

 <p style="text-align: center;"><b>WEST VIRGINIA DIVISION OF JUVENILE SERVICES</b></p>	<p><b><u>POLICY NUMBER:</u></b></p> <p style="font-size: 2em; text-align: center;"><b>314.00</b></p>	<p><b><u>PAGES:</u></b></p> <p style="text-align: center;"><b>8</b></p>
	<p><b><u>CHAPTER:</u></b> Institutional Operations</p>	<p><b><u>REFERENCE AND RELATED STANDARDS:</u></b> WV Code Chapter §49-2-903</p>
<p><b><u>SUBJECT:</u> Transportation of Residents</b></p>		
<p><b><u>DATE:</u> January 1, 2018</b></p>		

### PURPOSE

The purpose of this Policy is to establish guidelines for transportation of residents under the physical custody and control of the Division of Juvenile Services. Transportation of residents should be in the least restrictive manner possible according to the purpose of the transport.

### CANCELLATION

This policy has been revised and supersedes Policy 314.00 dated July 1, 2017.

### APPLICABILITY

This Policy applies to all Division of Juvenile Services' residential facilities.

### DEFINITIONS

1. **Motor Vehicle Alcohol Test and Lock Program:** A program for individuals whose driver's license has been revoked due to an alcohol-related DUI. Drivers must be accepted into the program which allows them to drive using an installed Ignition Interlock Device (often called a "blow-and-go," a "car breathalyzer," or an "IID"), which is electrical equipment that ensures the driver does not start the vehicle while under the influence of alcohol.
2. **Non-Secure Transport:** Transportation of a minimum security committed resident for reasons such as, but not limited to: authorized furloughs, court appearances, medical/dental appointments, work details, community service projects and custody transfers to a less secure facility in which the risk of offender escape, other criminal violation or risk to public safety is assessed as being minimal.
3. **Non-Uniformed Staff:** Non-correctional staff who are assigned to a correctional, treatment or detention facility that have the responsibility to control and detain residents in the custody of the Division of Juvenile Services. This includes job categories such as counselors, case managers, unit managers, maintenance and support personnel.

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4. **Secure Transport:** Transportation of a detention or maximum security committed resident for reasons including, but is not limited to, medical treatment, court appearances, disciplinary reasons, apprehension or arrest, intra-agency custody transfers to a more secure facility, funerals and deathbed visitations.

## **PROCEDURES**

1. Secure transport teams should consist of two (2) staff members with at least one being a uniformed staff member, if possible. Non-secure transports may be conducted by non-uniformed staff upon the authorization of the Facility Superintendent/Director or designee.
2. All persons selected to participate in a vehicular transport must have a valid driver's license and are not in the Motor Vehicle Alcohol Test and Lock Program. No person shall be permitted to participate in a vehicular transport while taking a prescribed medication(s) or other condition that impairs their ability to operate a motor vehicle. It is the responsibility of each potential vehicular transport participant to immediately notify the Supervisory staff of any medication usage or other condition that would apply as stated above.
3. All transporting staff shall ensure that the resident's Offender Information Report (printed from OIS), medical/mental health file, medications, personal belongings, etc., and Offender Personal Property Receipt (printed from OIS) are included in any scheduled transports to another DJS facility. When the possibility of release exists due to a scheduled court hearing, the resident's personal belongings and any medications are to be included with the transport. Refer to Policy 500.02-Personal Property.
4. When a resident is in need of hospitalization, he or she is accompanied by a staff member. A staff member will stay with the resident for as long as he or she is hospitalized except when the resident is remanded to a secure medical/mental health facility.
5. If a transfer of resident(s) will take place during transport, it will occur at a law enforcement or correctional facility with prior approval received from that establishment.
6. Activities During Transport
  - a. Only state employees, contracted staff and residents in the custody of the Division are permitted in state vehicles during transports.
  - b. It is strictly prohibited to pick up hitchhikers or riders.
  - c. Staff will also ensure resident(s) have seatbelts engaged before beginning their transport.
  - d. Staff conducting transports will proceed directly to the destination and return promptly at the conclusion of the activity. No other stops are authorized except for emergency situations.

