



Operating Procedure

Effective Date April 1, 2018	Number 435.4
Amended 10/11/18, 3/1/19, 4/1/19	Operating Level Department
Supersedes Operating Procedure 036.2 (5/1/15)	
Authority COV §19.2-81.1, §19.2-81.2, §53.1-1, §53.1-10, §53.1-29, §53.1-145	
ACA/PREA Standards None	
Office of Primary Responsibility Extradition and Fugitive Services Unit Manager	

Subject
EXTRADITION AND FUGITIVE SERVICES UNIT

Incarcerated Offender Access
Yes No

Public Access Yes No
Attachments Yes No

I. PURPOSE

This operating procedure establishes responsibility and authority for the Department of Corrections Extradition and Fugitive Services Unit and DOC support for the activities of that unit to locate and apprehend escapees from DOC institutions and probation and parole absconders, coordinate and conduct interstate transportation of offenders, and work with all law enforcement agencies sharing information and resources in order to locate and apprehend anyone that is wanted and eluding prosecution.

II. COMPLIANCE

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

III. DEFINITIONS

Absconder - An offender, under DOC supervision in the community including community corrections facilities, 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 offender who has escaped from a Department of Corrections institution to which the offender is 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 offender 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.

Fugitive - A person who is fleeing from custody or prosecution

Organizational Unit Head - The person occupying the highest position in a DOC unit, such as a correctional facility, regional office, probation and parole office, Virginia Correctional Enterprises (VCE), Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, and individual headquarters unit (i.e. Human Resources, Offender Management, Internal Audit)

Transporting Officer - A certified Corrections Officer who has received specialized training to handle offenders who are transported in public.

IV. PROCEDURE

A. General Requirements

1. The DOC shall pursue escapees from DOC institutions and absconders from DOC community supervision including community corrections facilities whenever it has on file the offender's original felony sentencing order or orders, and original arrest warrants or indictments for the escape event and/or probation and parole violations.

2. Upon notification that an escapee has been arrested out-of-state, the ~~Classification and Records Detainer~~ Unit will apply for the extradition through the Governor's office. (changed 4/1/19)
 - a. This application will occur in all instances when the Commonwealth's Attorney from the escaped jurisdiction does not extradite.
 - b. If the Commonwealth's Attorney does extradite, the ~~Classification and Records Detainer~~ Unit takes no action. (changed 4/1/19)
 3. Upon notification that a parole violator has been arrested out-of-state, the ~~Classification and Records Post Release~~ Unit of the Virginia Parole Board will ~~apply coordinate for~~ the extradition ~~through the Parole Board~~ of the offender. (changed 4/1/19)
 4. Upon receiving written notification, the Extradition and Fugitive Unit (EFU) shall be responsible for locating and coordinating the return of escapees; probation, parole, post release, conditional release violators, and new offenders from out-of-state facilities to in-state facilities.
 5. The EFU shall conduct investigations to locate and apprehend violent, high risk, or high profile absconders and absconders who have been assigned to Fugitive status in accordance with Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*.
 6. The EFU transports interstate ~~corrections~~ compact offenders from Virginia facilities to out-of-state facilities, and from out-of-state facilities to Virginia facilities. (added 10/11/18)
 7. Personnel assigned to the unit shall be:
 - a. Knowledgeable of intrastate and interstate transfer procedures
 - b. Knowledgeable of the criminal justice system and law enforcement methods, policies, laws, and procedures relating to escapees, absconders, and interstate compact offenders
 - c. Able to pass a background investigation in order to obtain high level security clearance
 8. The EFU normally will not be involved in the transportation of juveniles for the Department of Juvenile Justice. Upon special request, and on a carefully selected case by case basis, a representative of the EFU will join with employees from the Department of Juvenile Justice to assist in the return of certain "special problem" youth.
 9. In accordance with COV §53.1-145, sworn officers permanently assigned to the Extradition and Fugitive Services Unit (EFU) shall have the authority to arrest and recommit to the place of confinement from which the offender was released, or in which the offender 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.
- B. Augmentation Requirements - The following procedures will be used when the Extradition and Fugitive Services Unit (EFU) requires field assistance to transport fugitives:
1. The EFU Manager, or designee, will request the appropriate Regional Administrator to designate the required individuals to comprise the transporting team.
 2. The transporting team shall consist of at least two certified Corrections Officers, one of which must be in the rank of sergeant or above. In addition, each team member must:
 - a. Have completed training developed by the Academy for Staff Development, EFU Manager, and Department of Homeland Security and approved by the Director of Security and Correctional Enforcement
 - b. Be qualified to carry weapons and knowledgeable of current state issued weapons
 - c. Have a valid motor vehicle operators permit without Court-ordered restrictions
 - d. Be able to converse with the public and willing to travel aboard aircraft
 3. The EFU will assist field staff in the planning of all overnight transport trips, ensuring that all state

