APRIL 1, 2013 SUMMMARY OF REVISIONS
FAIRFAX COUNTY POLICE DEPARTMENT
MANUAL OF REGULATIONS AND GENERAL ORDERS

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Updates issue dates

ADMINISTRATION

100 Adds Special Operations Division supervisory role for non-standing units and modifies Traffic Division responsibilities in Section 110, and includes minor formatting and language changes.

Organization Chart – moves Chaplain Unit under Incident Support Services and renames Youth Services Division to Community Resources Division.

201 Deletes third paragraph in 201.12 regarding equipment inspections (related information released in GO 320.1), and adds that officers required to undergo physical examinations performed by designated County agency shall not bear the cost of the examinations (201.19).

203 Adds three paragraphs regarding transportation of prisoners (203.3) regarding documentation, precautions, and suspected exposures.

310.3 Adds section regarding responsibilities for coordination of grievance procedures (Section III. H.) and completely modifies Section XII., Maintenance and Control of Records.

320.1 New General Order provides detailed discussion on inspections.

330 Adds policy section (Section II); significantly modifies procedures relating to initial reporting of law enforcement-related injuries (Section III. A.); and adds discussion related to injuries occurring during non-regular employment (Section III. C.).

331 Modifies “Undue Hardship” definition and adds “Temporary Impairments” definition (Section IV).

340 Comprehensive revision to include new title (Non-Regular Employment).

430.4 Comprehensive revision to include new title (Incident Support Services), new sections (Policy, Definitions, and Police Psychologist), and incorporation of former GO 430.7, Police Chaplains.

430.6 Requires VIP candidates to sign agreements (Section III. C.); significantly modifies administrative support duties (Section III. F.); modifies service hour minimums (Section III. G.); adds section regarding provided clothing (Section VI. B.); and significantly modifies language regarding insurance and compensation (Section IX).

430.7 Rescinds and incorporates language into GO 430.4, Incident Support Services.

OPERATIONS

501.2 Adds second paragraph to the Purpose regarding victims (Section I) and deletes similar language from Section II. B.; adds language regarding jurisdiction of offense (Section II. B. 4.); and replaces language regarding Victim Services responsibilities from Section III with Section VI., Services Provided to Victims and Witnesses.

520.4 Adds language regarding retention of PD48 forms (Section VII. A. 5.).

530.3 Removed and reissued as SOP 13-049.

530.7 Identifies supervisors responsible for performing crime analysts’ performance evaluations, etc. (Section IV., A.); differentiates Patrol Bureau crime analysts from other analysts (Section IV. C.); assigns responsibility of field training oversight of analyst to crime analysis program manager (Section V. B. 13.); and require all analysts to utilize business intelligence (BI) tools (Section V. C. 12., Section V. D. 8., Section V. E. 4.).

530.9 Redefines Level II auxiliary officer qualifications (Section III. A. 2.); requires FIT test for Level IV reinstatement (Section III. C. 4.); modifies Level III and Level IV APO duties (Section III. E. and

Section III. G., respectively); prohibits certain activities by off-duty APOs (Section V. B., Section V. C.); authorizes use of a conducted energy weapon (CEW) by Level III APOs under certain conditions (Section V. D.); and comprehensively modifies language concerning uniforms and responsibilities (Section IX and Section X).

540.3 Provides extensive legal discussion on checkpoints (Section VI.); modifies supervisor responsibilities (Section VI. A.); and adds language regarding commercial motor vehicle (CMV) checkpoints (Section VI. H.).

601 Modifies language concerning arrests of military personnel (Section VIII. D.); and adds section on arrests during secondary law enforcement assignments (Section VIII. F.).

601.4 Cites *Code of Virginia* and GO 501.2 in Policy (Section II); renames "person" to "petitioner" and redefines definition slightly, and adds "family abuse" definition (Section III); adds discussion concerning services provided to victims and witnesses (Section IV. H. 2,3.); discusses victim's refusal to cooperate (Section IV. I. 2.); requires entry of emergency protective order (EPO) into I/LEADS Warrant Module for tracking purposes (Section V. J.); adds discussion related to the tracking of protective orders (Section VI. F.); and adds section on general or non-family/household member protective orders (Section VII).

602.2 Renames title from and "Arrest and Detention of Juveniles" to "Juvenile Procedures" and provides a complete, comprehensive revision of the General Order.

603.2 Adds Purpose and Definitions sections (Section I and III, respectively); and adds language regarding medical attention and interviewing juvenile victims (Section V. F. and Section V. G., respectively.).

603.3 Requires entry of emergency custody order (ECO) and temporary detention order (TDO) into I/LEADS Warrant Module for tracking purposes (Section III. I. 3.).

610.1 Comprehensive revision to include incorporation of rescinded GO 610.2 (Custody of Controlled Substances) and SOP 07-030 (Narcotic Delivery and Transport Policy).

610.2 Rescinds and incorporates language into GO 610.1, Custody of Property.

APRIL 1, 2013 REVISIONS

SECTION REPLACEMENT GUIDE

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101 AUTHORITY AND JURISDICTION

The Fairfax County Police Department was established by the Board of Supervisors pursuant to the authority of Chapter 361 of the Acts of the Virginia General Assembly of 1940. This law and its subsequent amendments have continued in effect.

Police officers are empowered to enforce the laws of the Commonwealth of Virginia and the ordinances of the County of Fairfax within the boundaries of the County and on all County-owned properties located outside the territorial limits of Fairfax County. Jurisdiction shall be restricted by law or policy with respect to certain areas within or adjacent to Fairfax County.

CITY OF FAIRFAX – During the course of an escort or procession through the City of Fairfax, enforcement by any County police officer would not routinely be exercised. However, enforcement action may be taken if a serious violation occurs in the presence of a County officer or probable cause exists in a felony case and immediate action is necessary.

CITY OF FALLS CHURCH – No jurisdiction.

TOWNS OF VIENNA AND HERNDON – Jurisdiction over violations of state law. However, enforcement is not to be exercised unless a serious violation occurs in the presence of a County officer or probable cause exists in felony cases and immediate action is necessary. The Department will assist the police department of either town at their request.

GEORGE WASHINGTON PARKWAY – Criminal jurisdiction only.

DULLES ACCESS AND TOLL ROADS, AND PORTIONS OF DULLES AIRPORT WITHIN THE COUNTY OF FAIRFAX – Concurrent jurisdiction with the Metropolitan Washington Airport Authority Police.

FORT BELVOIR – Jurisdiction on any state highway or County-owned property throughout the reservation; close pursuit onto the military reservation off a state highway is limited to the pursuit of a felon. There is no authority to pursue a misdemeanant or traffic violator onto any property on the military reservation which is not part of the state highway system or is not owned by Fairfax County. Concurrent jurisdiction at the Eleanor Kennedy Homeless Shelter (9155 Richmond Highway), and Fort Belvoir Elementary School (5970 Meeres Road, Building 1700). Investigations requiring in person contact with individuals on Fort Belvoir property shall be coordinated with the Provost Marshall's office.

COAST GUARD TELECOMMUNICATIONS AND INFORMATION SYSTEMS COMMAND – Concurrent jurisdiction with the applicable United States Coast Guard law enforcement entity. All traffic accidents, except those involving vehicles owned or leased by the County, shall be investigated by the United States Coast Guard. The Department will assist the Coast Guard at their request. Criminal violations of the Virginia state code and the code of the County of Fairfax which occur on the grounds of the Coast Guard facility, located at 7323 Telegraph Road, will be handled and investigated by this Department.

CENTRAL INTELLIGENCE AGENCY – Concurrent jurisdiction with the federal government. Under current agreement, officers may enter the property to patrol the grounds and parking areas.

COUNTY-OWNED AND OPERATED PROPERTY NOT LOCATED IN THE COUNTY – Officers shall have the authority to enforce local ordinances and state law on property owned and operated by the County. The District Court of the town, city, or county in which the offense occurs shall have jurisdiction for prosecution purposes.

UNITED STATES POSTAL SERVICE PROPERTY – Concurrent jurisdiction with Postal Inspector's Office, on property used for postal services.

GREAT FALLS PARK, WOLF TRAP FARM PARK, CLAUDE MOORE COLONIAL FARM, FORT HUNT, FORT MARCEY AND THE PORTION OF MANASSAS NATIONAL BATTLEFIELD LOCATED IN FAIRFAX COUNTY – Concurrent jurisdiction with the United States Park Police.

102 ORGANIZATION STRUCTURE

The main components of the organizational structure of the Department are as follows: Criminal Investigations Bureau, Patrol Bureau, Operations Support Bureau, Resource Management Bureau, Administrative Support Bureau, Internal Affairs Bureau, Information Technology Bureau, Chief's Office of Research and Support, and Criminal Justice Academy.

The decentralization of resources (i.e. investigation of property crimes, crime prevention, crime analysis, and crossing guards) to the district station level is intended to develop increased responsibility and accountability for the provision of police services to address the particular needs of the communities which comprise that geographic area.

103 OFFICE OF THE CHIEF OF POLICE

The Chief of Police is responsible for the overall management of the Department, including the major areas of personnel administration, training, planning and research, fiscal management, and policy formulation. As a department head, the Chief of Police reports directly to the County Executive. The Chief of Police is assisted in the management of the Department by a policy board comprised of the deputy chiefs and bureau commanders. In the absence of the Chief of Police, the authority for the management of the Department will be designated by the Chief of Police to one of the deputy chiefs for the period of the absence.

104 INTERNAL AFFAIRS BUREAU

Reporting to the Office of the Chief, the Internal Affairs Bureau (IAB) oversees administrative investigations related to the conduct of Department personnel and inspections of organizational components. The IAB also provides assistance to the Office of the County Attorney in the investigation of civil actions that are filed against the agency, Chief of Police, or other members of the Department acting in performance of their duties.

The Internal Affairs Bureau is comprised of two components: the Investigations Division and the Inspections Division. The Investigations Division is responsible for recording and investigating allegations of police misconduct generated from within the Department or outside sources. The Inspections Division is responsible for conducting detailed inspections of organizational components to include observation and analysis of departmental units, procedures, and practices designed to ensure efficiency and effectiveness, as well as compliance with applicable regulations and policies. The Inspections Division is also responsible for processing subpoenas, which request departmental records. The bureau commander reports the findings and progress of such investigations and inspections directly to the Chief of Police.

105 DEPUTY CHIEF OF POLICE FOR INVESTIGATIONS/OPERATIONS SUPPORT

The Deputy Chief of Police for Investigations/Operations Support is responsible for the development and management of major policy programs in support of the Criminal Investigations Bureau and the Operations Support Bureau. Responsibility consists of administrative and operational oversight for numerous specialized services including the coordination of resources and capabilities involving the National Capital Regional Intelligence Center, domestic intelligence, criminal forensics, major crime investigations, organized crime and narcotics, victim services, special operations, traffic and helicopter support. The Deputy Chief of Police for Investigations/Operations Support, together with the Deputy Chief of Police for Administration and the Deputy Chief of Police for Patrol, assist the Chief in the administering of the Department's budget, conducting public

relations activities, developing Department policy, and sharing the responsibility of personal representation of the Chief of Police, as necessary.

106 DEPUTY CHIEF OF POLICE FOR ADMINISTRATION

The Deputy Chief of Police for Administration is responsible for the supervision and the delivery of services provided by the Public Information Office, Resource Management Bureau, Administrative Support Bureau, Information Technology Bureau and the Fairfax County Criminal Justice Academy. The Deputy Chief of Police for Administration also assists in planning and is responsible for administration of the departmental budget, conducting public relations activities, and shares responsibility with the Deputy Chief of Police for Investigations and Operations Support and the Deputy Chief of Police for Patrol in personal representation of the Chief of Police, when necessary.

107 DEPUTY CHIEF OF POLICE FOR PATROL

The Deputy Chief of Police for Patrol supervises the three majors in charge of the patrol divisions, and leads, organizes, and directs, the main patrol functions of the Fairfax County Police Department. This position is responsible for envisioning, innovating, and leading all strategies for the Patrol Bureau to meet short and long-term objectives within its comprehensive strategic plan. The Deputy Chief of Police for Patrol is ultimately responsible for the control of expenditures for the Patrol Bureau's budget. It is incumbent on this position to maintain a high level of integrity, morale, and discipline within the Patrol Bureau, and ensuring the highest possible quality service to citizens. The Deputy Chief of Police for Patrol works closely with other administrative and operational bureaus within the Department to coordinate effective police solutions to public safety problems. The Deputy Chief of Police for Patrol also works closely with the Chief of Police to ensure all Department employees perform in accordance with the agency's values, vision, and mission.

108 PATROL BUREAU

The Patrol Bureau is comprised of Animal Control, Community Resources Division, and eight district stations, all of which are divided into three separate divisions. Division I includes Animal Control, the Crime Analysis Unit, and the Reston, Fair Oaks and Sully District Stations. Division II contains the McLean and Mason District Stations, and the Community Resources Division. Division III includes the Court Liaison Section, the duty officer and police liaison commanders, the Citizen Reporting Section, and the Mount Vernon, Franconia and West Springfield District Stations. District stations are responsible for providing emergency and routine police patrol response, and a wide range of community police services to the public on a continuous basis.

Operational and administrative decision making with respect to resource allocation, crime prevention activities, specific investigations, tactical response and crossing guards is the province of the Patrol Bureau and the district station commanders. Staff direction and support for the district station commanders is provided by the Patrol Bureau commanders in their roles as members of the Administrative Staff. Additional staff and administrative support for the school resource officers, Gang Investigations Unit, and the crime prevention officers is provided by the Community Resources Division. The Court Liaison Section is responsible for maintaining lines of communication between this agency and the Office of the Sheriff, Office of the Commonwealth's Attorney, the Clerk of the Court and judges. The Citizen Reporting Section assists the Patrol Bureau by processing incident reports over the telephone or Internet for low-level criminal complaints where there are no investigative leads, in lieu of the immediate dispatch of a police officer.

109 CRIMINAL INVESTIGATIONS BUREAU

The Criminal Investigations Bureau (CIB) is responsible for the investigation of major offenses which require a degree of specialization or a centralized investigative approach. The CIB is comprised of four components: 1) Major Crimes Division; 2) Organized Crime and Narcotics Division; 3) Investigative Support Division; and 4) Intelligence Division.

The Major Crimes Division consists of nine specialized investigative units: Homicide, Cold Case, Robbery, Sex, Auto, Financial Crimes, Fugitive, Child Abuse (Physical and Sexual), and Child Exploitation. The Major Crimes Division also includes the Victim Services Section, the forensic artist, and a crime analyst. The Victim Services Section's function is to assist victims of felony crimes, domestic violence or other crimes causing injury or death, and help witnesses in prosecution cases to participate effectively in the criminal justice process.

The Organized Crime and Narcotics Division investigates violations related to the Drug Control Act, gambling, prostitution, pornography and organized crimes. The Organized Crime and Narcotics Division has three components: 1) Narcotics Investigations Section; 2) Street Crimes Unit; and 3) Money Laundering Unit.

The Investigative Support Division encompasses the Crime Scene Section, the Northern Virginia Regional Identification System (NOVARIS), and the Special Investigations Unit. The Special Investigations Unit is comprised of the Electronic Surveillance Section, Computer Forensics Section, and the Forensic Audio Video Section. The Crime Scene Section is responsible for providing specialized evidence collection techniques at crime scenes and evidence processing within controlled technical workrooms isolated from crime scenes. NOVARIS provides a means to identify persons related to crimes through computer-aided biometric analysis and identification. The Electronic Surveillance Section provides specialized staff and technology in support of surveillance

operations. The Computer Forensics Section and Forensic Audio Visual Section use specific techniques to recover data able to be submitted as evidence in court.

The Intelligence Division includes the Regional Intelligence Center and the Criminal Intelligence Unit.

110 OPERATIONS SUPPORT BUREAU

The Operations Support Bureau (OSB) provides specialized support to all units of the Department. OSB is comprised of the Special Operations Division, Traffic Division, and the Helicopter Division.

The Special Operations Division consists of the following sections: SWAT, Canine, Explosive Ordnance Disposal, and Marine Patrol. The Special Operations Division also supervises the following non-standing units: Underwater Search and Recovery, Search and Rescue, Tactical Medic Program, Technical Response Unit, and the Crisis Negotiation Team.

The Traffic Division is comprised of the Motor Section; Traffic Safety Services, which includes the Motor Carrier Safety Section, the Crash Reconstruction Unit, Traffic Safety Unit, Virginia Department of Transportation liaison officer, and DWI coordinator; Volunteer Services, including the volunteers in police service and auxiliary police officers; the Parking Enforcement Unit; and the Alcohol Testing Unit. The Traffic Division also supervises the Ceremonial Honor Guard, a non-standing unit.

The Helicopter Division provides support for police operations in traffic control, apprehensions, crime prevention, safety and searches, as well as medical evacuations for life threatening situations.

111 RESOURCE MANAGEMENT BUREAU

The Resource Management Bureau provides support in a variety of areas related to police operations and comprises two divisions: the Logistics and Property Division and the Records and Facilities Division.

The Logistics and Property Division includes the Property and Evidence Section, Quartermaster, and Fleet Management. The Property and Evidence Section is responsible for maintaining the security and storage of evidence, recovered, lost or stolen property in its care, and for maintaining the Department's inventory of capital equipment. The Quartermaster is responsible for the inventory and dispersal of the Department's uniforms, office equipment and sundry supplies. Fleet Management is responsible for the efficient use and maintenance of the Department's vehicle inventory and their diverse and necessary attachments.

The Records and Facilities Division includes the Central Records Section and the Facilities Section. The Central Records Section is responsible for continually auditing and evaluating the investigation recording system and field reporting process; for the management, maintenance and security of arrest records, investigation reports, warrants and other related integral documents; and for the input of document information to the Department's database. The Facilities Section acts as the agency liaison and contact point with other County agencies on all issues pertaining to the maintenance, construction and improvement of Department facilities and equipment.

112 ADMINISTRATIVE SUPPORT BUREAU

Financial Resources and Personnel Resources fall under the purview of the Administrative Support Bureau (ASB). The Financial Resources Division provides support to existing employees in the areas of payroll and benefits. It is also responsible for providing fiscal and budgetary support to include budget development and monitoring, accounts payable and receivable, and procurement to all departmental entities. The Personnel Resources Division handles applicant/employment processing, polygraph services, health services (medical examinations and pathogenic exposures), worker's compensation and position classification/description/control, and provides support through aggressive applicant recruitment and testing. This entity also provides insight and counsel on issues involving minority affairs, and oversees the agency's mentoring efforts, career development, and promotional processes.

113 CRIMINAL JUSTICE ACADEMY

The Criminal Justice Academy is responsible for the administration of the Department's training. This includes basic recruit training, in-service training, firearms training, and drivers' training. Supplemental specialized courses are also scheduled for sworn law enforcement personnel.

All programs are monitored and evaluated to ensure that they are of the highest quality of training, as well as meeting or exceeding standards set by the Virginia Department of Criminal Justice Services Board and the Virginia Law Enforcement Professional Standards Commission.

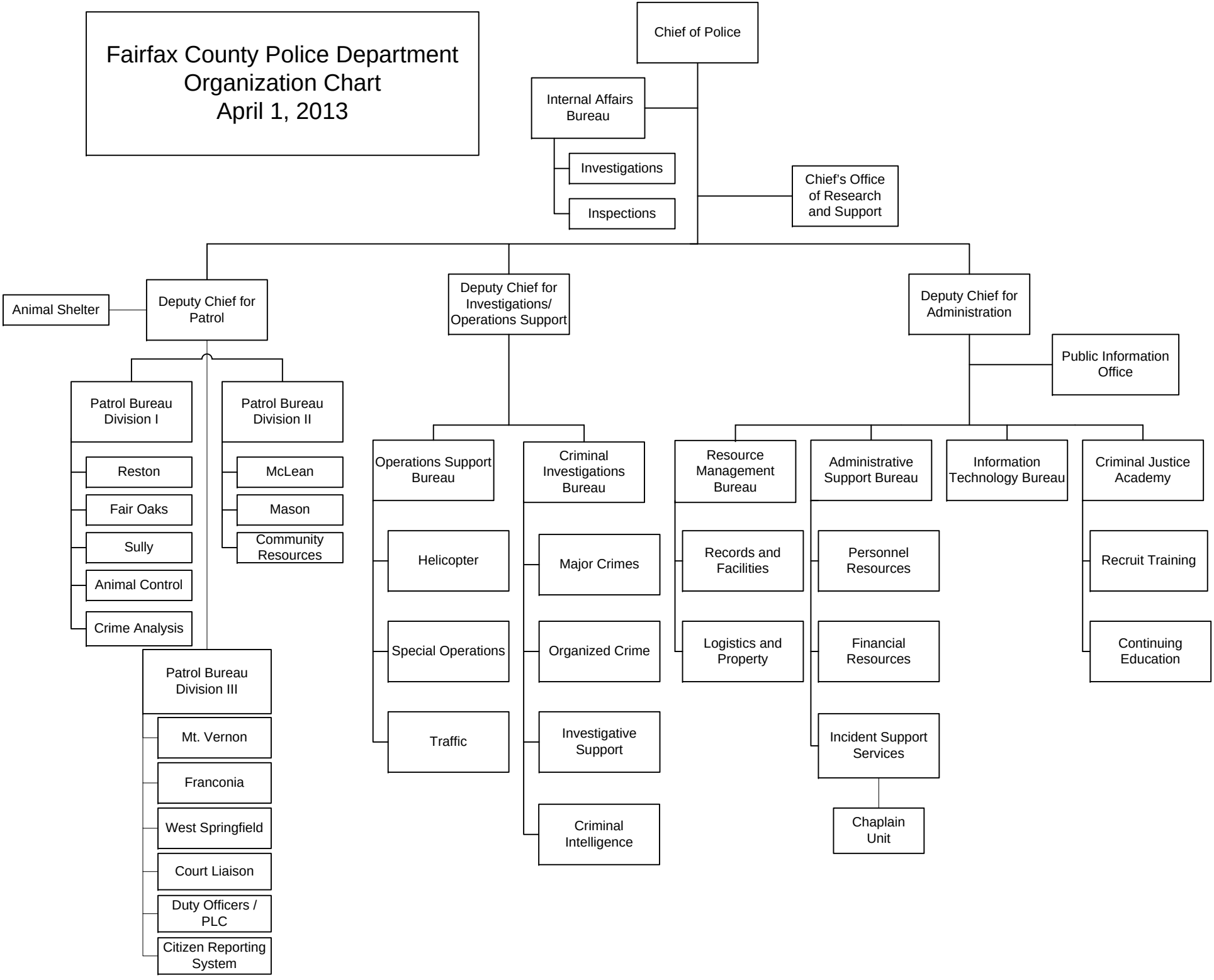
114 INFORMATION TECHNOLOGY BUREAU

The Information Technology Bureau is responsible for the management of network and personal computer resources, development and maintenance of the records management system, coordination of information security, desktop applications development, wireless communications, Internet and intranet development, and IT strategic planning.

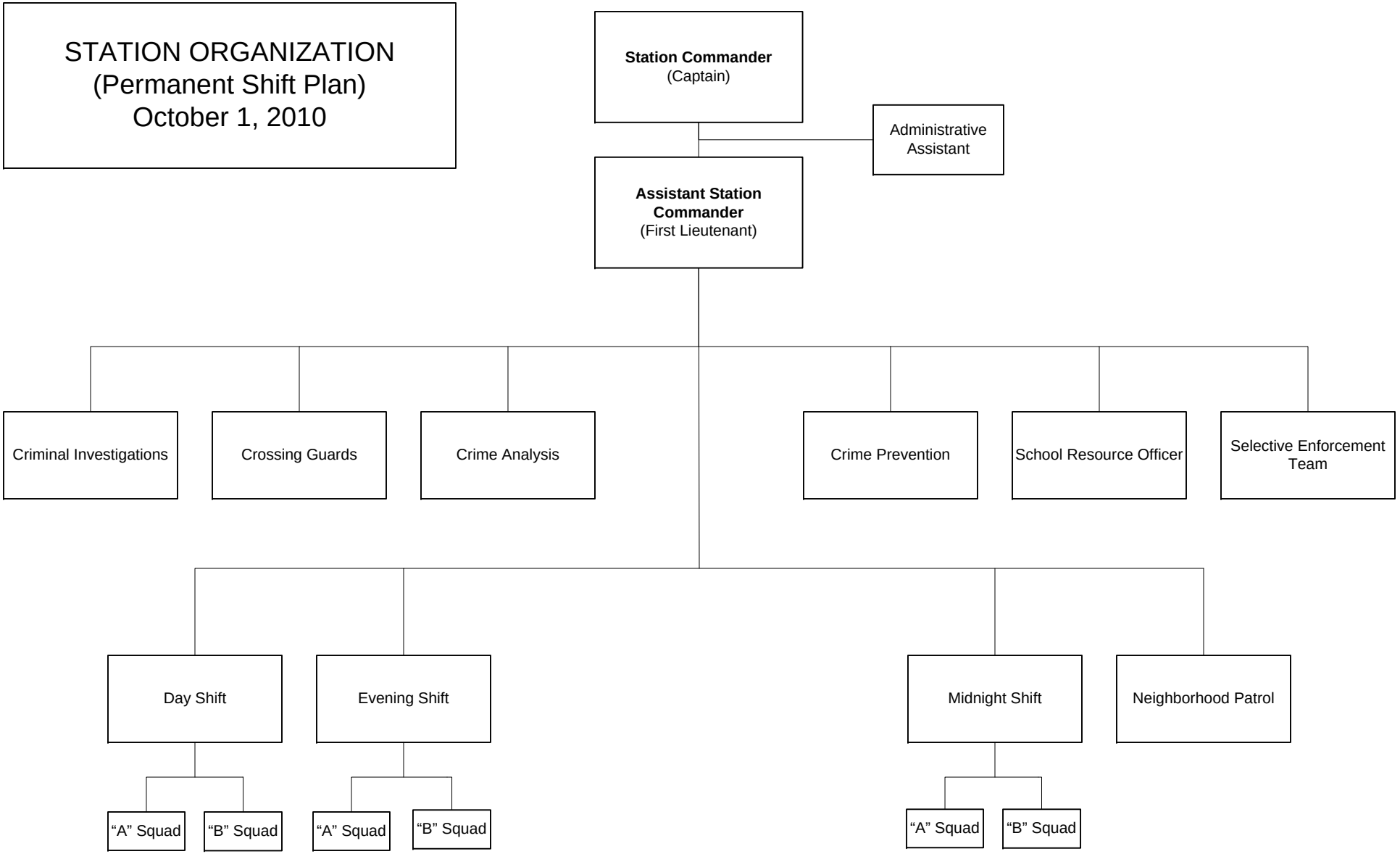
115 CHIEF'S OFFICE OF RESEARCH AND SUPPORT

The Chief's Office of Research and Support (CORS) is comprised of civilian and sworn staff that are responsible for strategic planning, feasibility studies, project/program evaluations, monitoring criminal justice legislation, coordination of items and correspondence between the Department and the Fairfax County Board of Supervisors, and the drafting and maintenance of the Manuals of General Orders and Standard Operating Procedures. CORS also aggressively coordinates and monitors legislative matters, manages the Department's accreditation process, conducts surveys, maintains/publishes police-related research products, and provides analytical and research assistance to operational and administrative components of the Department concerning a wide range of criminal justice and management issues.

