

## **Seat Belt Policy**

### **9.04.01 PURPOSE**

The purpose of this order is to establish guidelines for seatbelt use while operating or transporting passengers in an authorized Department vehicle.

### **9.04.02 POLICY**

This Department General Order provides policy for Department Members for the use of seatbelts as required by the California Vehicle Code. During the use of an authorized motor vehicle for an official purpose, all Department Members and occupants are required to use a seatbelt. Members shall properly adjust and securely fasten safety belts when operating or riding in a vehicle. This policy applies to the operation of any motor vehicle assigned to the Department and any privately owned or rental vehicle the Department authorizes for official use by a member.

Members must be prepared to justify any deviation from this requirement.

#### **A. Passenger Transportation**

**Before transporting any passenger, members must confirm that** the vehicle used is equipped with functioning seat belts for each passenger.

1. **Children** – Prior to transporting any child, a member knowledgeable in the proper use of a supplemental child car seat or a child “booster seat” must confirm that the seat is approved and within the recommended use period (not expired). Only approved child safety restraints shall be used when transporting children. Members shall adhere to the California Vehicle Code pertaining to the transportation of children and the safety seat manufacturer guidelines for proper seat use.
2. **Adults** – Members are responsible for the safety and security of all persons they transport within a Department vehicle. When transporting a person in custody whose size or build, coupled with the vehicle configuration of a sedan or SUV, does not allow for proper use of a seat belt to secure the intended passenger, Members shall use a marked department van for transportation.

#### **B. Exemptions**

1. **Person in custody is resisting or combative** - If an officer’s safety would be jeopardized by attempting to secure a safety belt around the person in custody within a

patrol vehicle, the officer should consider requesting a wagon to transport the person in custody, and every reasonable attempt to secure the person in custody with a seatbelt shall be made and articulated in an incident report.

The transportation of a person in custody under this circumstance must be communicated to and approved by the member's supervisor before transporting. Articulate in the incident report the circumstances along with the name and star number of the notified supervisor.

2. **Mental Health Crisis** – Refer to DGO 6.14 *Psychological Evaluation of Adults* for transportation of persons in mental crisis.
3. **Removal of Seat Belts** – In preparation for taking police action, such as arriving for a call for service, making a vehicle traffic stop, or actively searching for an individual, officers may remove the seat belt for a quick exit prior to stopping the vehicle.
4. **Exigent Circumstance Exception** - An exigent circumstance arises when an officer reasonably believes, based on specific and articulable facts, that a threat exists to a person's safety, the safety of others or the officer's safety if a seatbelt is worn. The officer may then remove the seatbelt until the threat is over.