



County of Fairfax, Virginia

MEMORANDUM

DATE: 05/26/2020

TO: Colonel Edwin C. Roessler Jr.
Chief of Police

Major Matt Owens
Commander - Internal Affairs Bureau

FROM: Richard G. Schott
Independent Police Auditor

SUBJECT: Policy Change Recommendations

Unrelated to any individual incident investigation review, I have reviewed General Order 203 REGULATIONS, and recommend the following policy changes for your consideration:

G.O. 203 PRISONER CARE AND CUSTODY

203.3 TRANSPORTATION OF PRISONERS

Officers transporting prisoners shall do so in accordance with departmental policy and as follows:

- Persons placed under arrest should be taken to the Nearest magistrate without undue delay; however, certain precautionary measures must be taken before prisoners are transported.
- All transport vehicles shall be searched for hidden weapons or contraband at the beginning and end of each shift, and prior to and after prisoner transport.

- The use of handcuffs is a matter of officer discretion unless the situation clearly indicates that failure to use handcuffs or similar restraining devices will lead to the escape of the prisoner or jeopardize the safety of the officer, the prisoner, or any other person. The seriousness of the offense, the circumstances surrounding the arrest, and the ability to conduct a thorough search prior to transport are among the factors to consider in determining whether to use handcuffs. In all situations in which handcuffs are used, they shall be double-locked.

Prisoners should be handcuffed with the hands in the rear, except for those in wheelchairs. If handcuffs are utilized on a person in a wheelchair they will be used as to permit the prisoner hands to rest in a natural manner and so the individual can use them during transport to shift seated position and provide seated stability, as required by Fairfax County/DOJ agreement DJ#204-79-258. (This regulation does not require officers to handcuff all prisoners). Injuries, disabilities, and age are among the considerations officers should use in determining whether or not to handcuff prisoners or use other restraining devices.

- All prisoners shall be searched for weapons, evidence, or hidden contraband, as set forth in G.O. 601 VI. A., prior to being transported in any police vehicle transport. In extenuating circumstances, prisoners may be taken from the immediate scene of arrest prior to being searched. Whenever practical, cross sexual search should be avoided.

If an officer other than the arresting officer transports the prisoner, the transporting officer shall also search the prisoner for weapons.

REASON: To insure the search incident to the lawful arrest of the prisoner is done according to the policy set forth in the G.O. which details ARREST PROCEDURES.

G.O. 203 PRISONER CARE AND CUSTODY

203.4 INTERVIEW ROOMS

- In order to ensure the safety of the arresting officer and prevent possible harm to the arrestee or other persons, any officer utilizing a room to conduct an interview with a prisoner shall do so in accordance with departmental policy and the following:
- Prisoners shall be searched prior to being placed in an interview room.
- Before each use of an interview room, officers shall examine the room for weapons, contraband, unsafe conditions, or any item a prisoner could use to barricade the room or cause self-inflicted injuries or harm to others.
- Prior to entering an interview room with, or occupied by a prisoner, officers shall secure all weapons.
- If the officer conducting the interview leaves the interview room, he shall ensure that the prisoner is under constant observation or monitoring. This may be accomplished by any means that provides for personnel close enough to intervene, in the event of an emergency within the interview room.
- If the interview room is equipped with locks or restraining devices of any kind, the personnel conducting the observation/monitoring shall **be have** in possession of, or **have** direct access to, any key, codes, or other devices needed to gain immediate entry to the room or the ability to remove the prisoner from the room.

REASON: Grammatical edit only.

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203 PRISONER CARE AND CUSTODY

203.1 PRISONER SAFETY

Arresting officers are responsible for the safety and protection of prisoners while in their custody. The officers shall, as soon as possible, notify their superior of any injury, apparent illness, or other conditions which indicate that the prisoner may need emergency or special care.

Officers charged with the custody of prisoners shall observe all laws and departmental orders in connection with this activity. Prisoners shall be kept securely, treated in a humane manner, and shall not be subjected to unnecessary restraint or force. Profane or abusive language directed at prisoners is prohibited. The arresting officer is responsible for the custody of the prisoner until custody is assumed by other competent authority. This responsibility includes the prevention of acts by any other member of the Department which violate the law or Department regulations. Any Department employee, including the arresting officer, who has knowledge of any violations of this provision, shall immediately report the information to his supervisor or division/station commander.

203.2 CARE OF PROPERTY

Commencing with the time of arrest, the arresting officer is also responsible for the security of the prisoner's personal property. With the exception of vehicles, this responsibility shifts to the competent authority who assumes custody of the prisoner.

203.3 TRANSPORTATION OF PRISONERS

Officers transporting prisoners shall do so in accordance with departmental policy and as follows:

- Persons placed under arrest should be taken to the nearest magistrate without undue delay; however, certain precautionary measures must be taken before prisoners are transported.
- All transport vehicles shall be searched for hidden weapons or contraband at the beginning and end of each shift, and prior to and after prisoner transport.

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- The use of handcuffs is a matter of officer discretion unless the situation clearly indicates that failure to use handcuffs or similar restraining devices will lead to the escape of the prisoner or jeopardize the safety of the officer, the prisoner, or any other person. The seriousness of the offense, the circumstances surrounding the arrest, and the ability to conduct a thorough search prior to transport are among the factors to consider in determining whether to use handcuffs. In all situations in which handcuffs are used, they shall be double-locked.

Prisoners should be handcuffed with the hands in the rear, except for those in wheelchairs. If handcuffs are utilized on a person in a wheelchair they will be used as to permit the prisoner hands to rest in a natural manner and so the individual can use them during transport to shift seated position and provide seated stability, as required by Fairfax County/DOJ agreement DJ#204-79-258. (This regulation does not require officers to handcuff all prisoners). Injuries, disabilities, and age are among the considerations officers should use in determining whether or not to handcuff prisoners or use other restraining devices.