Fairfax County Police Department Organization Chart April 1, 2013



STATION ORGANIZATION
(Permanent Shift Plan)
October 1, 2010



GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-12	ISSUE DATE: 4-1-13

201 GENERAL RESPONSIBILITIES

201.1 KNOWLEDGE OF REGULATIONS

Every employee is required to establish and maintain a working knowledge of all laws and ordinances in force in the County and State, Regulations and General Orders of the Department, and the Fairfax County Police Department Standard Operating Procedures. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, Regulation or Order in question. Violation of any law, Regulation or Order may be grounds for disciplinary action.

201.2 COUNTY PERSONNEL REGULATIONS

Employees of the Department shall be governed by the County personnel rules unless they are specifically exempted. Each officer of the Department is required to be familiar with these rules.

201.3 OBEDIENCE TO LAWS AND REGULATIONS

All employees shall observe and obey all laws and ordinances, all rules and regulations of the Department, all General Orders of the Department, and all Fairfax County Police Department Standard Operating Procedures.

201.4 PERFORMANCE OF DUTY

All employees shall perform their duties as required or directed by law, departmental rule, policy, Order, Standard Operating Procedure, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities. Malfeasance, misfeasance and nonfeasance shall constitute a violation of this regulation.

201.5 REPORTING VIOLATION

Any employee who has knowledge of other employees, individually or collectively, who are knowingly or unintentionally violating any laws or statutes, ordinances, or rules and regulations of the Department, or who disobey orders, shall immediately bring any and all facts pertaining to the

matter to the attention of a supervisory officer, Staff Duty Officer, DPSC supervisor or station/division commander. Supervisory or command personnel contacted shall then take appropriate action, in accordance with existing laws and regulations. An employee may bypass official chain of command and directly advise the Chief of Police of the violation(s).

201.6 PRESERVATION OF PEACE AND PROTECTION OF LIFE AND PROPERTY

It shall be the duty of each sworn officer of the Department to:

- Preserve the public peace;
- Protect life and property; and
- Enforce and uphold the laws of the Commonwealth of Virginia and the ordinances of the County of Fairfax.

201.7 STANDARDS OF CONDUCT

A) Unbecoming Conduct

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which brings the Department into disrepute or reflects discredit upon the employee as a member of the Department, or that which impairs the operation or efficiency of the Department or employee.

B) Immoral Conduct

Employees shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude which impairs their ability to perform their duties or causes the Department to be brought into disrepute.

C) Associations

1. Employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the employees.

2. No employee shall initiate or establish a personal, business, sexual, or dating relationship with a victim or suspect in an active criminal case in which the employee is directly involved in any phase of the investigative process. The prohibition on initiating or establishing relationships shall be in effect until the completion of the following:

   a. If an arrest is made, until such time as all court proceedings relating to the incident are completed.

   b. If there is no arrest made, until such time as the investigative process is completed.

3. Employees shall disclose to their commander any personal, business, sexual, or dating relationship they may have with an individual who they know is under criminal investigation or where the appearance of a conflict of interest may exist.

201.8 COOPERATION/COORDINATION

Employees shall coordinate their efforts with all other employees of the Department and County agencies, with the objective of ensuring maximum achievement and continuity of purpose through teamwork. All employees are charged with the responsibility of fostering and maintaining a high degree of cooperation both within the Department and all other agencies.

201.9 ASSISTANCE TO FELLOW OFFICERS

No officer shall fail to aid, assist, or protect a fellow officer to the full extent of his capability in time of need in accordance with established procedures.

201.10 OBLIGATION TO DUTY

Officers of the Department are always subject to duty, although periodically relieved from its routine performance. They shall at all times respond to the lawful orders of superior officers and other proper authorities as well as requests for police assistance from citizens. Proper police action must be taken whenever required. Officers assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.

201.11 REPORTING TO DUTY

Employees shall report for duty at the time and place required by assignment or orders, and shall be properly uniformed, equipped, and prepared to assume duty. They shall give their undivided attention to orders, instructions, and any other information which may be disseminated.

201.12 INSPECTIONS

Inspections of employee's dress, uniform or equipment may be made at any time by competent authority. Such inspections shall include, but not be limited to, examination of lockers, desks, or any other space on departmental premises used by any employee.

Supervisors shall perform frequent inspections to ensure that officers have the mandatory equipment to perform their duties, to include only authorized equipment and weapons. If a deficiency is noted, the officer is responsible for remedying the situation within the timeframe provided by his supervisor.

201.13 HUMAN RELATIONS

A. Citizen Contacts

Employees shall conduct themselves professionally at all times when

representing the Department. They shall use respectful, courteous forms of address to all persons. Displays of bias towards any person on account of race, sex, ethnicity, religious preferences or sexual orientation shall be considered unbecoming conduct.

While in the performance of their duties, or while otherwise representing the Department, officers shall refrain from using offensive words and language. At times it may be appropriate to use raised voices to issue commands and to gain compliance, however, the use of cursing, obscenities and/or racial, ethnic, sexual, religious, or sexual orientation slurs will not be tolerated.

B. Employee Conduct

Each employee, regardless of rank, is responsible for promoting an image of professionalism at all times and is expected to adhere to the rules, regulations and policies of the County of Fairfax and this Department.

Each employee shall treat individuals, including subordinates, fellow employees and management, with respect, courtesy and tact. Employees are to conduct themselves in a manner that promotes teamwork and cooperation.

Employees with supervisory authority shall not abuse their authority by actions such as: gross favoritism, harassment or mistreatment of employees. Supervisors and field training instructors are prohibited from having a sexual or other inappropriate personal relationship with any employee <u>under their direct chain of command or control</u> that would undermine the effectiveness of the supervisor or FTI towards the employee.

201.14 UNLAWFUL DISCRIMINATION

Unlawful discrimination is any action that unjustly results in unequal treatment of persons or groups based on personal characteristics such as age, race, gender, color, national origin, ethnicity, creed, religion, or disability. Racial discrimination, sexual harassment, racial profiling, bias based policing, or any other form of unlawful discrimination, either by a

specific act or omission, by or against any employee, is unlawful and will not be tolerated.

Commanders and supervisors have the responsibility to ensure that no Department employee is subjected to unlawful discrimination or sexual harassment, or actions which could be reasonably perceived as unlawful discrimination or sexual harassment, as a result of their own conduct or the conduct of other employees. A supervisor or commander shall take prompt action to investigate and respond to any allegation or act of unlawful discrimination or sexual harassment, either reported or observed.

Retaliation against any employee for filing a discrimination complaint or participating in an investigation also is unlawful and is strictly prohibited. No employee shall retaliate, or encourage others to engage in retaliation, against any person acting in good faith who:

- Opposes any conduct prohibited by this policy;
- Complies or encourages others to comply with this policy;
- Files a complaint concerning any violation of this policy;
- Testifies, assists, or participates in any investigation or hearing resulting from a complaint under this policy; or
- Exercises any right conferred under this policy.

Inappropriate behavior, even absent any specific intent of the actor, can have a discriminatory impact. In addition, inappropriate or offensive conduct by an employee, whether or not such conduct constitutes unlawful discrimination, may violate the Regulations of this Department, depending on the nature and circumstances of the specific incident. Such misconduct is a violation and must be addressed. In all cases of alleged misconduct, the reviewing authority is responsible for determining the appropriate charge and the necessary corrective action in light of all the facts and circumstances.

A. Racial Discrimination

As noted above, discrimination on the basis of race, color, ethnicity or national origin is a violation of Title VII of the Civil Rights Act of 1964, as amended. Racial discrimination by the police is often characterized as the unjust and prejudicial application of law enforcement authority to an individual citizen or group of citizens on the basis of their race, color, ethnicity or national origin. However, racial discrimination also occurs through:

- verbal conduct: The use of innuendo, disparaging comments, slurs, or jokes which degrades or offends individuals on the basis of their race, color, ethnicity or national origin; and/or

- non-verbal conduct: The display or distribution of objects, pictures, photographs, graphic illustrations, or other visual or printed material which degrades or offends individuals on the basis of their race, color, ethnicity or national origin.

Unlawful racial discrimination by employees in the workplace is also prohibited. Such misconduct may undermine the integrity of employee relationships, lower employee morale, or interfere with the efficiency of Department operations.

B. Sexual Harassment

Sexual harassment is a form of sex discrimination. Like other forms of unlawful discrimination, it may undermine the integrity of employee relationships, lower employee morale, or interfere with the efficiency of Department operations. Like discrimination on the basis of race, color, religion, national origin, age or handicap, it is a violation of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is unlawful, is a violation of this regulation, and will not be tolerated.

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical contact of a sexual nature constitute harassment when:

1. Submission to such conduct is made a term or condition of an individual's employment; or

2. Submission to or rejection of such conduct forms the basis of

an employment decision affecting such individual; or

3. Such conduct has the purpose or effect of interfering with work performance or creates an intimidating, hostile or offensive work environment.

Examples of such conduct include (but are not limited to):

- Sexual propositioning
- Sexual innuendo
- Sexually explicit language, comments, or stories
- Sexually oriented “kidding” or “teasing”
- Jokes about gender-specific traits
- Foul or obscene language or gestures
- Display of foul or obscene printed or visual material
- Physical contact, such as patting, pinching, or brushing against another’s body.

Sexual harassment does not refer to occasional compliments or touching of a socially acceptable nature which is not unwelcome. It refers to behavior which is unwelcome, which is personally offensive, and which may debilitate morale or interfere with work effectiveness. Individuals who are subjected to inappropriate behavior have a responsibility to make it clear to the offending person, either directly or through the complaint process; that the behavior is offensive to them and will not be tolerated. Individuals who experience harassment of any kind should promptly report the incident to a supervisor or commander, or to the Internal Affairs Bureau, so that appropriate corrective action can be taken.

Information and advice about unlawful discrimination and sexual harassment may be obtained by contacting the Internal Affairs Bureau, the Employee Relations Division in the Department of Human Resources, or the Office of Human Rights and Equity Programs in the Office of the County

Executive. Additional information can also be found in County Procedural Memorandum 02-03, Policy and Procedure on Sexual Harassment.

201.15 AID AND ASSISTANCE TO CITIZENS

While on duty, employees shall aid and/or assist citizens within the County whenever such aid or assistance appears to be called for and is not in conflict with the general principles of law enforcement or in violation of legal statutes or departmental rules and regulations.

Officers shall provide general and emergency assistance to highway users to include, but not limited to:

- General information and directions.
- Jump starting of vehicles.
- Arranging for towing, gasoline delivery or mechanical help.
- Arranging for a locksmith or another party with keys to unlock vehicles. Officers shall not use a slim jim to unlock vehicles.
- Arranging for or providing transportation within the County (transports out of the County must be approved by a supervisor).

When rendering assistance, officers should remain on the scene until help has been requested, hazardous situations are neutralized, DPSC directs the officer to leave for an assignment, or at the direction of a supervisor. Additionally, the officer is required to render all possible assistance to citizens who wish to make any report in accordance with established policies and procedures of the Department. In an off-duty status, an employee has a professional obligation to act in a bonafide emergency situation which may be encountered or where assistance is requested.

201.16 IDENTIFICATION AS A LAW ENFORCEMENT OFFICER

Officers shall identify themselves by wearing an approved police uniform with badge or by displaying the official badge and/or identification card before taking police action under the color of law.

Although it would seem reasonable that the presence of the uniform and the badge would provide sufficient evidence of the officer's position, the availability to purchase police uniforms and badges through police supply stores does create an opportunity for an individual to dress themselves as a law enforcement officer. Thus to ensure citizens who may have some concern over the legitimacy of a Fairfax County officer, all on-duty sworn employees shall carry their Department issued police credentials or identification card with them at all times, whether in a uniform or non-uniform position. The Department issued identification card, or facility pass, may be carried in lieu of the police credentials. When identification is requested for verification purposes, officers shall willingly display their Department issued credentials or identification card for review. Officers who are working off-duty employment shall adhere to the requirements of this order. This requirement may be temporarily suspended by commanders of officers who are working sensitive undercover assignments where the carrying of police credentials or an identification card would jeopardize the safety of the officer or the nature of the investigation.

201.17 TRAINING

All employees shall attend in-service training at the direction of the Chief of Police, or competent authority. Such attendance is considered a duty assignment.

Officers are required to receive training and maintain certification for any authorized weapons carried.

201.18 ON-CALL STATUS OR STANDBY DUTY

A. The commander of any entity that maintains 24-hour on-call/standby coverage is responsible for ensuring the police liaison commander (PLC) is provided with the names and contact information for the on-call employees under their command. The PLC will dictate the format to be used, in coordination with the Department of Public Safety Communications' supervisor, to ensure a single on-call list is produced.

B. An officer or other employee who is placed on stand-by duty or on-call status shall restrict their consumption of alcoholic beverages in such a manner as to be in compliance with all applicable laws and

regulations.

201.19 PHYSICAL FITNESS, EXAMINATIONS

The role of a police officer often demands quick response to situations requiring physical exertion after long periods of sedentary activity. The safety of the general public and individual officers demands that officers maintain themselves in good physical condition regardless of assignment. Poor physical condition, such as obesity, is as much a detriment to the Department image as improper demeanor or unkempt uniform appearance. All officers are encouraged to keep fit and to undertake such programs of exercise as may be required to do so. All officers shall have physical examinations conducted by a designated County agency, as required, at no cost to the officer.

201.20 ESTABLISHING ELEMENTS OF VIOLATION

The existence of facts confirming a violation of law, ordinance, rule or regulation is all that is necessary to support any allegation for a charge under this section. It is not necessary that formal complaints be filed or sustained.

201.21 TRUTHFULNESS

When questioned by competent authority, employees shall give complete and honest answers to any question related to the performance of their official duties or their fitness to hold public office.

201.22 BIAS BASED POLICING

Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

Except as provided below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly,

except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions. Violations of this regulation will be investigated by the Internal Affairs Bureau.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: REGULATIONS	NUMBER: 203
CANCELS ORDER DATED: 1-1-13	DATE: 4-1-13

203 PRISONER CARE AND CUSTODY

203.1 PRISONER SAFETY

Arresting officers are responsible for the safety and protection of prisoners while in their custody. The officers shall, as soon as possible, notify their superior of any injury, apparent illness, or other conditions which indicate that the prisoner may need emergency or special care.

Officers charged with the custody of prisoners shall observe all laws and departmental orders in connection with this activity. Prisoners shall be kept securely, treated in a humane manner, and shall not be subjected to unnecessary restraint or force. Profane or abusive language directed at prisoners is prohibited. The arresting officer is responsible for the custody of the prisoner until custody is assumed by other competent authority. This responsibility includes the prevention of acts by any other member of the Department which violate the law or Department regulations. Any Department employee, including the arresting officer, who has knowledge of any violations of this provision, shall immediately report the information to his supervisor or division/station commander.

203.2 CARE OF PROPERTY

Commencing with the time of arrest, the arresting officer is also responsible for the security of the prisoner's personal property. With the exception of vehicles, this responsibility shifts to the competent authority who assumes custody of the prisoner.

203.3 TRANSPORTATION OF PRISONERS

Officers transporting prisoners shall do so in accordance with departmental policy and as follows:

- Persons placed under arrest should be taken to the nearest magistrate without undue delay; however, certain precautionary measures must be taken before prisoners are transported.

- All transport vehicles shall be searched for hidden weapons or contraband at the beginning and end of each shift, and prior to and after prisoner transport.

– The use of handcuffs is a matter of officer discretion unless the situation clearly indicates that failure to use handcuffs or similar restraining devices will lead to the escape of the prisoner or jeopardize the safety of the officer, the prisoner, or any other person. The seriousness of the offense, the circumstances surrounding the arrest, and the ability to conduct a thorough search prior to transport are among the factors to consider in determining whether to use handcuffs. In all situations in which handcuffs are used, they shall be double-locked.

  Prisoners should be handcuffed with the hands in the rear, except for those in wheelchairs. If handcuffs are utilized on a person in a wheelchair they will be used as to permit the prisoner hands to rest in a natural manner and so the individual can use them during transport to shift seated position and provide seated stability, as required by Fairfax County/DOJ agreement DJ#204-79-258. (This regulation does not require officers to handcuff all prisoners). Injuries, disabilities, and age are among the considerations officers should use in determining whether or not to handcuff prisoners or use other restraining devices.

– All prisoners shall be searched for weapons, evidence, or hidden contraband prior to being transported in any police vehicle transport. In extenuating circumstances, prisoners may be taken from the immediate scene of arrest prior to being searched. Whenever practical, cross sexual search should be avoided.

  If an officer other than the arresting officer transports the prisoner, the transporting officer shall also search the prisoner for weapons.

– All prisoners and other persons shall be transported in vehicles equipped with seat belts, if available. Seat belts shall be used on all prisoners being transported. Exceptions may be made with the approval of a supervisor in special circumstances (e.g., the prisoner is combative and restrained with a RIPP restraint; physical impairment of the prisoner does not make the use of a seat belt practical), or if the vehicle is not so equipped.

– Prisoners with disabilities shall be transported in appropriate vehicles

with seats, seatbelts, and at appropriate temperatures. Person with disabilities who use wheelchairs shall be transported in vehicles that enable them to enter the vehicle using a ramp, to sit in the wheelchair during transit, and for the wheelchair to be secured so it does not tip during transit and positioned so that starting and stopping of the vehicle does not dislodge the person seated in the wheelchair. (As required by Fairfax County/Department of Justice Agreement DJ# 204-79-258)

Access to a wheelchair transport vehicle has been coordinated with the Community Services Board, Program Coordinator of Resident Services. For temporary vehicle access contact the PLC. Officers are required to search the transport vehicle for weapons and contraband before and after use.

- The transporting officer(s) shall ride in the front seat of all transport vehicles except as provided for in transporting injured prisoners to a hospital in an ambulance.

- The transporting officer(s) shall not leave prisoners unattended.

- Internal temperatures of any transport vehicle shall be maintained at a level appropriate to the external environment.

- Transporting officers shall not routinely engage in other law enforcement activities while in the process of transporting prisoners, such as enforcing the traffic laws. When presented with non-emergency situations requiring police intervention, the transporting officer shall notify DPSC, who will then be responsible for assigning the incident to an available unit. Intervention, by transporting officers, into emergency situations requiring immediate police action does not violate the provisions of this regulation.

- In the event of a prisoner escape, the transporting officer shall immediately notify DPSC. DPSC will then be responsible for notifying the officer's first line supervisor. Requests for specialized units, such as the canine and the helicopter, are the responsibility of the first line supervisor. However, if the supervisor is not immediately available, the DPSC supervisor may make the request.

- Prisoners will not normally be allowed to communicate with attorneys or others during transport.

- Male officers may transport female prisoners or female officers may transport male prisoners. All reports, by prisoners, alleging officer misconduct shall be fully investigated in accordance with General Order 301, Internal Investigations.

- Transporting officers shall verbally communicate to the receiving authority the prisoner's escape or suicide potential, or other personal traits of a security or medical nature.

- Prisoners who are in need of medical attention shall be delivered to the appropriate hospital emergency facility by ambulance, unless in the judgment of the officer the delay for ambulance response will increase the risk of the health or safety of the prisoner. The arresting officer shall be responsible for the security of the prisoner until properly relieved by a guard officer, unless otherwise directed by a superior.

- Prisoners and their property shall be surrendered at the jail to custodial officers or as otherwise directed by competent authority.

- Any prisoner transported to a hospital in an ambulance shall be accompanied and guarded by an officer unless police needs dictate otherwise. Should a police guard be unavailable, arrangements will be made to provide one as soon as possible.

- Supervisory personnel assigning officers to extraditions from other states or jurisdictions are responsible for informing officers of their duties prior to departure. The differing modes of travel used and unique circumstances of each extradition require a case by case review of these regulations for their applicability.

- Officers shall document all details surrounding the handling and transport of prisoners, including any special circumstances related to the individual, such as whether there is an injury, illness (physical or mental), handicap, or suspected communicable disease.

– Officers shall take all necessary precautions when handling prisoners, including the use of the appropriate personal protective equipment Officers shall follow necessary decontamination procedures for compromised equipment, to include cruisers.

– Officers shall notify their supervisor of any suspected exposure. The on-call Exposure Control Officer shall be notified of any risk exposure or for consultation on exposure classification. Supervisors shall ensure appropriate documentation of any suspected exposure is completed.

203.4 INTERVIEW ROOMS

In order to ensure the safety of the arresting officer and prevent possible harm to the arrestee or other persons, any officer utilizing a room to conduct an interview with a prisoner shall do so in accordance with departmental policy and the following:

-- Prisoners shall be searched prior to being placed in an interview room.

-- Before each use of an interview room, officers shall examine the room for weapons, contraband, unsafe conditions, or any item a prisoner could use to barricade the room or cause self-inflicted injuries or harm to others.

-- Prior to entering an interview room with, or occupied by a prisoner, officers shall secure all weapons.

-- If the officer conducting the interview leaves the interview room, he shall ensure that the prisoner is under constant observation or monitoring. This may be accomplished by any means that provides for personnel close enough to intervene, in the event of an emergency within the interview room.

-- If the interview room is equipped with locks or restraining devices of any kind, the personnel conducting the observation/monitoring shall have in possession of, or direct access to, any key, codes, or other

devices needed to gain immediate entry to the room or the ability to remove the prisoner from the room.

203.5 ASSISTING CRIMINALS

Employees shall not intentionally divulge in any manner, either directly or indirectly, any information which might assist persons suspected or guilty of criminal acts in escaping arrest or punishment, or which may enable them to dispose of or secrete money, merchandise or other property unlawfully obtained, or other evidence of illegal activity.

203.6 RECOMMENDING ATTORNEYS OR BONDSMEN

Employees shall not suggest, recommend, advise or otherwise counsel any person with whom they become acquainted as a result of police business, with regard to the retention of any attorney or bail bond broker. This section does not apply to a relative of the employee.

203.7 ACTING AS BAILOR PROHIBITED

Employees shall not act as bailors for anyone, with the exception that the employee may do so where a relative is involved.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: GRIEVANCE PROCEDURES FOR SWORN AND CIVILIAN EMPLOYEES	NUMBER:	310.3
CANCELS ORDER DATED: 4-1-12	DATE:	4-1-13

I. PURPOSE

The purposes of this Order are to establish the grievance procedures available to sworn and civilian employees under Chapter 17 of the Personnel Regulations of the County of Fairfax; to define for sworn employees the choice they have in certain cases to proceed under this Order or the provisions of General Order 310.2 and to detail the appellate avenues open to employees who proceed under this Order.

II. POLICY

It shall be the policy of the Department to provide fair, equitable and clearly defined means for the resolution of grievances, to ensure employees and their supervisors are accorded reasonable opportunity to present the facts bearing on a grievance, and to guarantee the opportunity to exercise the rights set forth in this Order.

III. COVERAGE OF PERSONNEL

A. All regular, permanent employees (sworn and civilian) in the competitive service of the County are eligible to file complaints under this procedure.

B. Excluded from the grievance procedure are the following:

1. Temporary and exempt employees.

2. Employees serving their initial probationary periods unless their complaints include allegations of discrimination as defined in Section IV. B. 4. of this General Order.

3. Sworn police employees who have elected to proceed under the procedures set forth in General Order 310.2.

C. Sworn employees shall declare, in writing, their choice between the procedures of this Order or of 310.2 at the following points:

1. In discipline cases at the station/division level, within 20 workdays of the time that the employee is notified by the station/division commander of the intention to impose discipline within the limits of station division authority, or to recommend disciplinary action within the limits of bureau authority.

2. In discipline cases at bureau or higher levels, within 20 workdays of the time that the employee is notified by a bureau commander of the discipline recommendation which will be forwarded to the Chief of Police, or to impose disciplinary action within the limits of bureau authority.

D. A sworn employee who elects to appeal under this General Order must submit, within the 20 workday period, a completed Step 2 Grievance Form (which will result in a grievance hearing by their respective bureau commander).

E. Parties to the grievance may, by mutual agreement, waive any or all intermediate steps or meetings, with the exception of the initial complaint, reducing the complaint to writing and the request for grievability determination.

F. A sworn employee's decision to use the provisions of this Order or to proceed under General Order 310.2 is final and binding. In no case shall an employee be permitted to use both procedures for disciplinary cases.

G. The provisions of this Order shall be the only procedures to be used by sworn employees for the processing of grievances arising from matters not involving discipline.

H. The Personnel Resources Division (PRD) will be responsible for the coordination of grievance procedures in cases that do not result from internal investigations or disciplinary actions. The Internal Affairs Bureau will be responsible for the coordination of grievance procedures in cases that result from administrative investigations or disciplinary actions.

