

Jail Administration for Correction Section 3

Prisoner Transportation Guidelines; and,
Interstate Transport of Dangerous Persons Act

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Prisoner Transportation Guidelines

Transporting Offenders is likely one of the most dangerous tasks staff will do. Every transport carries unique risks related to tendencies of the offender(s) being transported and several factors outside of the officer(s) control..

Considerations for staff and agency liabilities:

- Minimum Training Requirements for transporting officers
- Documented justification for lawful transport of offenders
- Effective Restraint Equipment or Systems for Offenders
- Appropriate Vehicle(s) for Use
- Minimum number of officers/Maximum number of offenders

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Prisoner Transportation Guidelines

- Post Orders guiding officers on general actions
- Emergency Action Plans
- Screening/Classification Review of Offender(s):
 - Medical Conditions/Requirements
 - Dietary Requirements
- Approved Stopping Locations (Duration between stops)
- Overnight Considerations

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Private Prisoner Transport Act of 2000

2. FINDINGS

- (1) Increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners.
- (2) The transport process can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country.
- (3) Escapes by violent prisoners during transport by private prisoner transport companies have occurred.
- (4) Oversight by the Attorney General is required to address these problems.

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Private Prisoner Transport Act of 2000

(5) While most governmental entities may prefer to use, and will continue to use, fully trained and sworn law enforcement officers when transporting violent prisoners, fiscal or logistical concerns may make the use of highly specialized private prisoner transport companies an option. Nothing in this Act should be construed to mean that governmental entities should contract with private prisoner transport companies to move violent prisoners; however when a government entity opts to use a private prisoner transport company to move violent prisoners, then the company should be subject to regulation in order to enhance public safety.

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Private Prisoner Transport Act of 2000

3. DEFINITIONS

- (2) PRIVATE PRISONER TRANSPORT COMPANY.—The term "private prisoner transport company" means any entity, other than the United States, a State, or an inferior political subdivision of a State, which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of an inferior political subdivision of a State, or any attempt thereof.
- (3) VIOLENT PRISONER.—The term "violent prisoner" means any individual in the custody of a State or an inferior political subdivision of a State who has previously been convicted of or is currently charged with a crime of violence or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

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Prisoner Transport of Dangerous Persons Act of 2009

3. FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES

- (1) Minimum standards for background checks and preemployment drug testing for potential employees, including requiring criminal background checks, to disqualify persons with a felony conviction or domestic violence conviction as defined by section 921 of title 18, United States Code, for eligibility for employment. Preemployment drug testing will be in accordance with applicable State laws.
- (2) Minimum standards for the length and type of training that employees must undergo before they can transport prisoners not to exceed 100 hours of preservice training focusing on the transportation of prisoners. Training shall be in the areas of use of restraints, searches, use of force, including use of appropriate weapons and firearms, CPR, map reading, and defensive driving.

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Prisoner Transport of Dangerous Persons Act of 2009

3. FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES

- (3) Restrictions on the number of hours that employees can be on duty during a given time period. Such restriction shall not be more stringent than current applicable rules and regulations concerning hours of service promulgated under the Federal Motor Vehicle Safety Act.
- (4) Minimum standards for the number of personnel that must supervise violent prisoners. Such standards shall provide the transport entity with appropriate discretion, and, absent more restrictive requirements contracted for by the procuring government entity, shall not exceed a requirement of 1 agent for every 6 violent prisoners.
- (5) Minimum standards for employee uniforms and identification that require wearing of a uniform with a badge or insignia identifying the employee as a transportation officer.

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Prisoner Transport of Dangerous Persons Act of 2009

3. FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES

- (6) Standards establishing categories of violent prisoners required to wear brightly colored clothing clearly identifying them as prisoners, when appropriate.
- (7) Minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate.
- (8) A requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction.

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QUESTIONS?
