



Virginia Department of Corrections

Facility Security and Control

Operating Procedure 435.4

Extradition and Fugitive Services Unit

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

The content owner reviewed this operating procedure in June 2022 and determined that no changes are needed.

The content owner reviewed this operating procedure in June 2023 and necessary changes have been made.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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DEFINITIONS

Absconder - A probationer or parolee, under DOC supervision in the community including Community Corrections Alternative Programs, whose whereabouts are no longer known to the supervising officer after reasonable efforts to locate

Escape - Flight from confinement or lawful control of an officer even when on a status such as work release or furlough

Escapee - An inmate who escaped from the DOC institution where the inmate was assigned or from outside of an institution while on work detail, bereavement visit, transportation, etc.

Extradition - The return of a fugitive to a state in which the inmate or probationer/parolee is accused or has been convicted of committing a criminal offense by order of the governor of the state to which the fugitive has fled to evade justice or escape prosecution. Probationers/Parolees not transferred through the ICAOS must be returned through the extradition clause of the U.S. Constitution (ICAOS Dispute Resolution 2-2004).

Fugitive - A person who is fleeing from custody or prosecution.

Inmate - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

Organizational Unit Head - The person occupying the highest position in a DOC organizational unit, such as a correctional facility, Regional Office, Probation and Parole Office, Virginia Correctional Enterprises, Academy for Staff Development, Infrastructure and Environmental Management Unit, Agribusiness Unit, and individual Headquarters units, e.g., Human Resources, Offender Management, Internal Audit.

Probationer/Parolee - A person who is on community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of Courts, paroling authorities, the Virginia Department of Corrections, or other release authority; this includes post release supervision and Community Corrections Alternative Programs.

Transporting Officer - A certified Corrections Officer who has received specialized training to handle inmates and probationers/parolees transported in public



PURPOSE

This operating procedure establishes the Department of Corrections (DOC) Extradition and Fugitive Services Unit's responsibility and authority in locating and apprehending escapees and absconders, coordinating and conducting interstate transportation of inmates and probationers/parolees, and working with other law enforcement agencies by sharing information and resources in order to locate and apprehend any person that is wanted and eluding prosecution.

PROCEDURE

I. Authority and Responsibilities

- A. The DOC will pursue escapees and absconders once the inmate's or probationer's/parolee's original felony sentencing order or orders, and original arrest warrants or indictments for the escape event and/or probation and parole violations are received and on file with the DOC.
 1. The Detainer Unit must apply through the Governor's office for an escapee's or absconder's extradition upon notification that an escapee or absconder was arrested out-of-state in all instances where the Commonwealth's Attorney from the jurisdiction of the escape or abscond does not extradite. If the Commonwealth's Attorney does extradite, the Detainer Unit takes no action.
 2. The Post Release Unit of the Virginia Parole Board will coordinate the extradition of a parolee upon notification that a parole violator has been arrested out-of-state.
- B. The Extradition and Fugitive Unit (EFU), upon receipt of written notification, is responsible for locating and coordinating the return of escapees, probation, parole, post release, conditional release violators, and new inmates from out-of-state facilities to in-state facilities.
 1. The EFU conducts investigations to locate and apprehend violent, high risk, or high profile absconders, and absconders assigned to fugitive status; see Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*.
 2. The EFU transports interstate corrections compact offenders from Virginia facilities to out-of-state facilities and from out-of-state facilities to Virginia facilities.
 3. The EFU is not normally involved in the transportation of juveniles for the Department of Juvenile Justice.
 - a. Upon special request to the Major of Extradition and Fugitive Services and on a carefully selected case-by-case basis, a representative of the EFU may join with employees from the Department of Juvenile Justice to assist in the return of certain "special problem" youth.
 - b. The Major of Extradition and Fugitive Services will consult with the Chief of Corrections Operations before granting approval for staff assistance.
 4. Sworn officers permanently assigned to EFU have the authority to arrest and recommit to the place of confinement from which the inmate or the probationer/parolee was released or in which the inmate or the probationer/parolee would have been confined but for the suspension of their sentence or of its imposition, for violation of the terms of probation, post-release or conditional release supervision, or parole, any probationer, person subject to post-release or conditional release supervision, or parolee as directed by the Parole Board or the Court, pending a hearing by the Board or the Court; see COV §53.1-145, *Powers and duties of probation and parole officers*.
- C. The Major Extradition, Fugitive, & Emergency Services Unit, subject to approval by the Director of Security and Correctional Enforcement, maintains current detailed internal procedures for the transportation of fugitives. The internal procedures must at a minimum, cover the following:
 1. Transportation, Surface and Air
 2. Use of Restraints
 3. Weapons