- All prisoners shall be searched for weapons, evidence, or hidden contraband prior to being transported in any police vehicle transport. In extenuating circumstances, prisoners may be taken from the immediate scene of arrest prior to being searched. Whenever practical, cross sexual search should be avoided.

If an officer other than the arresting officer transports the prisoner, the transporting officer shall also search the prisoner for weapons.

- All prisoners and other persons shall be transported in vehicles equipped with seat belts, if available. Seat belts shall be used on all prisoners being transported. Exceptions may be made with the approval of a supervisor in special circumstances (e.g., the prisoner is combative and restrained with a RIPP restraint; physical impairment of the prisoner does not make the use of a seat belt practical), or if the vehicle is not so equipped.
- Prisoners with disabilities shall be transported in appropriate vehicles

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with seats, seatbelts, and at appropriate temperatures. Person with disabilities who use wheelchairs shall be transported in vehicles that enable them to enter the vehicle using a ramp, to sit in the wheelchair during transit, and for the wheelchair to be secured so it does not tip during transit and positioned so that starting and stopping of the vehicle does not dislodge the person seated in the wheelchair. (As required by Fairfax County/Department of Justice Agreement DJ# 204-79-258)

Access to a wheelchair transport vehicle has been coordinated with the Community Services Board, Program Coordinator of Resident Services. For temporary vehicle access contact the PLC. Officers are required to search the transport vehicle for weapons and contraband before and after use.

- The transporting officer(s) shall ride in the front seat of all transport vehicles except as provided for in transporting injured prisoners to a hospital in an ambulance.
- The transporting officer(s) shall not leave prisoners unattended.
- Internal temperatures of any transport vehicle shall be maintained at a level appropriate to the external environment.
- Transporting officers shall not routinely engage in other law enforcement activities while in the process of transporting prisoners, such as enforcing the traffic laws. When presented with non-emergency situations requiring police intervention, the transporting officer shall notify DPSC, who will then be responsible for assigning the incident to an available unit. Intervention, by transporting officers, into emergency situations requiring immediate police action does not violate the provisions of this regulation.
- In the event of a prisoner escape, the transporting officer shall immediately notify DPSC. DPSC will then be responsible for notifying the officer's first line supervisor. Requests for specialized units, such as the canine and the helicopter, are the responsibility of the first line supervisor. However, if the supervisor is not immediately available, the DPSC supervisor may make the request.

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- Prisoners will not normally be allowed to communicate with attorneys or others during transport.
- Male officers may transport female prisoners or female officers may transport male prisoners. All reports, by prisoners, alleging officer misconduct shall be fully investigated in accordance with General Order 301, Internal Investigations.
- Transporting officers shall verbally communicate to the receiving authority the prisoner's escape or suicide potential, or other personal traits of a security or medical nature.
- Prisoners who are in need of medical attention shall be delivered to the appropriate hospital emergency facility by ambulance, unless in the judgment of the officer the delay for ambulance response will increase the risk of the health or safety of the prisoner. The arresting officer shall be responsible for the security of the prisoner until properly relieved by a guard officer, unless otherwise directed by a superior.
- Prisoners and their property shall be surrendered at the jail to custodial officers or as otherwise directed by competent authority.
- Any prisoner transported to a hospital in an ambulance shall be accompanied and guarded by an officer unless police needs dictate otherwise. Should a police guard be unavailable, arrangements will be made to provide one as soon as possible.
- Supervisory personnel assigning officers to extraditions from other states or jurisdictions are responsible for informing officers of their duties prior to departure. The differing modes of travel used and unique circumstances of each extradition require a case by case review of these regulations for their applicability.
- Officers shall document all details surrounding the handling and transport of prisoners, including any special circumstances related to the individual, such as whether there is an injury, illness (physical or mental), handicap, or suspected communicable disease.

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- Officers shall take all necessary precautions when handling prisoners, including the use of the appropriate personal protective equipment. Officers shall follow necessary decontamination procedures for compromised equipment, to include cruisers.
- Officers shall notify their supervisor of any suspected exposure. The on-call Exposure Control Officer shall be notified of any risk exposure or for consultation on exposure classification. Supervisors shall ensure appropriate documentation of any suspected exposure is completed.

203.4 INTERVIEW ROOMS

In order to ensure the safety of the arresting officer and prevent possible harm to the arrestee or other persons, any officer utilizing a room to conduct an interview with a prisoner shall do so in accordance with departmental policy and the following:

- Prisoners shall be searched prior to being placed in an interview room.
- Before each use of an interview room, officers shall examine the room for weapons, contraband, unsafe conditions, or any item a prisoner could use to barricade the room or cause self-inflicted injuries or harm to others.
- Prior to entering an interview room with, or occupied by a prisoner, officers shall secure all weapons.
- If the officer conducting the interview leaves the interview room, he shall ensure that the prisoner is under constant observation or monitoring. This may be accomplished by any means that provides for personnel close enough to intervene, in the event of an emergency within the interview room.
- If the interview room is equipped with locks or restraining devices of any kind, the personnel conducting the observation/monitoring shall have in possession of, or direct access to, any key, codes, or other

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devices needed to gain immediate entry to the room or the ability to remove the prisoner from the room.

203.5 ASSISTING CRIMINALS

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

203.6 RECOMMENDING ATTORNEYS OR BONDSMEN

Employees shall not suggest, recommend, advise or otherwise counsel any person with whom they become acquainted as a result of police business, with regard to the retention of any attorney or bail bond broker. This section does not apply to a relative of the employee.

203.7 ACTING AS BAILOR PROHIBITED

Employees shall not act as bailors for anyone, with the exception that the employee may do so where a relative is involved.