IV. TYPES OF COMPLAINTS

A. Employee complaints will be classified at the point of grievability determination (see Section VI.D.) as one of the following:

1. Grievable, with a binding decision from a hearing panel of the Civil Service Commission.

2. Non-grievable but eligible for a hearing and an advisory decision from a hearing officer appointed by the Civil Service Commission.

3. Non-grievable with no hearing.

B. Grievable complaints which receive binding decisions from the Civil Service Commission include:

1. Dismissals, unsatisfactory service separations, demotions and suspensions.

2. Unfair application of specific personnel policies, procedures, rules and regulations.

3. Acts of retaliation as a result of utilization of this procedure, the pay for performance appeals procedure or for participation in the grievance of another County employee.

4. Discrimination against an employee, including a probationary employee, on the basis of race, color, creed, religion, age, disability, national origin, sex, political affiliation, marital status, union affiliation, genetic information, veteran status, or disabled veteran status;

5. Discrimination or retaliation against an employee, including a probationary employee, because of participation in political activities permitted under state law and County ordinances or failure to participate in political activities, whether permitted or not by state law or County ordinance.

6. Acts of retaliation because the employee (i) has complied with any law of the United States or of the Commonwealth; (ii) has reported any violation of such law to a governmental authority; (iii) has sought any change in law before the Congress of the United States or the General Assembly; (iv) has reported an incidence of fraud, abuse, or gross mismanagement to the Board of Supervisors Audit Committee, the Auditor to the Board, his/her department head, or to any other federal, state, or County government authority, such as the Commonwealth's Attorney for the County of Fairfax, or the U.S. Attorney for the Eastern District of Virginia.

C. Non-grievable complaints eligible to receive advisory decisions from a hearing officer appointed by the Civil Service Commission include:

1. The physical plant.

2. The methods and conditions of the specific job.

3. Relations with fellow employees.

4. Unfair application of County departmental rules.

5. Performance appraisals.

6. Written reprimands.

V. NON-GRIEVABLE COMPLAINTS

A. Complaints that are not grievable under this procedure include:

1. Salaries and wages.

2. Position classification.

3. Employee benefits.

4. Oral reprimands.

5. The contents of ordinances, statutes, or established personnel policies, procedures, rules and regulations.

6. Failure to promote, except where the employee contends that specific promotional policies or procedures were not followed or applied uniformly.

7. Discharge, lay-off or suspension from duties because of lack of work or reduction in work force, except where such actions affect an employee who has been reinstated within the previous six months by the Civil Service Commission as the result of the final determination of a grievance. In such cases, the agency must show that there was a valid business reason for the action and that the employee was notified of such reason in writing prior to the effective date of the action.

8. Management of County employees, including the right to make personnel appointments in accordance with adopted selection policies and techniques, to establish rules and regulations governing work performance and performance evaluations, to transfer and assign employees within the County, to determine the need for shift operation and rotation of the workweek, to assign overtime, to determine job training and career development, and to determine duties or actions in emergency situations.

9. Decisions of performance evaluation appeals panel, except in accordance with the provisions of Chapter 12 of the County Personnel Regulations.

B. Appeals of position classification are handled in accordance with the criteria set forth in Section 3.6 of the County Personnel Regulations.

VI. STEPS OF THE PROCEDURE

A. Step 1: Immediate Supervisor

An employee who has a complaint shall discuss the problem directly with their supervisor within 20 workdays of the date the employee should

have reasonably gained knowledge of the event giving rise to the complaint. The complaint need not be reduced to writing until this step has been completed. The term "workday" as used herein shall mean any Monday through Friday that is not a County holiday.

A verbal reply by the supervisor shall be made to the complaint during the discussion or within five workdays following the meeting.

B. Step 2: Station/Division or Bureau Commander

If the complaint is not resolved after the first step meeting and where there is a station/division or a bureau commander, the employee may reduce the complaint to writing on "Complaint Form - Second Step." All grievance forms are obtainable from the Department of Human Resources (DHR).

The employee shall provide a statement of the grievance and information upon which it is based; specify the alleged wrongful act and resultant harm; and specify the relief sought through the use of this procedure. The fully completed Complaint Form shall be delivered by the employee to the division commander within five workdays of the first step meeting or the supervisor's reply, if given at a later date. The division commander shall meet with the employee within five workdays of receipt of the Complaint Form.

A written reply by the division commander shall be made to the complaint within five workdays following the meeting.

C. Step 3: Chief of Police

If the reply from the second step meeting is not acceptable to the employee, or where no division or bureau commander exists, the employee may appeal the last response to the Chief of Police.

"Complaint Form - Third Step" shall be completed by the employee and delivered to the Chief of Police within five workdays of receipt of the last response. The Chief of Police shall meet with the employee within five workdays of receipt of the Complaint Form.

A written reply by the Chief of Police shall be made to the complaint within five workdays following the meeting.

D. Step 4: Grievability Determination

1. When a complaint cannot be satisfactorily resolved pursuant to Steps 1 through 3 above, the employee shall request on the appropriate form a determination concerning the grievability of the complaint within 10 workdays of receipt of the third step reply.

2. All requests for grievability determination shall be submitted to the County Executive. The County Executive will determine if the complaint is grievable, and if so, based upon the criteria set forth in Section IV, establish whether the decision rendered by the Civil Service Commission shall be binding or advisory. Decisions of the County Executive shall be made within 10 workdays of receipt of such request.

3. Decisions regarding grievability are appealable only to the Fairfax County Circuit Court. Such appeals shall be made by filing a notice of appeal with the County Executive within 10 workdays from the date of receipt of the decision.

4. The Circuit Court shall have a hearing de novo on the issue of grievability within 30 days of receipt of the appeal. The Court may affirm, reverse or modify the decision of the County Executive.

5. The decision of the Circuit Court is final and is not appealable. Procedures governing the review by the Circuit Court are found in Virginia Code Section 15.2-1507.

6. In no case shall the County or Commonwealth's Attorney be authorized to decide the issue of grievability.

E. Step 5: Appeal to the Civil Service Commission

1. If the complaint has been determined to be grievable, as provided herein, the employee may file a request for hearing on the appropriate form with the Fairfax County Civil Service Commission.

The employee shall file the request within 10 workdays following the receipt of the determination that the complaint is grievable.

2. Appeals shall be heard by the Commission as soon as possible after receipt of the employee's appeal request. The Commission shall notify the employee and the Chief of Police in writing of the time and place of the appeal hearing. The Commission, in scheduling hearings on appeals, shall give priority on its docket to dismissal and unsatisfactory service separation cases.

3. The jurisdiction and authority of the Civil Service Commission shall be confined exclusively to those complaints previously determined to be grievable as provided herein. While the Commission has authority to determine the appropriate application of an existing rule or policy, the Commission does not have the authority to add to, detract from, alter, amend or modify in any way County or Department policy or procedure and its findings shall be consistent with all applicable laws and ordinance.

4. No member of the Civil Service Commission shall hear a grievance if they have a direct involvement with the grievance being heard by the Commission, or with the complaint or dispute giving rise to the grievance. The following relatives of a participant in the grievance process or a participant's spouse are prohibited from hearing said grievance: spouse, partner, child, descendants of a child, sibling, niece, nephew and first cousin.

VII. REPRESENTATION

A. Personal face-to-face meetings are required at all steps. The employee and County management may have a representative present at all steps. If the employee is represented by legal counsel, management likewise has the option of being represented by counsel.

B. At all steps, appropriate witnesses also may be asked to provide information.

C. In any complaint involving a charge of discrimination, at the request of any party to the grievance, the Director of the Office of Equity Programs, or his designee, may attend step meetings.

VIII. GRIEVANT'S EXPENSES

A. The grievant must bear any cost involved in employing representation or in preparing or presenting his case.

B. Whenever possible, grievances will be handled during the regularly scheduled work hours of the parties involved. Civil Service Commission hearings are held during the County's business day whenever possible.

C. The Civil Service Commission has no authority to award legal fees or punitive damages.

IX. EXTENSION OF TIME

A. The parties to the grievance, by mutual agreement, or the County Executive upon the request of one of the parties, may extend any or all of the time periods established in this procedure.

B. After the initial filing of a written complaint, failure of either the employee or the respondent to comply with all substantial procedural requirements of the grievance procedure without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five workdays of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Executive.

X. RESOLUTION PRIOR TO HEARING

Any grievance shall be considered settled at the completion of any step if all parties are satisfied. In fact, it is expected that the great majority of grievances will be settled at the first or second step. However, nothing in this procedure

should be construed as limiting the employee's right to exhaust the remedies provided by this procedure.

XI. HEARINGS

A. Hearings shall be conducted as described in Addendum 1 to Chapter 17 of the Personnel Regulations of the County of Fairfax.

B. Hearings shall be open to the public. However, upon request of either party, the hearing shall be private. The hearing officer or the Commission, by majority vote, may close a hearing to the public if the testimony about to be presented might impugn the personal reputation of a party or witness to said hearing, or if the right to privacy of such party or witness requires that the hearing be closed. Parties and their representatives shall be allowed to attend the hearing at all times. All witnesses shall be excluded from the hearing, except when testifying, at the request of either party.

C. Failure of either party without just cause to comply with all substantial procedural requirements at the hearing, shall result in a decision in favor of the other party.

D. The decision of the Commission shall be filed in writing by the Chairperson with the parties not later than 10 workdays after the completion of the hearing. Copies of the decision shall be transmitted to the County Director of Human Resources, the employee, the Chief of Police and the County Executive.

E. The majority decision of the Commission shall be final and shall be consistent with the provisions of law and written policies. The finding of the Commission shall be either binding or advisory to the County Executive based upon the classification of the grievance at Step 4 (Sections IV and VI.D).

F. Either party may petition the Fairfax County Circuit Court for an order requiring implementation of a binding decision from the Commission.

XII. MAINTENANCE AND CONTROL OF RECORDS

The County's Department of Human Resources is the custodian of grievance records. The coordination with DHR is the responsibility of PRD. After review by the Chief of Police, the agency head copy of all grievance records shall be forwarded to PRD for distribution and filing. A copy of all grievance records alleging discrimination shall be forwarded to the Office of Human Rights and Equity Programs. Grievance records that are tied to administrative investigations shall also be forwarded to the IAB for inclusion in the case file. Grievance records will be maintained and disposed of in accordance with the guidelines established by the Library of Virginia.

XIII. LEGAL REFERENCES

Code of the County of Fairfax, Virginia, Section 3-1-13 (D) & (E)

Code of Virginia, Section 15.2-1507

XIV. ACCREDITATION STANDARDS REFERENCE

VLEPSC
PER.
08.01
08.02
08.03
08.04

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

ISSUED BY:

Chief of Police

APPROVED BY:

Edward L. Long

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: INSPECTIONS	NUMBER:	320.1
CANCELS ORDER DATED:	DATE:	4-1-13

I. PURPOSE

To establish the Department's line, staff, evidence, and equipment inspections procedures and processes.

II. POLICY

The inspections process provides internal controls to foster efficiency, effectiveness, and chain of custody adherence to all applicable laws and professional standards. Additionally, to provide an ever-present culture of safety, all personnel shall be held accountable for the proper working order of equipment, facilities, and work habits utilizing work equipment.

The inspectional process is designed to educate all employees and volunteers in the standards associated with all equipment use and evidentiary procedures. However, should non-compliance issues be found during the inspectional processes, progressive discipline will be administered by the appropriate supervisory and/or command staff when necessary.

III. TERMINOLOGY

Essential equipment: Equipment issued to specific divisions or stations for routine law enforcement operations.

Evidence: Any property that comes into the custody of the Department, when such property may tend to prove or disprove the commission of a crime or the identity of a suspect, pursuant to an official criminal investigation.

Facility: Any building, structure, or rooms that are owned, leased or used by the County and/or Police Department for the purpose of conducting business or functions.

Line inspection: An inspection of personnel, equipment, and/or facilities, conducted by those with supervisory authority.

Staff inspection: An inspection conducted by designated, authorized personnel, who do not have control of the personnel, facilities, and/or procedures being inspected.

Stored agency equipment: Equipment that is maintained by the Department and essential for specific events or situations, but not utilized on a regular or frequent basis, either in an operational capacity or as part of training.

Temporary property collection point: A secure, Department authorized room, designated by each station and certain divisions to house property from the time it is collected by the officer or detective until it is picked up by the Property and Evidence technicians, or delivered directly to the primary Property and Evidence Section. Property collection points shall be maintained in compliance with prevailing laws, rules, and standards.

IV. INSPECTIONAL AUTHORITY

A. Line Inspections

Line inspections may be conducted at the discretion of any supervisor within the chain of command. Line inspections shall be conducted in accordance with Regulation 201.12, which states:

Inspections of employee's dress, uniform or equipment may be made at any time by competent authority. Such inspections shall include, but not be limited to, examination of lockers, desks, or any other space on departmental premises used by an employee.

B. Staff Inspections

The responsibility and authority for conducting staff inspections of organizational components is vested in the Internal Affairs Bureau (IAB) Inspections Division. The IAB reports directly to the Chief of Police. Personnel assigned to the Inspections Division are authorized to conduct inspections involving any employee or entity of the Department, regardless of rank or assignment. Failure of an employee to submit to, or cooperate with, an inspection conducted by Inspections Division personnel may subject the employee to disciplinary action.

Staff inspections will be conducted at the direction of the IAB commander or the Chief of Police. The use of temporary inspection personnel to assist may be coordinated with the affected bureau commander and approved by the Chief of

Police. The findings of all staff inspections shall be reported directly to the Chief of Police.

V. PROCESS

A. Line Inspections

Commanders shall ensure that first line supervisors under their command conduct line inspections on a semi-annual basis at a minimum to include:

- Conducting open inspections of personnel, material, procedures, and results of police operations.
- Correcting unsatisfactory conditions that the supervisor or manager is able to remedy.
- Inspecting and correcting conditions reported as unsatisfactory.
- Inspecting line operations to evaluate the extent to which resources are being properly applied to the attainment of Departmental objectives.
- Reporting problems beyond the scope of a supervisor or manager.

All inspections shall be documented electronically via the BLUENet inspections reporting form. Deficiencies and any corrective actions taken as a result of the line inspection shall be noted in the electronic form.

B. Staff Inspections

Staff inspections include observation and analysis of bureaus and divisional procedures and practices for compliance with applicable laws, rules, regulations, and policies. Staff inspections shall be accomplished as follows:

- Inspections may be conducted on a scheduled or unscheduled (no-notice) basis. Scheduled staff inspections generally target divisions and district stations. In some instances, sections or

squads may be inspected. Generally, scheduled inspections will be announced 30 days in advance. Unscheduled inspections may be conducted on rare occasions where the urgency and sensitivity of an issue or specific concern warrants an immediate assessment. The IAB commander must approve all unscheduled inspections.

- Scheduled and unscheduled inspections of personnel, records, facilities, and equipment, including appropriate interviews with employees and management of the component being inspected, may be conducted to determine adherence to established directives.

- Prior to a scheduled inspection, the commander of the unit to be inspected shall be notified of the scope of the inspection. During this pre-inspection phase, the inspection team shall also ask the commander to provide any records or data that may be subject to review.

- Inspections shall be conducted in a manner that ensures minimal disruption of the component's operation. The Inspections Division staff will work flexible schedules in order to observe all operational components of the unit being inspected.

- Upon conclusion of an inspection, the inspection team will brief the unit commander of its findings.

- Within 30 days following an inspection, a written report will be forwarded by the IAB commander to the Chief of Police, detailing the process, findings, and recommendations. A copy of the report will also be made available to the Deputy Chiefs and commander(s) of the inspected unit. Reports that may raise liability issues shall be sent to the County Attorney's Office for review. Inspection reports shall be written in the administrative investigation format, and classified using an inspection number.

- Within 30 days of the findings presented to the Chief, commanders of the inspected bureau/division are required to acknowledge the inspection report and initiate change with any

issues found "not in compliance". Commanders shall write an "Action Taken" report, addressing issues of noncompliance, how they will be remedied, and a timeline for becoming compliant.

- A follow up inspection, where appropriate, may be conducted after any inspection where the findings suggest that the unit is "not in compliance", and/or following an Action Taken report. The Inspections Division commander shall notify the Chief via memo when all issues found not in compliance have been resolved, or if the unit has failed to implement corrective actions, as described in the action taken memo.

- Division reports shall be maintained in the Internal Affairs Bureau. The IAB commander must authorize access to these reports.

C. Property and Evidence Inspections

Twice a year, the Inspections Division, at the direction of the Chief of Police or his designee, shall conduct an unannounced inspection of the Property and Evidence Section. These unannounced inspections may be conducted at the primary Property and Evidence Section facility, or they may be conducted at the temporary property collection points at the district stations or those divisions with temporary collection points. At least one unannounced inspection of the procedures and inventory of the narcotics used for training shall also be conducted by the Inspections Division.

Annually, the Inspections Division shall conduct an announced audit of the primary Property and Evidence Section.

All inspections and audits shall be documented. Deficiencies shall be addressed according to the procedures in Section IV, B.

D. Essential Equipment

Division and station commanders are responsible for ensuring that all essential equipment necessary to specific police services and operations is inspected monthly.

E. Stored Agency Equipment

The Department maintains a variety of equipment that is essential to specific events and operations, but is not utilized in a regular or frequent manner, either in daily operations or in training.

In order to ensure this equipment is prepared for deployment and safe for operations, it shall be inspected, at a minimum, twice a year. It is the responsibility of the bureau, division, or station maintaining the items to conduct the inspections. These inspections may include, but not be limited to, safety checks of lights/sirens, communication devices, tires, etc.; functionality checks of technology or other electronic devices; examination of expiration dates; and replacement or restocking of supplies.

F. Special Purpose Vehicles

Divisions and stations shall handle designated special purpose vehicles according to the procedures outline in General Order 501.1, Section XVI.

VI. ESSENTIAL AND STORED AGENCY EQUIPMENT INVENTORY LISTS

All bureau commanders shall develop an authorized list of both essential and stored equipment on the BLUENet. Only commanders are authorized to edit these lists. The BLUENet form shall be used to document all equipment inspections, note deficiencies, and record corrective actions.

VII. ACCREDITATION STANDARDS REFERENCE

VLEPSC
ADM.
16.03
19.01
19.02
19.03

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: INSPECTIONS	NUMBER:	320.1
CANCELS ORDER DATED:	DATE:	4-1-13

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

ISSUED BY:

Chief of Police

APPROVED BY:

Edward L

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: REPORTING PERSONAL INJURIES	NUMBER:	330
CANCELS ORDER DATED: 7-1-10	DATE:	4-1-13

I. PURPOSE

This General Order establishes the procedures to ensure prompt and accurate reporting of any injury which may be covered under the provisions of the Virginia Workers' Compensation Act.

II. POLICY

All employees are covered by the provisions of the Virginia Workers' Compensation Act. Employees must report any job-related injury or illness to a supervisor immediately. Supervisors are required to report any employee's job-related injury or illness in accordance with the procedures described in this General Order.

III. PROCEDURES

A. Law Enforcement-Related Injuries

1. Initial Reporting

a. Department employees who sustain a personal injury during their normal tour of duty shall report the circumstances orally to their immediate supervisor. If the immediate supervisor is not available, the next level supervisor in the employee's chain of command shall be notified. Injuries sustained off duty shall be reported in accordance with Section C and D of this General Order.

b. In instances where the nature of injury requires medical treatment, the supervisor shall ensure that the commander is immediately notified of the incident. If the commander is unavailable, the duty officer shall be notified.

c. If high blood pressure is detected during a private physical examination, an appointment will be made as soon as possible with the Fairfax County Public Safety Occupational Health Center. This is to establish a monitoring period at the

end of which time a determination will be made as to the existence of a high blood pressure condition.

2. To report an on-duty or off-duty work related injury for purposes of Virginia Workmen's Compensation coverage, the supervisor shall report the injury online through the Risk Management Infoweb site, which can be linked through the Resources section of the BLUENet. If this system is not available, the telereporting system through Corvel Corporation is a toll-free telephone claims reporting system available 24-hours a day. The telephone number for this service is 866-252-4654.

3. The supervisor will confer with the affected employee in the completion of the online Employer's Accident Report (EAR) to ensure that the information is accurate and complete. The report must be completed no later than the end of the work day.

4. The Corvel Corporation sends the injured employee's information to the Virginia Workers' Compensation Commission, and mails the injured employee the forms required to file a claim. These forms contain a summary of the benefits the injured employee may be entitled to if the injury is determined to be compensable. A claim has not been filed until the employee has completed and returned these forms to the Virginia Workers' Compensation Commission.

   NOTE: The injured employee should provide a copy of the completed claim to the Administrative Support Bureau for record keeping purposes. It is the responsibility of the injured employee to file a claim with the Virginia Workers' Compensation Commission within two years from (1) the date of the injury or (2) the date a doctor diagnoses an occupational disease.

5. The supervisor responsible for documentation and reporting an injury is required to provide the injured employee with the Approved Physician's Panel and a Medical Status Report (MSR) form, when applicable. These documents are also located on the Risk Management Infoweb page. The employee must submit a physician-completed MSR to their supervisor when medical treatment is obtained.

6. The report form (a copy of the online report form) and any related Medical Status Report shall be faxed within 24 hours of the initial injury to the Administrative Support Bureau at 703-273-6231.

7. Emergency and follow-up medical treatment for law enforcement related injuries must be performed by one of the facilities or physicians approved by the Risk Management Division. The names of approved physicians and facilities are available online, at each district station, and through the PLC. The eligible list is updated annually by memorandum as changes occur. Employees must obtain prior approval from the Risk Management Division for treatment rendered by a facility or physician not listed or they will be personally liable for any payments due.

8. Personnel who receive medical bills for job-related injuries/illnesses shall forward the bills as soon as possible to the Administrative Support Bureau, who will forward the bills to the Corvel Corporation for payment. (Note: Bills received by an employee at home have NOT been sent to Corvel Corporation by the vendor.)

B. Injury Leave Administration

1. Employees who are injured while performing the duties of their position without fault or negligence on their part will immediately be placed on injury leave, if the injury prevents a return to duty.

   When possible, employees who have been injured, but are not totally disabled, will be placed in temporary assignments without loss of pay to perform duties that fall within the medical restrictions prescribed.

2. Commanders of employees who are on injury leave shall ensure that the Medical Status Report form reflects the injury leave data and the return to duty date signed by the attending physician.

3. Injury leave begins on the first day of injury and shall expire not later than 12 calendar months from the original injury date. Re-injuries do not extend the period of eligibility for injury leave. Temporary, seasonal and exempt employees are not eligible to receive injury

leave. When assigned to injury leave status, no other leave benefits will accrue.

Extensions of injury leave beyond 12 calendar months may be granted by the Chief of Police. In evaluating such requests, the following elements shall be considered:

a. The circumstances in which the injury occurred, to include consideration of the nature and extent of the injury.

b. The nature and extent of treatment, providing that the employee has continued under the regular care of the authorized physician requiring an office visit at minimum intervals of at least once every three months; and providing that the medical records clearly substantiate a relationship between prescribed treatment and the original injury.

c. The likelihood of the employee's return to duty.

d. The employee's past injury, leave, and service record.

e. The employee's compliance with injury leave policies and requirements.

4. Employees on injury leave are specifically prohibited from engaging in activities that may impair their recovery. These include:

a. Engaging in strenuous recreational or other physical activities without the approval of the authorized physicians.

b. Being employed or self-employed to perform work of any kind without the prior written approval of the authorized physician and the Human Resources Director.

C. Injuries – Non-Regular Employment

1. Employees injured during any form of non-regular employment, as defined in General Order 340, shall comply with all reporting requirements of this General Order.

2. Absence from duty due to injury or illness incurred during any non-regular employment may necessitate the employee's use of sick, annual, or compensatory leave.

3. Employees engaging in general off-duty employment or self-employment are not covered under Fairfax County Workers' Compensation. Employees engaging in general off-duty employment are solely responsible for ensuring that the employer has sufficient workers' compensation and liability insurance coverage.

4. Injuries incurred during secondary law enforcement employment from causes other than the exercise of law enforcement powers may not be covered under Fairfax County Workers' Compensation. Commanders shall ensure appropriate coverage exists at all secondary employment sites prior to approving the Employer Permit Application, as outlined in General Order 340.

5. Workers' Compensation covered Injuries

   a. Incidents in which an officer is injured during non-regular employment, while engaging in law enforcement or rescue activities as required or authorized by General Order 340. *Code of Virginia* § 65.2-102 provides that law enforcement officers engaged in such activities while not on duty shall be deemed to be acting in the course of their employment for workers compensation benefits. This includes use of injury leave.

   b. Injuries incurred during Fairfax County school functions or any other employment approved by the Chief of Police or a designee, in which an agreement has been made to provide a specific number of employees who are compensated through the County payroll system.

   c. Injuries which occur to employees working for nonprofit organizations that have been approved through the established permit process.

6. Commanders of restricted duty personnel may authorize limited Department-related overtime that does not involve the use of police

powers. Such overtime shall be confined to administrative tasks related to the restricted duty assignment.

7. Employees who have contracted to provide secondary law enforcement employment services as part of a bartered housing contract shall notify the affected lease holder, as well as their commander, when then they are on a work status other than full duty. The affected lease holder may either charge full or prorated rent until the employee is capable of resuming contracted secondary employment.

D. Off-Duty Injuries - Not Law Enforcement Related

All Department employees, both sworn and civilian, shall report in writing to the Chief of Police the facts and circumstances of any personal injury sustained while off duty which may interfere with the performance of duty. Such report shall be made within 48 hours of the injury, or as soon as the employee is physically capable of doing so. If the off-duty injury renders the employee incapable of reporting to the next scheduled tour of duty, this shall be reported to the employee's immediate supervisor no later than the time scheduled for the beginning of the tour of duty. The employee, upon returning to duty, shall submit a "Medical Status Report" form indicating the employee's duty status and signed by the attending physician.

