

 <p style="text-align: center;">LEXINGTON POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution ALL PERSONNEL	General Order Number 5.11
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Order Title: PRISONER TRANSPORTATION	CALEA Accreditation Standard: 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; 70.4.1; 70.4.2; 70.5.1 VLEPSC OPR 08.01; 08.02; 08.03; 08.04; 08.05; 08.06; 08.07; 08.08; 09.01	Section 5
	Rescinds: OPR 08; 09	
Section Title PATROL FUNCTIONS	 Angela M. Greene, Chief of Police	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

The purpose of this general order is to establish clear guidelines for Lexington Police Department officers to follow prior to, during, and immediately after a prisoner transport, including procedures relating to the safety of officers, prisoners, and the general public during transport operations.

II. POLICY

Transporting prisoners is an inherently dangerous responsibility. Ensuring the safety of officers, prisoners, and the general public requires that the transporting officer must not assume that someone else has searched a prisoner or a transport vehicle. All prisoners, regardless of sex, age, race, perceived threat, or the nature of the offense committed, shall at a minimum, be checked for weapons and contraband prior to being transported. In addition, all transport vehicles shall be searched by the transport officer prior to and immediately after a prisoner transport in order to mitigate the risk to officers of prisoners escaping, gaining access to dangerous items or having an opportunity to destroy potential evidence.

III. DEFINITIONS

Arrest: To take a person into custody for violation of any law, ordinance, regulation, or bylaw of the State of Virginia, or any City or City within the State of Virginia.

Detainee: A person in the custody of agency personnel and whose freedom of movement is at the will of agency personnel.

Disabled Detainee: A detainee with an anatomical, physiological, or mental impairment that hinders mobility.

In Custody: Being under the full control of a law enforcement officer.

Prisoner: Any person, regardless of age or sex, who is either arrested or taken into custody for an alleged violation of any criminal or traffic law, or pursuant to a warrant or other court order or directive, whether for transfer to a detention facility, court proceeding, arranging for bond or pending release or one who is taken into protective custody for transport to a mental facility for evaluation and/or admission as a mental health patient.

Restraining Devices: Equipment that is used to restrain the movement of a person in custody, such as handcuffs, flexcuffs, waist chains, ankle shackles, and hobble strap.

Security Hazard: Any threat to the security of a prisoner, to the facility in which he is held, or to others with whom the prisoner may come into contact. Estimations of the degree of security hazard will govern the means of transport, the types of restraining devices to be used, and other actions to be taken by the transporting officer.

Special Transport: Transportation of an incarcerated person other than to court or another detention or correctional facility.

Transport Vehicle: The vehicle used for transporting a prisoner from one point to another. The transport vehicle may be the patrol vehicle, such as in the case of transporting a prisoner after an arrest, or a specially designed prisoner transport vehicle such as a bus or van. This term does not refer to commercial vehicles, such as buses, trains, or airplanes that may be used for prisoner transport.

Transporting Officer: A Lexington police officer who is responsible for transporting a prisoner from one point to another.

IV. PROCEDURE

A. Search of Prisoner Transport Vehicles

1. In order to mitigate the opportunity for prisoners to use or destroy weapons or contraband, the rear passenger compartment of every vehicle that may transport prisoners shall be searched by the operating officer:

- a. At the beginning of the officer's shift
 - b. Prior to placing any individual in the transport vehicle
 - c. Immediately after transporting an individual in the vehicle
 - d. At the end of the officer's shift
2. The officer will document in a written report whenever (s)he locates any items, including weapons and/or contraband during the vehicle search.

B. Search of Prisoner(s) by Transporting Officer

1. All persons taken into custody present a potential risk to the safety of the transporting officer. Therefore, all prisoners shall be searched for weapons and/or contraband prior to being transported.
2. An officer transporting an arrestee from the site of a field arrest shall conduct such search as is legal and feasible under the circumstances, and shall exercise extraordinary caution.
3. When available, an officer of the same gender will conduct prisoner searches. The arresting officer will take into account the most appropriate gender to search a suspect where the suspect's gender and their gender identity or expression are different. When an officer of the same gender is unavailable, a second officer will witness the search and/or the search will be recorded on the vehicle video camera or building video camera when available and practicable. The search should be limited to the outer clothing unless exigent circumstances require a more inclusive search, such as when the officer reasonably believes the arrestee is concealing a weapon, is destroying evidence, etc.

