

VIENNA POLICE DEPARTMENT  GENERAL ORDERS	SUBJECT: GENERAL ORDERS		NUMBER: 700
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	TOPIC: PRISONER CARE AND CUSTODY		
CHIEF'S SIGNATURE: <i>Lawrence M. Moun</i>		☐ New Directive ☐ Replaces ☒ Revised	
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701 TRANSPORT OPERATIONS

1. Prisoner Search.

The transporting officer shall thoroughly search a prisoner prior to placing the prisoner in the transport vehicle. Officers shall never assume the prisoner has been searched or does not possess weapons or contraband. Officers shall conduct a search of a prisoner each time the prisoner comes into the custody of the officer after visual contact has been lost.

2. Vehicle Inspection/Search.

- A. Officers shall inspect their police vehicle prior to the beginning of their shift.
- B. Officers shall search transport vehicles prior to and after the transport of a prisoner to ensure that no weapons, contraband, or personal property is present in the prisoner area of the vehicle. All contraband or property seized shall be logged into the property room.

3. Prisoner Transportation.

- A. Officers shall transport prisoners in police vehicles with a safety barrier when available. The prisoner will be seat-belted in the rear seat opposite of the driver of the vehicle. Officers shall take the most direct route to their destination. Prisoners shall not be transported in the front seat of a police vehicle.
- B. If a prisoner must be transported in a vehicle without a safety barrier, two officers shall accompany the prisoner. The prisoner shall be seat-belted in the rear seat with an officer sitting beside the prisoner and the officer's firearm away from the prisoner.
- C. If a prisoner must be transported on a commercial carrier, a minimum of two officers will be used as escorts. Escorting officers should be equipped with adequate restraining devices to be used if the prisoner becomes unruly.
- D. All prisoners should be considered dangerous and shall be escorted at all times during the transport. Escort officers shall notify carrier representatives of their presence and their transport. The officers will carry their badge and identification card for this purpose. Officers shall conduct themselves in accordance with departmental regulations.

4. Visual Observation.

- A. The primary duty of the transporting officer is the safe delivery of the prisoner. Transporting officers shall not routinely engage in other law enforcement activities while transporting prisoners. When non-emergency situations arise requiring police intervention, the transporting officer shall notify the dispatcher to contact the appropriate law enforcement authority who will be responsible for handling the incident. The transporting officer should only intervene under extreme emergency conditions where the risk to the prisoner is minimal. If the transporting

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officer stops, the officer shall notify the dispatcher of the nature and location of the incident and the assistance necessary. The transporting officer will remain only until other emergency assistance has arrived. The transporting officer will not become involved in any situation, which would create a risk of harm to the prisoner.

- B. Transporting officers shall visually observe prisoners in their custody at all times. If a prisoner is not viewed while using toilet facilities, officers shall ensure that there are no escape routes within the facility and there are no potential weapons available to the prisoner. On trips of extended length or whenever possible, female officers should accompany female prisoners and male officers should accompany male prisoners. Where it is necessary to stop for meals or rest stops, the location will be chosen at random. Public facilities should be avoided under normal circumstances and drive through facilities should be used when possible.

5. Prisoner Communication.

Prisoners will not normally be allowed to communicate with attorneys or others during transport. Should an unusual circumstance arise which would necessitate an exception to this policy, the transporting officer will be the individual responsible for monitoring the communication.

6. Procedures at Detention Facilities.

Transporting officers will be aware of and follow the respective procedures at the various detention facilities and mental health facilities utilized. The following policy will apply:

- A. Firearms will be secured in the designated area at the receiving facility;
- B. Restraints will only be removed on the instructions of the receiving officer;
- C. The transporting officer will be responsible for ensuring all necessary paperwork is properly submitted with regard to the transfer, and to ensure that signatures are obtained on forms to be returned to the Department.

7. Escapes.

In the event of a prisoner escape, the transporting officer shall immediately notify the dispatcher who will ensure the on-duty supervisor and the police agency with local jurisdiction is notified. Requests for specialized units, such as canine and the helicopter, are the responsibility of the supervisor involved or the police agency with local jurisdiction. The transporting officer shall complete an incident report describing the facts surrounding the escape and all actions taken. The Operations Division Commander will review the incident report to determine if any violation of General Orders or Regulations occurred, or if any remedial training is warranted. If it is determined that a violation of the General Orders or Regulations occurred, the appropriate Commander will bring this to the attention of the Chief of Police for further investigation.

