


<b>FAIRFAX COUNTY POLICE DEPARTMENT</b>    <b>REGULATION</b>	<b>SUBJECT:</b> <b>PRISONER CARE AND CUSTODY</b>		<b>NUMBER:</b> <b>203</b>
	<b>EFFECTIVE DATE:</b> <b>March 14, 2023</b>	<b>REVIEW:</b> <b>March 2026</b>	
<b>RESPONSIBLE ENTITY: PLANNING AND RESEARCH BUREAU</b>			
<b>ACCREDITATION STANDARDS</b>	<b>CALEA:</b> 41.2.4, 41.3.3, 42.2.8, 70.1.1, 70.1.2, 70.1.3, 70.1.4, 70.1.5, 70.1.6, 70.1.7, 70.1.8, 70.2.1, 70.3.1, 70.3.2, 70.3.3		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 7-22-22
	<b>VLEPSC:</b> OPR.08.01, OPR.08.02, OPR.08.03, OPR.08.04, OPR.08.05, OPR.08.06, OPR.08.07, OPR.08.08, OPR.09.01, OPR.14.01		

### **203.1 PRISONER SAFETY**

Arresting officers shall be responsible for the safety and protection of all individuals within their legal custody and shall notify their immediate supervisor of any apparent injury, illness, or other condition(s) necessitating medical care. Officers with individuals in custody shall observe all applicable laws and Department policies at all times. Individuals in custody shall be secured during transport, treated humanely, and shall never be subjected to unnecessary restraint, force, or the use of profane and/or abusive language. Officers with individuals in custody are responsible for the custody of that individual until relieved by another officer or competent authority. All officers have a duty to intervene and shall report any violations of this Regulation immediately to a supervisor or division/station commander.

### **203.2 CARE OF PROPERTY**

Officers taking any individual into custody shall maintain responsibility for all property that belongs to that individual. This responsibility is transferred to any other officer who assumes custody at a later time from the original officer. All property that belongs to the individual in custody, with the exception of a motor vehicle, shall be turned over to proper authority or custodial officers at the jail or medical facility the individual is ultimately transported to.

### **203.3 TRANSPORTATION AND RESTRAINT OF PRISONERS**

Officers transporting prisoners shall do so in accordance with all Department policies and procedures and ensure that individuals placed under criminal arrest are transported to the nearest Magistrate without undue delay. During

transportation, prisoners shall remain under control at all times, to ensure the opportunity for potential escape or attack upon transporting personnel is reduced as much as reasonably possible. Prisoners shall be seated in a manner to ensure they are as reasonably comfortable as possible, given the length of the trip being made. Whenever possible, vehicles used to transport prisoners should be equipped with forward and rear-facing in-car video capability and equipped with safety barriers between the front and rear seats. Prisoners who are transported in vehicles without safety barriers shall be handcuffed and seated in the middle of the second row of the vehicle with an officer directly on each side, positioned between the prisoner and rear vehicle doors to prevent potential escape. Transporting vehicles shall be searched for potential weapons and contraband at the beginning and end of each shift, as well as prior and subsequent to all prisoner transports. Officers shall document in an incident report in the current Records Management System (RMS) the facts and circumstances of all custodial transports, to include special circumstances that are applicable to the individual, such as injury, illness (physical or mental), handicaps, or suspected communicable diseases.

- **Use of Handcuffs:** The use of handcuffs and other Department-approved restraint devices are a matter of officer discretion unless the totality of the known circumstances indicate failure to properly restrain a prisoner may lead to the escape of the prisoner or jeopardize the safety of the officer, the prisoner, or any other individual. Officers shall consider the seriousness of the offense, circumstances surrounding the arrest, age and behavior of the offender, any level of resistance, and ability to conduct a thorough search prior to transport in determining whether to use handcuffs or any Department approved restraining device if available. Whenever handcuffs are utilized, they shall be checked for fitness and double-locked. Prisoners should be handcuffed with their hands behind their back, except for those individuals confined to wheelchairs. In those circumstances, officers should permit the individual to rest their hands in a natural manner so that they may use their hands during transport to shift their seated position and provide seated stability. Officers should also factor in known injuries, disabilities, and age in determining whether or not to handcuff or use other restraint devices on a prisoner. Where any officer other than the primary arresting officer transports a prisoner, the transporting officer shall search that prisoner for weapons or other items of contraband regardless of whether the transport is conducted by police vehicle or ambulance.
- **Searches:** All prisoners shall be searched for weapons, evidence, or hidden items of contraband, as set forth in [FCPD General Order 601](#), Arrest Procedures prior to being transported in any police vehicle or medical transport. Under extenuating circumstances only, prisoners may be removed from the immediate scene of arrest prior to being searched. Whenever

possible, officers of the same gender as the arrested individual should conduct the search of the individual. Where an officer other than the arresting officer transports the prisoner, that officer shall also search the prisoner for weapons and items of contraband.