C. Transport Responsibilities

1. The Transporting officer shall be responsible for:
 - a. Searching the prisoner prior to transport, and preparing them for transport.
 - b. Confirming the identity of each prisoner to be transported.
 - c. Providing documentation to the receiving officer or employee of the facility to which the prisoner is being transferred.
 - d. Obtaining the name of the receiving officer or employee of the facility to which the prisoner is being transferred, and include the information in a report.
 - e. Making any notifications to the facility that the prisoner/arrestee is being transported to if the prisoner poses a security hazard, medical risk or suicide risk.
 - f. Securing the officer's firearm prior to entering the Detention Facility.
2. Whenever officers are transporting an arrestee to court the officers will notify court personnel when the detainee is considered to be an unusual security risk.

D. Prisoner Property

1. All hand carried personal property shall be taken from the prisoner prior to transport, as well as the contents of any pockets.
2. All property accompanying the prisoner shall be inventoried.
3. The transporting officer shall be responsible for all property and its correct disposition once he has taken custody of it.
4. All property shall be listed in the arrest report in the appropriate sections.

E. Prisoner Restraining Devices to be Used During Transport

1. All Lexington Police Department prisoners being transported for any reason shall be restrained with appropriate devices that provide for the safety and security of both prisoners and officers. As a rule, prisoners will be secured with handcuffs behind their back; however, officer discretion may be used when determining what type of restraint device may be appropriate for prisoners who may be the exception to the rule. Race and gender will not be considered as a factor in determining whether or not a prisoner will be restrained during transport. The determination of how a prisoner will be restrained will be based upon an assessment of the prisoner's flight risk or propensity for violence, based upon; the severity of the charges, the prisoners' physical condition (age, illness, injury, etc.), the distance to be transported, and the mode of transportation.
2. Prisoners will never:
 - a. Be handcuffed to any part of a vehicle
 - b. Be handcuffed to a member of the opposite sex
 - c. Be handcuffed to an adult, when they are a juvenile;
3. Officers will document the restraint technique used for each prisoner in their report.
4. When restraining a prisoner:
 - a. Restraints shall be applied so as not to cause injury or restrict circulation.
 - b. All restraints shall be double locked, if they are so equipped.
 - c. Handcuffs and/or body chains shall be used on all prisoners transported by vehicle.
 - d. Leg irons may be used on high risk prisoner transports.
 - e. Flex cuffs may be used when necessary.
 - f. Absent exigent circumstances, restraints shall not be removed until the

prisoner has reached the final destination.

5. Authorized Restraints

a. Handcuffs

- i. Generally prisoners will be handcuffed with the arms of the prisoner placed at their back and the palms of the hands facing outward.
- ii. Officers may choose to handcuff hands in front only if the prisoner has a medical handicap or disability which would not allow handcuffing as described above. When cuffing in front, the body belt (waist belt) should be utilized.
- iii. Prior to a detention order being issued, a mental health patient may be handcuffed to prevent the destruction of surrounding property, or protection from assault or self-infliction. Mental health patients will be handcuffed in front by utilizing the body belt after a detention order has been issued to prevent escape, or any of the above actions, or during transports.
- iv. When a suspect is handcuffed, use of the double lock will help ensure prisoner and officer safety. The double lock device is normally located directly above the key hole on the locking mechanism of the bracelet and can be locked by inserting a pointed object (back of handcuff key) in the lock and pushing down. Double locking reduces the chance of picking the lock or the bracelet accidentally closing further, restricting circulation.

b. Flex cuffs

- i. Members of the department are permitted to use nylon or plastic restraints (flex cuffs) as an alternative to handcuffs when necessary, such as mass arrests or multiple suspects.

c. Body belt (Waist belt)

- i. The body belt (waist belt) allows the officer to handcuff the prisoner in front yet restricts the movement of the prisoner's arms and hands.

d. Leg Restraints/Ankle Shackles/Hobble

- i. Leg restraints/ankle shackles/Hobble will be used by officers when transporting any prisoner with reason to believe the prisoner might be an escape risk.

F. Transport Vehicle Configuration/Safety Barriers

1. The safety and security of officers, prisoners, and the public is best achieved by utilizing appropriate equipment.
2. Any police vehicle that is likely to be used for prisoner transport shall be equipped with a protective safety barrier between the front and rear seats or rear compartment. The barrier shall be configured and constructed in such a way as to prevent prisoners from having access to the driver's compartment.
3. Vehicles not normally used for prisoner transports are not required to be equipped with safety barriers.
4. The following modifications will be made to Lexington police vehicles designed for prisoner transportation:
 - a. Manual door locks on rear doors shall be disabled
 - b. Crank handles for manually operated windows will be removed
 - c. Rear door handles will be deactivated
 - d. Electric rear door and window controls will be driver controlled
5. In the event the vehicle does not have such a partition or protective cage, a unit having such a partition should be called to the scene for the transportation.

