

## Unit Order 38 - Seated and Backseat Detentions

### PURPOSE:

The purpose of this Station Order is to establish procedures governing Seated and Back Seat Investigative Detentions and to identify appropriate circumstances for its use by field personnel.

### SCOPE:

This Station Order applies to all sworn personnel at the station.

### ORDER:

The Seated Investigative Detention technique involves deputy personnel who have contacted a person(s) in the field, and either directs them or seeks their voluntary compliance, to submit to a detention and sit on the curb. This technique increases field personnel's margin of safety by eliminating the detainee(s) mobility. While the Seated Investigation Detention provides a significant increase in the deputies' margin of safety, the following issues must be considered.

- Regardless of the technique utilized by field personnel, ***any detention must meet the legal requirement of reasonable suspicion sufficient to justify an investigative detention.***
- The Seated Investigative Detention is not appropriate in all situations. Many persons, particularly women wearing dresses, or men in nice clothing may refuse to sit on the curb. In those instances, they should be given the opportunity to sit in the back seat of the patrol car.
- If a Seated Investigative Detention is used, deputy personnel must be able to articulate why this detention was used, and have the required reasonable suspicion for their detention pursuant to current case law. It should not be used as a matter of routine or convenience.
- As with all detentions and significant citizen contacts, ***the detention shall be documented in the Deputy Daily Worksheet.***
- It is important to remember that every contact will be judged by the person detained and those witnessing the detention. As with all daily contacts, it is important to explain our actions to members of the public. In a vast majority of instances, most persons detained by Department personnel will be satisfied with a brief explanation of our actions, and remain strong supporters of law enforcement. Every effort shall be made to satisfactorily explain your actions to the detainee if the contact does not result in an arrest.
- If, in the opinion of the deputy, a member of the community is not satisfied with the explanation given by the deputy, and in all cases where a detainee requests one, a field supervisor shall be notified, and conditions permitting, shall respond to the location to contact the citizen.

### BACK SEAT INVESTIGATIVE DETENTIONS

From a community point of view, being detained in the back seat of a radio car is generally interpreted as a negative experience. Detainees feel isolated, embarrassed, or ridiculed and view the deputy as authoritarian and antagonistic. Those ill feelings are then often communicated in the form of service complaints.

Since a detention is in essence a temporary suspension of an individual's personal freedom, we must be prepared to fully justify our actions. Our level of justification must rise congruently with the level of imposed

restrictions.

Deputies continue to have a variety of options which would allow for the safe detention of suspicious individuals. Those options include, but are not limited to:

- Soliciting the person's cooperation.
- Obtaining valid identification from the detainee, then directing him/her to stand at a safe distance while you conduct further investigation.
- Utilizing the Seated Investigation Detention technique as described in Field Operations Support Services Newsletter# 45.
- Requesting additional personnel to assist in your investigation.
- Placing the detainee in the back seat of a patrol car.
- Handcuffing the detainee.
- Arresting the suspect.

Deputies are not discouraged from utilizing the back seat of their patrol car as a form of secure detention when justified. However, deputies should be prepared to fully justify their actions to the person being detained and Department supervisors. ***Back Seat Investigation Detentions should not occur as a matter of routine.*** Persons detained solely for Vehicle Code infractions and minor City and/or County ordinance violations shall not be detained in the rear seat of a radio car.

Once an individual is lawfully detained, a Back Seat Investigation Detention may be justified under the following circumstances:

- The detainee agrees to sit in the back seat area under his/her own volition and there is a specific need to provide a secure detention.
- The detainee has no acceptable form of identification and the significant nature of the suspected crime would warrant a secure detention.
- The detainee is suspected of a crime involving violence.
- The deputy has knowledge that the detainee is on parole or has outstanding warrants.
- The detainee is mentally unstable (psychological or drug induced).
- The detainee displays articulable behavior which leads you to believe that the suspect may flee from your custody.
- The detainee displays an articulable threat to officer safety.
- The nature of the suspected crime requires the separation and secure detention of multiple suspects.
- To prevent aggression, or interference, by victims or other third parties against the detainee.
- The detainee is pending actual arrest.

The decision to detain an individual in the back seat, with or without their expressed permission, must be based on a specific and justifiable need to provide secure detention. Unless the detainee is arrested, deputies who initiate a Back Seat Investigation Detention **SHALL**:

- Explain the reason for the detention to the detainee(s).
- Once a person has been detained in the back seat of a patrol car, a notification must be made to the Field Supervisor, via MDT as soon as safely possible. If the person complains about being detained in

the back seat, mention this in your notifications.

- Log all Back Seat Investigative Detentions. The MDT activity log entry will include the name of the person detained, the location of the detention, and the reason for the detention. Deputies will also include the initials "BSD" at the end of the log entry in the narrative. The initials "BSD" signifies that a Back Seat Detention occurred.
- Duties permitting, Field Supervisors shall respond and monitor Back Seat Investigation Detentions.

The decision of whether or not to place someone in the rear seat of a patrol car, or to keep them there, is not irreversible, that is, when circumstances change so should the need to utilize, or continue to utilize the Back Seat Detention.

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