IV. LEGAL REFERENCE

Code of Virginia, Title 65.2

V. ACCREDITATION STANDARDS REFERENCE

VLEPSC
PER.
03.03

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: REPORTING PERSONAL INJURIES	NUMBER:	330
CANCELS ORDER DATED: 7-1-10	DATE:	4-1-13

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

ISSUED BY:

Chief of Police

APPROVED BY:

Edward L. Long

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: RESTRICTED DUTY	NUMBER:	331
CANCELS ORDER DATED: 7-1-08	DATE:	4-1-13

I. PURPOSE

The policies and procedures established herein are designed to ensure the Department responds efficiently and effectively to meet the police service needs of the citizens of Fairfax County. Additionally, this policy provides a guideline for balancing the requirements to meet police service demands with the needs of those non-probationary employees who due to injury, illness, or other disability become temporarily unable to perform all the essential task requirements of a police officer.

II. POLICY

The Department is committed to providing the citizens of Fairfax County with efficient and effective police service while adhering to the provisions of the Americans with Disabilities Act. This policy will be reviewed on a regular basis to ensure full compliance with ADA related administrative regulations adopted by the Fairfax County Department of Human Resources (DHR) and Office of Human Rights and Equity Programs.

III. APPLICABILITY

This policy establishes policy and administrative procedures relating to the physical and/or mental fitness required of all personnel holding sworn police positions within the Department. The fitness and duty requirements shall also apply to probationary police officer trainees and police cadets.

IV. DEFINITIONS

Essential Job Tasks: The mandatory core job tasks each sworn employee must be mentally and physically capable of performing with or without a reasonable accommodation to be eligible for hire and/or continued employment as a sworn police officer.

Full Duty: A job status indicating that an employee is capable of performing the essential job tasks required of a police officer.

Medical Temporary Restricted Duty: A limited term duty status indicating that a sworn employee is not able to perform some essential police officer job tasks, but is able to perform useful law enforcement-related work and is medically approved to be assigned to an existing administrative or service position within the Department. In those instances where an assignment within the Department is not available, consideration will be given to placing an employee temporarily with another county agency for the duration of their incapacity.

During this period of incapacity, the agency will restrict the affected employee's use of marked police vehicles and require that only civilian attire be worn. This action is intended to limit the exposure of an injured or disabled employee to additional injury or stress, and to ensure that officers are not placed in a position which would represent a risk to themselves, other employees, or the public.

Reasonable Accommodation: Includes, but is not limited to, making existing facilities used by employees readily accessible to and useable by qualified individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; providing readers or interpreters, etc.

Undue Hardship: An action that is excessively costly, substantial, or disruptive, which would fundamentally alter the nature of the operation of the County's business. This means, with respect to providing an accommodation, incurring a significant expense or significant difficulty by the agency in light of the nature and net cost of the accommodation; the overall financial resources involved in providing the accommodation; the effect on expenses and resources; the type and location of the operation; the impact of the accommodation upon operations, including the impact on the ability of other employees to perform their duties and on the facility's ability to conduct business.

Temporary Impairments: These procedures do not cover employees who are unable to perform some or all of their essential job duties because of a temporary incapacitating condition, such as most injuries, pregnancy, or illness. Supervisors are encouraged to make temporary adjustments to the work schedule or job duties when feasible under these circumstances. These adjustments are not considered "reasonable accommodations" and should not be referred to as such.

V. PROCEDURES

A. Essential Job Tasks

The position of sworn police officer, regardless of rank or assignment, requires the ability to perform certain essential job tasks. Essential job tasks for all sworn police officers shall include the ability to work shift work and to effectively and safely use, during both normal and emergency conditions, all standard issued police equipment. Such equipment shall include, but is not limited to: a standard police vehicle, MDT/CAD terminals and displays, report forms and documents, police radio equipment, service weapon, shotgun, baton, pepper spray, and handcuffs. Additionally, as mandated under Regulation 201.6, all officers are charged with the duty to preserve the public peace; protect life and property; and enforce the laws of the Commonwealth of Virginia and the County of Fairfax. As such, all officers must be reasonably capable of making a forcible arrest and providing routine and emergency assistance to citizens and officers.

B. Medical Temporary Restricted Duty

1. Officers who are not able to perform essential job tasks due to a temporary injury, illness, or other disability may be granted a limited term of restricted duty. The initial determination that restricted duty status is indicated will be based upon a review of the individual circumstances on a case by case basis.

2. Priority for the granting of medical temporary restricted duty will be given to cases involving on-duty or employment related injuries, illnesses, and disabilities over cases which involve an off-duty or non-employment related causative factors.

3. Medical temporary restricted duty and placement in a temporary duty assignment will be limited to those cases where the incapacity is expected to be more than 14 days. If granted, such accommodation may include: reassignment to a location which places less physical or mental demands on an officer; job restructuring; scheduling adjustments; and modification and/or adjustments to office equipment/devices. Any reassignment or placement shall be made to an existing position within the department. The Department is not required to bear an undue hardship in making a reasonable

placement, and may limit the number of such available positions based upon the needs of the agency.

4. Permanent restricted duty assignments or accommodation agreements shall not be made. Any restricted duty assignment or placement made for an illness, injury, disability, or other cause, which is required due to an employee's inability to perform all the essential job tasks required for a sworn position shall be limited to a maximum of 12 months. In cases of prolonged (excess of 9 months on restricted duty, with a prognosis indicating probability of work restrictions continuing beyond 12 months or 2080 hours) or in cases of a permanent injury, chronic disabling illness or other disability, an employee will be offered the following options: appointment to an existing non-sworn police department or general county position in which the employee can meet all of the essential job functions and qualifications; retirement; resignation; or involuntary separation.

5. Injuries or illnesses for which the employee needs placement for less than fourteen days from the date of occurrence/onset may be addressed at the station/division level. Division commanders may seek to temporarily restrict officers under their command in their law enforcement authority as set forth in this section if circumstances indicate such limitations are in the best interests of the agency due to the employee's inability to perform all essential tasks; alternately, the employee may elect to use sick, annual, or compensatory leave.

6. An employee in restricted duty is prohibited from engaging in any Department approved, police-related, non-regular employment. This prohibition shall include voluntary overtime assignments which are outside the normal restricted duty assignment of the employee.

7. To ensure that officers who are unable to perform essential tasks are not placed in a position which would represent a risk to themselves, other employees or the public, all officers placed into restricted duty status shall not wear a police uniform and shall not operate a marked police vehicle unless said vehicle is clearly marked as being out of service. Service weapons or approved off-duty weapons must be concealed from view if worn. Any enforcement action taken must be in accordance with General Order 601, Arrest Procedures, Section VIII, Special Instances, Paragraph E, Off-duty Incidents. These

restrictions will be documented in written form, with a copy provided to the affected officer. These restrictions are not a disciplinary action but are intended to relieve the employee of the responsibility of having to take enforcement action when they are physically unable to do so.

C. Notification requirements

1. The notification requirement of this order may be met by compliance with the existing injury reporting policy mandated under the established Risk Management Procedures for Claims, the provisions of the Virginia Workmen Compensation Law and General Order 330, Reporting Personal Injuries. However, if such a notification is not mandated under existing reporting requirements, a separate notification shall be made under this section.

2. Any officer experiencing an on-duty or off-duty injury, illness, or disability that has caused <u>any</u> restriction in the ability of the affected officer to perform all essential job tasks shall be reported immediately by the officer through their supervisor to their respective bureau commander.

3. The affected bureau commander shall promptly notify the Administrative Support Bureau (ASB) of any officer becoming subject to the provisions of this General Order.

D. Documentation required

All reports and personnel actions (i.e., transfers, temporary assignments, employee reclassifications, employee physical ability records, etc.) required to effectively administer the provisions of this general order will be documented in writing on approved forms. Copies will be maintained in the ASB restricted duty file. Copies of actions involving an employee will be provided to the employee, and a copy placed in the affected employee's personnel file.

Medical information, such as detailed physicians' reports, will be filed separately in the employee's medical information file.

E. Evaluation Criteria

To ensure that this policy is administered in an objective, consistent and non-discriminatory manner, the determination of an employee's fitness and/or ability to perform the full range of essential police officer job tasks must be based on objective job-related criteria. The primary criteria to be used for a fitness for duty determination shall include one or more of the following:

- Results of a medical and/or psychological examination performed by a County physician or a physician approved by the Risk Management Division, with the determination of fitness for duty being based upon the established Public Safety Position Medical Standards, police officer position description, and list of essential job tasks.

- An official report, training record, administrative investigation, or performance evaluation.

VI. ADMINISTRATION

A. The administration of the provisions of this policy will be supervised and coordinated by the ASB commander or designee. The ASB commander may form and utilize a "Restricted Duty Advisory Panel" which may, as deemed necessary, include staff or line representatives from within the Department, DHR, Office of Equity Programs, the Office of the County Attorney, and Risk Management. This panel shall review and make advisory recommendations regarding the application of this policy and related administrative procedures to the ASB commander.

B. To ensure the equitable application of this policy and enhance the proper administration and control of those sworn personnel placed in a restricted duty status for more than 14 days, all such employees shall be placed under the direct administrative authority of the commander of the Administrative Support Bureau. Any reassignment, transfer, job restructuring, or other personnel action involving such personnel shall be coordinated with and approved by the ASB commander or designee. Where there is an occupational injury or illness for which an employee has filed a workers' compensation claim, established procedures as outlined in the Risk Management Manual will be followed as directed.

VII. ACCREDITATION STANDARDS REFERENCE

VLEPSC
PER.
03.03

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: NON-REGULAR EMPLOYMENT	NUMBER:	340
CANCELS ORDER DATED: 1-1-03	DATE:	04-01-13

I. PURPOSE

This policy is issued for the purpose of defining and establishing regulations pertaining to non-regular employment.

II. POLICY

Employees of the Fairfax County Police Department shall be permitted to engage in non-regular employment activities to the extent such activities:

- Enhance public safety and further the mission of the Department.
- Do not violate the Virginia State and Local Government Conflict of Interests Act (*Code of Virginia* Title 2.2-3100 thru 3127), or otherwise conflict with the responsibilities or duties of an employee of the Fairfax County Police Department.
- Are in compliance with the administrative regulations, General Orders of the Department, and applicable County regulations and codes.
- Are consistent with the training and legal authority of the employee.
- Does not adversely affect the on-duty efficiency of the employee.

III. DEFINITIONS

A. General Off-Duty Employment: Any employment during off-duty hours that is not dependent upon the uniform and/or authority granted to the employee by the Commonwealth of Virginia or the County of Fairfax. This employment will not require the use, or potential use of law enforcement powers by the off-duty employee.

B. Secondary Law Enforcement Employment: Non-regular employment compensated by a vendor other than the County of Fairfax (to include hours worked for bartered housing) which may require the employee exercising their law enforcement authority granted by the Commonwealth of Virginia and the County of Fairfax.

C. Departmental Overtime: Is incurred by an employee as a direct result of the employee's duty to complete a critical work assignment (e.g., mandatory shift extension, court attendance for official duties, call back, and other emergency related events).

D. Supplemental Overtime: Assignments for which employees receive monetary compensation from the County of Fairfax in order to provide police services to other County agencies or to the Police Department. This type of overtime is voluntary (e.g., backfill staffing, School Board events, etc.). All supplemental overtime shall be regulated by this policy.

E Police Service Area of Fairfax County: The area located within the boundaries of Fairfax County, excluding the area within the boundaries of the cities of Fairfax and Falls Church and the towns of Herndon and Vienna.

F. Training Period: That period of time during which an employee is attending the Fairfax County Criminal Justice Academy for basic law enforcement training or is working under the direct supervision of a field training instructor.

G. Employer Permit: A permit of specific duration, not to exceed 24 months, granted to an employer by the Police Department, to allow authorized employees of the Police Department to work in a non-regular capacity. Upon issuance of the permit, the premises of the applicant shall be deemed an authorized work location for the purpose of this policy.

H. Employee Permit: A permit which may be granted by the Police Department, upon application of an employee, to perform non-regular employment.

I. Rest Period: A period of time not less than eight (8) consecutive hours, when an employee is free from any form of employment. (e.g., regular work period, general off-duty employment, secondary law enforcement employment, departmental overtime, or supplemental overtime).

J. Any 24-Hour Time Frame: A 24-hour time frame is based upon a sliding scale which begins whenever an employee starts any form of regular or non-regular employment.

K. Flex Time: With supervisory approval, employees may flex their work schedule as long as the number of hours worked are within the FLSA threshold hours (80.5 hours per pay period for police officers and animal control officers and 40 hours per week for other employees). For example, an 8-hour employee left 2 hours early on Monday, then worked 1 hour later on Tuesday and 1 hour later on Wednesday to reach 40 hours for the work week.

L. Regular Work Period: For law enforcement personnel, it shall be 14 consecutive calendar days with the hours varied, depending upon shift schedule. For all other employees, it shall be 40 hours worked or on paid leave within a seven consecutive calendar day period. The schedule of hours for the regular work period will be set by the Chief of Police.

IV. REGULATIONS

The following regulations are applicable to all non-regular employment:

A. No form of employment will be permitted if it constitutes a conflict of interest as defined by Fairfax County Personnel Regulation 4.16 or the *Code of Virginia* Title 2.2-3100 through 3127, State and Local Governments Conflict of Interests Act.

B. Police recruits, officers and other employees shall not work any form of general off duty, supplemental, or secondary employment during their initial training period or during any period in which their law enforcement powers are suspended. However, officers on restricted duty or modified restricted duty may be granted permission to work certain forms of non-regular employment from the commander of the Administrative Support Bureau or the Internal Affairs Bureau on a case by case basis.

C. Sworn and civilian first-line supervisors shall not work supplemental overtime assignments in place of patrol officers or police citizen aides (e.g., patrol officer). Exceptions to this regulation shall only be made with the

approval of the Chief of Police, and when staffing by non-supervisors is not possible.

D. The total number of regular duty hours, supplemental overtime, and secondary employment combined shall not exceed 120.5 hours in any pay period.

E. With the exception of departmental overtime, employees shall not work more than 16 hours within any 24-hour time frame. The 16 hour rule does not reset until the employee has completed at least 8 consecutive hours (rest period) off from all employment activities. The 16 hours includes any combination of regular hours, secondary employment, supplemental overtime, and scheduled court attendance (on overtime) which are assigned by a supervisor. Approval to exceed these limitations shall only be granted by a commander or a duty officer and such approval shall be documented and forwarded to the affected employee's commander. Commanders shall not grant blanket exceptions and approval must be sought in each case. The following overtime is not included in the 16 hour restriction: departmental related overtime and court dates such as preliminary hearings, Circuit Court, and subpoenas on non-scheduled court dates. Court attendance (on overtime) which is scheduled in advance by the employee's supervisor shall be included in the 16 hour per day restriction. To allow employees the opportunity to schedule supplemental and secondary employment assignments during periods of scheduled court dates and remain within the 16 and 120.5 hour limits, a scheduled court date shall be counted as 2 hours, regardless of the actual time spent at court. Unscheduled court appearances such as preliminary hearings, Circuit Court, and subpoenas are not counted against the 16 or 120.5 hour rules.

F. When an employee is about to exceed 16 hours worked within a 24-hour time frame, a first line supervisor shall be notified. If the employee is currently in court and about to exceed the 16 hour rule, the employee is not required to notify a supervisor until court has concluded. This notification is only required if the employee is to report to any form of employment without completing eight consecutive hours of rest. The supervisor shall review the circumstances surrounding the hours worked and brief either the employee's commander or a duty officer. Due to officer safety concerns, authority to exceed 16 hours worked can only be granted by a command

level officer. The notified commander shall ensure officers who have worked more than 16 hours in a 24-hour time frame receive adequate rest prior to returning to work any form of employment. This may be accomplished by the use of flex time with due regard for any hardship the adjusted hours may cause.

G. Employees shall not work more than 12 consecutive days. This shall include regular duty, supplemental overtime, secondary employment, and/or any combination of such days. Exceptions to this regulation may be made by the Chief of Police.

H. Secondary off-duty law enforcement employment is restricted to the police service area of Fairfax County.

I. Persons above the rank of second lieutenant shall not engage in secondary law enforcement employment without the specific approval of the Chief of Police. Requests for exceptions must be documented in a memorandum and forwarded through the requestor's chain of command.

J. Organizations employing five or more officers for secondary or supplemental employment assignments during the same time period and at the same site shall be required to hire at least one first line supervisor in addition to the officers. An additional supervisory officer shall be required for each multiple of five officers assigned to such sites.

K. The minimum salary required for officers working secondary employment assignments shall be $40.00 per hour. Supervisory or command personnel shall receive the same rate of compensation as officers at the same work location. Supplemental overtime assignments, and any other overtime where compensation is through the County payroll system, will be based upon the employee's regular overtime rate, or a designated pay rate for the individual assignment (e.g., school functions, special events, direct billing, etc.).

L. Serving as an employment agent and/or receiving compensation for procurement of non-regular law enforcement employment is prohibited and may constitute a violation of the *Code of Virginia*.

M. No employment can be authorized which would conflict with the responsibilities or duties of a Department employee.

N. Employees shall not wear their Department uniform or insignia for any general off-duty employment assignment.

O. Whenever an employee utilizes sick leave for personal illness, they are prohibited from working any supplemental or secondary assignments, regardless of funding, for that 24-hour period (e.g., an officer working 1930-0700 shift calls in sick for a personal illness; the officer is then prohibited from working any supplemental or secondary employment until after 1930 hours the next day, regardless of whether it is a scheduled work day). Any employee who misses an assignment due to illness must report the fact immediately to the on-duty supervisor responsible for the district the employment site is located. Furthermore, employees who utilize sick leave which causes them to miss an overtime assignment shall notify the employer of the illness and whether the assignment will be covered. These notifications shall be documented by the employee in a memorandum and forwarded to the station commander responsible for the overtime site.

P. Any time an employee is recalled from a secondary employment assignment, the employee will be compensated as “call-back” in accordance with the Department’s Payroll Manual. When that employee is receiving compensation from Fairfax County, all pay from the secondary employer will stop. It is the employee’s responsibility to notify the secondary employer of the adjusted hours that were worked to ensure the appropriate compensation is received.

Q. At no time will an employee be allowed to take any sort of leave in order to work an overtime assignment when the initial funding source is the Police Department (i.e., an officer assigned to patrol duties at Mount Vernon takes annual leave to work patrol duties at the Mason District Station). This provision does not prohibit officers from utilizing approved leave to work an assignment in which the original funding source is not the Police Department, including, but not limited to the Fairfax County Public Schools and the Virginia Department of Transportation.

V. NON-REGULAR EMPLOYMENT MANAGEMENT

A. Commander Oversight

1. Commanders shall ensure a non-regular employment coordinator is designated and that equitable sign-up procedures are established at the respective command.

2. Division/Station Commanders shall:

a. Utilize the authorized secondary employer permit InfoPath form for management of employer permits. The InfoPath form is accessible in the Document Center of the BLUENet within the folder for Non-Regular Employment.

b. In the event that a prior application has been denied, the division/station commander must consider the reasons for the prior denial and any additional information before granting a permit application.

c. Ensure the accurate and complete storage of approved secondary employment information of both employers and employees and update when changes occur.

d. Ensure that a copy of an approved employee permit is placed in the employee's division personnel file.

e. Conduct a quarterly audit of all employer permits and ensure that current division sign-up procedures are in compliance with this General Order.

f. Perform a visual site survey of each potential location of secondary employment. This function may be delegated to a first line supervisor.

B. Sign-Up Procedures

1. Secondary employment and supplemental overtime sign-up will occur at each division on the 15th of every month at a time designated by the division commander. The departmental sign-up policy permits employees under the rank of first lieutenant to sign up at their assignment on the 15th of each month.

2. Employees are only eligible to sign up for two non-regular employment assignments the first time through the process and one assignment each subsequent rotation. This process continues until either all assignments are filled, or the employee wishes to add no further assignments. On the 20th of each month, vacant secondary and supplemental assignments shall also be made available to all qualified employees regardless of their duty assignment. On occasions where an approved assignment is made available after the designated sign-up date, commanders shall ensure sign-up is distributed in an equitable fashion.

3. Employees who wish to work secondary law enforcement employment or supplemental overtime shall indicate their commitment to work such an assignment by placing their name on a Station Sign-Up Form (PD 197). The following rules apply to overtime sign-up:

   a. An employee who signs up to work a non-regular employment assignment shall be subject to regulation 201.11, Reporting to Duty. These functions are considered a duty assignment.

   b. An employee shall not sign up another employee for a non-regular employment assignment without the specific approval of a commander. Commanders may establish a standing station policy to govern employees signing up for officers working the street or on leave during the designated sign-up period.

   c. An employee may cancel a non-regular employment assignment no less than 7 calendar days before the event.

The employee shall place a single line through their name on the sign-up sheet with their initials and date beside their name. When this is accomplished, the slot is then available for any eligible employee.

d. If an employee desires to cancel a secondary employment or overtime assignment within 7 days of the event, it shall be the responsibility of the employee to find a replacement for the assignment. When a replacement is found, the employee shall note the date and reasons for the change on the sign-up form, followed by their initials. Should no replacement be available and the assignment cannot be covered, the employee shall notify the employer as soon as possible, but not less than 24 hours prior to the scheduled reporting time that the assignment cannot be covered. This notification process shall be documented and forwarded to the commander of the district responsible for the assignment.

e. An employee's excessive deletion of their name from the sign-up forms, or a significant pattern of an employee's failure to work their scheduled overtime assignments, may be cause for the suspension or revocation of their work permit.

f. Employees who work secondary law enforcement employment shall complete and submit a Secondary Employment Overtime Report Form (PD196). The completed form shall be retained at the employee's work location (district station or division) for a period of two years for auditing purposes. The employee's immediate supervisor shall initial the form after review. The purpose of this reporting procedure is to provide first line supervisors with a method to determine the amount of additional hours an employee is working, and to assist in monitoring compliance to this policy. The employee shall be responsible for ensuring that all hours are reported accurately and that the form is completed prior to submission to the first line supervisor.

g. Employees who work supplemental overtime must reflect the actual hours worked for the assignment and complete the "notes" section in TeleStaff.

C. Permit Administration

1. The administration of non-regular employment is through a system of employer and employee permits.

2. All employees engaging in secondary law enforcement employment shall be required to complete an Employee Permit Application (PD-164A). Commanders have the authority to revoke any employee's non-regular employment privileges to work any form of employment whenever the employee's non-regular employment conflicts with on-duty performance or a violation of department regulations has occurred. If a situation arises where an employee has had their non-regular employment privileges suspended or revoked, the employee shall resubmit a new Employee Permit Application (PD-164A) before engaging in any future non-regular employment.

3. Prospective employers for secondary law enforcement employment, to include bartered housing arrangements, are required to submit a permit application to the district station commander responsible for the geographic area in which the work site is located. All employers, except nonprofits, must provide worker's compensation insurance to cover officers working at the described work location. This is to include those employers offering reduced or free housing. A copy of the worker's compensation insurance policy or documentation proving the employer is a nonprofit shall be attached to the employer application.

   a. Employer permits should be received at least 14 days prior to the initial date of employment. Commanders may choose to waive this requirement on a case by case basis.

   b. Employer permits are valid for a period of 24 months from the date of issue.

   c. There is no fee for the issuance of employer permits.

d. No non-regular employment request shall be granted guaranteeing police personnel resources without approval of the Chief of Police or a Deputy Chief of Police.

e. The requirement for a permit application may be waived to provide security for sensitive sites in the event of a crisis or other emergency. These assignments shall generally be of short duration, and shall be strictly limited to the term of the emergency.

f. Commanders may designate certain employer locations requesting traffic control duties as requiring police officer staffing only. This decision must take into account the safety of the employees as well as the employer's expectation of the services to be received. If the location permits the employment of crossing guards or traffic enforcement officers, those employees should be eligible to work the assignment.

g. If a non-regular assignment is cancelled with less than a 24-hour notice by the employer, all employees who were scheduled to work the assignment shall receive 2 hours of compensation. If the assignment is cancelled and the employee has arrived at the location, the employee shall receive 4 hours of compensation. In either situation the employee will be compensated by the non-regular employer and never eligible to receive compensation which would be greater than if the assignment had been worked. At no time will employees be allowed to receive double compensation from both a non-regular employer and the County. An example would be an officer takes leave during a shift to work an overtime assignment which gets canceled as the officer arrives on scene. The officer receives 4 hours compensation from the off-duty employer due to the late cancellation. The officer cannot cancel their approved leave and return to duty until after the 4 hours for which he was compensated for has expired.

h. A commander may cancel the employer permit when the assignment no longer furthers the Department's mission or the employer fails to comply with the application mandates.

4. The following are examples of secondary law enforcement employment that may be considered for approval:

- Crowd control
- Assignments which require traffic control on state highways
- Housing/apartment complex security assignments
- Shopping center security assignments

5. The following types of employment are prohibited unless specifically approved by the Chief of Police:

- Those assignments which could cause a negative perception to be placed upon the Department or on the individual officer.
- Providing security for the interests of a private business or location which does not directly benefit the Department or community. Commanders may, however, approve short, limited-term duration secondary law enforcement employment at these locations in specific response to problems which affect the surrounding community or public safety.
- Any location which has a permanently standing alcohol beverage license (bars, clubs). This provision does not restrict bureau commander approval for the employment of off-duty police officers at fairs and community events in which alcohol could be sold and consumed
- Personal protection/bodyguard.
- Process server, bill collector, or repo agent.

- Private parties.

- Working directly for a private security company.

- Working in any capacity that involves private investigation or any type of investigative work, whether on a self-employment basis or for attorneys, insurance companies, or security firms, in Fairfax County.

6. Police Department employees who engage in general off-duty employment, including personal business ventures, shall submit a memorandum to the Chief of Police requesting approval to engage in such employment or self-employment. The memorandum shall describe in detail the nature of the employment or self-employment, including job duties; the location of such employment or self-employment; the hours of work which will be required or expected; and an affirmative statement that the employee has read and understands the contents of all General Orders that may be applicable to such employment. Once the Chief of Police has approved or denied the request, the original memorandum shall be sent to the Personnel Resources Division, to be enclosed in the employee's permanent personnel file and a copy shall be sent to the employee's commander. The commander will ensure a copy is provided to the requesting employee. If at any time the employment alters from the original memorandum, the employee shall submit a new memorandum for approval. Commanders may terminate the employee's ability to work general off-duty employment at any time the employment conflicts with the Department's mission. Employees shall also promptly submit a memorandum if they discontinue such employment or self-employment.

