



## INMATE TRANSFERS AND ESCORTS

### POLICY.

It is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) to provide guidelines which govern the transfer of inmates between the jail and other jurisdictions.

### PURPOSE.

The purpose of this policy is to provide members with the legal and proper steps to transfer inmates to other agencies.

### OREGON JAIL STANDARDS:

- B-501 Transport Requirements
- B-502 Transfers Out of State
- B-503 Transfers to Other Jails
- B-504 Transfer to Other Facilities
- B-505 Transfer of Inmates to Oregon Department of Corrections

### REFERENCES:

- Northwest Shuttle System Transport Guidelines
- ORS 133.835 Extradition of persons imprisoned or awaiting trial in another state or who have left the demanding State under compulsion
- ORS 133.843 Written Waiver of Extradition Proceedings
- ORS 161.235 Use of Force Preventing an Escape
- ORS 161.239 Use of Deadly Physical Force in Preventing an Escape
- ORS 161.360 Mental Disease or Defect Excluding Fitness to Proceed
- ORS 161.370 Determination of Fitness to Proceed
- ORS 162.135 (5) Definition of Escape
- ORS 169.670 Transfer of Persons to Department of Corrections
- ORS 138.305 Delivery of Defendant Under Sentence of Imprisonment to Intake Center
- DCAJ Policy [CD-5-17, Extradition](#)
- DCAJ Policy [CD-13-6, Escapes](#)
- DCAJ Policy [CD-8-5, Use of Restraints](#)
- DCSO Policy 5.01, Use of Force

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**DEFINITIONS.**

**Cooperative Transport Shuttle.** A multi-state transport system that encompasses the states of Washington, Oregon, Idaho, Montana, California, and Colorado.

**Department of Corrections (DOC).** Any penal institutions run by the State of Oregon.

**Governor’s Warrant.** A warrant issued by the state governor’s office. It is the authority to transport a prisoner from one state to another when the prisoner did not sign a waiver of extradition.

**Motion and Order.** A legal document, executed while in the presence of a judge, that orders a peace officer or Sheriff to conduct some act, such as deliver a particular person to a particular place as ordered by the court.

**Non-Judicial Waiver of Extradition.** During the booking process, the shift supervisor will offer fugitive inmates the option to waive extradition to another state through non-judicial means. This waiver method does not involve any attorney or court.

**Waiver of Extradition.** A legal document executed while in the presence of a judge, that waives the issuance and service of a governor’s warrant and all other extradition proceedings on any person arrested in this state and charged with having committed a crime in another state.

**PROCEDURES.**

***SECTION A: ESCORTS***

- A-1.** The following procedures will be followed by deputies when transporting inmates out of the AJ:
- a. The transport vehicle shall be searched by the deputy for contraband and checked for fuel before preparing the inmate for escort.
  - b. The inmate will be dressed into orange coveralls, searched and placed in restraints by deputies before exiting the secure perimeter of the AJ.
  - c. Disabled or injured inmates shall have the restraints applied securely and in a manner that allows for the injury or disability. Pregnant inmates should be restrained in the least restrictive way possible, as described in DCAJ Policy [CD-8-5, Use of Restraints](#).
  - d. Visual contact of the inmate shall be maintained throughout the entire transport.
  - e. Restraints may be loosened or partially removed as needed for treatment at the escort deputy’s discretion. For example, an arm may need to be removed from handcuffs in order to x-ray or cast the limb.