G. Prisoner Transport

1. Male and female prisoners shall be transported separately, when possible.
2. Juveniles shall be transported separately.
3. When prisoner transports are scheduled in advance, the transporting officer shall be of the same sex as the prisoner; or an additional officer may be requested to accompany the transport.
4. When transports are not scheduled/planned in advance, a prisoner of one sex by an officer of the opposite sex, an additional officer may be requested to accompany the transport, whenever possible.
 - a. The transporting officer will, at minimum,
 - i. Contact Central Dispatch by radio and request that the time and mileage be logged by the dispatcher on duty.
 - ii. The transporting officer should proceed directly to the destination by the shortest, most practical route.
 - iii. Upon arrival, the transporting officer will notify Central Dispatch by radio and request that the time and the mileage be logged by the Dispatcher on duty.

5. When an officer transports any person, the officer shall advise the Dispatch of the location from which the transport originates, the destination, and the vehicle mileage. Upon arrival at the destination, the officer shall advise dispatch of the ending mileage.
5. Prisoners will not be allowed to communicate with persons other than the transport officers during transport.

H. Prisoner Location During Transport

1. When transporting prisoners, officers will ensure the safety of the officer and the security and safety of the prisoner and the general public by following these guidelines:
 - a. Officers shall transport prisoners using a vehicle with a physical security screen.
 - b. Prisoners will be seated in the passenger side of the rear seat.
 - c. Officers shall place the safety belt on all prisoners, unless doing so may expose the officer to risk of injury from a violent prisoner.
 - d. Transporting officers will take the most direct route to their destination unless circumstances dictate otherwise.
 - e. Prisoners shall not be transported in a vehicle that does not have a physical safety barrier.
 - f. At no time shall a transporting officer leave a prisoner unattended, unless assistance must be rendered to a third party in a life threatening situation. In no case shall a prisoner be left unattended if there is reason to believe he/she poses an immediate risk to any person.
 - g. For good cause shown, and/or under exigent circumstances, the on-scene commander can deviate from these guidelines. Any deviation will require documentation in the incident report.

I. Interruptions of a Prisoner Transport

The primary duty of the transporting officer is to safely deliver the prisoner(s) in their care. Only when there is a clear risk of death or injury to a third party and with the specific approval of the shift supervisor may the transporting officer stop to render assistance to other parties during a prisoner transport. Certain circumstances may dictate the need to stop and render assistance.

1. Secondary calls

- a. When the transporting officer encounters a non-emergency need for law enforcement service, the officer will not stop but will report the need to the dispatcher. Officers assigned to the incident will be directed to explain to citizens the reasons why the transporting officers did not stop.
- b. When the transporting officer observes an emergency situation, they shall report it to the dispatcher and request permission from the shift supervisor to render assistance. Only after receiving approval, will they stop and render assistance. A backup officer will be immediately dispatched to handle the call so the transporting officer can resume the transport. Upon being relieved, the transporting officer will verify the security of the prisoner and advise dispatch when they resume.

2. Tending to prisoner needs

- a. Transport officers will not stop to address routine needs of prisoners being transported. However, if necessary, transport officers may stop to address medical needs of the prisoner being transported. Officers should be aware that prisoners may be employing a diversionary tactic designed to facilitate an escape or a physical attack on the transporting officer. Prior to stopping to render assistance, the transport officer will advise the shift supervisor of the situation and receive approval. A back-up officer will be immediately dispatched to assist.

3. Long distance transports

- a. Interruption of prisoner transports may be necessary when traveling more than three hours. When a transport of more than three hours is anticipated, a second officer will be assigned to assist during transport. At least one officer of the same sex as the prisoner will assist with a long distance transport in anticipation of the required use of public rest room facilities.
- b. If transporting officers are in uniform than they shall have their duty belt with lethal and non-lethal options available. Plain clothes officers shall have available both lethal and non-lethal options like electronic control weapon or chemical agent.
- c. When refueling or stopping for a meal, the location will be chosen at random by the transport officer.
- d. If the prisoner requires the use of a restroom, two officers will escort the prisoner to the restroom. Private facilities should be used when available. One officer will inspect the facility prior to allowing the prisoner to enter. Handcuffs may be removed to allow the prisoner to

use the restroom facility and to wash up. Unoccupied restrooms will be used whenever possible.

