

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: INVESTIGATIVE RESPONSIBILITIES	NUMBER: 501.2
CANCELS ORDER DATED: 10-1-10	DATE: 04-01-13

I. PURPOSE

Due to the diverse nature of criminal complaints reported to the Department and the various complexities that may arise during investigations, it is necessary to delineate the areas of responsibility for the elements of the Department charged with the investigation of criminal matters. In order to increase effectiveness and ensure optimum utilization of staffing, the investigative process is divided into preliminary and follow-up stages. Responsibility for follow-up investigation will be determined by the nature of the criminal act and the need for further investigation.

As part of the investigative process, the Department will ensure that victims of crime are being provided information concerning victim's rights, the role of victims/witnesses in the criminal system, available support services, and other resources as required by law to minimize the effects of victimization, and that witnesses to crime receive professional handling consistent with their important investigative and prosecutor roles.

II. PRELIMINARY INVESTIGATION

- A. The preliminary investigation begins when the first police officer arrives at the scene, and continues until a postponement of the investigation or transfer of responsibility which will not jeopardize the successful completion of the investigation.
- B. The following activities are part of the preliminary investigation:
 - 1. Provide aid to the injured.
 - 2. Protect the crime scene to ensure that evidence is not lost or contaminated.
 - 3. Determine whether an offense has actually been committed, and if so, the exact nature of the offense.
 - 4. Determine the jurisdiction of the offense. If the offense location is not readily identifiable, officers are expected to continue to investigate as if the offense occurred within Fairfax County until determined otherwise. It is recognized that not all offenses will have

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a definitive offense location at the time of the initial report or at all, as may be the case with the crime of identity theft, for example. It is in the best interest of the victim, for purposes of evidence recovery, potential future prosecution, and civil resolutions, for there not to be a delay in the investigation or reporting of the offense. Officers shall document the offense in compliance with the Report Writing Manual.

5. Determine the identity of the suspect or suspects, and achieve an arrest if it can be accomplished either at the scene or through immediate pursuit.
6. Furnish other police units, through the radio dispatcher descriptions, method, and direction of flight, and other relevant information concerning wanted persons or vehicles.
7. Obtain complete identification of all witnesses.
8. Determine what information is known by the victim and each witness.
9. Arrange for the collection of evidence and crime scene processing.
 - a. Primary responsibility for evidence collection in those crimes referred to as "crimes against the person;" (i.e., homicides, rapes, severe malicious woundings, and robberies), where extensive amount of physical evidence has been left behind or the perpetrator inflicted or received injuries, shall rest with the Crime Scene Section.
 - b. In cases where crimes against property have been committed and related follow-up scenes; (i.e., burglary (the value of items taken should not be a consideration), arson, petit and grand larceny, auto larceny, and stolen auto recoveries), the patrol officer will act as evidence collector/technician.
 - c. In situations where a supervisor has responded to a crime scene and determined that the means to collect evidence of value is beyond the ability of a patrol officer, the supervisor

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may request response by a supplemental crime scene officer or the Crime Scene Section through the duty officer.

- d. In cases where CIB is requested to conduct the investigation, the first line supervisor or the CIB supervisor should determine if the nature and the magnitude of the crime scene warrant the Crime Scene Section or whether it is within the scope of the patrol's capabilities and responsibilities. In the event a Crime Scene detective is required, one must be notified as soon as it is evident that the scene processing is beyond patrol's capabilities.

In cases where CIB is requested to conduct the investigation and the crime scene is not readably identifiable, the first line supervisor shall consult with the on-call CIB supervisor or lead detective prior to requesting a Crime Scene detective. After consultation, a Crime Scene detective may be requested through the duty officer.

Until the arrival of the detective, the officer assigned to the case shall ensure that action is taken to preserve the evidence until it can be collected. During normal duty hours, the supervisory responsibility for the Crime Scene detectives is with the Crime Scene Section supervisor. After duty hours, supervisor responsibility is with the duty officer pending the notification and response of the Crime Scene Section supervisor to the scene.

- e. Should high incidents of crime against property occur within a specific geographical location, and it is felt the Crime Scene Section should be responsible for processing all related scenes; the respective station commander may contact the Investigative Support Division commander for authorization regarding the variance in the above established policy regarding the Crime Scene Section call-outs.
- f. The patrol officer or detective assigned to the investigation shall be responsible for ensuring delivery of evidence to the laboratory.