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8. Security Hazards.

When a prisoner who is to be transported to a detention facility, or a mental health unit, is considered a security risk, or has any potential medical hazards, the transporting officer will notify the appropriate deputy, or medical personnel of such risk and request additional safeguards. It is the responsibility of each officer to properly document all information known regarding a high security or medical risk.

702 RESTRAINING DEVICES

1. Restraints During Transport.

- A. Officers shall handcuff prisoners as soon as the prisoner is taken into physical custody. The prisoner's hands shall be handcuffed behind their back, with both of their thumbs in the "up" position. Handcuffs shall always be double-locked when put in use. Officers may decline the use of handcuffs due to extremes in age (young or elderly), injuries, disabilities, or other appropriate articulable circumstances.
- B. Arrested persons being transported in a police vehicle will be secured with a seat belt.
- C. Restraint devices to shackle the prisoner's legs may be utilized when the prisoner is an escape risk, or may damage the police vehicle, or may assault the officer.
- D. At no time shall a prisoner be handcuffed or restrained to any part of the vehicle.
- E. At no time should a prisoner be restrained and placed on his or her stomach in the police cruiser. Such practices have been shown to cause "positional asphyxia", which is death from lack of oxygen. In instances where a prisoner's actions indicate that a greater degree of restraint is necessary, the Prisoner Transport Vehicle (PTV) may be summoned, or the "rip hobble" leg restraint may be utilized, if the officer has received training in its use, to secure the prisoner in an upright position.
- F. Flex cuffs may be used when handcuffs are not available, or during multiple arrests. The Flex cuffs will be used in the same manner as handcuffs.

703 SPECIAL TRANSPORT SITUATIONS.

1. Transporting Opposite Sex and Juveniles.

- A. Upon beginning transportation, the officer will advise the dispatcher of their starting location, vehicle mileage and destination.
- B. Upon arrival at the destination, the officer will advise the dispatcher of their location and vehicle mileage.
- C. No juvenile shall be transported with adults suspected of or charged with criminal acts. No juveniles under the age of 15 will be transported in the prisoner transport vehicle.

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2. Sick, injured, disabled prisoners

- A. Physically and mentally handicapped prisoners may require special care and discretion during transport. Officers shall attempt to complete the transport in a manner that is convenient, comfortable and safe for both the prisoner and the officer. Common sense should be exercised when deciding whether restraints should be utilized.
- B. The use of restraints shall not be used on a prisoner if restraints would further compound an illness or injury. If this is the case, the officer shall notify their supervisor and request assistance. Any prisoner who is injured or becomes sick, prior to, during, or after the arrest, will be offered medical treatment immediately. Officers shall notify their supervisor immediately when medical treatment is necessary. Medical attention shall be sought before transporting the prisoner to the detention facility. Common sense shall be exercised when considering the use of restraining devices on a sick or injured prisoner.

Officers will follow the Town of Vienna, Safety Manual, Chapter 8, section 8.5 Bloodborne Pathogen Program, when dealing with prisoners who are suspected of carrying a communicable disease such as AIDS or hepatitis

3. Emotionally Disturbed Prisoners.

Restraining devices will be used if necessary, to prevent injury to the individual or to the officer. The decision to use restraining devices will be based on the totality of circumstances and the potential for violence exhibited by the individual. Mentally disturbed persons taken into custody shall be transported in a police vehicle with a safety barrier. Violent persons may require special restraints and transportation by ambulance to the detention facility or mental health unit. If ambulance transportation is used, a police officer will accompany the ambulance crew. Persons taken into custody will remain the responsibility of the officer until custody is assumed by receiving personnel at the detention facility. Officers will use whatever restraints are necessary to protect all persons. Documentation of restraints used on mentally disturbed persons will be listed on the incident report.

4. Handicapped Prisoners.

When handicapped prisoners are transported, the use of restraints will be a matter of officer discretion. It should not be assumed that restraining devices are not needed. If the situation indicates that failure to use restraining devices may lead to the escape of the prisoner or jeopardize the safety of anyone, then restraints should be used. The circumstances surrounding the arrest, and the ability to conduct a thorough search prior to transport are among the factors to consider in the use of restraints.

