any non-violent Misdemeanor prisoner. The preferable action will be to release the prisoner and complete a summons - The totality of circumstances must be taken into account prior to any release, (i.e. type of the crime, any threats to victim, injuries to the suspect, etc.).
  - 2. Persons arrested for **Felonies and Violent Misdemeanors** may be released from custody by order of a police commander or in their absence, the ranking on-duty supervisor or the Court, prior to being booked into the Montgomery County Jail. The totality of circumstances must be taken into account prior to any release, (i.e. type of the crime, any threats to victim, injuries to the suspect, etc.).
  - 3. Special circumstances – persons arrested for **Violent Felonies** that have injuries/conditions that would make it unlikely that they would pose an immediate flight risk (i.e. broken bones that would not permit any mobility, serious operations, etc.), may be released from custody by order of the officer’s Division Commander or in their absence, another Division Commander, the Assistant Chief of Police or the Chief of Police. The totality of circumstances must be taken into account prior to any release, (i.e. type of the crime, any threats to victim, injuries to the suspect, etc.)
- B. Prisoners that require being hospitalized or treated for serious injuries or conditions that did not result from police action should not be arrested or should be released prior to being hospitalized under the same guidelines as listed above. Officers are not to sign the in-custody form in these cases without notifying an on-duty supervisor.
  - Hospital security will be notified of the situation and asked to contact the Police Department when the person is going to be released if necessary.



- The supervisor making this decision will also be required to send an e-mail to the appropriate detective squad that will be investigating the initial complaint so that they are aware of the location and condition of the suspect and ensure that the same information is contained in the DIBRS report.
- C. If the prisoner has been before a Court and/or charges have been filed, only a JUDGE can authorize an O.R. release.
- D. O.R. releases of prisoners from the Montgomery County Jail by police supervisors are made at the Jail Control Center in person.

#### IX. REMOVAL OF PRISONERS FOR MEDICAL TREATMENT

Refer to General Order 3.01-3 - Removals

#### X. USE OF ARMED SECURITY GUARDS AT HOSPITALS

##### A. Police Officer's Responsibility

All prisoners taken to a hospital for treatment **PRIOR TO** being booked, and subsequently admitted to the hospital, are the responsibility of the conveying officers if they are not being released on O.R. (See Section VIII). At times, the Police Department is unable to secure the services of a private security agency to guard prisoners. If no contract has been obtained, Dayton police officers will be assigned to guard prisoners. If a prisoner requires a guard, the conveying officers proceed as follows:

- Contact the appropriate on-duty police supervisor.
- Enter and transmit the booking information on the MDC but do not print it.
- Maintain control of the prisoner until properly relieved by a guard.

##### B. Supervisor's Responsibility

1. Contact the officer and assess the situation. **Guards should not be requested if the prisoner will be released from the hospital within a four hour period or if the prisoner's injuries/condition would make it unlikely that they would pose an immediate flight risk (i.e. broken bones that would not permit any mobility, serious operations, etc.).** If a guard is necessary, proceed as follows:

Contact the contracted private security firm and provide the following information:

- Number of armed guards needed
- Exact location where the guard is to report for duty
- Name of the prisoner to be guarded
- Identify the charge against the prisoner, FELONY or MISDEMEANOR

The Dayton Police department has contracted with MERCHANTS SECURITY to provide guards for prisoners.

#### MERCHANTS SECURITY

CONTACT PERSON [REDACTED]

2. Assign an officer to remain with the prisoner until the armed guard reports for duty and has assumed responsibility for the prisoner.
3. Instruct the officer to call them **IMMEDIATELY** after the armed guard arrives, giving the EXACT TIME that they report on duty at the hospital.



4. Instruct the officer to notify the armed guard of any SPECIAL instructions concerning the prisoner (i.e., prisoner likes to fight; prisoner will run; names of possible accomplices, etc.).
5. Send an e-mail to the Fiscal Office Manager and the appropriate detective squad indicating the name and vital information of the prisoner, a short explanation for the illness or injury requiring hospitalization, the hospital location, the charge, the time that the guard reported for duty and the guard's name.
6. While an armed guard is assigned to guard a prisoner for this department, the supervisor assigned to the Division, Bureau, Section, Unit or Detail, involved in the arrest of the prisoner will notify the Commander of the Division where the hospital is located and the appropriate Watch Commander's office.
  - They will also e-mail pertinent information concerning the prisoner to the appropriate Division Headquarters and Division Commander.
  - The Division Commander/Watch Commander will have the prisoner and guard checked during each tour of duty. This ensures that the armed guard is on the job, conducting themselves properly, and providing security for the prisoner.
7. A supervisor will contact medical personnel to ascertain when the prisoner may be released, in order to terminate the services of the guard. A change in the prisoner's condition could also eliminate the need for a guard.
  - If a supervisor finds the guard not performing in the best interest of the Department or the security of the prisoner, the supervisor will immediately contact the guard's company contact, advising them of any problem. They or an officer designated by them are to remain with the prisoner until the situation is resolved.

#### C. Removal of Armed Security Guard

1. When the services of the armed guard are to be terminated, **regardless of the reason or the hour** (i.e., arraignment, dismissal of charges, transfer of custody, physical relocation, etc.), a Dayton police officer will respond to the hospital to **DISCHARGE** the armed guard. **NO guard will be removed via a telephone call.**
  - a. The officer will IMMEDIATELY advise a Division supervisor of the following information:
    - Name of prisoner under guard
    - EXACT TIME the armed security guard was **DISCHARGED FROM DUTY**
    - Reason guard was terminated
    - Disposition of the prisoner
    - Name of officer who **discharged** the guard
  - b. The officer will then transport the released prisoner to the Montgomery County Jail for booking. The booking screen will be pulled up by the transporting officer and printed. The prisoner will be booked as dictated previously in this policy.
2. The supervisor receiving this call will execute an e-mail to the Fiscal Office Manager containing the information outlined above and will also note the information in the incident log.

#### XI. PRISONERS (REQUIRING HOSPITALIZATION) ARRESTED FOR OTHER JURISDICTIONS

When a person is arrested by the Dayton Police Department on a Warrant from another jurisdiction, the arresting officer's Supervisor does the following:

- A. Contacts the jurisdiction issuing the Warrant and provides the prisoner's name and reason for hospitalization.



- B. Requests the issuing jurisdiction to provide a hospital guard for the prisoner.
- C. If the issuing jurisdiction CANNOT or WILL NOT provide a hospital guard, the Dayton Police Department supervisor advises the originating jurisdiction of the following:

- 1. Other Jurisdiction Misdemeanor Warrant Only

- Dayton Police Department may O.R. the prisoner and no guard will be posted, even if a foreign Court has set bond.

- 2. Other Jurisdiction Misdemeanor Warrant and Dayton Police Department Misdemeanor Charges

- Dayton Police Department Supervisor may O.R. the prisoner and no guard will be posted, even if bond has been set by another jurisdiction.

- 3. Other Jurisdiction Misdemeanor Warrant and Dayton Police Department Felony Charges

- Dayton Police Department will provide the hospital guard until disposition of the Felony charges under the guidelines of sections VI. and VIII.B.1.

- 4. Other Jurisdiction Felony Warrant Only

- Dayton Police Department may provide the hospital guard until the prisoner is given the opportunity to post bond. If a guard is obtained by the Dayton Police Department, the appropriate detective unit is responsible for monitoring all Felony prisoners arrested on other jurisdiction Felony Warrants to ensure a timely appearance before a Judge for posting bond.