D. Worksite Equipment

1. The wearing of plainclothes on any secondary law enforcement employment assignment is prohibited without the direct approval of the Chief of Police or bureau commander. Employees scheduled to work secondary law enforcement or overtime shall wear their uniform and be equipped the same as they would be for a regular patrol duty assignment. The Chief of Police or bureau commander

may grant approval for the wearing of business attire at certain locations that do not pose a high degree of enforcement potential. Requests for approval shall be submitted in writing and forwarded through the appropriate station and bureau commanders.

2. Employees shall have in their possession, while working any form of secondary or supplemental employment, all the necessary equipment needed if they are recalled to full duty.

E. Bartered Housing

1. Non-regular employment shall include bartered or free housing made available to an officer in exchange for the officer's presence or other services related to his employment as a Fairfax County police officer. Reduced housing costs received in return for services by sworn officers must meet the minimum threshold of the hourly rate of payment (i.e. the monetary amount by which the rent is reduced divided by the number of hours worked in return cannot equal less than $40.00 per hour). Any officer who resides in reduced housing based on their employment as a Fairfax County police officer shall live at the address as their primary residence and reflect the location in their contact information in FOCUS. Officers are prohibited from sub-leasing any portion of a bartered housing location.

VI. REFERENCES

Fairfax County Personnel Regulations, Chapter 4

Fairfax County Police Department Payroll Manual

VII. LEGAL REFERENCES

Code of Virginia, Title 2.2-3100 through 3127, State and Local Governments Conflict of Interests Act

VIII. ACCREDITATION STANDARDS REFERENCES

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04.02

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: INCIDENT SUPPORT SERVICES	NUMBER: 430.4
CANCELS ORDER DATED: 4-1-97	ISSUE DATE: 4-1-13

I. PURPOSE

This General Order is issued for the purpose of providing guidelines to all Department members as to the various resources provided by Incident Support Services (ISS). The goal of the program is to provide information, education, and overall support to Department personnel. This includes an integrated approach involving multiple resources in response to employees involved in traumatic events such as shootings, cruiser accidents, and other critical incidents.

II. POLICY

It is the policy of this agency to immediately provide a comprehensive array of services to employees who are involved in traumatic incidents and ensure that follow-up and appropriate after-care is included. Assistance and support shall also be provided as appropriate to all employees on a routine basis to promote overall emotional and psychological wellness.

III. DEFINITIONS

Incident Support Services (ISS): A comprehensive array of employee support services, including the Peer Support Team, Department psychologists, police chaplains, Family Assistance Support Team (FAST), Employee Assistance Program (EAP), and other contracted services designed to help law enforcement officers, employees, and family members maintain their professional and personal wellness during and following critical incidents. All incident support services are coordinated by the commander of the Administrative Support Bureau (ASB). In the event that the ASB commander is unavailable the Personnel Resources Division (PRD) director will oversee the ISS.

Peer Support Team members: Departmental personnel who are specifically trained to respond to traumatic situations in order to provide emotional support to those employees directly involved and any other employees affected.

Peer Support Team commanders: Specific commanders who are responsible for direct oversight of the team and coordination of response to critical incidents and any other cases which involve the use of peer members.

Police Psychologist: Contracted psychologists available around-the-clock, in order to provide psychological and emotional assistance to employees on a regular basis.

Police Chaplains: Clergy members who have received training in their own religion and general training certifying them as a police chaplain. They are assigned to district stations, divisions, bureaus, or may be at-large members who voluntarily provide employees with emotional and spiritual support, both during and after a critical incident.

Police Chaplain Coordinator: Responsible for the daily oversight/operations of the chaplains, at the direction of the ISS commander.

Critical Incident: Sudden, powerful and often traumatic event that falls outside the range of ordinary human experiences. This can include, but is not limited to line of duty death or serious injury of a departmental employee, officer-involved shooting, life threatening assaults, or other events that may impact employees' psychological and emotional wellness (e.g., crash scenes, scenes of major crimes, etc.).

IV. POLICE PSYCHOLOGIST

A. The primary goal of the police psychologist is to assist employees in maintaining overall emotional wellness as it relates to their work environment. He responds to critical incidents at the direction of the ASB commander in order to assist officers in dealing with the various stressors associated with such incidents and also provide assistance to employees who are in crisis due to other stressors/factors.

The police psychologist is also responsible for developing and providing ongoing training and education for all employees and members of the ISS team.

B. Duties

1. The police psychologist shall perform advanced-level professional clinical work and provide direct clinical prevention and mental health treatment services, to include: crisis intervention, psychological assessments, testing, evaluation, diagnosis, psychotherapeutic treatment, and coordination of services for all employees and retired law enforcement officers.

2. During and following critical incidents, the psychologist shall ensure the psychological well-being of affected employee(s), provide individual evaluation of involved employee(s) psychological/emotional state, and provide a clinical assessment of employee's ability to return to work. The psychologist shall also coordinate and provide post-critical incident psycho-educational information and support regarding stress and trauma for employees, and ensure squads/units receive appropriate follow-up care and coordination of services.

3. The police psychologist is also responsible for the following general clinical services:

   a) Care modalities, which may include individual, family, and group therapies.

   b) Facilitates referrals to conjunctive and/or alternative care services, when appropriate.

   c) Develops, implements, and evaluates psychological/emotional wellness and prevention programs (e.g., seminars, stress management workshops, self-care strategies, and reentry programs for returning military veterans).

   d) Provides appropriate comfort and grief counseling to family and Department members in serious injury or death cases involving employees.

   e) Offers post-incident evaluation of officers' and employees' morale, mindset, and psychological/emotional status.

   f) Advises and assists the Department in implementing appropriate interventions to help maintain employees' psychological and emotional integrity.

4. The ISS police psychologists shall not become involved in "Fit for Duty" cases. A contracted psychologist from a separate company specializing in "fit for duty" shall provide appropriate evaluation and testing for these types of cases.

5. Confidentiality parameters will be reviewed with each employee who seeks assistance or who is required to have contact with a police psychologist. Respecting privacy is paramount; therefore all psychologists will follow applicable laws and ethical guidelines to ensure that appropriate assistance is granted. However, there are several conditions under which confidential information may be released to the ASB commander or designee. Psychologists are required to release confidential information when there is a risk of serious harm to self or others, or there is a suspicion of child or elderly abuse. Confidential information can also be released at the request of the employee with a signed release, or in response to a court order.

6. Commanders shall contact the ASB Commander if they need further guidance on the roles/responsibilities of the police psychologists or need assistance determining the level of assistance needed in a particular case.

7. Employees may contact the weekday psychologists directly to request assistance via telephone or Outlook. Callouts after hours and requests for assistance from the weekend on-call psychologists must be approved by the ASB commander or PRD director.

V. PEER SUPPORT TEAM

A. The Peer Support Team will consist of a volunteer representative from each station or section, and will be selected by the Peer Support Team commanders and supervisors, with approval by the ASB commander. The Peer Support Team commanders will report directly to the ASB commander or designee on matters concerning the program. Peer Support Team members will be trained in areas pertinent to critical incidents and will be required to attend several training sessions each year.

B. The Peer Support Team will provide the following services:

1. Immediate support services as needed when responding to the scene of a critical incident, to include providing confidential support to affected employee(s), contacting family members, arranging transportation, providing food, etc.

2. Critical incident education, as appropriate.

3. Act as liaison with the Employee Assistance Program (EAP) and provide assistance to the police psychologist, chaplains, etc.

4. Participate in debriefing and diffusing sessions with affected employees, along with the Criminal Investigations Bureau (CIB) and Internal Affairs (IA), when appropriate. Assist the Department's psychologists with follow-up as directed after an incident.

5. Coordinate long term assistance at the direction of peer command.

C. The Peer Support on-call commander shall be notified promptly of any critical incident involving a Fairfax County employee and determine the level of response needed from Peer Support

D. Commanders or first line supervisors who need assistance from Peer Support due to an immediate incident or for employee related issues shall make the request through the Department of Public Safety Communications Center (DPSC) or the police liaison commander (PLC). DPSC staff or the PLC shall contact the Peer Support on-call commander and relay the information for appropriate follow up. This does not preclude any departmental employee from informally contacting any Peer Support Team member for personal assistance. DPSC/PLC will maintain a current on-call roster for Peer Support commanders and supervisors in order to assure timely and accurate notifications.

VI. POLICE CHAPLAINS

A. The Fairfax County Police Department's Chaplain Unit operates at the direction of the Chief of Police and is overseen by the ISS commander. It is a non-standing, specialized unit whose members are assigned to a district station, division, bureau, or designated as at-large members. Police chaplains are considered to be honorary members of command staff. A chaplain coordinator is designated to assist with oversight of the daily operations of the Police Chaplain Unit.

B. Members of the Chaplain Unit shall have the following qualifications:

1. A police chaplain must be ordained, invested or a certified member of the clergy in good standing of a recognized religious denomination with at least three years of full-time experience in the ministry.

2. A police chaplain should be available to serve on a 24-hour, on-call basis, determined and governed by the ISS Commander.

3. A police chaplain may not have any convictions of a criminal offense, or any record of having previously engaged in criminal conduct. All chaplains shall successfully pass a background check before being assigned to the unit.

4. A police chaplain must possess a valid driver's license.

C. The ISS commander and the Chief of Police must approve all police chaplains.

D. Police chaplains will assist employees when requested by the ISS commander, Chaplain Unit coordinator, or other command or supervisory level officer, by providing emotional and spiritual support and guidance to the injured, ill, or distressed. This does not preclude an employee from contacting a police chaplain directly for assistance or support. Chaplains typically provide support for the following events:

1. Officer-Involved Shootings

2. Line of Duty Death or Injury

3. Off-Duty Deaths, when requested

4. Traffic Crashes

5. Incidents involving children (e.g., deaths, school violence, etc.)

6. Community disasters

7. Opening and/or closing prayers at police ceremonies.

E. Police chaplains are available to all employees and/or their families for counseling and/or spiritual support during times of crisis. Employees or family members may contact the police chaplain directly on personal need for services. The Chaplain Unit will not take the place of the Employee Assistance Program (EAP), but will serve to augment such programs. Situations that fall outside the scope and ability of a police chaplain shall be referred to the proper resource for further assistance, or to the Department's psychologists.

F. Police chaplains may assist with officiating at religious services, such as weddings, funerals, etc.

G. Police chaplains will periodically meet with their respective station/bureau commander and attend roll calls and ride-alongs in order to develop partnerships with employees.

H. Police chaplains will attend regular meetings with the Chaplain Unit coordinator.

I. Request for police chaplain services as a result of operational needs will be by the authorization of any supervisor. The applicable supervisor will make personal contact with the Chaplain Unit coordinator, or a station police chaplain via telephone or pager, or refer notification to the DPSC.

VII. TYPES OF INCIDENTS

The ISS commander along with the Peer Support Team, psychologist, and chaplains shall provide a coordinated response to the following incidents:

A. Any incident which results in the death or serious injury of a person by a Department employee.

B. Any incident in which an employee is killed or seriously injured in the line of duty.

C. Any critical incident that the on-scene supervisor, duty officer, or ISS commander deems appropriate.

D. Death, serious injury, or medical emergency that occurs off duty.

E. Requests from other public safety agencies, as approved by the Chief of Police or the ISS commander.

VIII. NOTIFICATION AND RESPONSE

The ISS commander, on-call Peer Support commander, and the on-call Peer Support supervisor shall be notified when a critical incident occurs involving an employee, and shall direct resources and make additional notifications as appropriate.

A. The ISS commander will coordinate with the Peer Support commander, Department psychologist and Chaplain Unit coordinator regarding appropriate response and determine the initial response. The Peer Support commander will coordinate with the Peer Support supervisor to ensure the appropriate number of Peer Support Team members are sent to the involved officer(s) location. Peer Support members already on duty will be sent immediately, and other on-call team members paged as needed. Investigations of deadly force shall be handled in accordance with SOP 12-045.

First Report of Injury Paperwork: Officers involved in critical incidents shall have the “Employer's First Report of Injury” submitted on their behalf in order to facilitate any future claims involving Post Traumatic Stress Disorder (PTSD). This paperwork shall be completed by the PRD director and submitted to the adjuster that is retained by Risk Management. No action on the part of the affected officer(s) or supervisors is required.

IX. CONFIDENTIALITY

A. Each Peer Support Team member will treat each contact with the utmost level of confidentiality. Unauthorized disclosure of information concerning specific incidents or employee involvement in such incidents learned as a result of Peer Support Team intervention shall not occur unless such disclosure is required by exigent circumstances, ordered by a court of competent jurisdiction, or at the direction of the Chief of Police.

B. Peer Support Team members involved in a criminal or serious administrative

incident or investigation shall not be assigned to provide assistance as a Peer Support Team member until the matter is resolved. Members are required to advise a peer support supervisor or commander if they become involved in a serious criminal or administrative investigation.

C. Peer Support Team members shall not be routinely interviewed by investigative authorities concerning matters in which they obtained information as a direct result of their assignment as a Peer Support Team member. Absent exigent circumstances, requests to interview Peer Support Team members shall be directed to the Chief of Police.

D. Employees receiving Peer Support Team services shall be advised as to the limits of this confidentiality prior to any discussion.

X. ACCREDITATION STANDARDS REFERENCE

VLEPSC
ADM.
23.04

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: VOLUNTEERS IN POLICE SERVICE (VIPS) PROGRAM	NUMBER:	430.6
CANCELS ORDER DATED: 1-1-08	DATE:	04-01-13

I. PURPOSE

This General Order establishes the policies and procedures applicable to the Fairfax County Volunteers in Police Service Program (VIPS). The VIPS mission is to provide administrative augmentation to the Police Department by utilizing the skills of non-salaried, non-uniformed volunteers.

II. POLICY

The VIPS program is established under the authority of the Chief of Police and is under the administrative control of the Operations Support Bureau. The program is administered directly by the Auxiliary/Volunteer coordinator appointed for the purpose of assisting in the administration of the program. The selection, appointment, and tenure of VIPS personnel will be determined by the Chief of Police or his designee. The General Orders will apply to VIPS personnel.

III. PROCEDURE

A. There is no rank structure in the VIPS program.

B. To be eligible, VIPS personnel must be at least 21 years of age, be in good physical health, pass a police background check, and pass an interview with police supervisors. There is no maximum age limit for service in this program, provided the individual is physically fit to perform the duties assigned.

C. Potential VIPS candidates will not be processed into the program until an assignment has been identified within the Department and the volunteer signs a copy of the Volunteer Agreement and Non-Disclosure Agreement.

D. There is no uniform for VIPS personnel. However, when on duty in a Department facility, standards of good grooming and appearance will be maintained.

E. VIPS personnel will be issued a Police Department identification badge which must be worn at all times while inside a department facility or while on

assignment representing the Department. VIPS must surrender their identification badge at the time of their resignation/departure from the VIPS program.

F. Administrative support duties include the following:

1. General office duties.

2. Computer related duties.

3. Photography (secondary assignment).

4. Role playing at the Criminal Justice Academy and other departmental exercises (secondary assignment).

5. Staffing the Citizens Police Academy (CPA).

6. Crime Prevention activities, to include Neighborhood Watch Programs, National Night Out, newsletters, and other similar projects at the district stations.

7. Writing and/or editing Department publications.

8. Child Car Seat Inspections.

9. Conducting general maintenance on police cruisers and other department vehicles.

10. Language translators/interpreters (secondary assignment).

G. There is a minimum of 15 service hours per quarter (five hours per month) required for VIPS. It is the responsibility of each volunteer to complete a monthly hours report for each month they volunteer. This record will be verified by a supervisor and submitted to the Auxiliary/Volunteer coordinator by the fifth working day of each month.

H. VIPS may request they be placed on inactive status for a specific period of time not to exceed three months within one calendar year. VIPS will forward

an explanation to the Auxiliary/Volunteer coordinator detailing the reasons for this change in status. At the end of the requested inactive period, a decision will be made as to the status of the VIPS. A request for inactive status will not adversely affect the overall status of the individual within the VIPS program with the exception that a change in assignment may result due to operational necessity. Inactive status may be extended for prolonged medical issues or military duty.

IV. RESPONSIBILITIES

A. VIPS applicants are under the control of the Traffic Division commander until completion of processing and assignment to a station/division.

B. The Auxiliary/Volunteer coordinator shall serve at the discretion of the Traffic Division commander and be responsible for obtaining initial and/or one-time assignments for program volunteers, as well as any subsequent transfers. The Auxiliary/Volunteer coordinator will fill assignments in the order they are received. Exceptions to this policy may be authorized by the Traffic Division commander or his designee.

C. Following assignment, regardless of duration, VIPS volunteers are under the administrative and operational control of the supervisor to whom they are detailed. The precise nature of their duties and their work schedule shall be established by mutual agreement between their immediate supervisors and themselves.

V. EDUCATION AND TRAINING

A. Volunteers receive on-the-job training at their assignment location. Specialty training may include but is not limited to VCIN certification, self defense instructor training, or child car seat installation training, which will be conducted by department personnel at no cost to the volunteer.

VI. EQUIPMENT

A. Volunteers are not routinely issued police equipment; however, when assigned to projects that require items such as traffic vests, flashlights, or pagers, the equipment will be issued to individual volunteers. The equipment will remain the property of the department and be surrendered at the end of the assignment.

B. Volunteers are provided with polo shirts, windbreaker, and medium weight jacket, all with the VIPS logo and "Fairfax County Police Department" stitched on the left breast pocket of the clothing. In addition, volunteers that take photos for the Department will also be issued a reflective vest with "FCPD Photographer" written on the back. These items will be returned by the VIPS upon resignation or removal from the VIPS Program.

C. On a case-by-case basis, VIPS who are required to travel while on departmental business may be authorized to operate an unmarked county vehicle. The volunteer must possess a valid driver's license and complete the Vehicle Familiarization Course, conducted by the FCCJA, prior to authorization. Written approval from the VIPS immediate command personnel is required. A copy of the authorization will be retained in the VIPS personnel file.

VII. DISCIPLINARY PROCEDURES

A. The execution of disciplinary procedures against a VIPS volunteer, to include performance counseling, is primarily the responsibility of the individual's immediate supervisor.

B. Poor duty performance or breaches of discipline not severe enough to warrant official action but disruptive to a good working environment shall be grounds for returning any volunteer to the Traffic Division commander for reassignment. Termination of an assignment for disciplinary reasons or for poor performance will be made a matter of record by a memorandum signed by the affected supervisor to the Traffic Division commander for placement in the individual's personnel file.

C. At the direction of the Traffic Division commander, the Auxiliary/Volunteer coordinator shall monitor the conduct and disciplinary record of each volunteer in the program. Volunteers who demonstrate a consistent tendency toward unsatisfactory service or failure to complete required volunteer hours per calendar year shall be dismissed from the program. A recommendation for dismissal shall be forwarded to the OSB commander.

D. The OSB commander shall review all recommendations for dismissal and if founded, shall forward them to the Chief of Police or his designee. The Chief of Police or his designee shall notify the individual concerned of his decision. That decision is final.

VIII. PERSONNEL RECORDS

The personnel records for VIPS personnel shall be maintained by the Traffic Division commander or a designee. Supervisors must ensure that copies of all correspondence relating to the service of a VIPS volunteer are forwarded promptly to the Traffic Division commander for filing.

IX. INSURANCE AND COMPENSATION

A. All VIPS enter the VIPS program as volunteers.

B. On-duty injuries

1. VIPS who sustain personal injuries while on duty will report the circumstances orally to a supervisor immediately.

2. Should an injury require emergency medical treatment or hospitalization, a “Medical Status Report” form shall be submitted at the time of treatment to the attending physician. The supervisor responsible for investigating the injury will request that the physician complete and sign this form.

3. In all cases, a police supervisor will investigate the circumstances of

the injury and submit a written report of the findings. The injured volunteer, after reviewing and agreeing to the findings, shall initial the report. The report will be directed to the Chief of Police via the appropriate commanders, with a copy to the Auxiliary/Volunteer coordinator and the Operations Support Bureau commander.

4. VIPS are not covered under the Workers' Compensation Act. Therefore, the Employer's First Report of Accident form is not required. VIPS are covered under a group accident policy administered by a private agency. The Auxiliary/Volunteer coordinator will maintain the current insurance policy information and will furnish such information upon request to hospital personnel.

5. The Traffic Division commander or a designee will file all claims on behalf of VIPS injured on duty. The investigating supervisor will submit a copy of the investigation report to the Traffic Division commander within 24 hours to facilitate the timely filing of the claim.

C. No VIPS will receive payment, benefits, or otherwise be compensated for hours worked or services performed in connection with their position.

X. CONFIDENTIALITY

A. VIPS personnel may have access to confidential records such as criminal histories or current investigations, as their duties may dictate. In addition to training regarding unauthorized disclosure of such records, each volunteer must sign a nondisclosure agreement. Subsequent disclosure of any confidential information, verbally or in writing, shall be grounds for immediate dismissal and possible criminal prosecution.

B. VIPS personnel are not authorized to release any criminal history information to anyone outside the Police Department.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: VOLUNTEERS IN POLICE SERVICE (VIPS) PROGRAM	NUMBER:	430.6
CANCELS ORDER DATED: 1-1-08	DATE:	04-01-13

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

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* Removed and reissued in the Fairfax County Police Department Manual of Standard Operating Procedures.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: POLICE CHAPLAINS	NUMBER:	430.7
CANCELS ORDER DATED: 10-1-04	DATE:	1-1-13

General Order 430.7 has been removed and incorporated into GO 430.4, Incident Support Services.

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

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

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.

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.

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.

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

- 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

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

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.

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.

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.

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

- 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:

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

- 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:

- 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	

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

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

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: IMPOUNDMENT OR SEIZURE OF MOTOR VEHICLES	NUMBER: 520.4
CANCELS ORDER DATED: 1-1-13	DATE: 4-1-13

I. PURPOSE

The purpose of this General Order is to enumerate those situations in which a police officer has the authority to impound or seize a motor vehicle; specify the procedures to be followed subsequent to impoundment or seizure; and to provide guidance in the administration of the towed vehicle appeals process.

II. POLICY

It is the policy of this Department to impound or seize motor vehicles in a manner which is within the constraints imposed by State and County law, for the purposes of ensuring highway safety; fostering voluntary compliance with law; protecting private property; and securing items of evidentiary value.

III. CIRCUMSTANCES UNDER WHICH A MOTOR VEHICLE MAY BE TOWED

The towing of motor vehicles at the direction of a police officer falls into three broad categories, designated for the purpose of this Order as impoundments, seizures, and administrative impoundments. The chart below summarizes the various types of tow-ins and indicates the statutory authority for each.

A. Impoundments

An impoundment is defined as the towing of a vehicle under circumstances where the vehicle may be released to the owner upon payment of towing and storage fees.

Reason	Statutory Authority
1. Arrest of operator, no other person present who can lawfully assume custody of vehicle.	1. State - § 19.2-80.1

2.	Vehicle constitutes evidence in and of itself.	2. None; purpose is to protect evidence for introduction at trial.
3.	--Hazard. --Parked in violation of law. --Unattended more than ten (10) days upon public property or on private property without property owner's consent. --Abandoned more than four (4) days upon public property and in violation of law. --Remains parked in violation of law, after receiving a citation or warning. --Immobile due to adverse weather conditions.	3. County - § 82-5-29 County - § 82-5-4 State - §§ 46.2-1213 46.2-1217
4.	Stopped on the highway, impeding or rendering dangerous the use of the highway, disabled as result of accident/ mechanical breakdown.	4. County - § 82-1-6 (46.2-888)

5.	Stopped in vicinity of fire, accident, or emergency scene and constitutes hazard or interferes with police or fire operation.	5. County - § 82-1-6 (46.2-890)
6.	Obstructing movement on any premises, driveway, or parking area without owner's permission.	6. County - § 82-5-20.1 State - § 46.2-1211
7.	Parked without permission on County-owned property.	7. County - § 82-5-32
8.	Parked in violation of Community Parking District restrictions.	8. County - § 82-5B-7
9.	Unpaid parking citations.	9. County - § 82-5-41
10.	In violation of County Code § 110-3-1, inoperative or junk vehicles.	10. County - § 110-3-1 Note: Enforcement of this code is defined in § 110-1-3

B. Seizures

A seizure is defined as the towing of a vehicle which is subject to forfeiture to the Commonwealth.

Reason		Statutory Authority
1.	Racing on a highway; vehicle operated by owner, or owner is present in the vehicle at the time of the offense.	1. State - § 46.2-867 Note: Vehicles taken for evidence under this statute cannot be seized until a conviction is obtained.

2.	Illegal transportation of alcoholic beverages or transportation of illegal alcohol.	2. State - § 4.1-310
3.	--Transportation of stolen goods valued at $200 or more. --Transportation of any stolen property, regardless of value, obtained as a result of a robbery. --Vehicle used to commit second or subsequent offense of §§ 18.2-346, 18.2-347, 18.2-348, 18.2-349 18.2-355, 18.2-356, 18.2-357 (prostitution offenses).	3. State - § 19.2-386.16
4.	Vehicle used in connection with illegal manufacture, sale or distribution of controlled substance.	4. State - § 19.2-386.22

C. Administrative Impoundments

An administrative impoundment is defined as the towing of a vehicle which will be held by the court for 30 days (see 1, below), three days (see 2, below), or released by a judge's order. Rented or leased vehicles shall not be administratively impounded.