- e. Prisoners will never be permitted to communicate with anyone during transport. Family members, friends and attorneys will not be permitted to accompany a prisoner nor shall the transport be interrupted to allow for communication by the prisoner with any other person.

J. Unusual Occurrences During Transports

1. In the event of an accident, mechanical breakdown, illness, death, or escape, transporting Officers shall use common sense applicable to the situation. Guidelines and procedures pertinent to each situation should be followed. The safety and security of the general public, Officers and prisoner(s) are paramount at all times.
2. In the event of a traffic accident involving the transport vehicle:
 - a. First attention shall be given to any injured persons in the vehicle.
 - b. The local jurisdiction shall be notified immediately, and medical assistance requested if necessary.
 - c. The transporting officer's immediate supervisor shall be notified, and shall make alternative transportation arrangements if necessary.
 - d. If the accident occurs at a location within Lexington, the on-duty Patrol Sergeant shall be notified and shall respond.
 - e. All procedures for response to an accident involving a Lexington vehicle shall be followed.
3. In the event of a mechanical breakdown, the transporting officer's immediate supervisor shall be notified.
4. If a prisoner becomes seriously ill in transit, the transporting officer shall obtain medical assistance as soon as possible, and notify their immediate supervisor.
5. The death of a prisoner in transit shall first be treated as a medical emergency, and medical assistance obtained immediately. The transporting officer shall notify their immediate supervisor and shall be responsible for all applicable documentation.

K. Transporting Sick, Injured, or Disabled Prisoners

1. Transporting handicapped, sick or injured prisoners presents additional problems. Prisoners with physical or mental handicaps often need special

handling techniques with which officers may not be familiar. Such unfamiliarity should be addressed prior to initiating the transport.

2. Prior to transporting the prisoner, the transporting officer shall determine any special medical conditions for the transport which have been established by a physician, or medical control. Prisoners who require medical treatment during the transport, will not be transported in a standard police vehicle but in an ambulance, wheelchair van or other suitable vehicle staffed with personnel medically qualified to administer whatever care may be necessary.
3. Restraint devices will only be used when absolutely necessary to prevent escape of the prisoner, and only when a physician or medical control has stated that the use of a physical restraint will not injure the prisoner.
4. Handicapped prisoner:
 - a. When transporting a handicapped prisoner, the transporting officer will request assistance when needed in order that the transport may be completed in a manner that is the most convenient, comfortable, and safe for both the prisoner and the officer.
 - b. A rescue squad may be contacted for assistance. The transporting officer will ensure that whatever special equipment or medicine is necessary for the prisoner to have is taken as well.
5. Injured or Sick prisoner:
 - a. The arresting officer will ensure that medical treatment is provided when prisoners are injured or sick before or during arrest or incarceration.
 - b. When symptoms of illness are evident or complaints of injury are made, the arresting officer will notify the on-duty supervisor immediately by means of radio, telephone or verbally.
 - c. The prisoner will be transported to the nearest hospital emergency room unless necessity dictates that a rescue squad be summoned to the location or a correctional nurse determines hospitalization is unnecessary.
 - d. Personnel will be governed by the decision of the rescue squad or correctional nurse concerning the need for hospitalization. Furthermore, an injured prisoner's acceptance or refusal of medical treatment from certified healthcare providers must be documented in the police report and [*Response to Resistance Form*](#). See *General Order 3.01 Use of Force*.
 - e. When a prisoner who is ill or injured is being released to the officer or the jail facility, they will inform them of the illness or injury and the

determination of the rescue squad or hospital.

6. Prisoner with a Communicable Disease: *See General Order [8.11 Blood Borne Pathogens](#).*
7. Mentally Ill or Disabled prisoner:
 - a. If the criminal offense is a felony:
 - 1) Take the individual directly before a magistrate and present probable cause for an arrest warrant.
 - 2) Execute the arrest warrant and present the individual to the jail facility for custody.
 - 3) Convey to the jailor taking charge of the individual all the circumstances surrounding the individual's conduct so that proper placement may be made.
 - b. If the criminal offense is a misdemeanor committed in the officer's presence, use the same procedures as in felony cases. If the criminal offense is a misdemeanor not committed in the officer's presence, advise the citizen to obtain the warrant and then follow the same procedures as in felony cases. (*See General Order [5.06: Mentally Ill or Homeless Individuals](#) for additional information.*)
8. Mentally Ill or Disabled Patient Transport:
 - a. Virginia Code § 37.2-810 (B) Transportation of person in the temporary detention process, mandates "The magistrate issuing the temporary detention order shall specify the law-enforcement agency to execute the order and provide transportation." This section also allows "...the magistrate shall consider any request to authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner upon determining, following consideration of information provided by the petitioner..."
 - b. Alternate transportation may be utilized provided that the mental patient meets all of the following criteria:
 - 1) Patient is 18 years of age or older;