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- g. Collection and processing of latent fingerprint evidence by the investigating officer, detective, or Crime Scene detective shall be in compliance with Northern Virginia Regional Identification System procedures (NOVARIS).
 - 10. Determine in detail the exact circumstances of the offense.
 - 11. Obtain written or oral statements from victims and witnesses and from the suspect, if such statements can be obtained legally (Miranda Rule - Warning of Constitutional Right). However, if the case is to be turned over to CIS or CIB, the suspect(s) shall not be interviewed by the patrol officer conducting the preliminary investigation unless approved by the detective or CIS/CIB supervisor.
 - 12. Accurately and completely enter all pertinent information in incident reports and supplements.
 - 13. Brief fully the CIB or CIS detective who must assume the follow-up investigation as to the known facts of the case.
 - 14. The preliminary investigating officer or detective, where appropriate, shall be responsible for initiating local or NCIC/VCIN data queries relative to the case under investigation. Data entries and deletions shall be in compliance with the NCIC/VCIN operating manuals, the Report Writing and Warrant Control manuals, and other applicable departmental policies.
- C. Preliminary investigation of reported criminal offenses shall be initially assigned to a patrol officer, who shall complete as many of the investigative steps described in Section II Part B, as may be necessary. The circumstances of each incident will determine which activities will be required.
- D. When arriving at a dispatched assignment, an officer may determine that a report is unnecessary. A report is not necessary when after arriving at the scene of a dispatched assignment the officer cannot locate a victim, witness, or circumstances which require police action of any kind.

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Additionally, a report may not be necessary when the assignment is a police service not related to an alleged or actual police violation/incident. Follow Report Writing Manual requirements in I/LEADS for disposition.

- E. The first patrol officer or detective at the scene shall, at the earliest convenience, inform the squad supervisor of any initial findings.
- F. In all homicides, rapes, commercial robberies, or any offenses where victims are seriously injured or hospitalized (excluding traffic accidents), the follow-up investigation shall be conducted by the Criminal Investigations Bureau. In all other crime scenes, no response will be made by CIB or CIS unless a request is made by the assigned patrol officer through an immediate supervisor.
- G. Whenever feasible, patrol officers who conduct preliminary investigations for offenses which have mandatory follow-up by CIS/CIB may be temporarily assigned with the detective until the investigation is completed. If possible, the patrol officer shall be named as the arresting officer for Uniform Crime Reporting documentation.
- H. In all suspicious deaths, the Criminal Investigations Bureau shall be notified when the duty officer determines that it is necessary.

A copy of all reports, regardless of whether or not a detective is involved, shall be forwarded to the Criminal Investigations Bureau via I/LEADS.

- I. In all cases, consular officers must be notified of the death of any foreign national. CIB detectives, or patrol officers when the case is not TOT-CIB, who investigate the death of any foreign national shall be responsible for notification of the consular officer without delay and as soon as possible. Contact the Police Liaison Commander (PLC) for the relevant consular and embassy telephone numbers.
- J. Once a case has been assigned to a detective for follow-up investigation, all contact with the victim, complainant or witness regarding the investigation shall be coordinated with the assigned detective or CIS/CIB supervisor.

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- K. All latent print evidence sent to NOVARIS must be purged once a case is closed. The officer/detective closing the case shall promptly notify the assigned NOVARIS examiner.

III. RESPONSIBILITY FOR CONDUCTING FOLLOW-UP INVESTIGATIONS

- A. The Criminal Investigations Bureau is primarily responsible for investigation of the following criminal offenses:

- Abduction
- Auto Theft
- Bigamy
- Blackmail/Extortion
- Bribery
- Check Cases
- Child Abuse
- Embezzlement, Fraud, and Identity Theft (except those cases of employee theft designated for investigation by the Criminal Investigations Sections)
- Life Threatening Felonious Assaults/Malicious Wounding
- Fugitive/Probation Violations (all matters out of Circuit Court)
- Homicide
- Missing Person/Runaway
- Narcotics Related Offenses
- Rape/Felony Sex Offenses
- Robbery (except street robbery with no firearm displayed or used or serious physical injury resulting)
- Vice Offenses
- Aircraft Accidents - Assist Investigation
- Use of Deadly Force by Officers
- Firearms Discharge by Officers - Death or Injury Resulting
- Non-Deadly Use of Force - Death or Serious Physical Injury Resulting
- Intentional Discharge of a Police Firearm by any Person with the Intention of Striking any Person
- Child Pornography
- Unnatural Deaths