Reason	Statutory Authority for Administrative Tow
1. Operated by a person whose privilege to drive is suspended/revoked, based whole or in part for (a) driving while intoxicated in violation of 18.2-266, 46.2-341.24 or substantially similar law or ordinance in any other jurisdiction, (b) refusal to submit to breath or blood test, (c) habitual offender adjudication based in whole or in part on an alcohol related offense, or (d) license administratively suspended under State Code § 46.2-391.2 or County Code § 82-1-6 (46.2-391.2).	1. County - § 82-1-6 (46.2-301.1)
2. Operated by a person who is in violation of § 46.2-300 (Driving without a valid license), having been previously convicted of such an offense or substantially similar offense of any county, city, or town, or law in any other jurisdiction.	2. County - § 82-1-6 (46.2-301.1)

IV. PROCEDURES FOR WHEN VEHICLE SHOULD NOT BE IMPOUNDED

A. If, at the direction of an arrested operator the vehicle is turned over to another person present at the scene, officers shall note the following information in the Incident or Arrest Module:

1. Name, address, and description of the individual assuming possession of the vehicle.

2. Location to which the vehicle is to be transported.

3. Statements indicating the license status of the person assuming possession of the vehicle.

4. Statements indicating the level of intoxication (if any) exhibited by the person assuming possession of the vehicle.

B. If the arrested operator legally parked the vehicle on property within their ownership or management in response to the initiation of a traffic stop, but prior to the arrest being completed, the following information shall be included in the Incident or Arrest Module.

1. Location where the traffic stop was initiated.

2. Location where the vehicle was parked.

3. Nature of the property where the vehicle was parked (owned by the operator, managed by the operator, etc.).

4. Operator's response to the officer's offer to impound the vehicle for safekeeping.

V. VEHICLE INVENTORY POLICY AND PROCEDURE

A. Vehicles towed at the direction of a police officer shall undergo an inventory of contents, as specified below, to be conducted by the officer who makes an arrest requiring the towing of a vehicle or who is assigned to the case in non-arrest situations. The inventory is conducted for the purpose of protecting the personal property of persons whose vehicles are towed under circumstances where they cannot arrange for the safekeeping of items contained in the vehicle, and to assist in defending against allegations of theft directed at the Police Department.

B. Circumstances under which a vehicle shall be inventoried.

1. All vehicle seizures.

2. All impoundments, except cases where the vehicle owner or operator is present at the time the vehicle is towed and is capable of arranging

for the safekeeping of items of personal property contained in the vehicle.

For example, vehicles shall not be inventoried in cases of towing from the scene of a traffic accident unless the owner, authorized operator, or someone on their behalf is not present at the scene to arrange for the safekeeping of personal property when the vehicle is towed from the scene.

C. Location and scope of inventory.

1. During routine impoundments, vehicles subject to inventory shall be inventoried prior to removal from the scene. Vehicles to be processed for evidentiary purposes and towed to a police facility for this purpose shall only be inventoried at the direction of the lead investigating officer or detective, or crime scene detective.

2. The scope of the inventory shall include the interior of the vehicle and areas which can be readily entered without the use of force. The glove compartment, console, or trunk is within the scope of the inventory if unlocked or entry can be made with the keys to the vehicle.

   Seats shall not be removed and the inventory shall be conducted in a manner to avoid any damage to the vehicle or its contents.

D. Storage of items discovered during the inventory.

1. Towing companies under agreement with Fairfax County are responsible for the vehicle and its contents until retrieved by the owner or otherwise disposed of by law. Consequently, items discovered during the course of the inventory will normally remain in the vehicle until retrieved by the owner from the storage facility. Contraband, or items constituting evidence of a crime, shall be removed by the officer conducting the inventory for storage in the Property Section pending proper disposition.

2. If the officer conducting the inventory has reason to believe that items of value located in a vehicle to be towed will not be properly protected

while at the storage facility, the officer shall remove the items for storage in the Property Section.

VI. REQUEST FOR TOWING SERVICES

A. Vehicles towed at the direction of a police officer shall be towed by a wrecker service under current contract with Fairfax County. Requests for wrecker service shall be routed through the Department of Public Safety Communications (DPSC), which is responsible for ensuring response in accordance with the procedures in the current towing agreement as provided by § 82-5-31 of the Fairfax County Code.

B. Requests for towing service shall include the following information where applicable:

1. Whether the case is an impoundment or a seizure or an administrative impoundment.

2. Size and type of vehicle, and the need for special equipment in unusual circumstances.

3. When necessary, the exact location of and best route to the vehicle shall be provided to the DPSC to ensure a proper response time from the authorized towing company.

C. After requesting towing services through the DPSC, the officer shall remain on the scene to ensure that only the towing company summoned by the DPSC handles the request. If a wrecker responds to the scene without having been requested by the DPSC, the officer shall request that the wrecker leave. The officer shall also advise the DPSC of such incidents and provide the name of the towing company, if it is under the current towing contract with the County. In addition, the impound towing coordinator shall be notified and will follow up on such complainants.

D. Vehicles which require processing by the Crime Scene Section shall be impounded and transported under escort to the Forensic Facility located to the rear of the McConnell Public Safety Transportation Operations Center (MPSTOC), by an approved towing company. The Crime Scene Section supervisor shall be notified immediately to facilitate the securing of the

vehicle. Once processed, if storage is necessary, the officer/detective handling the case shall contact the Police Department Vehicle Coordinator, who will arrange for the Department of Vehicle Services (DVS) to tow the vehicle to a secure police facility storage lot. The investigating officer shall ensure that the DVS wrecker is accompanied by an officer during the tow. Suspected stolen vehicles which must be towed to DVS in order to search for hidden VIN numbers shall be handled in the same way. The Vehicle Coordinator shall be contacted to arrange the tow, and an officer/detective shall accompany the vehicle.

E. Citizen requests for wrecker service because of mechanical breakdown, or accident disablement where the vehicle does not require immediate removal as a traffic hazard, shall also be routed through the DPSC. All citizen requests for a specific towing company must include either the name of the company, or a telephone number. If such information is unknown, the officer will request the nearest available towing service. Citizen requests do not require the assignment of a case number or the completion of any forms by the officer performing the service. If a case number is inadvertently assigned, it shall be cleared by the radio code "10-99." Officers are not required to remain on the scene to await the tow truck if the vehicle is parked in a safe location, off the travel portion of the roadway, and no other police service is needed.

VII. FORMS: COMPLETION, DISTRIBUTION, AND FILING INSTRUCTIONS

A. PD48, Vehicle Tow-In and Inventory Record

A PD48 is to be completed by the towing officer assigned to any case where a vehicle is towed at the direction of a police officer, at the scene and prior to the removal of the vehicle by the towing company. All information known to the officer at that time shall be entered on the form. Information not available to the officer at the scene will be entered prior to submission of the form at the conclusion of the shift.

The inventory portion of the form is completed in all cases where a towed vehicle is inventoried pursuant to Department policy, as indicated in the section of this Order covering vehicle inventory.

The PD48 is to be completed in addition to other reporting forms used to record the details of events to which a case number is assigned. The Incident Report, Supplemental Incident Report, or State Crash Report shall be completed when appropriate, to record the details of the investigation conducted by the assigned officer.

If a vehicle is towed at the direction of a police officer to a police facility for evidentiary processing, a second PD48 must be completed to note any changes in the vehicle condition, to include items no longer with the vehicle, if the vehicle is later towed to an approved storage lot or secure police facility. A second tow will generate an additional towing charge and should only be done when necessary. The impound towing coordinator or on-call CRU supervisor can be consulted for guidance.

If a vehicle is towed for evidentiary purposes, and it belongs to a victim of a crime against a person or uninvolved third party, they should not be held liable for tow fees. The vehicle should be returned to the owner and the supervisor of the investigating officer or detective must complete a memorandum requesting tow fees be covered by the impound towing coordinator. A memorandum is available on the K: drive, under *Purchasing/Request to Pay Tow Memo*, for this purpose. In a case in which a vehicle is towed for evidentiary purposes and the crime does not involve a crime against a person, the owner of the vehicle shall be responsible for the tow fees. To minimize the impact to a victim of property crimes, vehicles should only be towed on an as-needed basis.

Special considerations for payment of towed vehicles can be made with approval of the commander of the officer requesting the tow and the commander of the Traffic Division. Approval must be obtained before payment will be made. This type of request for tow payment will be made by the officer's supervisor, in a memorandum format, through their commander to the commander of the Traffic Division.

Any victim that has accrued a tow fee can be directed to the Circuit Court to request assistance with the fee. The state has a Victim Fund to help victims recover the costs of a tow not covered by the insurance company.

Form distribution shall be as indicated on the form with the following special instructions:

1. When an owner of the vehicle is present at the scene of a tow or is readily available (i.e., arrested, hospitalized, etc.), officers shall complete the PD48 and provide the owner's copy to the owner in person.

2. If an owner of the vehicle is not present when any motor vehicle is removed by or under the direction of a police officer, and the owner of the vehicle cannot be located at the time of the removal, the owner's copy of the PD48 should be mailed to the owner. Under the provisions of Chapter 82 of the County Code, the Department must provide written notice to the owner by first class mail. Notification of the owner by the Department must be in writing, within one full working day of the towing. Commanders shall ensure that mailing of the PD48 to the registered owner of the towed vehicle is completed in a 24-hour period from the time of the tow. The bottom of the station file copy of the PD48 shall indicate the time of the mailing.

3. For rented or leased vehicles, the rental or leasing company shall be notified.

4. In the case of an administrative impoundment, the information on the top half of the reverse side of the owner's copy of the PD Form 48 shall not apply. Officers shall cross out this information. When the owner was the operator, none of the information on the reverse of the owner's copy applies and only the operator's copy should be given to the owner/operator. The towing officer shall also give the magistrate the Court's copy of the PD48, with the Court's copy of the summons, prior to the end of shift. This must be done through personal delivery or by sending a facsimile of both sides of the Court's copy of the PD48.

5. All PD48 forms shall be scanned and attached to the corresponding I/LEADS incident report and retained for three years, in accordance with the Library of Virginia.

B. Notification of Seizure

Prior to the seizure of a vehicle (refer to the definition in Section III, subsection B of this General Order), the asset forfeiture detective or the on-

call OCN supervisor must be contacted by phone. Notification shall be done through DPSC.

C. PD4MN Media Notification of Tow When Registered Owner Cannot be Determined

The Request for Media Notification of Towed Vehicle form is used when the owner of a vehicle cannot be located or determined. Completed forms shall be scanned and attached to the appropriate I/LEADS module (Arrest, Citation, or Incident). Instructions for completing the PD4MN can be found in Section III, Chapter 8 of the Report Writing Manual.

D. PD184 Results of a Chapter 82 Hearing of a Vehicle Tow

PD184 shall be completed by the hearing officer upon completion of a proceeding to determine if probable cause existed to tow a vehicle under Chapter 82 of the County Code. Distribution of the form shall be made according to the distribution printed on the form.

VIII. RESPONSIBILITIES OF TOWING OFFICER, HEARING OFFICERS, AND DPSC

A. Duties of Towing Officer

1. The towing officer shall complete and distribute all necessary forms in accordance with section VII of this General Order.

2. If the officer cannot contact the registered owner by the end of the shift, the officer shall notify the DPSC teletype section and provide the necessary information from the PD48 for entry into the VCIN Stored Vehicle File. The officer shall record the message number as furnished by the DPSC on the PD48 form and on any I/LEADS module associated with the vehicle.

3. When a vehicle is towed and the registered owner cannot be determined or when the PD48 is returned "undeliverable" by the Post Office, the procedure for completion and distribution of PD4MN, as detailed in section VII of this General Order, shall be followed.

4. If an officer directs the towing of a vehicle which is determined to be stolen, the registered owner of the vehicle shall be advised to contact the Police Wrecker Coordinator, through the DPSC, for assistance in seeking possible reimbursement for towing and storage fees.

5. An officer who directs the towing of a vehicle to be held for evidence and determines later that the vehicle may be released shall notify the registered owner and the appropriate wrecker service, so that the vehicle may be released. If the wrecker service personnel request personal contact to assure that a valid release is authorized, the notifying officer shall make contact or arrange for another on-duty officer to make contact.

6. In the Incident Report and any subsequent Supplemental Incident Report, the officer shall note what action was taken to contact the registered owner and indicate what disposition was made concerning PD Form 48 and/or other reporting forms which may be required in certain cases.

7. In cases of impounds for unpaid parking citations, the officer shall also notify the Department of Tax Administration (DTA) by faxing a copy of the PD48 to DTA.

B. Hearings and the Duties of the Hearing Officer

1. An owner of a towed vehicle has three weeks (21 days) from the date of notice by the Police Department to request that a hearing be held to determine the propriety of the removal of the vehicle under the law. The PD48 informs owners of the requirement to provide written notification to the Department to initiate a hearing. The PD48 is designed to direct requests for a hearing to be mailed directly to the Office of the Chief. When a request for a hearing is received, it must be <u>date/time stamped and immediately sent to the appropriate commander to initiate the hearing process</u>. It is imperative that these individuals be notified in a timely fashion. The County Code requires that the hearing shall be held within 24 hours of the receipt of request – <u>if specifically requested by the vehicle owner</u>. Otherwise, the vehicle owner shall be contacted within 48 hours after the request for a hearing is received by the Police Department in order to arrange for a hearing date.

2. The County Executive has authorized the following individuals to act as Hearing Officers:

   - District station commanders or assistant station commanders.
   - SOD commander or assistant commander.
   - Traffic Division commander or assistant commander.
   - CIB, Major Crimes commander or assistant commander.
   - Duty Officers prescribed by the Chief of Police.

   The Hearing Officer(s) shall determine whether probable cause is sufficient to believe that vehicles were towed in accordance with the law.

3. Once notified, the Hearing Officer shall contact the owner of the towed vehicle and arrange a convenient time and place to conduct a hearing. The most convenient district station should be utilized whenever possible for the conduct of these hearings.

4. PD184 is provided for recording the findings of the Hearing Officer. If the Hearing Officer determines that the tow was proper, this fact will be indicated on the form by marking the space provided. This space indicates to the owner that the tow was proper and the owner may obtain the vehicle only upon paying accumulated costs.

5. When the Hearing Officer authorizes County payment of the towing costs, the Hearing Officer shall arrange for the prompt release of the vehicle with the DPSC and vehicle storage lot personnel, if necessary.

IX. LEGAL REFERENCES

A. *Code of Virginia*

1. 19.2-80.1
2. 19.2-386.16
6. 46.2-888
7. 46.2-890

3. 19.2-386.22
4. 46.2-301.1
5. 46.2-867
8. 46.2-1211
9. 46.2-1213
10. 46.2-1217

B. *Code of the County of Fairfax County*

1. 82-1-6
2. 82-5-4
3. 82-5B-7
4. 82-5-20.1
5. 82-5-29
6. 82-5-32
7. 82-5-41
8. 82-11-2
9. 110-1-3
10. 110-3-1

X. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
07.12

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: POLICE MARINE PATROL OPERATIONS	NUMBER:	530.3
CANCELS ORDER DATED: 1-1-97	DATE:	4-1-13

General Order 530.3 has been removed and reissued as SOP 13-049. This document can be found in the Fairfax County Police Department Manual of Standard Operating Procedures.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: CRIME ANALYSIS UNIT	NUMBER:	530.7
CANCELS ORDER DATED: 1-1-09	DATE:	4-1-13

I. PURPOSE

The Fairfax County Police Department Crime Analysis Unit operates as a decentralized unit under the organizational control of the bureau commanders to which they are assigned. The purpose of this General Order is to establish the role and responsibilities of the unit, describe procedures, and define the supervision levels and lines of authority.

II. POLICY

The Crime Analysis Unit is responsible for providing information relative to crime patterns and trends, which assist in planning and deployment of resources for the prevention and suppression of criminal activities, and the investigation and closure of criminal cases.

The Crime Analysis Unit also consists of an intelligence component that is tasked with collecting, analyzing and disseminating information related to criminal and terrorist organizations. This component assists in the planning and deployment of resources for prevention and suppression of criminal activities, and the investigation and closure of criminal cases.

Lastly, the Crime Analysis Unit is responsible for collecting, analyzing and disseminating data related to traffic violations and crashes to assist in the development of crash reduction and traffic law enforcement programs.

Analysts shall, upon request, gather data and prepare statistical reports related to a variety of Departmental activities.

III. DEFINITIONS

Assigned Commanders: The Crime Analysis Program Manager and the commanders in CIB and OSB who direct the day-to-day activities of the assigned Crime Analyst.

Crime Analysis: The use of a set of systematic, analytical processes directed at providing timely and pertinent information relative to crime patterns and trend correlations to assist operational and administrative personnel in:

- planning and deployment of resources for prevention and suppression of criminal activities;
- supporting the investigative process; and
- increasing apprehensions and clearance of cases.

Crime Analysis Program Manager: The designated employee who administers the overall direction and activity of the Crime Analysis Unit and directs the day-to-day activities of the Patrol Bureau's crime analysts.

Crime Analysts: The designated employees assigned to CIB, OSB, and each district station, who provide direct crime and intelligence analysis support to the commanders, patrol and investigative supervisors, and other personnel at the assigned location.

Intelligence Analysis: The use of a set of systematic, analytical processes that focuses on information gathering and relationships between individuals and criminal organizations/events to assist operational and administrative personnel in planning and deploying resources for prevention and suppression of terrorist and criminal activities, aiding the investigative process, establishing criminal profiles, and increasing apprehensions and clearance of cases.

Intelligence Analysts: The designated employees assigned to CIB who provide intelligence support and analysis to the commanders, detectives, supervisors, and other personnel at the assigned location.

Operations Support Analysts: The designated employees located in OSB who provide intelligence support, and traffic and tactical resource analysis to the commanders, detectives, supervisors, and other personnel at the assigned location.

Tactical Resource Analysis: The identification, collection, and analysis of intelligence pertaining to subjects and locations of current or potential interest to personnel in the Special Operations and Helicopter Divisions.

Traffic Analysis: The use of a set of systematic, analytical processes directed at providing pertinent information relative to traffic law violations and traffic crashes to assist operational and administrative personnel in planning and deployment of resources for crash prevention and traffic law enforcement activities.

IV. ORGANIZATION AND LINES OF AUTHORITY

A. Crime Analysis Unit

The Crime Analysis Unit is decentralized among the Patrol, Criminal Investigations, and Operations Support Bureaus. Overall program oversight, training, and technical supervision of all crime analysts is provided by the Crime Analysis Program Manager.

The Crime Analysis Program Manager supervises crime analysts assigned to the Patrol Bureau. The Crime Analysis Program Manager is responsible for the administrative control, general supervision, performance evaluations, leave approval, conflict resolution, disciplinary matters, and direction of day-to-day activities of the crime analysts in Patrol.

The CIB and OSB commanders, or their designees, supervise the crime analysts assigned to their respective bureaus. Administrative control, general supervision, performance evaluations, leave approval, conflict resolution, disciplinary matters, and direction of day-to-day activities of the crime analysts in CIB and OSB are the responsibilities of their respective bureau commander or designee.

B. Crime Analysis Program Manager

The Crime Analysis Program Manager functions under the general direction of the Division I Patrol Bureau commander. The Crime Analysis Program Manager provides overall direction of the Crime Analysis Unit and ongoing program development and evaluation. The Program Manager shall ensure that each analyst is fully trained and responsive to the needs of the assigned commander in all matters related to crime analysis. Duties and responsibilities are delineated in Section V.

C. Patrol Bureau Crime Analysts

Each crime analyst assigned to the Patrol Bureau works with the commander, supervisors, crime prevention officers, detectives, and patrol officers at their assigned location to collect, analyze and disseminate crime analysis data and information in their area of responsibility. Duties and responsibilities are delineated in Section V.

D. Intelligence Analysts

Intelligence Analysts work with the commander, supervisors, detectives and other personnel assigned to the Criminal Intelligence Division or the Organized Crime and Narcotics Division to collect, analyze, and disseminate intelligence data and information in their area of responsibility. Duties and responsibilities are delineated in Section V.

E. Operational Support Analysts

Operational Support Analysts work with the commander, supervisors, detectives and other personnel assigned to the Operations Support Bureau to collect, analyze, and disseminate traffic data and information in their area of responsibility. Duties and responsibilities are delineated in Section V.

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F. Assigned Commanders

The commanders of CIB and OSB, and the Crime Analysis Program Manager shall direct the daily activities of their assigned crime analysts. The commanders of CIB and OSB, as well as the commanders of each district station shall work with the Crime Analysis Program Manager to ensure that crime analysis duties are performed in a timely and acceptable manner, any training requirements are identified, other necessary support is provided when needed, and any problems related to the crime analysis function are appropriately resolved. The assigned commanders of CIB and OSB are responsible for direct supervision and administrative control of the analyst assigned to these bureaus, to include performance evaluations, conflict resolution, and disciplinary matters.

V. <u>DUTIES AND RESPONSIBILITIES</u>

A. Crime Analysis Unit

Under the direction of the Crime Analysis Program Manager and the respective CIB or OSB commander, the Crime Analysis Unit shall:

1. Provide information on levels and patterns of crime, calls for service,

and offender activity so that problem areas can be identified and responses to these problems considered in a timely manner.

2. Assist investigative personnel to increase the number of cases cleared by arrest through comparing the modus operandi (MO) of arrested suspects to other reported offenses.

3. Provide intelligence information to appropriate personnel concerning modus operandi which may match current offenses.

4. Provide recommendations on alternative programs, patrol strategies and possible solutions to identified problems for patrol placement and the deployment of special units.

5. Provide historical information to decision makers concerning trends and patterns of activities for the purposes of budgeting, deployment and resource allocation, and statistical reporting.

B. Crime Analysis Program Manager

The Crime Analysis Program Manager shall be responsible for the overall operation of the Crime Analysis Unit and the day-to-day activities of the crime analysts assigned to the Patrol Bureau. The Crime Analysis Program Manager shall:

1. Develop, coordinate and review data gathering and dissemination procedures to ensure accurate and consistent retrieval of information from departmental databases.

2. Research and identify ways to enhance the crime analysis function.

3. Schedule and conduct regular meetings with crime analysts, providing opportunities for the timely exchange of crime analysis information and data to identify cross-district patterns and trends.

4. Ensure consistency in the creation of standardized reports and other output documents.

5. Utilize the Department's Geographic Information System (GIS) to plot

areas of criminal activity countywide and train the crime analysts in the use of the system.

6. Assist the crime analysts in identifying and solving problems related to the provision of crime analysis services to assigned commanders and personnel.

7. Act as a troubleshooter for all matters related to crime analysis.

8. Maintain contact with the crime analysis community nationwide by using various forums to identify new trends in crime analysis techniques and tools.

9. Act as liaison with Command Staff officers within the Police Department, participate in Command Staff and Administrative Staff briefings relevant to crime analysis, and attend other relevant operational meetings to provide information and obtain feedback to ensure that the crime analysis effort is meeting the needs of the Department.

10. Gather data, prepare and distribute to the Administrative Staff monthly, semiannual, and annual statistical reports related to a variety of departmental activities.

11. Provide for backup support for crime analysis activities during periods of absence of crime analysts, maintain knowledge of both the routine activities at the station and bureau level assignments, and remain current on any special projects that may be underway.

12. Direct the day-to-day activities of the crime analysts assigned to the Patrol Bureau, to include performance evaluations, leave approvals, conflict resolution, and disciplinary matters.

13. Oversee the field training of newly hired crime analysts, and ensure that objectives and requirements deemed necessary by the Department have been met prior to placement at a station or bureau. After placement, ensure analysts meet objectives and requirements at three months, six months, and 12 months of service, and as needed thereafter.

14. Evaluate the crime analysis program and conduct needs assessments as necessary, to develop training on existing and emerging procedures and practices to ensure the efficiency and effectiveness of the crime analysis function.

C. Crime Analyst

Crime analysts shall be assigned to and located at CIB, OSB, and each district station, to provide direct crime analysis support to the commanders and personnel of the assigned location. Under the direction of the respective bureau commander or the Crime Analysis Program Manager, the crime analyst shall:

1. Acquire and maintain a working knowledge of the various modules of the records management system (I/LEADS) including, but not limited to, accidents, arrests, calls for service, citations, field contacts, and incidents.

2. Acquire an understanding of criminal investigation techniques and the Department's investigation reporting procedures.

3. Review and analyze incident reports, arrest documents, and other sources of information to identify actual or potential police concerns.

4. Analyze and compare the modi operandi of suspects to other reported offenses and provide intelligence information to investigative personnel concerning modus operandi's that may match current offenses.

5. Analyze and compare pertinent data from incident reports, field contacts records, and other documents entered by officers and detectives in assigned area of responsibility.

6. Respond to requests for information from assigned commanders, station, or division personnel, and format reports to present that information.

7. Process requests for station level information from the general public.

Requests for information from the media should be referred to the Public Information Office for initial screening.

8. Use crime data and knowledge of police programs and patrol activities within local area of responsibility to identify opportunities for proactive law enforcement, which are to be presented to assigned commanders.

9. Brief assigned commanders and squad supervisors on criminal activity and assist in the planning of proactive enforcement operations.

10. Participate in regularly scheduled meetings of the Crime Analysis Unit, and confer and collaborate with the Crime Analysis Program Manager and other crime analysts on a routine basis to identify crime trends and resolve problems.

11. Acquire and maintain a working knowledge of the County's Geographic Information System (GIS) and utilize GIS to enhance the presentation of crime analysis data.

12. Acquire and maintain a working knowledge of Business Intelligence (BI) tools, and utilize BI to create interactive work products available for consumption by all departmental personnel.

13. Support the assigned commanders and crime prevention officers in meetings with community groups and other County agencies to include the preparation and/or delivery of crime analysis and traffic analysis presentations and displays utilizing presentation equipment and software.

14. Provide to patrol officers the results of analysis specific to their assigned geographic area.

15. Review and analyze traffic crash investigation reports and historical data, traffic arrest documents, and other sources of information to identify actual or potential areas of traffic related police concern.

16. Identify opportunities for proactive traffic law enforcement and crash reduction activities. Participate in the planning of such operations.