4. Rest Stops
5. Meals
6. Accidents
7. Escapes - Attempted and Actual
8. Sickness, Injury, or Death
9. Hostage Situations
10. Searches
11. Airline Travel; staff will not participate or earn airline frequent flyer miles offered by commercial airlines
12. Travel Credits, Reduced Rates and Free Services; see Operating Procedure 240.1, *Travel*
13. Other areas deemed appropriate by the Major Extradition, Fugitive, & Emergency Services Unit or Director of Security and Correctional Enforcement

II. Extradition Fugitive Services Unit Staff Training

A. Officers assigned to the EFU must be:

1. Knowledgeable of intrastate and interstate transfer procedures
2. Knowledgeable of the criminal justice system and law enforcement methods, policies, laws, and procedures relating to escapees, absconders, and interstate compact offenders
3. Able to pass a background investigation in order to obtain high level security clearance

III. Field Assistance on Fugitive Transportation

A. When the EFU requires field assistance to transport fugitives, the Major Extradition, Fugitive, & Emergency Services Unit will request that the appropriate Regional Administrator designate the required Corrections Officer to comprise the transporting team.

B. The transporting team must consist of at least two certified Corrections Officers, one of which must be in the rank of Sergeant or above. In addition, each transporting team member must:

1. Be approved by the Director of Security and Correctional Enforcement
2. Be qualified to carry weapons and knowledgeable of current state issued weapons
3. Have a valid Driver's License, without Court-ordered or administrative driving restrictions, issued by any state
4. Be able to converse with the public and willing to travel aboard aircraft

C. EFU staff will assist designated Corrections Officers in the planning of all overnight transport trips to ensure that all state travel regulations governing meals, incidental travel expenses, and lodging are followed; see Operating Procedure 240.1, *Travel*.

IV. Extradition and Fugitive Services Travel

A. Travel incurred by EFU staff not related to the transport of inmates and probationers/parolees will adhere to travel requirements provided in Operating Procedure 240.1, *Travel*, and the Department of Accounts (DOA) CAPP Manual Topic 20335 - Cardinal, *State Travel Regulations*.

B. EFU staff will adhere as closely as possible to the State Travel Regulations lodging and meal per diem rates; however, the nature and urgency of travel associated with their job duties often require out-of-state travel and may necessitate that lodging limits be exceeded.

C. Travel Request Authorization Exemption



1. EFU staff and Corrections Officers designated to assist EFU are exempt from submitting the *Travel Authorization Request_240_F1* prior to out-of-state travel and travel-planning costs that exceed \$1000, when performing extradition duties.
2. If lodging subsequently exceeds up to 150% of the lodging base rate the supervisor may grant initial approval by telephone, text, or email.
3. Initially approved exception requests will be documented on the *Request to Exceed the Lodging Base Rate 240_F2* and the *Travel Authorization Request_240_F1* for approval through normal channels upon the conclusion of travel and submitted with the Part-A of the *Travel Expense Reimbursement 240_F6*.

D. Travel Policy Exceptions

1. The EFU staff member will pay the actual meal expenses, not to exceed the allowance per day, and lodging for the accompanying Correction Officer(s) and meals for the inmate(s) or probationer(s)/parolees(s).
 - a. EFU staff and accompanying Corrections Officers will have a maximum of a full day meal allowance for each day's travel including same day travel.
 - b. Due to the nature of travel, some meals will be acquired in high cost locations, e.g. airports.
 - c. An effort will be made to adhere to travel guidelines for lodging limits.
 2. EFU staff will be reimbursed for meal expenses and lodging for each accompanying Corrections Officer with appropriate detailed zero balance receipts.
 3. The EFU staff member will be reimbursed in full for inmate and probationer/parolee meals.
 4. All expenses must be supported by attached original receipts.
- E. EFU staff and accompanying Corrections Officers are tasked with providing for the safety and security of the citizens of the Commonwealth when transporting inmates and probationers/parolees. Supervisors are responsible for holding EFU staff accountable for the most efficient expenditures consistent with their public safety responsibilities by conducting a regular review of the expenses in Part A of the *Expense Reimbursement*.

V. Security Considerations

A. Transport Processing

1. EFU will treat all inmates and probationers/parolees transported by EFU as Security Level S, regardless of their current or prior security classification; see Operating Procedure 411.1, *Offender Transportation (Restricted)*.
2. The Transporting Officer must strip search the inmate or probationer/parolee and thoroughly search all clothing the inmate or probationer/parolee will wear on transport, prior to removing the inmate or probationer/parolee from a facility or jail.
3. When transporting an inmate or a probationer/parolee by automobile, driving time is limited to ten hours or approximately 650 miles per day. Under extenuating circumstances, the driving limit may be extended to a maximum of 12 hours per day with the approval of the Major Extradition, Fugitive, & Emergency Services Unit.
4. When transporting inmates and probationers/parolee, at least one Transporting Officer must be a certified Corrections Officer or certified law enforcement officer of the same gender as the inmate or probationer/parolee transported.

