

Search of In-Custody Suspects

BACKGROUND

The incident occurred on a Sunday evening after a man was arrested on suspicion of impaired driving. Once placed under arrest, the suspect was placed in the back of a patrol vehicle. Upon completing his investigation at the scene, the officer then entered the car and began transporting the suspect to the station for processing. During the transport, the suspect was not seat belted and was able to manipulate the position of his hands to the front of his waistband and pulled out a 9mm, semi-automatic handgun.

INVESTIGATION AND DAMAGES/INJURY

A thorough investigation was conducted:

- Patrol officers observed a late model Honda civic operating erratically and initiated a traffic stop.
- During the officer's investigation as to the cause of the erratic driving, the officer determined that the suspect was potentially under the influence of alcohol or drugs. The officer requested a backup officer and a supervisor to his location.
- During this time, the male suspect was compliant and listened to and obeyed all of the officer's lawful commands.
- Upon arrival of the backup officer, the initiating officer explained that he suspects that the male suspect was under the influence of alcohol or a controlled substance and was going to conduct a field sobriety test. After failing the tests, the suspect was placed into custody with his hands handcuffed behind his back (as is standard protocol and proper handcuffing procedures). The male suspect did not resist and continued to comply with the officer's commands and directions.
- As the supervisor arrived, the initial officer asked the backup officer to place the suspect into his patrol vehicle so that he can brief the supervisor on what was occurring.
- The backup officer placed the suspect in the patrol vehicle, did not seat belt him, and closed the door.
- After briefing the supervisor and securing the suspect, both officers searched the suspect's vehicle incident to arrest. The vehicle was towed. After completing the search, the arresting officer transported the suspect to the station for processing.
- During the transport, the officer observed the suspect "squirming" around in the back seat, however, did not pay too much attention to it as he assumed it was because the handcuffs were uncomfortable.
- Approximately halfway to the station, the officer heard a "thud" in the rear of the vehicle. Again he did not pay attention to this as he thought that it was the suspect accidentally kicking the back of the seat as he moved around.
- Upon arrival at the station the officer opened the back door and noticed that there was a 9mm handgun in the area around the suspect's feet.
- The officer drew his weapon and gave the order for the suspect not to move and called for assistance, they removed the suspect from the vehicle and secured the firearm, without incident.
- The suspect stated that the gun was not his. However review the of the in car CCTV system clearly showed that the suspect removed the gun from his front waist band and dropped it to the floor of the patrol vehicle (See below screen shot):



- The backup officer stated that when he searched the suspect, there was not any indication that the suspect was carrying a concealed weapon. During his interview, the suspect stated that the officer only lightly searched his person and did not search his waistband. The officer asked the suspect if he had any weapons, to which he replied "no", and was then placed in the back of the patrol vehicle.

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OUTCOME

While there were no injuries associated with this incident, the outcome could have been fatal for both the officer and suspect.

RECOMMENDATIONS:

- Conduct regular training and communication to sworn officers on the importance of completing a thorough and complete search of any suspect placed into custody.
- Seat belt all suspects placed in the patrol vehicle.
- Consider conducting a secondary search of suspects when they demonstrate erratic behavior while secured in the back of the police vehicle.
- Train officers on situational awareness and understanding erratic behaviors.

Questions? Ask your Supervisor or contact your CIRMA Risk Management Consultant at (203) 946-3700.

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