



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE:	CHAPTER: 3 - Arrestees	PAGE: 1 of 5	NUMBER: 3.01.01
SUBJECT: ARRESTEE RESTRAINT, TRANSPORT, AND SUPERVISION			
CHIEF:			
COMMUNITY POLICE COMMISSION:			

*Substantive changes from the Division are the **red** and italicized language*

PURPOSE: To provide guidelines for members of the Cleveland Division of Police on arrestee restraint, transport, and supervision.

POLICY: **It is the policy of the Cleveland Division of Police** that its members shall comply with the Division's use of force directives and properly restrain, transport, and supervise arrestees; retaliatory force or any other form of punishment is strictly prohibited.

PROCEDURES:

I. Restraint

A. *Members shall handcuff all arrestees. **Exceptions shall be made for:***

1. *Compliant people in these groups not posing threat*

B.

1. *Pregnant or postpartum individuals (adult and juvenile);*

a. *When it is apparent that the person is pregnant or they inform the members that they are pregnant or were pregnant in the previous six (6) weeks.*

b. *When members are advised by a health-care professional that a person is pregnant or was pregnant in the previous six (6) weeks.*

c. *If a pregnant or postpartum individual presents a serious risk of physical harm to officers, themselves or others, or presents a serious security risk or substantial flight risk, or a health care professional treating the individual has not provided any notice that restraint poses a risk of physical harm to the individual or the fetus they shall be handcuffed in the front (Refer to General Police Order 3.01.02 Restraining Pregnant Females).*

2. Children under age 13;

3. Persons who are elderly or frail;

4. Persons with physical and/or mental disabilities;

AGE: 2 of 5	SUBJECT: ARRESTEE RESTRAINT, TRANSPORT, AND SUPERVISION	NUMBER: 3.01.01
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5. Persons who are deaf or hard of hearing *who use written and/or American Sign Language to communicate:*

- a) *Members shall utilize Deaf or Hard-of-Hearing Communication Cards to assist with communicating with the arrestee when feasible.*
- b) *If a qualified sign language interpreter is utilized in-person or through a Video Remote Interpretation device, the handcuffs shall be removed while in a secured facility so they may communicate effectively.*

6. If an individual from one of these groups presents a clear and serious risk of physical harm to officers, themselves or others, or a clear and serious security or flight risk, they may be handcuffed in front first. If a front-cuffed individual continues to present a clear and serious risk of physical harm to officers, themselves or others, alternative handcuffing strategies may be used.

C. Unless conditions described above are met, when handcuffing, members shall *handcuff individuals behind their back* and double-lock handcuffs to prevent tightening unless rare and exceptional circumstances, when safe and feasible, prevent the double-locking of handcuffs.

1. *Multiple handcuffs may be used on individuals with limited range of motion.*

2. *Individuals in police custody who are being transported by Emergency Medical Services (EMS) may be handcuffed in front to the gurney.*

D. *Handcuffing individuals in the front can be dangerous for the member and the arrestee. Members are cautioned against this practice unless conditions described above are met.*

E. Members shall use only the amount of force or restraint necessary to control a non-compliant and/or violent arrestee.

II. Transport

A. Arrestees shall be transported safely and without unnecessary delay.

B. Juvenile arrestees shall be detained under procedures specified in Ohio Revised Code 2151.311 Procedure Upon Taking Child Into Custody, which states:

(A) *A person taking a child into custody shall, with all reasonable speed and in accordance with division (C) of this section, either:*

(1) *Release the child to the child's parents, guardian, or other custodian, unless the child's detention or shelter care appears to be warranted or required as provided in section 2151.31 of the Revised Code;*

(2) *Bring the child to the court or deliver the child to a place of detention or shelter care designated by the court and promptly give notice thereof, together with a statement of the reason for taking the child into custody, to a parent, guardian, or other custodian and to the court.*

AGE: 3 of 5	SUBJECT: ARRESTEE RESTRAINT, TRANSPORT, AND SUPERVISION	NUMBER: 3.01.01
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(B) *If a parent, guardian, or other custodian fails, when requested by the court, to bring the child before the court as provided by this section, the court may issue its warrant directing that the child be taken into custody and brought before the court.*

(C)(1) *Before taking any action required by division (A) of this section, a person taking a child into custody may hold the child for processing purposes in a county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held for either of the following periods of time:*

(a) *For a period not to exceed six hours, if all of the following apply:*

- (i) *The child is alleged to be a delinquent child for the commission of an act that would be a felony if committed by an adult;*
- (ii) *The child remains beyond the range of touch of all adult detainees;*
- (iii) *The child is visually supervised by jail or workhouse personnel at all times during the detention;*
- (iv) *The child is not handcuffed or otherwise physically secured to a stationary object during the detention.*