- f. Deputies of the same gender as the inmate should accompany the inmate on a medical transport when it is likely the inmate will require removal of clothing or treatment on an intimate area consistent with DCAJ Policy [CD-8-7, Inmate Searches](#).
  - g. Inmates currently in administrative segregation or target population will be transported only if necessary, as authorized by a supervisor. The escort or transport will be consistent with AJ Policy [CD-6-6, Segregation Housing](#). The inmate may be transported alone and appropriate security measures will be used.
- A-2.** While on a transport, inmates will not be allowed to retain any personal items on their person or in their pockets, unless medically necessary.
- A-3.** Inmates will not be allowed to make phone calls after they are notified they are going to be transported. Attorney visits may be allowed, if time permits. Social visitation will not be permitted prior to the transport.
- A-4.** Inmates transported during scheduled meal times will be fed prior to the transport or will be provided with a sack lunch to eat during the transport.
- A-5.** All inmates shall be seated in the secured area of the transport vehicle. Every effort will be made to separate inmates by gender, and close or maximum classification inmates from others consistent with AJ Policy [CD-6-4, Inmate Classification](#).
- A-6.** Upon departure from and arrival to the facility, deputies should notify dispatch of transport details such as location, type, number of inmates, beginning and ending mileage, and if cross gender transport.
- A-7.** The transport vehicle shall be driven in a safe manner and in compliance with state and local laws and ordinances. Whenever possible, inmates shall be secured in the transport vehicle with installed seatbelts.
- A-8.** The transporting deputy(s) shall carry a sidearm on all transports and long rifle if necessary. Body armor shall be worn in accordance with DCSO [Policy 8.03, Body Armor](#). If weapon removal is necessary, such as during loading or unloading inmates, the firearms and ammunition will be stored in an approved gun locker, vehicle trunk or other locked portion of the vehicle.
- A-9.** The maximum number of inmates one deputy may transport or escort is three, unless approval is granted by a supervisor. A supervisor will determine special circumstances, such as high risk situations, requiring at least two deputies to transport an inmate, consistent with AJ Policy [CD-8-13, Inmate Movement](#).

### **SECTION B: OUT-OF-STATE TRANSFERS**

- B-1.** Transport deputies will not transfer fugitive inmates out of state unless their Deschutes County Circuit Court matters are resolved and there are no other holds for Oregon Department of Corrections (DOC) or other Oregon jails. Additionally, pre-trial detainees

will not be transferred out of state unless court ordered or pursuant to an inter-governmental agreement. Sheriff's Office Legal Counsel will be consulted for direction if an order is received to transfer a pre-trial detainee out of state.

- B-2.** No inmate will be transported out of state unless accompanied by an original or certified copy of the signed Waiver of Extradition, the original Governor's Warrant, or an original Non-Judicial Waiver of Extradition, as per DCAJ Policy [CD-5-17, Extradition](#).

### ***SECTION C: TRANSFER TO OTHER OREGON JAILS***

- C-1.** Deputies will not transfer inmates to other Oregon jails until all local charges are adjudicated. Exceptions are:
- a. When a court order to transport is received by the AJ.
  - b. The location of the receiving jail is not so distant that it would result in denying the inmate access to counsel on the Deschutes County charges.
- C-2.** If an inmate is transferred to another Oregon county, the Court Security/Transports Unit will ensure that a copy of the warrant or teletype from the demanding jurisdiction will accompany the prisoner.

### ***SECTION D: TRANSFER TO OTHER FACILITIES***

- D-1.** Convicted inmates may be transferred to facilities in or out of state provided the conditions of confinement do not otherwise violate the Oregon Constitution. Interstate transfers are within the discretion of corrections officials. The Court Security/Transports Unit will contact the receiving agency to make appointment for delivery of the sentenced inmate.
- D-2.** Upon receipt of a court ordered Motion and Order to transfer an allegedly mentally ill (AMI) person to court from the hospital, Sage View Mental Health Facility, or the AJ, the Court Security/Transports Unit will review the order and:
- a. Verify the Motion and Order directs the Sheriff to transport the AMI person to the court for a competency hearing.
  - b. Verify the motion directs the deputy to stand-by with the inmate during proceedings.
  - c. Verify the motion directs the deputy to return the AMI person to the originating facility.
  - d. Make appropriate transport arrangements.

### ***SECTION E: TRANSFERS TO THE STATE HOSPITAL***

- E-1.** Upon receipt of a court ordered Motion and Order to transport an inmate for evaluation pursuant to the ORS 161. 365, *Procedure for determining issue of fitness to proceed*, the Transports/Court Security Unit will review the order and:

- a. Determine whether the Motion and Order directs the Sheriff to transport the AMI person to the state hospital or whether the evaluation may be completed via video link.
  - b. Verify the motion directs the deputy to return the AMI person to the originating facility, usually the same business day.
  - c. Make arrangements with the state hospital for an appointment date and time.
  - d. Ensure the inmate is transported or made available for video evaluation on the date of the appointment.
  - e. When delivering an inmate to the state hospital forensic unit, ask the supervisory hospital staff if a stand-by is required. If a stand-by is not required, the deputy will coordinate with hospital staff on when they should return to the hospital for transport back to the AJ.
- E-2.** Upon receipt of a court ordered Motion and Order to transport an inmate to the state hospital for evaluation and treatment pursuant to ORS 161.370, *Determination of fitness*, the Court Security/Transports Unit will review the order and:
- a. Verify the Motion and Order directs the Sheriff to transport the AMI person to the state hospital for evaluation and treatment.
  - b. Contact the state hospital forensic unit to set up an appointment for the transfer of the inmate.
  - c. Ensure the inmate is delivered to the state hospital within seven days of receiving the signed motion.
  - d. Make arrangements for the transport after careful examination of the inmate's behaviors and other security concerns.
  - e. Ensure the inmate is transported on the date of the appointment.