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- e. Every effort will be made to utilize a law enforcement establishment for any restroom break.
- f. No telephone calls or taking of photos are done while driving, or stopping to shop, visit, or do other irrelevant, unnecessary, and/or distracting activities, nor will they allow residents to do so.
- g. Tobacco use in front of residents is prohibited.
- h. Music, if listened to, will not contain: profanity, insight violence, or be racially inappropriate and will be at a volume that does not impede the staff's ability to complete their task.
- i. Residents are not permitted to talk to members of the public, except as necessitated by the activity. Family members of residents are not permitted to visit with residents during medical/dental transports unless authorized by the Facility Superintendent/Director. Family members of residents may be permitted to visit with residents before or after courtroom hearings if transporting staff determine circumstances warrant and there are no directives from court personnel/probation/DHHR that prohibit communication between the resident and family members.
- j. Every effort should be made to board and unload residents outside of public view.

## 7. Communication

- a. Control center will:
  - i. Issue a radio or facility cell phone for every transport,
  - ii. Document resident movement in OIS under Offender Movement, including any transfer time and places in the Details section, and
  - iii. Activate facility "call-down" list for any emergency situation.
- b. Transporting officer will make contact with their facility's Control center under the following circumstances:
  - i. Prior to departure (radio check), and
  - ii. Upon arrival at destination, and
  - iii. Upon departure for return to facility, or
  - iv. Upon transfer of custody – pick-up and delivery, or
  - v. At the beginning and end of an unexpected delay, including restroom breaks.
- c. Transporting officer will contact the following in an emergency situation:
  - i. 911 Emergency Services, and

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ii. Their facility's Control Center.

d. Radio protocol

- i. NEVER identify a resident's name over the radio.
- ii. Staff will identify themselves based on their agency, facility, name and rank to the intended recipient of the radio traffic.
- iii. Use plain language and remain professional.
- iv. No unnecessary chatter or communication.

8. Non-Secure Transports

- a. Non-secure transports may be conducted by trained non-uniformed personnel with the approval of the Facility Superintendent/Director, or designee of the operational unit.
- b. Each Facility Superintendent/Director or designee is responsible for developing guidelines to include discretionary use of mechanical restraints and blaze orange transport clothing.
- c. Residents will not be transported in personal vehicles or open truck beds.
- d. Residents are not permitted to drive vehicles.

9. Secure Transports – Administrative and supervisory officers exercising discretionary decision-making authority in regard to secure transports will resolve any doubts in the favor of facility security and public safety.

- a. Staff conducting secure transports of residents shall be assigned by the Facility Superintendent/Director. Except in emergency situations, at least one of the staff members will be the same gender as the resident.
- b. A vehicle equipped with a security screen is most desirable for a secure transport; however, any official vehicle may be utilized for a secure transport. In a vehicle without a security screen, the second staff member will sit directly behind the driver in the backseat with the resident.
- c. Mechanical restraints are not to be removed during transport until receiving facility has applied their mechanical restraints or the resident is located in a secure area.
- d. Full restraints should be utilized during any secure transport, with the exception of medical necessity or if a court order dictates. Minimal restraints or lack of restraints may be augmented by additional staffing at the direction of the Facility Superintendent/Director. For pregnant residents, refer to Policy 306.00-Use of Force and Restraints.

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- e. All residents must wear blaze orange jumpsuit over undergarments. Street clothes or resident uniforms are not to be worn under the jumpsuit.

#### 10. Public Transportation

- a. The security office supervisor of any airport or public terminal will be notified in advance of the transport regarding:
  - i. Approximate time of trip.
  - ii. Any security concerns/restraint requirements – attire and restraints will be determined by the custody level.
  - iii. Any health concerns.
- b. Transporting staff responsibility:
  - i. Upon arrival, the court order and extradition form will be provided for transfer of custody.
  - ii. The Offender Information Report (from OIS) will be provided.
  - iii. Staff must stay with resident until mode of transportation departs.

#### 11. Humanitarian Visits

- a. Humanitarian visits are approved by the court, or by the Director of the Division or his or her designee. Funeral and deathbed visits are a privilege, not a right.
- b. Transportation protocol must be followed for secure and non-secure transports according to the court order or as directed by the Facility Superintendent/Director.

