

# MINNESOTA DEPARTMENT OF NATURAL RESOURCES

## DIVISION OF ENFORCEMENT

### DIRECTIVE

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**DIRECTIVE NUMBER: O-3-24**

**SUBJECT: Person In Custody, Transport and Handcuffing**

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**EFFECTIVE DATE:** 12/20/2024

**SPECIAL INSTRUCTIONS:**

**APPENDIX:** None

**REFERENCE:** Directives, O-1

**DISTRIBUTION:** All Conservation Officers

**NUMBER OF PAGES:** 3

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This directive is for division use only and does not modify or supersede any law and should not apply to any criminal or civil proceeding except for civil proceedings related to departmental administrative actions. This directive should not be viewed as creating a higher standard of safety or care in any evidentiary sense. Violations of this directive may form the basis for departmental administrative action.

### **I. PURPOSE**

The purpose of this directive is to provide direction to officers in securing and transporting persons in custody.

### **II. POLICY**

It is the policy of the division to take necessary precautions while transporting persons in custody to protect the officers, the public, and the person in custody.

### **III. SEARCHING PERSONS IN CUSTODY**

- A. All persons in custody shall be searched for weapons before transport. Whenever possible, the search should be conducted with two officers present. If a second officer is not available or if there is any officer safety issue, the search will not be delayed.
- B. Whenever practical, a search should be conducted by an officer of the same sex. When it is impractical for a same sex search, the search shall be conducted in a manner designed to avoid claims of improper touching and consistent with division training.
- C. The area of the transporting vehicle to be occupied by the person in custody shall be searched before placing the person into the vehicle and again immediately after the person is removed from the vehicle.

## **IV. HANDCUFFS AND RESTRAINTS**

- A. It is the policy of the division that all persons taken into custody and transported in a patrol vehicle will be restrained with handcuffs or if necessary, “flex cuffs” or plastic restraints. Officers shall have issued handcuffs and handcuff keys available while on duty.
- B. Handcuffs or plastic restraints may be used at any other time a person is in custody and the officer needs to provide for the safety of the officer, the public, or the person in custody.
- C. Officers shall be trained in the use of handcuffs and restraints. Handcuffs or restraints shall be applied consistent with the officers’ training. Under normal circumstances, persons should be handcuffed with their hands behind their back and palms facing outward. Handcuffs shall be applied snugly but not so tight to cause injury. Handcuffs should not be applied over clothing or jewelry. Handcuffs shall be double locked.
- D. Persons in custody may be handcuffed with their hands in front under the following circumstances:
  - 1. The person has a physical condition which would be aggravated by having hands restrained behind the back such as: a pregnant woman, a person with a physical/mental disability, or a person with injuries.
  - 2. The person is to be transported in a watercraft, or on a snowmobile or ATV.
- E. Persons shall not be handcuffed to an officer or to a vehicle or other fixed object except in exigent circumstances.
- F. “Flex Cuffs” (plastic restraints) are to be used supplemental to handcuffs when a sufficient number of handcuffs are not available or their use is more practical, e.g., over a snowmobile suit. Care must be taken to assure that they are not applied too tightly. Plastic restraints shall be removed with an issued/approved flex cuff cutter. A knife shall not be used except in an emergency.

## **V. TRANSPORTING PERSONS IN CUSTODY**

- A. Whenever possible, officers should attempt to have persons in custody transported by another law enforcement agency equipped to transport prisoners. If it is necessary for officers to provide transportation the following should be observed:
  - 1. Officers shall ensure their body worn camera is activated for the duration of the transport.
  - 2. As indicated above the person in custody should be searched and restrained and the transporting vehicle shall be searched, before and after the transport.
  - 3. Officers should attempt to maintain visual contact with the person in custody as much as safely possible.
  - 4. Persons transported shall be restrained with a properly adjusted seatbelt and with the door locked if the vehicle is so equipped.
  - 5. If practical, two officers should be provided to transport a person in custody. When

transporting a person in custody, the person shall be placed in the right front of the patrol vehicle.

6. Officers should not attempt to transport more than one prisoner.
7. When possible, officers transporting a person in custody shall advise the radio dispatcher of the starting location, odometer reading and the identity of the prisoner. The odometer reading at the time of arrival at the booking facility or other destination shall be relayed to the dispatcher.
8. Officers should attempt to have an officer of the same sex transport a prisoner. If that is not possible, a second officer should be sought to accompany the arresting officer. If possible, the second officer should follow in another vehicle. If none of the above is practical, officers may transport prisoners of the opposite sex.
9. Persons in custody transported in a watercraft shall wear a personal floatation device. If possible, a second officer should assist in controlling the prisoner.
10. Prisoners should not be transported on a snowmobile or ATV, unless the situation allows no better method to transport the prisoner.
11. If a person in custody becomes sick or injured while being transported, it is the responsibility of the transporting officer to have the person evaluated by qualified medical staff. If the medical staff determine that additional medical treatment is needed the officer shall ensure the person is transported to the nearest appropriate facility. The transporting officer shall continue to provide security and should seek additional assistance in doing so should it be necessary to remove any restraint device to administer medical treatment to the prisoner. Officers shall prepare a detailed incident report and any other required reports and forward them to the appropriate supervisor.

## **VI. JUVENILES**

- A. Upon taking an individual under the age of 18 into custody, officers shall immediately make a reasonable attempt to notify the parent or guardian of the juvenile to inform them that the juvenile has been taken into custody.
- B. Officers will document the name, phone number, DOB, relationship to the juvenile, address, and any other pertinent information in their ICR.
- C. Transporting juveniles will follow the same procedures outlined above.

**By Authority of:**

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**COL Rodmen Smith  
Division Director  
Division of Enforcement**