***SECTION F: TRANSFERS TO OREGON DEPARTMENT OF CORRECTIONS (DOC)***

- F-1.** Inmates sentenced to confinement to the custody of Oregon Department of Corrections shall be moved from the jail to the appropriate DOC intake facility within seven days after the jail receives commitment papers from the court. To the extent possible, the AJ must give the DOC an advance notice of one business day before transfer.
- F-2.** Court Security/Transports Unit will complete a Statement of Imprisonment Form No. 405 on each inmate transferring to the DOC to serve a sentence.
- F-3.** A certified copy of the sentencing order, from the Circuit Court of Oregon, will accompany the inmate in the corresponding transport packet.

***SECTION G: COOPERATIVE TRANSPORT SHUTTLE***

- G-1.** The Cooperative Transport Shuttle has established strict guidelines. Refer to the *Northwest Shuttle System Transport Guidelines* when using the shuttle. Any changes to the scheduled transport will be approved by the Court Security/Transports Sergeant or the Lieutenant assigned to oversee the Court Security/Transports Unit.

#### **SECTION H: AIRLINE TRANSPORTS**

- H-1.** Strict adherence to Transportation Security Administration training and certification is required. Deputies will complete and pass Law Enforcement Officer-Flying Armed training (or equivalent) and carry proof of certification while transporting an inmate on an airline. The deputy will produce identification and any other required documents at arrival to any airline terminal, prior to approaching airport security or attempting to board any aircraft.
- H-2.** At the time of booking airline transports, the deputy must submit a National Law Enforcement Telecommunications System (NLETS) message to obtain the letter of authority to fly armed.

#### **SECTION I: EMERGENCY SITUATIONS**

- I-1.** In the case of vehicle trouble, the deputy will call for assistance via radio or cell phone. When practical, deputies should also call for local law enforcement to respond to the scene for security and/or assistance. If the problem can be fixed “on the spot,” the deputy shall keep the inmates inside the vehicle where they can be observed, while the deputy performs the maintenance work. Otherwise, the deputy will remain with the inmate(s) inside the vehicle and wait for help.
- I-2.** Unscheduled stops during transports shall be made only for emergency reasons.
- I-3.** In the event an inmate breaks from custody while being escorted outside the AJ, the escorting deputy shall order the inmate to halt. If the inmate refuses to halt, the deputy will use the necessary force to prevent escape consistent with DCSO Policy 5.01, *Use of Force*. If the deputy is unable to prevent the escape, the deputy will immediately notify 9-1-1 Dispatch by the most expedient means available. The deputy should report the following information to 9-1-1 Dispatch and/or other appropriate authorities:
- a. The escort deputy’s exact location.
  - b. The inmate’s name and description.
  - c. The inmate’s direction of travel.
  - d. Whether the inmate is in restraints.
  - e. Whether the inmate is considered dangerous or not.
  - f. Any other information that may help authorities capture the inmate.
- I-4.** Deputies will base pursuit decisions on what best prevents more inmates from escaping and best protects the public from harm. Deputies should consider their location, the

classification of the fleeing inmate and remaining inmate(s), and the possible risk the remaining inmates may pose when making a decision to pursue.

- I-5.** A single deputy should **not** pursue an escaping inmate while they still have other inmates in custody. If two deputies are present when an escape occurs, one deputy may take charge of the inmates still in custody, while the other deputy pursues the escaped inmate if appropriate. If more than two deputies are present, at least one deputy will pursue if appropriate. A civilian or non-sworn member shall **not** pursue an escaped inmate.
- I-6.** In the event an inmate breaks custody while being escorted outside the AJ, the shift supervisor shall:
- a. Notify the chain of command of the escape.
  - b. Assist law enforcement agencies in gathering and investigating information that may help in the recapture of the inmate.
- I-7.** If the inmate attempting to break custody is apprehended, the deputy that captures the inmate will:
- a. Restrain the inmate.
  - b. Search the inmate for weapons.
  - c. Notify the appropriate authorities (including 9-1-1 Dispatch) of the inmate's capture.
  - d. Return the inmate to the jail or the nearest police agency.
- I-8.** Upon observation of a crime in progress, the deputy shall not take enforcement action, but call 9-1-1 Dispatch immediately.
- I-9.** Deputies will stop and call 9-1-1 Dispatch if they see an injured person along their transport route. If two or more deputies are present and there are life-threatening injuries, one deputy may stay with the inmates while the other renders first-aid. Once help arrives, the deputies will continue along their route. Deputies will stay and assist if they have no inmates in the vehicle. As soon as practical, a deputy will notify a supervisor of their actions.
- I-10.** In the event the transport unit will be unduly late returning, the deputy will notify an AJ supervisor by telephone or radio. A satellite telephone may be provided for emergency communications.