17. Maintain liaison with crime analysis units in the metropolitan area.

D. Intelligence Analyst

Intelligence analysts shall be assigned to and located in the Criminal Intelligence Division (CID) and the Organized Crime and Narcotics Division (OCN) in CIB. They are responsible for providing intelligence analysis to the commanders and personnel of their assigned location. Under the direction of the respective bureau commander or designee, the intelligence analyst shall:

1. Provide daily case support to the detectives working in CID and OCN by accessing federal, state, and local databases.

2. Collect, maintain, and analyze information and intelligence through the Department's records management system to ensure it is made available to the commanders and personnel assigned to CID and OCN.

3. Compare the information/intelligence learned through local cases with the information/intelligence that is obtained from national and international events.

4. Disseminate any releasable information/intelligence to members of the Department and the intelligence community by preparing a daily and weekly briefing outlining key factors in the investigation, indicators of possible similar cases, and lessons learned.

5. Provide maps, charts, and graphs that depict locations of suspicious activity as it relates to the division's mission. The maps should also reflect the locations of all critical infrastructure (federal, state, and local).

6. Publish specific Information Alert Bulletins as soon as possible, when in the opinion of the intelligence analyst, it appears that a possible threat to Departmental personnel or the County is imminent.

7. Develop and maintain threat matrices on criminal organizations and critical infrastructure that is located within the County.

8. Acquire and maintain a working knowledge of Business Intelligence (BI) tools and utilize BI to create interactive work products available for consumption by all departmental personnel.

9. Maintain liaison with intelligence analysis units in the metropolitan area.

10. Develop expertise in the areas of terrorism, criminal organizations, organized crime, vice, and narcotics so that the analyst can periodically publish advisories and information bulletins to Department members.

E. Operations Support Analyst

Operations support analysts shall be assigned to and located in the Operations Support Bureau and serve the Traffic, Special Operations, and Helicopter Divisions. The operations support analyst is responsible for providing traffic analysis to the commanders and personnel of their assigned location, as well as to the commanders of the district stations. The operations support analyst is also responsible for providing tactical resource analysis to the commanders and personnel in the Operations Support Bureau. Under the direction of the respective bureau commander or designee, the operations support analyst shall:

1. Acquire and maintain a high level of knowledge of the various modules of the records management system (I/LEADS) including, but not limited to: accidents, arrests, calls for service, citations, field contacts, and incidents.

2. Acquire a working knowledge of Departmental and outside data systems.

3. Review and analyze traffic crash investigation reports and historical data, traffic arrest records, and other sources of information to identify actual or potential areas of traffic related police concern.

4. Acquire and maintain a working knowledge of Business Intelligence (BI) tools and utilize BI to create interactive work products available for consumption by all Departmental personnel.

5. Identify opportunities for proactive traffic law enforcement and crash reduction activities. Participate in the planning of such operations.

6. Maintain close working relationship with other analysts in the Crime Analysis Unit and Crime Analysis Program Manager. Serve as liaison between OSB personnel and other analysts.

7. Acquire and maintain a working knowledge of the County's Geographic Information System (GIS) and utilize GIS to enhance the presentation of traffic analysis and tactical resource data.

8. Identify opportunities for technical or informational enhancements relating to the mission and operation of the Operations Support Bureau.

9. As directed by bureau commanders, provide traffic analysis products to other departmental entities, county government agencies, non-county law enforcement, other governmental and non-governmental organizations, and the general public.

10. During major events, serve as a member of an incident callout team, coordinating with the OSB commanders to provide requested maps and/or ortho-photographic images.

VI. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	TRN.
11.01	02.01
	03.02

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: CRIME ANALYSIS UNIT	NUMBER:	530.7
CANCELS ORDER DATED: 1-1-09	DATE:	4-1-13

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: AUXILIARY POLICE	NUMBER: 530.9
CANCELS ORDER DATED: 7-1-08	ISSUE DATE: 04-01-13

I. PURPOSE

This General Order establishes the policies and procedures applicable to the Fairfax County Auxiliary Police Unit. Unless specifically exempted, all other General Orders also apply to the Fairfax County Auxiliary Police Unit. The auxiliary police mission is to support the Police Department in both operational and administrative areas to maximize the availability of employed police officers. The Auxiliary Police Unit is comprised of non-paid volunteer citizens.

II. POLICY

The Auxiliary Police Unit was established under the authority of the *Code of Virginia*, Section 15.2-1731, and Chapter 13 of the *Code of the County of Fairfax*, and is operated in accordance with these code sections. The Auxiliary Police Program is under the administrative control of the Traffic Division. However, auxiliary police officers (APOs) assigned to a station or division will be under the operational command and administrative control of the applicable commander. The selection, appointment, and tenure of APOs will be determined by the Chief of Police or his designee. APOs may exercise police authority only when on duty.

III. QUALIFICATIONS

APOs will be assigned a status of Level I, Level II, Level III, Level IV, or "Leave of Absence", (LOA). The status will delineate the range of activities an auxiliary officer is permitted to undertake. APOs shall be aware of their status and conduct themselves accordingly. If at any time an APO is directed by a superior officer to perform a function that is beyond their permitted level of activity, they will advise the superior officer of the limitations of their status. Commanders and supervisors should also ensure that they are aware of the level designation of APO under their supervision, and that the duties assigned to that APO do not exceed the permitted scope.

A. Level parameters are established as follows:

1. Level I – Recruits that are currently going through the APO recruit training curriculum at the Criminal Justice Academy.

2. Level II: A classification that will be used for those current Level III and Level IV APOs who can no longer meet the requirements of those levels, but who wish to remain as APOs. APOs at this level perform primarily administrative, logistics, training, crime prevention, and public support duties, and may perform operational support duties at the discretion of the commander.

3. Level III - APOs assigned to this level and who meet all training requirements are eligible to perform patrol augmentation, law enforcement, and other operational duties, as well as administrative support and non-law enforcement related duties.

4. Level IV – Level IV APOs perform all tasks associated with Level III APOs. In addition, they may perform solo patrol functions that are described in detail in Sections III, G, H, and I of this General Order.

5. Leave of Absence (LOA) - Only existing APOs in good standing will be eligible to change their status to “LOA” for reasons limited to temporary personal circumstances that prohibit them from working. Those APOs changing status to this level will be prohibited from exercising police powers and may not be eligible for the property tax benefits or may not receive the uniform cleaning allowance of Level II, Level III, and Level IV APOs. APOs in this status will turn in their Police ID and badges, but they may keep their building pass.

   APOs may request a leave of absence by memorandum through their commander to the Traffic Division commander. APOs on a leave of absence and in good standing are eligible to return to Level II, Level III, or Level IV status, provided they have maintained the respective Level qualifications. In the event the affected APO requests to return to Level II, Level III, or Level IV status, that APO must submit a memorandum to the Traffic Division commander. APOs may be assigned to “LOA” status for up to one year; after that time their status will be reevaluated.

6. All APOs must meet the same age requirements as those for employed police officers. APOs above the age of 70 will be required to obtain a yearly physical from their personal physician confirming

that they are both physically and mentally capable of performing the duties and responsibilities associated with their assigned level within the APO program. These requirements are identified in the APO applicant medical form. The applicant medical form can be obtained from the APO coordinator and shall be signed by the personal physician. The results of the physical will be filed yearly with the APO coordinator in conjunction with the APO's birth date.

7. Medical Temporary Restricted Duty - APOs who are temporarily unable to perform physical duties and/or tasks because of injury or health problems will be classified as "Restricted Duty." Restricted duty is designed for APOs in good standing that for reasons beyond their control (e.g., hospitalization, etc.) can no longer perform certain assignments. APOs assigned to restricted duty will be prohibited from exercising police powers and will not be allowed to drive a marked cruiser.

   An APO on restricted duty status must provide a physician's evaluation that specifies activities they are able to perform. APOs assigned to restricted duty will be restricted to tasks in accordance with written instructions by their physician. They may not return to full duty status until they are cleared by their physician to perform normal duties and assignments.

   APOs may be assigned to restricted duty for up to one year; after that time their status will be reevaluated.

B. Any LOA or Level II APO who desires a change to Level III status must:

   1. Currently meet all training requirements as set forth by the Department.

   2. Submit a "Report of Medical Status" form indicating that APO is capable of performing the essential job tasks required of a police officer as described under the full duty physical requirements.

C. Any Level III APO who desires to be considered for a change in status to Level IV, or any LOA APO who wishes to be reinstated to Level IV must:

1. Comply with Level III training requirements as set forth by the Department.

2. Perform at least 800 hours of total service.

3. Perform a minimum of one year service from completion of FTI program.

4. Successfully pass the FIT test as regulated in SOP 05-020, Respiratory Protection Program.

5. Submit a written memorandum to their division/station commander requesting consideration for the Level IV status. Upon receipt of this request, the commander will review the permanent file, the officer's total service hours (verifying at least 800 hours of total service), and training records to determine that APO's suitability for Level IV.

6. If the division commander returns a favorable recommendation, the APO's request will be forwarded to the Traffic Division commander for final review. The names of APOs chosen for the Level IV program will be forwarded to the APO coordinator, who will coordinate the required training with the Fairfax County Criminal Justice Academy.

7. LOA APOs who desire to return to Level IV status must submit a "Report of Medical Status" form indicating that the APO is capable of performing all essential job tasks required of a police officer prior to the start of training.

8. APOs who have been selected for Level IV will be required to successfully complete additional training as determined by the Fairfax County Criminal Justice Academy. Upon successful completion of training, each Level IV APO will be required to complete a field training program before being eligible to function as a Level IV.

9. Level III or Level IV APOs who fail to meet the requirements of their assigned level will be reassigned to the appropriate APO level.

D. Administrative support duties that may be performed by all APOs include, but are not limited to, the following:

1. Routine office duties.

2. Records compilation, sorting, and filing.

3. Telephone staffing.

4. Information desk duties.

5. Photocopying and photographic tasks.

6. Computer activities.

7. Assisting in crime prevention and crime analysis tasks.

8. Fingerprinting activities in conjunction with public identification programs sanctioned by the Police Department.

9. Traffic surveys.

10. Assisting in conducting classes presented by the Fairfax County Police Department.

11. Inventory control and record keeping.

E. APOs assigned to Level III may perform the following additional duties:

1. Support patrol (foot, bike, and motorized) operations and patrol activities as directed by appropriate authority.

2. Assist in traffic direction and/or crowd control.

3. Conduct witness and information surveys in support of employed police officers.

4. Provide security for police property and police structures.

5. Secure crime scenes.

6. Assist in crime prevention activities and crime analysis tasks.

F. APOs assigned to LOA and Level II, at the discretion of the Traffic Division commander, may be called into service in a limited Level III capacity with the Police Department when:

1. It is deemed necessary, or

2. There is an emergency, civil unrest, or disaster, or

3. There are insufficient numbers of police officers to preserve the peace, safety, and good of the community.

G. Level IV APOs may respond as back-up units to the following events:

1. Destruction of property (report only)

2. Police service complaints

3. Larceny (report only)

4. Traffic control

5. Disabled vehicles

6. Abandoned vehicles

7. Traffic hazards

8. Parking complaints

9. Lost/found property cases

10. Vehicle tampering (report only)

11. Stolen vehicle (report only)

12. Radar surveys

13. All motor vehicle crashes

14. Civil cases (report only)

15. Soliciting complaint cases (report only)

16. Juvenile runaways and missing juvenile reports, consistent with General Order 602.2, Arrest and Detention of Juveniles, Section IX., D., 2.

H. Level IV APOs may respond to the following events when two employed officers have been dispatched and one has arrived on the scene:

1. Loitering

2. Destruction of property in progress

3. Alarms

4. Animal cases

5. Assaults

6. Bomb threats

7. Burglary in progress

8. Domestic disturbance and domestic violence

9. Explosive devices

10. Drownings

11. Drunk in public

12. DWI

13. Larceny in progress

If an APO arrives before the employed officers, they shall stage in a safe location and await the arrival of an employed officer.

I. Level III and IV APOs who have received the additional training and have been granted the authority are eligible to self-dispatch or be dispatched to animal cases. Should the event involve a violation of law that is in progress, an employed police officer or animal control officer shall respond. If an APO arrives before the employed officers, they shall stage in a safe location and await the arrival of an employed officer.

Additionally, Level III and IV APOs specifically trained in field euthanasia by the Animal Services Division, may, in compliance with General Order 540.1 Use of Force, provide humane dispatch of injured animals and other wildlife after requesting supervisory approval.

IV. SERVICE REQUIREMENTS

A. Level II, Level III, and Level IV APOs are required to work a minimum of 24 hours a month or 288 hours per calendar year.

Minimum duty time requirements are to ensure updated training and performance compatibility between APOs and employed members of the Department.

B. APOs are required to submit a Monthly Activity Log (PD 132) to the APO coordinator via their station Lead Auxiliary Officer. The PD 132 will be submitted during the first week of each month. The Lead APO will submit the station report to the APO coordinator (or designee) and the station commander by the 10th of each month. The APO coordinator, at the direction of the Traffic Division commander will review each month's reports to ensure compliance with minimum hour and training requirements.

C. APOs may receive a reduced personal property tax rate, provided that they meet the following conditions:

1. Be a Level II, Level III, or Level IV APO.

2. Must be a Fairfax County resident.

3. Be in good standing (as determined by the APO coordinator).

4. Have completed at least the minimum service hours in the calendar year immediately preceding certification.

This benefit applies to only one vehicle per eligible APO.

Only the Chief of Police can certify to the Director of Tax Administration those APOs who have been deemed eligible.

V. AUTHORITY

A. When on duty, a Fairfax County APO will exercise the full law enforcement authority of an employed police officer, except as restricted by this General Order and/or command directive. These restrictions are imposed in the interest of officer safety. These restrictions may be waived at the discretion of the Chief of Police, or designee, or as indicated in this General Order.

1. An APO will be considered on duty when:

a. The APO has reported to his or her assigned place of duty.

b. The APO responds to assist a law enforcement officer in the performance of his or her duties.

c. The APO takes law enforcement action under life-threatening circumstances, consistent with their training and responsibilities.

d. Traveling to and from an assignment in an official vehicle.

B. An off-duty APO retains the status of private citizen. The use of police identification or any Department-issued weapon by an off-duty APO is not authorized.

C. APOs will not carry firearms while on duty or in uniform unless directed by order of the Chief of Police. All Level III and Level IV APOs will be trained in

the proper care and handling of both the Department handgun and shotgun. APOs may perform routine duties such as, but not limited to, weapons cleaning, and duties such as operating County vehicles equipped with shotguns.

APOs are not authorized to carry or possess a concealed weapon while off duty, based on their position with the Auxiliary Police Unit. This does not prevent an APO from applying independently for a concealed weapon permit. However, an APO who utilizes a concealed weapon while off duty will be acting only in the capacity of a private citizen and will not be acting as an agent of the Fairfax County Police Department or the County of Fairfax. This corresponds to Section II, Policy, of this General Order, which states APOs may exercise police authority only when on duty.

APOs who are currently qualified in accordance with Department standards may utilize a shotgun under the following circumstances:

1. Removing a shotgun from a Department vehicle, unloading it, and storing it in a designated and secured armory prior to transporting a vehicle for maintenance, or when directed to do so for cleaning and inspection.

2. At the direction of an employed officer during the course of an event which the employed officer determines is life threatening to the officer or the APO.

3. Under the most exigent circumstances, in accordance with General Order 540.1, Use of Force, the APO must have articulable grounds and believe the use of the shotgun is necessary for self-defense.

4. At the direction Chief of Police, APOs may be armed with a shotgun to address the needs of the Department during a declared emergency.

D. Level III and Level IV APOs who are currently qualified in accordance with Department standards may utilize the Conducted Energy Weapon (CEW) under the following circumstances:

1. APOs must satisfactorily complete Department certification training

prior to carrying or using the CEW.

2. Only Department-issued CEW holsters shall be carried by the APO on duty.

3. Command authorization is required to carry and use the CEW while on duty. The APO's commander, as determined by regular assignment, shall make this determination based on operational need. Such authorization shall be documented in a memorandum at the station or division level, based on the APO's assignment. A copy of the authorization memorandum shall be placed in the APO's personnel file.

4. Use of this system by an APO shall be in accordance with General Order 540.1, Use of Force, (G), Non-Deadly Use of Force.

5. Level III APOs may carry a CEW only under the following circumstances:

   a) When riding with an employed officer on patrol

   b) When paired with an employed officer for a special assignment.

   c) At the direction of the station commander for a specific assignment.

E. Level III and Level IV Auxiliary Officers APOs who wish to become CEW certified must obtain command authorization to attend the CEW certification training. The APO's commander, as determined by their regular assignment, shall make this determination based on operational need, the APO's assignment, and training space availability.

VI. TRAINING

A. APO recruits must complete the required minimum training period prior to being sworn or allowed to perform any operational duties. Administrative duties authorized by the APO coordinator may be performed prior to

completion of training requirements. APO recruits will attend the Basic Auxiliary Police Officer Course conducted by the Fairfax County Criminal Justice Academy. After completion of the academy and being sworn-in, Level III APOs will complete the prescribed field training. All APOs will complete a minimum of 40 hours of Department of Criminal Justice Services (DCJS) approved law enforcement related training every two calendar years. Normally this training will be conducted under the purview of the Fairfax County Criminal Justice Academy. However, other options (e.g., law enforcement training seminars, computer classes) may be considered acceptable alternatives. APOs who wish to pursue alternative training must coordinate with the APO coordinator. Level III and IV APOs must complete the following annual training:

1. Firearm's qualification for the shotgun and familiarization with the handgun

2. Pepper spray

3. Baton/ASP certification

4. CPR certification

5. Legal

6. CEW (Conducted Energy Weapon), if required to maintain certification

B. Level III APOs not meeting Level III training requirements will have their status changed to Level II status. Upon completion of the required Level II training, they may be reinstated to Level III.

C. During their initial training period, APO recruits may accompany patrol officers as civilian ride-along participants. The APO recruits will perform no official duties while participating in the ride-along. The preapproval ride-along form is not required for an APO recruit; however, the ride-along shall be documented in the Field Contact module.

D. Level III APOs who desire to change their status to Level IV must successfully complete additional formal training as directed by the Fairfax

County Criminal Justice Academy. After the academy training is complete, all Level IV candidates must also complete a field training program as designated by the Fairfax County Criminal Justice Academy.

VII. ARREST AUTHORITY

Physical arrest and the issuing of traffic summonses and parking tickets APOs will be subject to the following conditions:

A. Physical Arrest

Level III and Level IV APOs may make a physical arrest only when accompanied by an employed officer on specific assignments. If an employed officer and an APO are working together, and have multiple subjects to arrest, the APO may make the arrest using his (or her) assigned EIN.

APOs will not make physical arrests during routine patrol other than under the most exigent circumstances.

B. Uniform Summons

Level III and Level IV APOs may issue a uniform summons only when accompanied by an employed officer on a specific assignment. For example, if an employed officer and an APO are working a road check, the APO may write a summons using their own assigned EIN. APOs will not issue a uniform summons accompanied by an employed officer, except when issuing a summons for the parking related offense of improper use of a disabled parking placard.

C. Parking Tickets

Unaccompanied Level III and Level IV APOs may issue parking tickets.

VIII. VEHICLE OPERATION

A. APOs may operate County owned vehicles only if they are on duty and they

have completed the vehicle operations portion of the APO Basic Academy.

B. Level II APOs may only operate marked police vehicles for the following purposes (see restriction Section III (A) (3)):

1. Transportation to and from maintenance facilities.

2. Administrative purposes.

3. Transportation to and from an assignment location.

4. Special assignments as directed by the division or station commander.

C. APOs will not use any vehicle to pursue other vehicles or drive in an emergency manner.

D. APOs shall not conduct traffic stops unless accompanied by an employed officer.

IX. UNIFORMS

A. APOs are issued a dark blue uniform that distinguishes them from employed officers. However, for special assignments such as marine or bike patrol, the Traffic Division commander may authorize an approved alternate uniform.

B. An APO's uniform and personal appearance will be maintained in accordance with Standard Operating Procedures 04-002, Police Uniforms, Personal Equipment, and Civilian Clothing; 04-003, Personal Appearance and Grooming; and 04-004, Hand Salute, with the following exceptions:

1. The APO's badge and service cap brass will be annotated "Auxiliary."

2. APO uniform patches will be annotated "Auxiliary Police Fairfax County Virginia," instead of "Police Fairfax County."

3. APOs shall wear the issued pin on the flap of the right pocket on the uniform shirt and jacket with the number 2, 3, or 4, dependant on their

level of participation in the APO program.

4. Level II APOs shall only wear the duty uniform to ceremonial events, while performing administrative duties (duties with no public contact), and/or specific assignments during which Fairfax County Police Department uniformed officer(s) are present. In all other circumstances in which Level II APOs will be in public contact, they shall wear the issued APO polo shirt.

C. APOs are eligible for departmental awards in accordance with this General Order. APOs who have received an Award for Valor, Meritorious Service Award, or Driving Award are permitted to wear the award as shown in Standard Operating Procedure 04-002, Police Uniforms, Personal Equipment and Civilian Clothing. Service Hour pins are to be worn in the same location as Driving Award pins.

X. RESPONSIBILITIES

A. The APO Program is under the administrative control of the Traffic Division. However, APOs assigned to a station or division will be under the operational command and administrative control of the applicable commander. The selection, appointment, and tenure of APOs will be determined by the Chief of Police, or his designee. The Traffic Division commander or his designee maintains the personnel records of all APOs. All APO background investigation records will be maintained by the Personnel Resources Division. The training records of all auxiliary police officers will be maintained by the Criminal Justice Academy.

B. There is no formal rank structure within the Auxiliary Police Unit. However, each station or division commander with a complement of APOs will appoint a Lead APO to coordinate the day to day activities of APOs at that station/division. The Lead APO acts on behalf of the station/division commander. APOs are subordinate to employed officers. Commanders and supervisors may temporarily designate specific APOs to plan, coordinate, and execute an operational, training, or administrative activity and they may be delegated the authority to give direction to other APOs involved in the same assignment. To be considered for the position of Lead APO, an APO must meet the following minimum qualifications:

1. Perform a minimum of two years of service after completing the APO FTI program.

2. Be in good standing (as determined by the APO coordinator).

3. Have completed at least the minimum service hours in the calendar year immediately preceding consideration for the position.

4. Be a Level II, Level III, or Level IV APO.

C. The Traffic Division commander will select an APO coordinator. The APO coordinator will administer the program at the direction of the Traffic Division commander, which includes assisting APOs with equipment and uniform replacements, monitoring the duty hour requirements for all APOs, and notification to the Traffic Division commander to initiate personnel actions as appropriate. The APO coordinator, in coordination with the Traffic Division commander, may assign APOs to assist in supporting the various aspects of the program (e.g., training, recruitment, records management, etc.) The formal support staff organization will be a matter of procedure rather than general order. The APO coordinator oversees the recruitment and training of APOs. The APO coordinator meets regularly with Lead APOs to discuss issues of mutual interest.

D. During the training session, and until graduation and assignment, APOs applicants are under the operating control of the Criminal Justice Academy and administrative control of the Traffic Division commander. The Traffic Division commander, or a designee, will be responsible for determining the initial assignment location and any subsequent transfers of APOs.

E. The APO coordinator will be responsible for coordination of auxiliary police officer coverage for major special events. Coverage of station-level special events and station call-outs normally will be coordinated by that station's Lead APO.

1. If a station commander cannot adequately staff a given event with the APOs assigned to the station, a request for APO assistance will be made to the APO coordinator as far in advance of the event as possible.

2. Once the request is received, the APO coordinator will attempt to fill the request by soliciting volunteers from the master roster. Once an APO has volunteered for any event, the officer is obligated to duty at that event, unless excused in advance by the supervisor in charge. The Lead APO or APO coordinator will advise the affected commanders when an APO has been temporarily assigned elsewhere for an event.

3. The APO coordinator will fill requests for auxiliary police assistance according to the date received. Exceptions to this policy can be authorized by the Traffic Division commander.

F. All APOs who are in good standing as determined by the APO coordinator, will receive a uniform cleaning allowance. Each July, the APO coordinator will submit the names and EIN of those APOs who qualify for the uniform cleaning allowance. To qualify, APO must have been in the program for a year; have at least 144 service hours by 1 July; and must not be on light duty.

XI. REPORTING INJURIES

A. On Duty Injuries

1. APOs who sustain personal injuries while on duty will report the circumstances orally to a supervisor immediately.

2. Should the injury require emergency medical treatment or hospitalization, a "Medical Status Report" form will be submitted at the time of treatment to the attending physician. The supervisor responsible for investigating the injury will request that the physician complete and sign this form.

3. In all cases, a police supervisor will investigate the circumstances of the injury and submit a written report of the findings. The injured officer, after reviewing and agreeing to the findings, will initial the report. The report will be directed to the Chief of Police, via the appropriate commanders, with a copy directed to the APO coordinator

and the Traffic Division commander. A determination of light duty, leave of absence, or return to duty will be made by the Traffic Division commander.

4. APOs are not covered under the "Worker's Compensation Act." Therefore, the form entitled Employer's First Report of Accident is not required. APOs are covered under a group accident policy administered by a private agency. The APO coordinator will maintain the current insurance policy information and will furnish such information upon request to hospital personnel.

5. The Traffic Division commander will file all claims on behalf of APOs injured on duty. The investigating supervisor will submit a copy of the investigation report to the Traffic Division commander within 24 hours to facilitate the timely filing of the claim.

B. Off Duty Injuries

1. Whenever an APO sustains an illness or is injured off-duty, to the extent that the APO is unable to fulfill their monthly duty requirement or will be unavailable for emergency call-out, the APO coordinator will be notified by memorandum. A determination of light duty, leave of absence, or return to duty will be made by the Traffic Division commander.

2. The APO coordinator will be notified within 48 hours of the injury/illness, or as soon as the APO is capable of doing so.

XII. EMERGENCY CALL OUT

A. All APOs will provide their home and work telephone numbers to the APO coordinator.

B. The APO coordinator will be responsible for maintaining a current emergency call out list for all County-wide emergency call outs involving APOs. This list will be updated and provided to the police liaison commander (PLC) and DPSC by the Traffic Division commander.