- 2) Patient does not display current violent behavior which may result in serious injury during transportation;
 - 3) Patient does not have a known high risk of escape;
 - 4) Patient is capable of walking and able to transfer themselves to and from the alternate transportation vehicle;
 - 5) Patient is not using oxygen; and
 - 6) Patient is not medically fragile.
- c. In the event that alternate transportation is utilized, law enforcement officers are responsible for the following:
- 1) Officers should ensure that accurate behavioral information is provided to the Mental Health Services pre-screener to assist in the alternate transportation fitness determination.
 - 2) Officers shall accompany the patient to the alternate transportation vehicle and remain with the patient until they are secured in the vehicle by the alternate transportation provider.
 - 3) Officers should ensure a positive rapport is made with patients to prepare for a calm transfer to the alternate transportation provider.
 - 4) Officers shall conduct a full custodial search of the patient before transferring custody to the alternate transportation provider. Officers shall execute the TDO and ensure it travels with the alternate transportation provider:
 - a) The Code of Virginia § 37.2-810 (B) mandates: “When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified lawenforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation 42.02 - 2 provider identified in the order. In such cases a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility.
- d. In the event that the patient cannot be transported by an alternate transportation provider, the law enforcement officer will provide the transport. Only shield-equipped vehicles will be used and the mental

patient will be seated in the passenger side rear seat.

L. Prisoners Transported to a Medical Facility

1. Officers will ride in the ambulance when transporting a prisoner to a medical facility to prevent violent assaults on ambulance personnel, for evidentiary purposes, and to reduce the risk of escape. Officers shall follow the procedures set forth above in this General Order when prisoners are transported to a medical facility in a police cruiser.
2. Prisoners should be restrained during transport to and from medical facilities, and while at the medical facility, unless prevented by injury or when medical personnel request the restraints be removed to allow for examination and treatment.
3. The transporting officer will remain with the prisoner during examination and treatment, except when a doctor or medical staff requests the officer leave the treatment area. In that event, an officer shall take a position that prevents escape.
4. If the prisoner is violent or an escape risk, the transporting officer will request dispatch to notify hospital security, or the local police agency where the facility is located.
5. Officers will remain with prisoners who are admitted to a medical facility until they are discharged from the hospital, released on bond or PTA, or arraigned at the hospital. The on-duty Supervisor shall assign officers to provide security while the patient is admitted.

M. Documentation to Accompany Prisoners

1. Proper identification of prisoners being transported and special concerns or risks presented by such prisoners is necessary to ensure the safety of officers and the public.
2. Prisoners being transported between facilities will be identified by reliable means, such as booking records, photograph, fingerprints, identifications, or personal knowledge of the transporting officer.
3. The transporting officer will carry all documentation relative to the prisoner's identification, destination, escape risk, suicidal tendencies, or unusual medical conditions, and shall advise receiving agency personnel of any potential medical or security hazards. Transporting officers should also carry a properly executed governor's warrant or waiver for interstate transports. The transporting officer shall deliver all documentation to the receiving officer.
4. Transporting officers will obtain the signature of the receiving officer and

document transfer of custody in their written report.

N. Prisoner Escape

1. In the event of a prisoner escape during transport, the primary objective is to recapture the prisoner, prevent injury to the public, property or to police officers. In the event of an escape, the transporting officer(s) shall:
 - a. Notify the dispatcher and the on-duty supervisor
 - b. Make an immediate attempt to recapture the prisoner. If an immediate recapture is not possible, it is more prudent to await the assistance of other police officers
 - c. Notify the nearest local police authority, when not in Lexington and follow their directions
 - d. Provide the identity and full description of the escapee(s), the circumstances of the escape, and any other information which may lead to the apprehension of the escapee(s).
 - e. If the escapee is not recaptured within the normal tour of duty of the transporting officer, that officer shall prepare an application for an arrest warrant on the charge of escape.
 - f. Document the circumstances surrounding the escape and efforts made to capture the escapee, and complete all applicable reports.