(b) *For a period not to exceed three hours, if all of the following apply:*

- (i) *The child is alleged to be a delinquent child for the commission of an act that would be a misdemeanor if committed by an adult, is alleged to be a delinquent child for violating a court order regarding the child's adjudication as an unruly child for being a habitual truant, or is alleged to be an unruly child or a juvenile traffic offender;*
- (ii) *The child remains beyond the range of touch of all adult detainees;*
- (iii) *The child is visually supervised by jail or workhouse personnel at all times during the detention;*
- (iv) *The child is not handcuffed or otherwise physically secured to a stationary object during the detention.*

(2) *If a child has been transferred to an adult court for prosecution for the alleged commission of a criminal offense, subsequent to the transfer, the*

AGE: 4 of 5	SUBJECT: ARRESTEE RESTRAINT, TRANSPORT, AND SUPERVISION	NUMBER: 3.01.01
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child may be held as described in division (F) of section 2152.26 or division (B) of section 5120.16 of the Revised Code.

- (D) *If a person who is alleged to be or has been adjudicated a delinquent child or who is in any other category of persons identified in this section is confined under authority of this section in a place specified in division (C) of this section, the fact of the person's admission to and confinement in that place is restricted as described in division (G) of section 2152.26 of the Revised Code.*
- (E) *As used in division (C)(1) of this section, "processing purposes" means all of the following:*
 - (1) *Fingerprinting, photographing, or fingerprinting and photographing the child in a secure area of the facility;*
 - (2) *Interrogating the child, contacting the child's parent or guardian, arranging for placement of the child, or arranging for transfer or transferring the child, while holding the child in a nonsecure area of the facility.*
- C. *Police vehicles equipped with a rear-facing in-car camera shall activate the camera when individuals are placed in the back seat.*
- D. Members shall continually monitor arrestees during transport.
- E. A minimum of two members shall transport arrestees; transport may be accomplished using a two-member vehicle or multiple one-member vehicles.
- F. Arrestees shall be searched by the transporting member(s) before being placed into the transport vehicle.
- G. The act of fastening an arrestee's seatbelt can place a member into a vulnerable and exposed position.
 - 1. An arrestee's seatbelt shall be fastened during transport unless the arrested person displays, verbally and/or physically, an articulable intent to cause injury to a member while seat belting.
 - 2. The Academy Unit shall instruct members on how to secure an arrestee's seatbelt safely.
- H. Officers shall transport male, female, and juvenile arrestees separately **unless** all arrested persons are handcuffed in a two-member vehicle, and 1 or 2 below apply. The non-driving officer shall continually monitor the arrestees.
 - 1. Officers are transporting the arrestees from the scene of a crime in instances arising from the same criminal conduct (e.g., mass arrests, a male and female arrested for the same theft, etc.).

AGE: 5 of 5	SUBJECT: ARRESTEE RESTRAINT, TRANSPORT, AND SUPERVISION	NUMBER: 3.01.01
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2. Officers are transporting an arrestee for emergency medical treatment. The need to transport males, females, and juveniles together is due to medical necessity. All arrestees shall be handcuffed as described in section I.A. unless the medical condition would make handcuffing impractical.

III. Supervision

- A. Arrestees behaving aggressively toward members or bystanders shall be removed from the scene as soon as possible.
- B. When secured in a Division vehicle, arrestees shall be continually monitored for signs of distress or when the individual threatens to and/or attempts to harm themselves.
- C. If an arrestee threatens to harm themselves, the officer shall ask the arrestee if they want to be evaluated at a hospital. If they answer affirmatively, they shall be taken to the hospital.
- D. Arrestees being transported in a Division vehicle shall immediately be transported to the nearest hospital for evaluation and/or treatment if the following apply:
 1. An arrestee fails to demonstrate a functional level of consciousness (e.g., voluntary movement, speech, normal color, breathing, etc.).
 2. An arrestee threatens to harm themselves or intentionally harms or attempts to harm themselves (e.g., striking their head on the screen, etc.).

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.

PULL UP CRISIS INTERVENTION GPO, MAKE SURE NO CONFLICT WITH THIS. DISTINCTION BETWEEN SUICIDAL THREATS AND SUICIDAL HARM. TALK THROUGH THIS.

AGE: 6 of 5	SUBJECT: ARRESTEE RESTRAINT, TRANSPORT, AND SUPERVISION	NUMBER: 3.01.01
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DAT/sk/arg
Policy Unit
Revised xx/xx/24; Replaced 11/30/20
CPC