

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: CUSTODY OF PRISONERS ASSISTING IN INVESTIGATIONS	NUMBER: 440.6
CANCELS ORDER DATED: 7-1-08	DATE: 4-1-12

I. PURPOSE

This General Order is issued to define policy and establish the conditions and procedures by which prisoners may be removed from confinement for the purpose of assisting with departmental investigations.

II. POLICY

It is the policy of this Department to assume custody of prisoners who are confined at a Virginia detention center in a manner which upholds the safety of the community, the prisoner, and the police officers. Custody of prisoners is to be assumed only when their involvement may provide significant investigative information and/or achievement. The rights of the prisoner shall be respected at all times.

III. PROCEDURES

- A. Permission from the station/division commander or assistant commander shall be obtained prior to assuming control of the prisoner.
- B. The commander's approval will be based on numerous factors including but not limited to the following:
 - 1. The reason for utilizing the prisoner.
 - 2. The role which the prisoner will play, e.g., identifying locations of burglaries, stolen property, or suspect's homes or as a catalyst to lure a suspected criminal.
 - 3. The jurisdiction to be entered.
 - 4. Safety factors including the type of location to be visited, the time of day, degree of risk for escape, etc.
- C. More than one officer shall be with the prisoner in all cases.

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- D. The use of handcuffs is strongly encouraged.
- E. The Department of Public Safety Communications and the duty officer shall be advised of the overall situation.
- F. The requirements of Regulation 203.3, Transportation of Prisoners, shall apply.
- G. If the destination with the prisoner is known to be in another jurisdiction within the Commonwealth of Virginia, the law enforcement agency of that jurisdiction is to be notified of the intended visit prior to entry.
- H. If the prisoner is taken outside of the Commonwealth of Virginia, the following conditions must be met under all circumstances:
 - 1. The commander must be advised and approve of the situation prior to the transport.
 - 2. Law enforcement services of the jurisdiction entered must be utilized beginning at the Virginia boundary.
 - 3. Officers of jurisdictions outside of the Commonwealth of Virginia shall be reminded that Fairfax County Police officers have NO police powers outside of the Commonwealth; they can take no action to control the prisoner except those permitted of a citizen of the jurisdiction entered.
 - 4. The law enforcement officer of the entered jurisdiction is responsible for the prisoner until the prisoner is returned to the jurisdictional confines of the Commonwealth of Virginia.

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IV. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
02.03
08.01

This General Order became effective April 1, 2012 and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

APPROVED BY:

Handwritten signature of the Chief of Police, appearing to be 'M. M. W.'.

Chief of Police

Handwritten signature of the County Executive, appearing to be 'A. G. B.'.

County Executive