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5. Medical Care.

Prisoners who are in need of emergency medical attention shall be delivered to the appropriate emergency facility by ambulance. Nonemergency transport may be by police vehicle or ambulance. Caution shall be taken to ensure the prisoner is isolated from other patients and is never left unattended or permitted to escape the immediate control of the officer. If the prisoner must be admitted, officers shall notify their supervisor immediately. Officers will remove restraints only when it is deemed necessary and they are requested to do so by the medical staff. The supervisor shall arrange a schedule for 24-hour control of the prisoner. The arresting officer shall be responsible for the security of the prisoner until properly relieved by a guard officer. If possible and appropriate, the Commonwealth's Attorney or a magistrate will be contacted to explore alternatives in regards to the possible release of the prisoner from custody.

6. Custody of Prisoners Assisting in Investigations.

During certain investigations it may become necessary to assume custody of a prisoner, confined at a Virginia Detention Facility, to assist with the case. It is the policy of the Vienna Police Department to assume such custody in a manner which upholds the safety of all persons. Custody of prisoners is to be assumed only when the prisoner's involvement in an investigation may provide significant information. The rights of the prisoner shall be respected at all times.

A. Procedures.

1. Permission from the Support Services Division commander or a designee shall be obtained prior to assuming control of the prisoner.
2. Approval will be based on the following factors:
 - a. The reason for utilizing the prisoner;
 - b. The role the prisoner will play, such as locating sites of burglaries, stolen property, or identifying pertinent suspect information;
 - c. The jurisdiction to be traveled;
 - d. Safety factors including the type of location to be visited, the time of day, or the degree of escape risk.
3. More than one officer shall be with the prisoner in all cases.
4. Handcuffs and other restraints will be used.
5. The Communications Section shall be kept apprised of the overall situation.
6. If the destination to be traveled with the prisoner is known to be in another jurisdiction, the law enforcement agency of that jurisdiction is to be notified of the intended visit prior to entry.

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7. If the prisoner is to be taken outside of the Commonwealth of Virginia, the following conditions must be met:
 - a. The Support Services Division commander must be advised and approve the action prior to transport;
 - b. Law enforcement services of the jurisdiction entered must be utilized beginning at the Virginia border, and the officers from that jurisdiction shall be reminded that Vienna officers have no police powers outside of Virginia. Vienna officers can take no action to control the prisoner except those permitted of a citizen of the jurisdiction entered; and
 - c. The officers of the entered jurisdiction are responsible for the prisoner until the prisoner is returned to the Virginia border.

704 TRANSPORT EQUIPMENT

1. Safety Barrier.

All marked patrol vehicles will be equipped with a safety barrier separating the driver and rear compartments. The safety barrier must permit conversation between the driver and persons in the rear compartment.

2. Vehicle Modification.

Police vehicles with safety barriers will have the rear doors and windows rendered inoperable from the rear seat.

3. Prisoner Transport Vehicle (PTV)

The Department maintains a specially equipped PTV for transporting subjects when utilizing a regular patrol vehicle is not the best course of action.

- A. The PTV is fully equipped with emergency equipment and In-Car Video, but should not be used for regular patrol functions.
- B. The PTV may be pre-staged at events where the likelihood of multiple arrest may occur.
- C. The driver of the PTV is responsible for searching the vehicle before every use and searching every prisoner prior to placing the prisoner into the vehicle.
- D. All subjects shall be properly secured in the PTV.
- E. In Car Video shall be utilized anytime a subject is in the PTV.
- F. Juveniles shall not be transported in the PTV
- G. Males and females shall not be transported in the PTV at the same time.
- H. All other rules involving transportation of prisoners apply when using the PTV.

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705 DOCUMENTATION

1. Identification, Documentation, Security.

A. Prisoner Identification.

It is the responsibility of any transporting officer to ensure the prisoner to be transported is correctly identified prior to accepting custody. Identification should be accomplished by comparing the prisoner's appearance with accompanying records or any appropriate method that will assure the officer of the correct identity of the prisoner to be transported.

B. Prisoner Documentation.

Officers shall transport all necessary documentation at the time of the prisoner transportation.