travel regulations governing meals, incidental travel expenses, and lodging are carried out in accordance with Operating Procedure 240.1, *Travel*.

C. Internal Procedures

1. The EFU Manager, subject to approval by the Director of Security and Correctional Enforcement, shall develop detailed internal procedures relative to the transportation of fugitives.
2. The internal procedures shall at a minimum, cover the following:
 - a. Transportation (surface and air)
 - b. Use of Restraints
 - c. Weapons
 - d. Rest Stops
 - e. Meals
 - f. Accidents
 - g. Escapes (attempted and actual)
 - h. Sickness, Injury, or Death
 - i. Hostage Situations
 - j. Searches
 - k. Other areas deemed appropriate by the EFU Manager or Director of Security and Correctional Enforcement
3. Department of Corrections employees will not participate or earn airline frequent flyer miles offered by commercial airlines.

D. Training

1. The Academy for Staff Development, in cooperation with the Extradition and Fugitive Services Unit and Director of Security and Correctional Enforcement's office, shall develop a training program for Corrections Officers designated as transporting officers to assist the EFU.
2. Individuals to receive this training shall be designated by the Organizational Unit Head and approved by the Regional Administrator as required.

E. Processing Requirements

1. All offenders who are transported by the EFU shall be treated as Security Level S, regardless of their current or prior security classification (see Operating Procedure 411.1, *Offender Transportation*)
2. Prior to removal of an offender from a facility or jail, the transporting officer shall strip search the offender and thoroughly search all clothing to be worn by the offender.
3. When transporting an offender by automobile, driving time shall be limited to ten hours or approximately 650 miles per day. Under extenuating circumstances, the driving limit may be extended to a maximum of twelve hours per day with the approval of the EFU Manager.
4. When transporting offenders, at least one transporting officer shall be a certified Corrections Officer or certified law enforcement officer of the same sex as the offender being transported.

F. Extradition and Fugitive Services Travel (added 3/1/19)

1. The Extradition and Fugitive Services Unit and identified Corrections Officers are tasked with providing safety and security to the citizens of the Commonwealth when transporting offenders.
 - a. The nature and urgency of travel associated with their functions often require out-of-state travel.
 - b. This operating procedure addresses DOC internal controls for ensuring the safest, time and cost efficient methods of travel in performance of this responsibility.
 - c. The nature of travel may necessitate meal and lodging limits be exceeded.