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- All incidents related to possible terrorist activity
- B. If a case under investigation by the Criminal Investigations Bureau is reclassified to an offense which would normally be assigned to the Criminal Investigations Section, the CIB detective shall continue on the case unless otherwise directed by supervisory authority. The appropriate Criminal Investigations Section shall be notified in such circumstances.
- C. The Criminal Investigations Section detectives shall be primarily responsible for investigations of the following offenses, unless otherwise approved by the Criminal Investigation Section's supervisor for the appropriate district:
1. Burglary.
 2. Grand Larceny - including employee theft if:
 - a. The discovery of the theft or embezzlement did not require an extensive review of the victim's financial records;
 - b. Another financial crime typically investigated by the Financial Crimes Section of the Criminal Investigations Bureau, (i.e., forgery, uttering, etc.), was not committed in furtherance of the embezzlement; and
 - c. The case would normally be classified as a larceny when the suspect was not an employee.

If questions arise regarding who shall investigate a specific crime involving employee theft, investigative responsibility shall be determined once the Criminal Investigations Section and Financial Crimes Section supervisors consult.

3. Bomb Threats.
4. Vandalism - involving extensive or widespread damage to property where the probability of evidence collection or substantial suspect information exists, or which constitute a bias crime as defined by General Order 520.7, Bias Crime Policy. Widespread vandalism

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would include a number of cases of the same type reported within a specific locale. An example of this would be the number of tire slashings on one specific street or within a subdivision.

5. Obscene or Annoying Phone Calls.
 6. Fraudulent Prescriptions.
 7. Stalking.
 8. All Bias Crimes, as defined by General Order 520.7, not investigated by CIB.
 9. Computer-related crimes (computer fraud, computer trespass, computer invasion of privacy, theft of computer services, computer e-mail threats and harassment).
 10. Street robbery with no firearm used or displayed or serious physical injury to the victim.
- D. If a case under investigation by the Criminal Investigations Section is reclassified to an offense which would normally be assigned to the Criminal Investigations Bureau, the CIS detective shall continue on the case unless otherwise directed by supervisory authority. The appropriate Criminal Investigations Bureau supervisor shall be notified in such circumstances.
- E. Case supplements shall be submitted by investigating officers in accordance with the provisions of the Report Writing Manual.

The patrol officer must be granted approval by the appropriate investigative supervisor prior to conducting an investigation of an offense that is primarily the responsibility of CIB or CIS. Whenever a patrol officer conducts the follow-up investigation for an offense which is normally the responsibility of CIB or CIS, a copy of the preliminary report and all supplements shall be forwarded for record only to the investigative unit affected. That investigative unit shall make initial contact within a reasonable period of time with the patrol officer to offer assistance and guidance with the investigation. The case investigation and follow-up actions shall be the

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responsibility of the patrol officer unless otherwise directed by the CIB or CIS supervisor.

- F. The Crash Reconstruction Unit (CRU) shall provide assistance on any crash, if requested by a supervisor.

- G. The Crash Reconstruction Unit shall investigate the following specific types of traffic crashes:
 - 1. Fatal traffic crashes.
 - 2. Critical injury traffic crashes, and critical injury hit-and-run crashes. The determining factor would be a life-threatening injury, as determined by the medical officer on the scene.
 - 3. Serious injury commercial/passenger carrier crashes.
 - 4. All aircraft and train crashes.
 - 5. Serious injury County vehicle crashes.
 - 6. All suicides by any means of moving transportation. This shall include, but is not limited to trains, motor vehicles of any type, aircraft and boats.
 - 7. Any industrial accident involving any type of moving motorized vehicle which results in death or life-threatening injury.

- H. If the Crash Reconstruction Unit is unable to respond to the scene of an applicable traffic crash, or in crashes worked by patrol at the direction of a patrol supervisor, an Accident Investigation Unit (AIU) qualified patrol officer shall conduct the on-scene investigation.
 - 1. A copy of the completed report is to be forwarded to the Traffic Division commander.
 - 2. The Crash Reconstruction Unit will provide all necessary follow-up assistance to the investigating officer.