B. Emergencies

1. In emergencies such as illness, injury, death, escape, or hostage taking, the Transporting Officers will immediately request assistance from the nearest law enforcement agency.



2. Once the nearest law enforcement agency has been contacted for assistance, the Transporting Officers will notify the Director of Security and Correctional Enforcement's office and the Major Extradition, Fugitive, & Emergency Services Unit as soon as practicable.
3. The inmate or probationer/parolee transported will be confined in a local jail or state facility until conditions permit the trip to continue.

C. Pursuit

1. Corrections Officers can pursue an escapee across county or city lines within the Commonwealth of Virginia but local authorities must be notified of the pursuit as soon as possible.
2. If an escapee or absconder crosses the state line while being pursued by Corrections Officers, the Corrections Officers may cross the state line in close pursuit. However, the Corrections Officers, as soon as practicable, must notify the law enforcement agency in that state and obtain permission to continue the pursuit.

D. Detainment

1. While performing their official duties, Corrections Officers may detain, with or without a warrant, escapees, absconders or persons assisting an inmate to escape or a probationer/parolee to abscond within and outside of the Commonwealth of Virginia.
2. Warrantless In-State Detainments
 - a. Corrections Officers may detain an escapee, absconder, or person assisting an inmate to escape or a probationer/parolee to abscond, without a warrant, provided the Corrections Officers have reasonable cause to suspect that the person they intend to detain is an escapee, absconder or someone who has assisted in an escape.
 - b. The Corrections Officers must be in uniform or displaying the Virginia Department of Corrections badge.
 - c. Whether or not the detainment is in the county or corporation where the inmate escaped or the probationer/parolee absconded, or in an adjoining county or corporation, the Corrections Officers must procure a warrant from the magistrate of the county or corporation where the detainment occurred.
 - d. If time permits, the Corrections Officers will contact the nearest law enforcement agency and ask for their assistance in detaining the escapee or the person who has assisted the inmate to escape.
3. Warrantless Out-of-State Detainments
 - a. Corrections Officers in close pursuit may detain an escapee or absconder, provided the inmate escapes or the probationer/parolee absconds within that state while being transported to the Department of Corrections as an escapee, absconder or parole violator, or in the event the Corrections Officers enter that state while in close pursuit of the inmate or probationer/parolee.
 - b. If the close pursuit is interrupted, the Corrections Officers should notify the law enforcement agency in that state as soon as practicable to obtain permission to pursue the inmate.
 - c. The Corrections Officers must be in uniform or displaying the Virginia Department of Corrections badge.
 - d. When an inmate is detained, the inmate will be brought forthwith to the magistrate or other issuing authority having jurisdiction in the state where the inmate is detained.

E. Firearms

1. The only firearms and ammunition authorized to be carried by EFU staff and accompanying Corrections Officers who are transporting inmates and probationers/parolee are those approved by and belonging to the DOC as listed on Attachment 6, *Firearms to Operating Procedure 420.1, Use of Force (Restricted)*.
2. Certified law enforcement officers will carry the firearms and ammunition authorized and issued by their employing agency.



VI. Reports

- A. Transporting Officers must prepare a detailed written *Internal Incident Report* and an *Incident Report*, as applicable, on the following subjects as soon as possible after the incident; see Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*.
1. Escapes or attempted escapes
 2. Serious incidents (illness, injury, or death)
 3. Vehicle accidents
 4. Hostage situations
 5. Other incidents or problems encountered
- B. *Internal Incident Reports* and *Incident Reports* must be submitted to the Major Extradition, Fugitive, & Emergency Services Unit who will review the *Reports* and will forward them to Director of Security and Correctional Enforcement.

REFERENCES

COV §53.1-145, *Powers and duties of probation and parole officers*

Department of Accounts (DOA) CAPP Manual Topic 20335 - Cardinal, *State Travel Regulations*

Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*

Operating Procedure 240.1, *Travel*

Operating Procedure 411.1, *Offender Transportation (Restricted)*

Operating Procedure 420.1, *Use of Force (Restricted)*

Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*

ATTACHMENTS

None

FORM CITATIONS

Travel Authorization Request 240_F1

Request to Exceed the Lodging Base Rate 240_F2

Travel Expense Reimbursement 240_F6