- **Use of Seat Belts and Vehicle Temperatures:** Individuals in custody shall only be transported in the rear passenger area of police vehicles equipped with seat belts. Transporting officers shall only be seated in the front seating area of all transport vehicles unless accompanying a prisoner in an ambulance or in a vehicle that is not equipped with safety barriers. Seat belts shall be used by all vehicle occupants, to include transporting officers, unless extenuating circumstances exist with the documented approval of a supervisor (ex: prisoner is combative, physical impairment prevents seat belt use). Seatbelts shall be adjusted by removing all slack on the shoulder strap to prevent a prisoner from leaning forward to step through their handcuffs. Individuals in custody shall only be transported in police vehicles with an internal seating area temperature that is maintained at a level appropriate to the external environment.
- **Individuals with Disabilities:** Individuals in custody with disabilities shall be transported in vehicles with accommodating seats and seatbelts. Individuals with disabilities who require wheelchairs shall be transported in vehicles that enable them to enter the vehicle using a ramp, so that they may sit in the wheelchair during transport, in a manner where the wheelchair is secured so that it does not tip during transport or roll forward and/or backwards. Access to a wheelchair transport vehicle may be coordinated through the Community Services Board, Program Coordinator of Resident Services.
- **Law Enforcement Activities:** Officers who are transporting individuals in custody shall not engage in other law enforcement activities during transport, such as conducting traffic stops or field contacts. Whenever presented with a non-emergency situation that necessitates police assistance or intervention, the transporting officer shall promptly notify the Department of Public Safety Communications (DPSC) and request that an available unit respond to address the situation. Intervention by transporting officers in emergency situations that necessitate immediate police action is permissible under this Regulation.
- **Prisoner Escapes:** In the event of a prisoner escape, the transporting officer shall immediately notify DPSC and request assistance. DPSC will notify a first-line supervisor, who may request additional resources (ex: Canine, Helicopter) as needed to contain, locate, and re-apprehend the escapee. Where the first-line supervisor is not available, the DPSC supervisor or PLC

may direct all necessary resource responses. Transporting officers shall complete an incident report in the current RMS documenting all facts and circumstances surrounding the prisoner escape and any action(s) taken.

- **Outside Communication:** Individuals in custody are not permitted to communicate with legal counsel or any other individual during transport.
- **Prisoners in Need of Medical Care:** Transporting officers shall inform authorities at any receiving facility any known escape potential, communications of a suicidal nature, or other personal traits of either a security or medical nature. Prisoners in need of immediate medical attention shall be delivered to the nearest medical facility via ambulance, unless in the judgement of the officer the time required for an ambulance to respond would increase the risk of general health or safety to the prisoner. Prisoners transported by ambulance shall be searched, and an officer(s) shall be assigned to accompany and guard the prisoner unless police needs necessitate otherwise. Custodial officers shall maintain security over the prisoner until properly relieved by another officer, unless otherwise directed by competent authority.
- **Extraditions** Supervisors who assign officers to extraditions from other jurisdictions are responsible of informing their officers of their duties prior to departure. Modes of utilized travel and the unique circumstances of each extradition shall be reviewed and assessed on a case-by-case basis.
- **Exposure Cases:** Officers shall take reasonable precautions as necessary whenever handling prisoners, to include the use of personal protective equipment if there is reason to believe that an individual in custody may have a communicable disease. Officers shall follow proper decontamination procedures for any compromised police equipment (to include police transport vehicles) and notify their direct supervisor of any suspected exposure. The on-call Exposure Control Officers shall be notified for consultation and exposure classification. Supervisors shall ensure appropriate exposure documentation is completed prior to the conclusion of this shift.

#### **203.4 INTERVIEW ROOMS**

- **Securing of Weapons:** In order to ensure the overall safety of the arresting officer, and to prevent potential harm to either an individual in custody or any other individual, officers utilizing a room to conduct a prisoner interview or interrogation shall secure all weapons and ensure all prisoners are thoroughly searched prior to entering and placement in the room (using hand-held metal detectors whenever available). Designated interview rooms, in addition to

those frequently utilized at district stations, bureaus/divisions, and the Public Safety Headquarters building, may also include polygraph rooms, voice stress analyzer rooms, and any other room where it is likely that an interview could turn into an interrogation and potential arrest of an individual.

