

Seat-belting Prisoners:
Response to Ombudsman Recommendation

To: Chief Kirkpatrick
From: Captain Frank Scalise

November 2010

Introduction

In mid-2010, a command staff level discussion occurred regarding the efficacy of seat-belted prisoners prior to transport to jail. A variety of factors were informally examined and the consensus recommendation was to maintain our current policy, practice and patrol vehicle configuration.

In October 2010, a recommendation was made by the Police Ombudsman to the Chief of Police that prisoners be seat-belted prior to transport. Command Staff discussions recurred, arriving at the same conclusion as earlier in the year. The purpose of this paper is to memorialize the issues and conclusions regarding this matter and provide a foundation which the Chief of Police can use in making her determination regarding a response to the Ombudsman's recommendation.

Examination

The ombudsman's recommendation reads:

“RE: Seat belting of prisoners

During the past year I have been provided with the opportunity to ride with different officers on various shifts on 7 occasions. In doing so I noticed that persons arrested who were being transported in patrol vehicles were not seat belted when placed in the back seat of patrol vehicles. I have been advised that there are no seat belts in the back seats of patrol vehicles and that pursuant to Washington Administrative Code Section 204-41-030 the Department is exempt.

I am recommending that as new vehicles are purchased rear seat belts be a **mandatory equipment requirement** in the purchase, and when those vehicles are phased into patrol for use, that those officers assigned to those vehicles be required to seat belt prisoners when transporting them.

While I am not aware of any incident where a prisoner has been injured during their transportation it is the opinion of the police ombudsman that it is simply a matter of time until such an event will occur. While it is recognized that there is a direct cost to this recommendation, the phasing in of the seat belts as new vehicles are purchased should help to minimize those costs.” (Email to Lieutenant Craig Meidl from OPO Tim Burns on 9/28/10).

There are numerous issues associated with this recommendation. These issues run the gamut from logistical to practical to financial to safety issues. I will attempt to address each of these as succinctly as possible.

Cost.

While the Ombudsman recognizes the financial difficulty in retro-fitting existing vehicles, there is a cost factor associated with switching to the molded-seat, seat belt capable configuration in new cars.

- The molded seats for this configuration cost about \$465 above the cost of the current configuration. This does *not* include the cost of seatbelts, for which our fleet administrator was unable to find a cost. One can reasonably assume that it will not be an inexpensive item.
- The molded seat configuration adds an additional \$100+ of labor to remove and replace the seats in order to wire the patrol vehicle for the modem, MDC, radio, etc. Further, there is another \$100 of labor when the vehicle is de-commissioned. These costs are above and beyond the current costs SPD incurs for this process.
- An extraordinarily conservative estimate of additional cost per vehicle to switch to the molded seat, seat belting model is \$865 per vehicle. Given that our average fleet purchase is 25 vehicles per year, this results in an additional cost of **\$21,625**. Put another way, the cost of selecting molded seats for seat-belting purposes will nearly cost the equivalent of one vehicle. This would reduce our fleet purchase by one per year, merely to accommodate this modification.
- An additional cost may exist for transporting leg restrained prisoners (see *Leg Restraint Procedure* below).

Practicality.

The interior of a typical police vehicle is becoming more and more cramped with each passing year. Computer systems, patrol rifles and the like create a cramped environment for the patrol officer. The prisoner compartment has always been necessarily small. For the entirety of my career, prisoners have been advised to “sit sideways” in the back seat in order to be more comfortable. An average-sized person will find the back seat to be tight quarters. Larger individuals, which patrol officers frequently encounter and have occasion to arrest, struggle to comfortably sit in the current seats. If SPD were to transition to the molded seat configuration, there would be less room. Furthermore, that room would be less flexible because the seat shape is defined. A prisoner’s seating position would be more strictly defined, leaving the prisoner no choice but to sit against his/her handcuffed wrists, instead of the option to sit sideways.

Bio-Hazard.

Currently, the prisoner transport area of the patrol consists of a seat back and a seat cushion. The seat cushion is removable. Both are coated in thick plastic. This allows for easier cleaning in the event that a suspect leaves behind spit, vomit, blood, feces or urine.

A molded seat configuration would be more difficult to clean and maintain. Bio-hazard materials can and will get into the seat belt slots and into other areas not easily cleaned by the patrol officer while on patrol after experiencing a transport in which the prisoner leaves behind bodily fluids.

Leg Restraint Procedure.

- If a prisoner's combative actions necessitate leg-restraints, the current procedure calls for a two officer transport unit. It further directs the officers to remove the seat cushion from one patrol vehicle and wedge it between the seat cushion and the shield of the transporting vehicle. This keeps the suspect from falling on the floor of the prisoner compartment. Without the removable seat cushion, this method would not be possible.
- With molded seats, it would not be possible to transport a leg restrained prisoner to jail in patrol vehicle, as there is no place to lie down.
- Even with the current configuration with seatbelts somehow added, it is not feasible to seatbelt a leg restrained prisoner.
- Thus, ambulance or other alternate transport would be necessary. This causes both financial and logistical issues.
 - The financial issue is self-evident – an ambulance or other vehicle costs additional money to operate.
 - Logistically, officers would be standing by with a leg restrained suspect while waiting for that transport vehicle to respond, instead of loading the prisoner into a patrol vehicle with the cushion adjustments and transporting immediately.

Officer Safety.

- Regardless of what restraint system is employed, officers will have to reach across a suspect in order to buckle the seat belt. This presents a clear danger to the officer. Worse yet, this process must be repeated at jail, giving the prisoner an opportunity to plan for the event and attack accordingly.
- Frequently, arrestees are not entirely physically compliant. Officers have to use force to put these arrestees in the patrol car for transport. Requiring the additional action of seat belting this prisoner, which places the officer in a vulnerable position, only increases the danger of the situation. If the subject is combative, as opposed to merely resistive, the risk of putting an officer in such close proximity in a vulnerable position is even less desirable and more likely to result in an officer being assaulted via head-butting, spitting or biting.

Lack of Necessity.

- Washington State Law provides an exemption to the seat belt for law enforcement, presumably due to many of the considerations discussed herein.
- While a scientific study is cost-prohibitive, I conducted an anecdotal poll of tenured patrol officers, sergeants, lieutenants, and captains. Taking their collective experience into account, I was unable to discover any instances in which an SPD vehicle involved in a collision while transporting a prisoner has resulted in an injury to the prisoner. I found only rare instances of a patrol vehicle being involved in a collision while transporting a prisoner. This is an extremely unlikely event, and the ombudsman admits as much in his recommendation.
- The lack of collisions while transporting prisoners can likely be attributed to:
 - The level of driving skill and training of SPD patrol officers
 - Officers increasing their level of defensive driving while transporting a prisoner.

Recommendation

It is my recommendation that:

- The Chief of Police **decline** to implement the suggestion by OPO Burns regarding installation of seat belts in newly purchased patrol vehicles and a requirement to seat belt prisoners.
- SPD continue to use the current prisoner compartment configuration.
- Policy is developed and training implemented (under Lexipol Policy 316 – Call Response) which expressly instructs officers who are transporting prisoners *not* to engage in any emergency driving.

Conclusion

This matter has been discussed at Command Staff and a policy decision reached prior to OPO Burns making this recommendation. The consensus was congruent with the reasoning and the recommendations in this paper. There is no compelling reason to deviate from the earlier collective decision on this topic.

Respectfully submitted,

Captain Frank Scalise, Patrol Division
10 January 2011