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IV. CONDUCT OF FOLLOW-UP INVESTIGATIONS

- A. There are numerous steps to be followed when conducting a follow-up investigation. The following list should be considered as a general guideline only.

Additionally, all of the steps may not be necessary to a particular investigation. All steps shall be conducted in compliance with applicable laws and constitutional requirements.

1. Review and analyze all previous reports prepared in the preliminary phase.
2. Conduct additional interviews and interrogations.
3. Arrange polygraph examinations.
4. Review departmental records.
5. Seek additional information (from uniformed officers, informants, etc.).
6. Review results of laboratory examinations.
7. Arrange for dissemination of information as appropriate.
8. Plan, organize, and conduct searches.
9. Arrange for surveillance.
10. Collect and preserve physical evidence.
11. Determine involvement of suspects in other crimes.
12. Check suspects' criminal histories.
13. Identify and arrest suspect(s).
14. Prepare cases for court presentation.

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15. Assist in prosecution.

- B. Periodic contact shall be made with crime victims to determine if any further information can be learned and to notify them of any changes in case status. Contacts may be made either by telephone or in person. Notification of a change in case status should coincide with the status change. All contacts shall be documented in the incident reports and supplements.

V. RESPONSIBILITIES OF THE PATROL SUPERVISOR IN PRELIMINARY INVESTIGATIONS

- A. It shall be the responsibility of the patrol supervisors to ensure that an adequate and complete preliminary investigation has been made; and to review and either approve or return to the reporting officer for correction all initial and supplemental reports prepared by officers under their supervision.
- B. Patrol supervisors shall approve only reports which contain complete factual information as to who, what, where, when, why, and how. The name of the supervisor approving the report shall be included in the report.
- C. The patrol supervisors shall render assistance to officers under their supervision through instructional guidance and direction. The patrol supervisor shall also arrange for additional assistance that may be required from other departmental segments due to case circumstances.
- D. Patrol supervisors are encouraged to allow patrol officers to investigate criminal cases that may involve further investigation.

VI. SERVICES PROVIDED TO VICTIMS AND WITNESSES

- A. The Department recognizes the need to address the rights and concerns of victims and witnesses in accordance with the *Code of Virginia* § 19.2-11.01.

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1. A victim is defined as any person who has suffered physical, psychological, or economic harm as a direct result of the commission of a felony or of assault and battery in violation of §§ 18.2-57, 18.2-57.1, or 18.2-57.2, stalking in violation of § 18.2-60.3, sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5, maiming or driving while intoxicated in violation of § 18.2-51.4 or § 18.2-266.
 2. The term "victim" shall also mean a spouse or child of such a person, a parent or legal guardian of such a person who is a minor, or a spouse, parent, or legal guardian of such a person who is physically or mentally incapacitated or was the victim of a homicide; however, "victim" does not mean a parent, child, spouse, or legal guardian who commits a felony or other enumerated criminal offense against a victim as defined in this section.
 3. A person who is culpable for the crime being investigated or prosecuted is not considered a victim for purposes of the rights and services contained in the Code of Virginia. However, this exclusion does NOT encompass person(s) who may be culpable for some other crime, even if the crime is related.
 4. A person's status as an inmate or illegal alien does not disqualify that person from being considered a victim.
- B. The Victim Services Section (VSS) is a decentralized section of the Criminal Investigations Bureau consisting of personnel known as Victim Services specialists, located at each district station and the Police Annex building. VSS is able to provide a variety of services to crime victims to afford them their rights as outlined by the *Code of Virginia* and reduce any secondary trauma that may be experienced after the initial crime has occurred.
- C. VSS specialists will provide assistance to victims of the following types of crimes:
- Homicide
 - Sexual Assault
 - Domestic and Intimate Partner Violence

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- Stalking
- Assaults
- Malicious Wounding
- Vehicular Manslaughter
- Hate and Bias Crimes
- Burglary and Home Invasion
- Robbery
- Human Trafficking
- Carjacking
- Financial Crimes (when appropriate)

Specialists are available to provide support and assistance to crime victims and witnesses after normal business hours, on weekends, and on holidays through an on call status. Supervisors may request Victim Services support through the on-call CIB supervisor or the director of the Victim Services Section.