- **Securing of Interview Rooms:** Access to interview rooms shall be strictly limited to law enforcement personnel whenever not in use. Before using the room, officers shall examine the parameters and search for weapons, contraband, unsafe conditions, or any other item a prisoner may potentially use to either barricade themselves within the room, self-inflict injury, or harm others with. All interview rooms shall be searched prior to and after each interview is conducted. All property of in-custody individuals, to include but not be limited to, shoelaces, belts, hairpins, or other items capable of causing injury shall be removed and secured in a property bag prior to placing the individual inside of the interview room. Shoes will be removed, searched, and returned upon proper inspection.
- **Monitoring of Interview Rooms:** Persons awaiting interviews shall only be placed in interview rooms equipped with a wall-mounted monitor unless those rooms are unavailable. Interview rooms shall be furnished with a table, chairs, and immovable objects as necessary. Generally, no more than two (2) officers should be present within an interview room, unless based upon officer safety concerns, additional personnel are required. Where one officer conducts an interview alone, additional officer(s) shall position themselves in a manner to directly observe and hear all occurrences within the interview room and provide assistance as needed or requested.
- **Monitoring of Prisoners:** Where an officer is required to depart from the room, they shall ensure the prisoner remains under constant observation and monitoring by another officer(s). This may be performed through any means providing personnel enough access to intervene as necessary in the event of an emergency. Where an interview room is equipped with locks or restraining devices, officers conducting the observation and monitoring shall keep in their possession any key, code, or other device required to gain immediate access to the room. Where restraining devices are used, an involved officer shall retain a key to the restraining device.
- **Recording of Interview Rooms:** Interviewing officers shall only use interview rooms that have fully functional video and audio recording equipment. These rooms should have cameras in the interior of the room, a monitor on the exterior of the room, and a recording and monitoring system located at a satellite location. All custodial interviews or interrogations shall be recorded in their entirety. Officers shall activate the recording equipment when the

individual in custody is seated in the room and shall not de-activate the recording equipment until the individual is escorted out of the room at the conclusion of the interview or interrogation. In the event that no interview room has fully functional video and audio equipment (ex: power failure), officers shall utilize their body-worn cameras to capture the duration of the interview and/or interrogation, including any breaks in questioning.

- **Back-Up Officers:** While in use, interview rooms shall remain under constant monitoring by an armed cover officers stationed directly outside of the interview room who can provide assistance where an individual becomes combative or suffers a medical issue. Officers inside of the interview room shall bring either a Department-issued cell phone or portable radio in order to summon assistance as needed. Interviewing officers shall ensure interviewees have access to restrooms, water, and are afforded timely comfort breaks.

### **203.5 ASSISTING CRIMINALS**

Employees shall not intentionally divulge in any manner, either directly or indirectly, any information that may assist an individual suspected of criminal acts in circumventing arrest or punishment, enable them to dispose of or secrete money, merchandise, or other property unlawfully obtained, or any other evidence of illegal activity.

### **203.6 RECOMMENDING ATTORNEYS OR BONDSMEN**

Employees shall not suggest, recommend, advise, or otherwise counsel any individual with whom they become acquainted with as a result of police business, any information pertaining to the retention of a specific attorney or bail bond broker, unless the individual getting the referral is a direct relative of the employee.

### **203.7 ACTING AS BAILOR PROHIBITED**

Employees are not permitted to act as bailors for any individual who is not a direct relative of the employee.

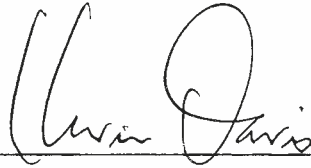
### **203.8 FOOT PURSUITS**

Officers who engage in a foot pursuit of a fleeing suspect are expected to exercise sound judgment throughout the length of the chase, and balance their obligation to promote the safety of the general public with the need to apprehend offenders and/or persons in need of immediate mental health or medical treatment. Any officer who directly participates in a foot pursuit of a suspect shall

ensure the incident is properly documented in an incident report and/or supplement in the Department's current records management system. First-line supervisors shall review all incident reports and supplements involving a foot pursuit report and promptly complete the Department's Foot Pursuit Documentation Form located on the Department's BlueNet page. Once completed, reviewing first-line supervisors shall submit the form to their respective commander for additional review to ensure the event was in compliance with any applicable Department training, policies, and procedures.

Regulation 203 becomes effective on the above date and rescinds all previous rules and regulations pertaining to this subject.

ISSUED BY:



A handwritten signature in black ink, appearing to read "Kevin Jarvis", is written over a solid horizontal line.

Chief of Police