- d. Efforts will be made to adhere as closely as possible to the State Travel lodging and meal per diem rates. (See Operating Procedure 240.1, *Travel*.)
2. Travel Request Authorization Exemption
 - a. The Extradition and Fugitive Services Unit and identified Corrections Officers are exempt from submitting the *Travel Authorization Request* prior to travel when performing extradition duties related to out-of-state travel or when travel planning costs exceed \$500.
 - b. If lodging subsequently exceeds up to 150% of the established base rate the supervisor may grant initial approval by telephone, text, or email.
 - c. Initially approved exception requests will be documented on [Travel Authorization Request 240_F1](#) for approval through normal channels upon the conclusion of travel and submitted with the Part-A of the [Expense Reimbursement 240_F6](#).
 3. Travel Policy Exceptions
 - a. The Extradition and Fugitive Services Unit officer will pay and be reimbursed for actual meal expense not to exceed allowance per day incurred by the accompanying Correction Officer(s) and lodging for an accompanying Correction Officer(s) and meals for the offender(s). Expenses to be supported by attached original receipts.
 - b. Extradition officers and accompanying Corrections Officers will have a maximum of a full day meal allowance for each day's travel including same day travel.
 - c. Due to the nature of travel, some meals must be acquired in high cost locations, e.g. airports.
 - d. The Extradition officer will be reimbursed in full for offender meals.
 - e. Efforts will be made to adhere to travel guidelines for lodging limits.
 - f. Extradition officers will pay and be reimbursed for lodging for each accompanying Corrections Officer with appropriate detailed zero balance receipts.
 4. Supervisors are accountable for regular review of expense in Part A of the *Expense Reimbursement* and holding staff to account for the most efficient expenditures consistent with the employee's public safety responsibilities.
 5. Travel incurred by the Extradition and Fugitive Services Unit staff not related to transport of offenders will adhere to normal requirements of Operating Procedure 240.1, *Travel*, and DOA [CAPP Manual Topic 20335](#) - Cardinal, *State Travel Regulations*.

G. Emergencies

1. In emergency situations such as illness, injury, death, escape, or hostage taking, the transporting officers shall 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 EFU Manager as soon as practicable.
3. The offender being transported will be confined in a local jail or state facility until conditions permit the trip to continue.

H. Pursuit

1. Officers are permitted to pursue an escapee across county or city lines within the Commonwealth of Virginia. Local authorities will be notified of the pursuit as soon as possible.
2. If an escaped offender crosses the state line while being pursued by Corrections Officers, the officers may cross the state line in close pursuit. However, the officers must notify the law enforcement agency in that state and obtain permission to continue the pursuit. This should be done as soon as practicable.

I. Detainment

1. While performing their official duties, Corrections Officers may detain, with or without a warrant,

escaped offenders or persons assisting an offender to escape, either within or outside of the Commonwealth of Virginia.

2. Warrantless In-State Detainments

- a. Corrections Officers may detain an escaped offender or person without a warrant, provided they have reasonable cause to suspect that the person they intend to detain is an escapee or someone who has assisted in an escape.
- b. The Corrections Officers must either be in uniform or displaying a badge of the Virginia Department of Corrections.
- c. Whether or not the detainment was made in the county or corporation from where the offender escaped, or in an adjoining county or corporation, the officers shall procure a warrant from the magistrate of the county or corporation wherein the detainment occurred.
- d. If time permits, the officers shall contact the nearest law enforcement agency and ask their assistance in detaining the escapee or the person who has assisted the offender to escape.

3. Warrantless Out-of-State Detainments

- a. Corrections Officers in close pursuit may detain an escaped offender, provided the offender escapes within that state while being transported to the Virginia Department of Corrections as an escapee or parole violator, or in the event the Corrections Officers enter that state while in close pursuit of the offender.
- 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 offender.
- c. The Corrections Officers must be in uniform or displaying a badge of the Virginia Department of Corrections.
- d. When an offender is detained, the offender shall be brought forthwith to the magistrate or other issuing authority having jurisdiction in the state where the offender is detained.

J. Reports

1. The transporting officers shall prepare a detailed written report on the following subjects as soon as possible after the incident.
 - a. Escapes or attempted escapes
 - b. Serious incidents (illness, injury, or death)
 - c. Vehicle accidents
 - d. Hostage situations
 - e. Other incidents or problems encountered
2. These reports will be submitted to the Director of Security and Correctional Enforcement through the EFU Manager:

K. Firearms

1. The only firearms and ammunition authorized to be carried by Department of Corrections individuals transporting offenders are those approved by and belonging to the Department of Corrections.
2. Certified law enforcement officers that are not DOC employees may only carry the firearms and ammunition authorized and issued by their employing agency.

V. REFERENCES

Operating Procedure 240.1, *Travel*

Operating Procedure 411.1, *Offender Transportation*

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

VI. FORM CITATIONS

None

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years after the effective date.

Signature Copy on File

3/6/18

A. David Robinson, Chief of Corrections Operations

Date