C. Prisoner Security.

Information concerning potential security problems with a prisoner will be documented and sent to the facility with the transporting officer. This information would include violence, escape, or suicidal tendencies, as well as any pertinent medical conditions. The transporting officer shall document with an incident report what information was relayed, and note the name and rank of the personnel who received the information.

706 HOLDING AREA

1. Holding Area (Soft and Hard Interview Rooms)

The holding areas can be used to temporarily (not to exceed two hours) detain a prisoner prior to transport to the Adult Detention Center, Juvenile Detention Center or awaiting pick by another law enforcement agency. The holding area will be maintained in compliance with the Virginia Department of Corrections Minimum Standards for Local Jails and Lockups.

2. Training

All personnel involved in the care of prisoners while in the holding area, soft interview rooms, hard interview rooms will be trained in the operation of the area, including the use of any audio and/or visual equipment.

3. Safeguarding detainee records

All records of the detainee, including any log-in entry forms, will be made part of the original case and submitted to the records section.

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4. Security

At no time will a prisoner be left unobserved by police personnel. To maintain security and control of the holding area, the following safety procedures will be followed:

- A. All firearms **and other weapons**, will be properly secured prior to entering the holding area;
- B. All keys will be controlled by the detaining officer;
- C. The holding area will be searched for weapons and contraband prior any prisoner being placed inside. Personal property will be separated from the detainee and placed into a prisoner property envelope for safekeeping. The property will be inventoried and listed on the envelope. The envelope and property will accompany the prisoner when transported to the detention facility.
- D. A physical security check of each detainee will be conducted by an officer at least every ten minutes, and the time will be noted on the lock-up log-in sheet. Dispatchers will monitor the holding area via the closed-circuit television. If a problem with a detainee is detected, the dispatcher will immediately notify the arresting officer and other officers present, via the public address system.
- E. Under extraordinary circumstances and with the approval of a supervisor, a detainee may be temporarily restrained to the fixed railing of the holding area bench with handcuffs and/or other approved restraining devices.
- F. All flammable ignition products will be removed from the detainee's possession. In case of a fire, the detainee's safety is the responsibility of the arresting officer. The detainee will be evacuated to a safe, secure location. The dispatcher will notify the fire department and other officers will provide fire suppression with the available fire extinguishers.

5. Inspections

The Operations commander will conduct monthly inspections of the holding area, in conjunction with the building inspection, and a written report will be forwarded to the Chief of Police. The holding area will be maintained in a clean, dry and hazard-free manner.

6. Juvenile Detainees

Juveniles will be detained in strict compliance with Virginia State Code 16.1-249.

7. Separation of Detainees

Males, females and juveniles will be detained separately.

8. Health Care

If medical or mental health care is needed, officers will follow procedures outlined in this General Order.

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9. Visitors

No visitors will be allowed to speak with detainees during processing. If the attorney representing the detainee should arrive, prior to the detainee being transported to a detention center, the attorney will be informed that they will be able to visit with their client at the detention facility.

10. Reports to the Department of Corrections

The Chief of Police, or his/her designee, will notify the Regional Administrator of the Department of Corrections of any pertinent facts in reference to any death, escape or firearm discharge. The initial report shall be made within twenty-four hours with a full report submitted at the end of the investigation.

11. Lavatory Facilities

Detainees will not be denied the use of wash basin or toilet facilities or water (water maybe withheld if the detainee is submitting to a breath test). The detainee will be escorted at all times.

707 INTERVIEW ROOM

1. Interview / Interrogations

Interviews and Interrogations will be conducted in areas where officer and suspect safety can be maintained by the interviewing or interrogating officer. At no time will suspects, witnesses, or any other persons be left unattended by department personnel. Interviews and Interrogations will be conducted in accordance with all appropriate legal guidelines.

2. Interview Room

The Interview Room will be the primary location for officers to conduct interviews or interrogations. Prior to conducting an interview or interrogation in the interview room, the officer will check the room for any possible safety hazards to the officer and the person being interviewed or interrogated.

3. Training

All personnel involved in the care of prisoners while in the interview room, will be trained in the operation of the holding area, including the use of any audio and/or visual equipment. Officers are reminded that the interview room is not to be used as a holding room.