12. High Profile Transports are secure transports of any resident, including, but not limited to the following: Newsworthy resident, member/leader of a street gang/organized crime, an escape artist, violent psychiatric patient, or an extremely dangerous individual. The Facility Superintendent/Director or designee shall ensure the following guidelines are followed regarding the transportation of high profile residents:

- a. Each law enforcement agency whose jurisdiction through which the resident(s) will be transported will be notified in advance when time permits. If deemed necessary, a planned meeting shall be held.
- b. A minimum of two staff members will conduct high profile transports. Extra staff and vehicles may be assigned as conditions warrant.
- c. A primary and, if possible, two alternate travel routes should be planned. Routes should be selected to allow staff to switch from one route to the other as easily as possible.
- d. Arrangements should be made which will enable the staff to board and unload the

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resident outside of public view.

### 13. Escape and Situations En Route

- a. Staff performing transports will maintain supervision and physical control of the resident(s) at all times.
- b. Staff conducting any type of transport has a right and a duty to terminate any transport when an emergency or dangerous situation arises.
- c. In cases of escape or attempted escape, the staff's priorities should be:
  - i. Protection of self and others from immediate and eminent harm.
  - ii. Secure remaining resident(s), if multiple residents are being transported. **Under no circumstances shall one or more residents being transported be left unattended/unsupervised.**
  - iii. Notify the facility and law enforcement and relay all pertinent information.
  - iv. Pursue the escapee, so long as doing so does not place the public, the staff or other residents at unreasonable risk.
  - v. If hostages are involved in an escape, the staff member should not take any action which unreasonably places the hostage at increased risk. (See DJS Policy 315.00 – Major Disturbances & Hostage Situations for additional information.)
- d. Anytime staff member(s) transports a resident, the staff should be aware of the location of the nearest Juvenile Services' Facility, State Police Detachment, Sheriff's Office, County or Regional Jail, City Police Department and hospital. In the event an incident occurs, the staff may terminate the transport and return to his or her own facility; or, if circumstances and common sense dictate they may go to one of the other locations listed in this section. As soon as possible, the staff should advise the facility of the nature of the incident, the location they have decided to go to, and the type of assistance they may need upon arrival.
- e. Any unscheduled stops must be reported to the on-duty supervisor as soon as possible.

14. Out-of-State Transports - Every transport shall normally travel the most direct and efficient route to and from the destination when transporting resident(s) outside the State of West Virginia, unless otherwise directed.

15. Cessation of Transports - The Director of Juvenile Services or Designee reserves all rights to limit, suspend or cancel any transport for any reason.

### 16. Staff responsibility for secure transport

- a. Vehicle Preparation

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- i. Transporting staff member should pick up and prepare the transportation vehicle. Vehicle preparation task include checking all fluid levels, lights, signals, tires and emergency kit.
- ii. The transporting staff member should perform a thorough contraband search of the entire vehicle, both inside and out.

b. Resident Property

- i. Inventory resident property to verify it matches the inventory information entered into OIS prior to departure.
- ii. Staff member will transport property to vehicle and properly secure it to prevent resident access to it.
- iii. Staff member will take an appropriate number of Release of Offender Personal Property forms and Receipt of Offender Personal Property forms printed from OIS.
- iv. Resident is not to have access to their property before or during the transport.
- v. Each transfer of property must be inventoried and confirmed by utilizing a copy of the OIS Facility Release of Offender Personal Property and OIS Facility Receipt of Offender Personal Property.

c. Search of resident(s)

- i. The transporting staff will verify a strip search of the resident has been conducted by a staff member of the same sex.
- ii. Any time the resident is out of staff's visual supervision for any reason, staff will conduct at least a clothed body search upon regaining control and custody of the resident.
- iii. Upon return to the facility all residents will be strip searched.
- iv. Residents who have transferred from another facility will be strip searched according to that facility's intake procedures.

d. Meals

- i. For transports that are anticipated to be longer than 4 hours or cause the resident to miss a meal period, a boxed lunch provided by the facility shall be taken on the transport for the resident and transporting staff at no cost. Staff may bring a packed lunch if they choose.
- ii. If a resident misses a meal due to unforeseen circumstances, the transporting staff may purchase a meal for the resident. (Staff must provide a receipt for the resident's meal to be reimbursed per Policy 140.00-Compensation and Benefit.) At no time will a staff member purchase a meal for him/herself if one is not being purchased for the resident.

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17. Each facility will develop an operational procedure to ensure the standards and practices of this policy are followed.

**RIGHTS RESERVED**

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advanced notice, unless prohibited by law.

**APPROVED:**

William K. Marshall  
Director

Jan 1<sup>st</sup> 2018  
Date