### ***SECTION J: INMATE PROPERTY AND TRANSPORT INFORMATION***

- J-1.** Members will limit the quantity of inmate property on transports to one (1) sealed plastic transparent bag measuring no larger than 14 by 22 inches (10 by 14 inches for out of state transports), which may include:
- a. Personal medications.
  - b. Personal clothing items not worn on transport.
  - c. Personal pocket property.
  - d. Personal hygiene items.

- J-2.** No dangerous items, such as knives, lighters or needles, will be transported.
- J-3.** No commissary food items or cash money should be transported.
- J-4.** Property shall be screened for prohibited items and if discovered, a *Property Disposal/Release* Form No.315 will be filled out, directing the release to a person of the inmate's choice. Deputies will follow the guidelines listed in AJ Policy [CD-5-4, Inmate Property](#), for disposal of unclaimed items.
- a. The inmate will arrange for a third party to pick-up the property at AJ Administration.
  - b. Photo Identification will be required for any person who picks up any released property.
  - c. The completed Form No. 315 shall be signed by the inmate, the deputy releasing the property and the person who received the property.
  - d. After thirty days, any unclaimed property shall be destroyed, forwarded through the chain of command to the Corrections Captain for auction, or disposed of.
  - e. A copy of the completed Form No. 315 will be scanned into the inmate's Jail Management System (JMS) file.
  - f. If the inmate does not have a person to release the property to, staff will fill out a Property Disposal/Release Form No. 315 for the inmate, as directed by the shift supervisor.

#### **SECTION K: DOCUMENTATION AND BILLING INFORMATION**

- K-1.** All documentation identifying the inmate and the reason the inmate is being transported will be placed in a separate sleeve/compartiment on the outside of the transport bag.

This information may include:

- a. A completed *Prisoner in Transit* Form.
- b. Pertinent medical information including a *Medical Information Transfer* Form No. 543, filled out by an AJ nurse.
- c. Warrant, hold/detainer or Governor's Warrant.
- d. Waiver of Extradition (may include a pre-signed waiver to return).
- e. Non-Judicial Waiver of Extradition.
- f. Motion and Order to Transport.
- g. Judgment/Sentence Order.
- h. Statement of Imprisonment.
- i. Classification information (substantial behavior problems or perceived threats).
- j. Mental Health information, whether the inmate is or has been suicide risk.



- K-2.** Members conducting a Mental Health transport will complete a *Mental Health Transport Log* Form No. 420. The completed *Mental Health Transport Log* form and a copy of the Motion and Order to Transport will be forwarded to AJ Administration for billing.

***SECTION L: INMATES NOT ELIGIBLE FOR SHUTTLE TRANSPORT***

- L-1.** Inmates will be screened by the Court Security/Transports Unit to determine eligibility for shuttle transport using the guidelines established by Northwest Shuttle System. AJ medical and behavior health staff will be consulted in cases of severe medical or mental health conditions. Factors to consider when determining whether an inmate is suitable for the shuttle system include:

- a. Assault and escape risk.
- b. Severe mental disease or defect.
- c. Suicidal.
- d. Serious medical issues.
- e. Demonstrated violent behavior toward members and inmates.
- f. Vulnerability.
- g. Dangerousness.
- h. Pregnant.

- L-2.** When an inmate(s) is deemed inappropriate for transport utilizing the statewide shuttle system, other arrangements may be made. The Court Security/Transports Sergeant will confer with their chain of command when making these decisions.

**FORMS USED:**

- Property Disposal/Release Form No. 315
- Statement of Imprisonment Form No. 405a
- Mental Health Transport Log Form No. 420
- NW Shuttle Medical Authorization Form No. 444
- Non-Judicial waiver of Extradition Form No. 448
- Medical Information Transfer Form No. 543