- D. The Victim Services Section's trifold brochure is a standardized form that provides victims and witnesses with a listing of specific rights afforded to crime victims. The brochure includes important phone numbers for the Fairfax County Police Department, Commonwealth's Attorney's Office, Magistrate's Office and Courthouse. The number for VSS is provided for the victim or witness to contact a VSS specialist for additional information and services
- E. As soon as practicable after identifying a victim or witness of a crime, the preliminary officer or detective shall provide the victim or witness with the Victim Services Section's trifold brochure. The parent or legal guardian of any crime victim who is a minor, or the spouse, parent, or legal guardian of any crime victim who is physically or mentally incapacitated, must also be notified of these rights and services available to them by the officer or detective. The distribution of this Victim Service's Section's form and the disclosure of any other information or services provided to the victim or witness shall be documented in the narrative of the incident report or supplement.
- F. VSS specialists provide services, information and referrals which include, but are not limited to the following:

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Emergency Aid

- On scene crisis intervention
- Information about victim's and witness's rights and services
- Referral for emergency financial aid
- Emergency transportation
- Accompaniment to hospital for sexual assault examination
- Referrals for emergency aid
- Referrals for short and long term counseling
- Assistance with emergency compensation claims
- Information and assistance on security options
- Emergency restraining order or emergency protection orders
- Information assistance on recovery of stolen property
- Crime scene clean up
- Interpreter services

Counseling and Advocacy

- Crisis intervention services
- Short term counseling
- Long term counseling
- Access and referrals to self-help support groups
- Group counseling
- Community crisis response
- Access to counseling during criminal and juvenile justice adjudication
- Intervention with employers, creditors, and landlords
- Intervention with public agencies

Investigation

- Regular updates on status of investigation when appropriate
- Basic information on the criminal justice system
- Assistance with scheduling of line-ups, interviews and other required appearances at the convenience of the victim/witness, when feasible
- Compensation claim filing and processing assistance
- Referrals for short and long term counseling
- Interpreter services
- Protection from intimidation and harassment
- Notification of pretrial release or accused

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- Input into bail/bond release decisions
- Transportation/parking assistance related to appearances associated with the investigation

Prosecution

- Orientation to the criminal justice system
- Regular updates on status of case when appropriate
- Accompaniment to court
- Assistance in being provided a separate waiting area during court proceedings when practical
- Witness alert/on-call technology 24-hours per day
- Employer intervention services
- Notification of plea negotiations
- Victim consultation in plea decisions
- Assistance in recovery of property held as evidence
- Restitution routinely requested or an explanation in writing
- Landlord/creditor intervention
- Transportation/parking assistance

Post Prosecution

- Notifications of right to submit a victim impact
- Distribution of Victim Impact Statement to Probation and Parole
- Victim Impact Statement - Allocution
- Information/notification of appeal of parole hearing
- Notification of change of status
- Notice of execution date in death penalty cases

VSS specialists shall coordinate services to victims and witnesses with detectives and patrol officers when appropriate. Information and services provided to victims and witnesses should not be detrimental to the successful prosecution of the case.

- G. Officers and detectives shall cooperate with VSS specialists in providing assistance and services to victims and witnesses afforded to them by the Code of Virginia. The officers and detectives shall be responsible for addressing immediate needs and concerns of victims and witnesses in the absence of a VSS specialist to include, but not limited to:

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- Providing the incident case number
- Providing important phone numbers or addresses for additional police contact or other services
- Transportation to shelter or medical facilities
- Protection from harms and threats of harm arising out of cooperation with law enforcement or prosecution
- Assistance in petitioning for emergency or preliminary protective orders
- Scheduling line-ups, interviews or other required appearances at the convenience of the victim or witness when feasible
- Notification of court dates/hearings
- Updates on case status and the victim/witness's role in court procedures when appropriate
- Returning of victim's property held as evidence promptly when permitted

VII. LEGAL REFERENCE

Code of Virginia §19.2-11.01

VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
02.02	02.01
23.01	02.02
23.02	02.03
23.03	07.05
25.07	

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This General Order becomes effective April 1, 2013 and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

APPROVED BY:



Chief of Police



County Executive