C. Station Lead APOs may, at the direction of a police supervisor, initiate a call out for those APOs assigned to their district station. The APO coordinator may, at the direction of a supervisor, initiate a call out for those APOs assigned to any station or division.

XIII. DISCIPLINARY PROCEDURES

A. Unless expressly stated otherwise herein, the provisions of this section will apply only to APOs of the Fairfax County Police Department. Nothing contained in this section will prohibit the informal counseling of an APO by a supervisor regarding minor infractions of departmental policy or procedure which do not result in disciplinary action being taken.

B. Due to the voluntary nature of the Auxiliary Police Unit and the provisions of *Code of Virginia*, Section 15.2-1731 and Chapter 13 of the *Code of the County of Fairfax*, disciplinary procedures for APOs are as detailed below, rather than General Orders 310.1, Oral Reprimand/Verbal Counseling and 310.2, Disciplinary Actions and Appeals. Specifically, APOs are not afforded disciplinary procedure guarantees under Chapter 5 of Title 9.1 of the 1950 *Code of Virginia*, as amended (Law Enforcement Officers' Procedural Guarantees Act). Any disciplinary decision made by the Chief of Police or his designee regarding relief from duty or dismissal will be final.

C. Disciplinary Actions

Upon the classification of any alleged violation as sustained, the following types of disciplinary action may be imposed.

1. Oral Reprimand - To be administered and documented as specified by Section E.1.

2. Written Reprimand - To be prepared and administered to the APO by the effected station/division commander.

3. Suspension - for a period not to exceed 90 days.

4. Transfer for punitive reasons.

5. Dismissal from the APO Program - To be administered only upon review of the investigation by the Chief of Police.

D. Disciplinary Authority

Bureau, division, and station commanders, and equivalent civilian supervisors may impose disciplinary action in accordance with the following guidelines:

1. Oral Reprimand

2. Written Reprimand

Commanders and equivalent civilian supervisors who determine that disciplinary measures that go beyond their authority are warranted will submit their findings and recommendations to the OSB commander. The OSB commander will oversee the disciplinary process for consistency and application.

E. Procedures

1. Oral Reprimand

a. When a sworn supervisor or civilian supervisor of an equivalent grade deems that an informal oral reprimand or warning is warranted, the supervisor will maintain a record of the discussion, adhering to the following rules:

1) The auxiliary officer will be advised at the time of the counseling that an informal written record of the reprimand is being kept and that the auxiliary officer may review the record.

2) APOs will be further advised that they may file a statement, setting forth their position in 200 words or less, if they disagree with the contents of the counseling record.

3) Oral Reprimand forms will not be attached to

subsequent disciplinary actions. The fact and particulars of prior oral reprimands will be included in written reprimands, if relevant to subsequent disciplinary action.

4) The record of the oral reprimand is to be maintained solely as evidence of the prior counseling.

5) Oral Reprimand forms will not be included in the APO's permanent personnel file.

6) Oral Reprimand forms will be retained for a period of time not to exceed one year, except, in the event that subsequent disciplinary action is taken within that year, the form will be retained for a period one year from the date of the most recent disciplinary action.

b. The Oral Reprimand session will be documented in the administrative investigation report if imposed as part of a formal investigation.

c. The Oral Reprimand form will be retained at the station or division level. The form will not be included as part of the Internal Affairs Bureau case file.

2. Written Reprimand

a. Division/station commanders and civilian supervisors of an equivalent grade who have determined that an offense is of such a nature that a record should be placed in an APO's permanent personnel folder, a written reprimand will be prepared. The memorandum will contain:

1) A statement of charges in sufficient detail to enable the APO to understand fully the violation, infraction, conduct or offense for which the discipline is being administered.

2) A statement that it is an official written reprimand, and

that it will be placed in the APO's permanent personnel file;

3) A statement of previous offenses in those cases where the letter is considered a continuation of progressive discipline;

4) A statement that similar occurrences could result in more severe disciplinary action.

b. The APO will acknowledge the receipt of the memorandum by signature and date.

c. The written reprimand, together with the administrative investigation report, will be forwarded to the OSB Commander for review.

3. Suspension, Punitive Transfer, Dismissal

a. Division/station commanders, and civilian supervisors of an equivalent grade, may make recommendations to the OSB commander regarding the imposition of disciplinary action which exceeds their authority or presents a possible conflict of interest.

b. The OSB commander will review all cases involving a recommendation for suspension, punitive transfer, or dismissal of APOs. Upon finding the charge sustained, the OSB commander will submit a memorandum recommending disciplinary action to the Chief of Police.

c. In any case where the disciplinary recommendation originates at the bureau level (i.e., investigations conducted by the Internal Affairs Bureau), the assigned division commander will meet with and advise the accused APO of the disciplinary action being recommended.

d. A copy of the investigative report file, and all related documents will be forwarded to the Chief of Police through the

chain of command. The APO coordinator will place copies of all correspondence in the auxiliary officer's permanent file. The accused APO will be notified by memorandum of the findings of the Chief of Police and the disciplinary action(s) to be imposed.

F. Appeals

Appeals may be made to the Chief of Police from disciplinary actions taken at a level of command below the Office of the Chief of Police. In all cases, the decision of the Chief of Police, or a Deputy Chief of Police, is final.

XIV. CONFIDENTIALITY

A. APOs may have access to confidential records, such as criminal histories, DMV files, or current investigations, as their duties dictate. In addition to training regarding unauthorized disclosure of such records, each APO must sign a nondisclosure agreement. Unauthorized disclosure of any confidential information, verbal or written, will be grounds for immediate dismissal and possible criminal prosecution.

B. APOs are not authorized to release any criminal history information or Virginia Criminal Information Network (VCIN) information to anyone outside the Police Department.

XV. PERSONNEL RECORDS

The Traffic Division commander will maintain the permanent personnel records of all APOs. Commanders and equivalent civilian supervisors should ensure that copies of all relevant correspondence are sent to the Traffic Division for filing.

XVI. LEGAL REFERENCES

A. *Code of Virginia*
   1. 15.2-1731
   2. 15.2-1733

3. 15.2-1734

B. *Code of the County of Fairfax*
Chapter 13, Article 1

XVII. ACCREDITATION STANDARDS REFERENCE

VLEPSC
ADM. 12.01

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: VEHICLE TRAFFIC STOPS AND CHECKPOINTS	NUMBER: 540.3
CANCELS ORDER DATED: 1-1-05	ISSUE DATE: 04-1-13

I. PURPOSE

The purpose of this General Order is to establish guidelines regarding traffic stops, investigative stopping of vehicles, and road check procedures.

II. POLICY

Traffic enforcement is an important aspect of policing in Fairfax County. Officers are to provide traffic enforcement and education with the goal of gaining voluntary community compliance with the traffic laws and the reduction of traffic accidents.

When making traffic stops, it is the policy of the Department, absent mitigating or exigent circumstances, for officers to immediately greet and identify themselves to the operator and state the basis for the stop.

Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

Except as provided below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions.

III. DEFINITIONS

A. Investigative Stop: Temporary detention of a subject when the officer has reasonable suspicion that criminal activity or traffic infraction has occurred, is occurring, or is about to occur.

B. Reasonable Suspicion: Facts and circumstances which, taken together with rational inferences therefrom, would cause an officer to reasonably suspect that a person is, has been, or is about to be, involved in criminal activity or in violation of a traffic law.

C. Probable Cause: Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent person to believe:

1. (To arrest)…that a crime is being or has been committed and that a particular person committed it; or

2. (To search)…that evidence of a crime or contraband is in the place to be searched.

IV. VEHICLE STOPS

The United States Supreme Court decision in Delaware v. Prouse limited the statutory authority granted law enforcement officers in Virginia under Section 46.2-103, which allowed officers to stop any vehicle for the purpose of inspection. The court's decision established the following premises to be considered in the realm of vehicle stops:

- The stopping of an auto and the detention of its occupant(s) constitutes a seizure within the meaning of the Fourth and Fourteenth Amendments, even though the purpose of the stop is limited and the resulting detention quite brief.

- The state's interest in indiscriminate spot checks as a means of ensuring safety on its highways does not outweigh the resulting intrusion on the privacy and security of the person detained.

- An individual operating or traveling in an automobile does not lose all reasonable expectations of privacy simply because the automobile and its use are subject to government regulation.

A. Officers shall make vehicle stops only when they are able and prepared to articulate at least a reasonable suspicion that criminal activity or traffic violation has occurred or is occurring.

B. Absent any mitigating or exigent circumstances, officers shall immediately greet and identify themselves to the operator and state the basis for the stop.

C. Mitigating and exigent circumstances shall only include articulable officer safety concerns, medical emergencies or situations where the best interests of the Department and County would not be served by advising the basis for the stop.

D. Upon stopping a vehicle for a traffic violation, officers need not in all circumstances issue a Virginia Uniform Summons (PD60). In cases where no summons is issued, officers shall issue the departmental Warning Ticket or the Warning Card (PD66) to formally warn the violator and complete the Field Contact Module, describing the violation.

E. In circumstances where a vehicle stop is made due to suspicion of criminal activity, the officer shall document such information in the Field Contact Module when no arrest is made. If an arrest is made, the arrest shall be documented in an incident report. All such documentation will include, but is not limited to, the following:

1. Time the stop began and ended.

2. Location of the stop.

3. Reason(s) for the stop

4. Vehicle operator and occupants, if applicable

5. Vehicle description

F. In circumstances where a vehicle is stopped, the operator or passenger(s) are detained for questioning and/or provide information concerning their identity, and probable cause or reasonable suspicion for the stop ceases to exist, the officer shall document the contact in the Field Contact module or on an incident report.

G. In circumstances where a vehicle is stopped and it is quickly determined that the stop was in error (i.e., misreading of inspection sticker, did not observe County sticker, etc.), the operator shall be informed as to why they were stopped. The officer shall not request identification from the operator and the operator shall be immediately released. No formal documentation of the stop is required; however, the officer shall make a note of the stop in their field notebook.

V. VEHICLE SEARCHES

A. Carroll Doctrine: When probable cause exists that a vehicle in a public place contains contraband or evidence of a crime, a warrantless search of the vehicle may be conducted.

1. The scope of the search is defined by the object of the search and the places in which there is probable cause to believe that it may be found.

2. If probable cause justifies a search of the vehicle, an officer may search, without a warrant, the vehicle and any containers in the vehicle which may conceal the object of the search.

3. If probable cause justifies only a limited search of a vehicle for a particular container, the container itself may be searched without a warrant.

B. Consent Search: When a person who shares use, access, or control of a vehicle voluntarily consents to allow a police officer to search it, a warrantless search of the vehicle may be conducted.

1. A consent search may be revoked or limited by the person in control

of the vehicle at any time while the search is being conducted. At that time the officer must stop the search, or abide by the limitations.

2. If asked, officers shall advise citizens that they have the right to refuse to consent to a search of their vehicle.

3. An officer's use of coercive or intimidating language may be interpreted by a citizen as compelling compliance. Requests for a consent search shall be conveyed in a manner that the citizen has a choice and that compliance is not required.

C. Documentation of Vehicle Searches and Requests

1. Consent Searches: Officers requesting consent to search a vehicle shall document their request. The denial of consent to search by the person in control of the vehicle, and any property seized or confiscated, shall also be documented.

   a. When a consent search is requested and denied, documentation shall be satisfied by properly completing the Field Contact Module or an incident report.

   b. When a consent search is requested and granted and no property/contraband is seized or confiscated, documentation shall be satisfied by properly completing the Field Contact Module or an incident report.

   c. When a consent search is granted and property/contraband is discovered, the search and property disposition shall be recorded in an incident report. The event classification "Vehicle Search" shall be written on the incident report, documenting a consensual search or denial of consent to search. In cases where a criminal violation is also being reported, the "Vehicle Search" classification shall be listed after the criminal offense classification.

2. Non-Consensual Searches: All non-consensual searches shall be documented in a Field Investigation Report or, when appropriate, a

Vehicle Tow-In and Inventory Record. A non-consensual search is not a vehicle inventory (see General Order 520.4, Impoundment or Seizure of Motor Vehicles, concerning vehicle inventory). The event classification "Vehicle Search" shall be written on the incident report, documenting the non-consensual search. In cases where a criminal violation is also being reported, the "Vehicle Search" classification shall be listed after the criminal offense classification.

VI. CHECKPOINTS

It is the policy of the Fairfax County Police Department that checkpoints will be utilized for the purpose of inspecting motor vehicles, trailers, or semitrailers for equipment and operation; manufacturer's serial or engine number; enforcement of operator's license and vehicle registration laws; apprehending alcohol and/or drug impaired drivers; and appropriate enforcement action on other violations of law that come to the officers' attention.

Additionally, this policy is applicable to the inspection of motor vehicles, trailers, or semitrailers for the purposes defined in Title 49 of the *Code of Federal Regulations*, as adopted by the Virginia Code.

Vehicle stops, based on reasonable, articulable suspicions, are not checkpoint seizures; therefore no specific plan, supervisory restrictions, or other implementations need to be considered, other than those necessary to ensure public and officer safety (i.e., the possible consideration for visibility, terrain, weather, traffic cones, signage, or use of any other location and/or safety equipment that officers and/or supervisors may deem appropriate). Virginia courts have upheld checkpoints using reasoning similar to the U.S. Supreme Court; however, the checkpoint must be carried out pursuant to a plan embodying explicit neutral limitations on the conduct of the officers. Indianapolis v. Edmund (2000) found that a checkpoint to ensure and improve traffic safety is lawful when the field officer's discretion is limited and the checkpoint is established pursuant to an explicit plan.

Hall v. Commonwealth (1991) restricted officers from deciding when and where a checkpoint would take place because the discretion was too broad and was thus likely to lead to abuse. Crouch v. Commonwealth (1997) upheld the constitutionality

of a checkpoint when officers do not have "unbridled discretion" in deciding when and where to begin stopping vehicles. The U.S. Supreme Court decision in Michigan State Police v. Sitz (1990) upheld the constitutionality of sobriety checkpoints if they are established according to certain guidelines. Bailey v. Commonwealth (1999) established that evasive maneuvers seemingly intended to avoid a roadblock may also establish reasonable suspicion for a stop. However, merely avoiding a roadblock via completely legal maneuvers will not justify a stop; there must be some other factors which suggest that the motorist turned in order to evade the roadblock.

All checkpoints involve a constitutional detention, a seizure of a person, without any level of particular, individualized doubt, i.e., reasonable suspicion or probable cause. Since there is no focused suspicion on an individual, rather than assessing the existence or absence of probable cause or reasonable suspicion when the use of a check point is challenged, courts will examine police conduct and the circumstances of the stop and determine if the checkpoint is a reasonable intrusion and therefore justifiable, under the Fourth Amendment. In the context of sobriety checkpoints, this reasonableness determination involves an analysis of three factors: (i) the magnitude of the state's interest in preventing accidents caused by intoxicated drivers; (ii) the extent to which the checkpoint advances that goal; and (iii) the measure of intrusion on an individual's privacy, both objectively, as perceived by the reviewing court, and subjectively, as the motorist may perceive the intrusion.

A. Supervisor Responsibilities

1. Checkpoint sites will be selected by first line supervisors in their assigned area and approved by their respective station/division commander using the following criteria:

   a. The location should provide maximum safety for both the approaching motorists and the officers conducting the checkpoint. Consideration should be given to posted speed limits, traffic volume, and sight distance.

   b. The site should have adequate space available to park police vehicles and allow motorists to be pulled out of the traffic flow for further interview and/or administration of field sobriety tests.

c. The site should have sufficient lighting to illuminate the checkpoint and adjacent pull-off area. If permanent lighting is unavailable, adequate portable lighting must be provided.

d. The location must allow for placement of advance warning signs that clearly notify approaching motorists of the sobriety checkpoint ahead. Flares, traffic cones, and/or other warning devices should be utilized to enhance safety and traffic flow. (United States v. Martinez-Fuert, 428 U.S. 543 (1976))

. 2. An operations plan will be developed for each checkpoint site by a first line supervisor and approved by their respective station/division commander. Checkpoints specifically designed to apprehend alcohol and/or drug impaired drivers shall be reviewed and approved by the Traffic Division Commander before implementation.

All checkpoint plans shall address the following points:

a. Statistical data supporting the selection of the checkpoint site.

b. Date, hours of operation, and location of each checkpoint.

c. A contingency plan, in the event safety considerations prevent checkpoint operations at the intended location.

d. Procedures for screening alternatives if traffic volume or other factors prevent the pre-planned method of screening. The method for determining when to change screening procedures, who will make the decision, and the alternative procedures will be listed in detail in the operations plan and shall not be deviated from by participating personnel. Vehicles will not be stopped on a discretionary basis. All vehicles, regardless of type, shall be checked. This includes commercial vehicles such as buses and large trucks.

e. The number of officers to be assigned to the checkpoint.

f. A diagram of each checkpoint location, depicting the roadway, placement of traffic control devices, and investigation areas for administering field sobriety tests.

g. List of equipment required for conducting the checkpoint.

B. Officer Responsibilities

1. Officers shall not conduct checkpoints without the approval of their first-line supervisor.

2. Vehicle stops based on reasonable, articulable suspicions, such as expired County tags, State vehicle registrations and inspections, may be utilized at checkpoints.

3. Officers on checkpoint detail are responsible for ensuring that all necessary precautions are taken to afford the highest degree of safety to officers and motorists.

4. Patrol vehicles should be parked to provide protection to the officers and high visibility to approaching motorists.

5. Officers shall be in uniform, including hat, and shall wear the traffic safety vest.

6. During their initial contact officers shall identify themselves and advise the operator why they have been stopped. Officers may utilize discretion in issuing summonses.

C. An operational briefing will be conducted prior to the establishment of each checkpoint. The purpose of the briefing is to:

1. Ensure that all personnel fully understand the Department policy concerning checkpoints.

2. Designate assignments and respective duties.

D. For the purpose of public information and education, the Department may

announce to the media the approximate time frame within which checkpoints will be conducted.

1. The Department may encourage media interest in the sobriety checkpoint program to enhance public perception of aggressive enforcement, to heighten the deterrent effect and to ensure protection of constitutional rights.

2. This Department will provide advance notification of the checkpoint to public safety agencies expected to be impacted.

E. Sobriety Checkpoints

It is the policy of the Department to utilize sobriety checkpoints in order to apprehend impaired drivers and increase the perception of 'risk of apprehension" of motorists who would operate a vehicle while impaired by alcohol or other drugs.

The following guidelines shall be adhered to when conducting a sobriety checkpoint:

1. A supervisor shall be present at the checkpoint. All operational decisions shall be made by the on-site supervisor.

2. All participating personnel involved in screening vehicles shall be in uniform and shall wear the reflective traffic safety vest, uniform hat or issued ball cap.

3. Traffic control measures shall be implemented to provide adequate warning to motorists approaching the checkpoint.

4. Patrol vehicles shall be parked to provide protection to officers and to be highly visible to approaching motorists. Patrol vehicles should also be situated to allow for pursuit, if necessary.

5. Adequate space should be available away from the checkpoint for the parking of suspected impaired drivers' vehicles and the administration of field sobriety tests. This space should be a coned traffic lane, a

wide shoulder area, or other suitable location. Provisions shall also be made for the vehicles of arrested parties in keeping with Department policy.

6. Vehicles will not be stopped on a discretionary basis, i.e., due to the "looks" of the vehicle. However, this does not preclude stopping a vehicle when the driver exhibits obvious signs of intoxication.

7. Depending on the configuration of the checkpoint, sufficient personnel should be used as screening officers. When approaching a vehicle, screening officers shall scan the interior and occupants for weapons and/or other contraband. Upon determining that no hazard exists, the officer shall advise the driver the purpose of the stop. Delays of motorists shall be kept to a minimum, averaging 25-30 seconds.

8. All vehicles, regardless of type, should be subject to screening.

9. In the event articulable signs or behavior normally associated with DWI are observed, further investigation will be conducted. From this point on, normal investigative/arrest techniques shall be used. Arrestees should be transported as expeditiously as possible. The officer who originally screens the driver shall conduct field sobriety tests and arrest. Transportation should normally be handled by the arresting officer. Drivers who are not arrested after completing the field sobriety tests shall be directed back into traffic.

10. The supervisor is responsible for the overall operation of the checkpoint and ensuring that the above procedures are adhered to. The supervisor is also responsible for ensuring that a record is kept of the number of vehicles that pass through the checkpoint, the number of arrests made, and any problems encountered.

F. A complete written evaluation report shall be prepared for each sobriety checkpoint operation by the supervisor in charge. Items in the report should include:

1. Date, time and location of the checkpoint.

2. Weather conditions.

3. Number of vehicles passing through the checkpoint.

4. Average time delay to motorists.

5. Predetermined order of selecting motorists.

6. Number and types of arrests.

7. Number of motorists detained for field sobriety testing.

8. Identification of unusual incidents such as safety problems, or other concerns.

G. The complete sobriety checkpoint operations plan, briefing notes/lesson plan, and evaluation report shall be forwarded to the commander of the Traffic Division.

H. Commercial Motor Vehicle (CMV) Checkpoints

Officers who have satisfactorily completed training in the inspection of commercial motor vehicles, and are certified "Special Agents" of the Federal Motor Carrier Safety Administration, are granted the authority under Title 49, 396.9 of the *Code of Federal Regulations* to stop and inspect any commercial motor vehicle or trailer. Any stop conducted under such authority shall be to inspect a commercial motor vehicle or its driver. Enforcement action may be taken on any violation which comes to the attention of the officer. Any violations may be written under the applicable county, state or federal code.

1. A CMV checkpoint location should be selected using the following criteria:

   a. It is preferred that large checkpoint operations be conducted in open areas such as parking lots.

   b. If an inspection site is located adjacent to the roadway, it

should have adequate visibility to provide safety to approaching motorists and officers conducting the checkpoint.

c. Sites should have adequate space available to park police vehicles and allow motorists to be pulled out of the traffic flow.

d. Sites should be approved for a specific time frame. Factors for consideration include weather conditions and traffic volume.

e. If the CMV checkpoint is conducted on private property, permission of the property owner or agent should be secured prior to the checkpoint.

2. The Traffic Safety supervisor, or his supervisory designee, is responsible for the planning and execution of commercial motor vehicle checkpoints.

3. The supervisor shall establish the procedures for stopping and inspecting vehicles.

4. At the direction of any Motor Carrier Safety qualified officer, Traffic Division Officers may escort commercial motor vehicles into the CMV checkpoint location for inspection.

5. All CMV inspections will be documented on a Motor Carrier Safety Inspection Form (PD110) or recorded in the ASPEN database.

VII. LEGAL REFERENCE

Code of Virginia § 46.2-103

VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
02.02	07.01

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: VEHICLE TRAFFIC STOPS AND CHECKPOINTS	NUMBER: 540.3
CANCELS ORDER DATED: 1-1-05	ISSUE DATE: 04-1-13

02.03	07.03
02.05	07.04
	07.10

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: ARREST PROCEDURES		NUMBER:	601
CANCELS ORDER DATED:	1-1-13	DATE:	4-1-13

I. PURPOSE

As a result of the decentralization of the police function in the County, variations in procedure sometimes occur. This General Order is intended to identify and unify arrest procedures throughout the Department.

II. TERMINOLOGY

A. Arrest: When a person is taken into custody in order that they may answer for an offense, or when there is a deprivation or restraint of a person's liberty in any significant way.

B. De-Arrest: The release of an individual from full custodial arrest when the arresting officer determines one of the following:

- that probable cause for the arrest no longer exists;
- that the person under arrest did not commit a crime; or,
- that upon further investigation, the event is found not to constitute a crime.

C. Probable Cause: Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent person to believe that a crime is being or has been committed and that a particular person committed it.

D. High Risk Arrest: An arrest or detention that presents an increased risk to the person making the arrest or detention; or that presents a risk to others, including other occupants; or that presents a risk to the community, such that advanced tactics should be considered. Factors that tend to increase risk are articulated in detail in the *Threat Assessment Worksheet*.

E. Advanced Tactics: Tactics that should be considered when executing a high risk arrest or mental detention. These tactics include:

- dynamic building entry.
- forced breaching of doors.

- pre-planned deployment of chemical agents or diversionary devices.
- tactical vehicle intercepts.
- unique tactical deployments requiring specialized training or equipment such as rifle bunkers, armored vehicle, or scoped rifles.

Felony vehicle traffic stops or ruses (e.g., having a person exit a residence under ruse his vehicle was involved in an accident to execute an arrest) are not considered advanced tactical procedures for the purposes of this policy.

F. Hot Pursuit: A pursuit is "hot" if the circumstances are such that breaking off or delaying the chase for the time required to obtain a warrant is likely to involve significant danger to any person, loss of evidence, or opportunity for the suspect to escape (Commonwealth v. Talbert, 23 Va 552, 557-558, 478 S. E. 2d 331, 334, 1996).

III. CLASSIFICATION OF OFFENSES

Criminal offenses for which an individual can be arrested are divided into felony and misdemeanor categories.

A. A felony arrest can be effected:

1. If the offense is observed by the arresting officer.
2. If probable cause exists.
3. With a valid arrest warrant.
4. Upon knowledge of the existence of a warrant.

B. A misdemeanor arrest may be effected:

1. If the offense is observed by the arresting officer.
2. With a valid arrest warrant.
3. Under the provisions of Section 19.2-81 of the *Code of Virginia*:

- Shoplifting
- Weapon on school property
- Assault and battery
- Brandishing a firearm
- Destruction of property

IV. WARRANTS

A. Warrant Service

1. Warrants are received by the Department from a variety of sources and for a wide range of offenses. As a general policy, the routine service of outstanding warrants shall be accomplished with minimal disruption to the community at large and particularly to a defendant's home, neighborhood, or place of employment. Misdemeanor warrant service shall be attempted only between the hours of 0800 and 2200. For all misdemeanor arrest warrants, officers shall make a reasonable effort to request by telephone, that the defendant respond to the appropriate police facility for service of the warrant.

   An exception to the above policy may be granted by the first-line supervisor in the following circumstances:

   a. There is reason to believe that the defendant may be evading arrest, or may flee or otherwise avoid arrest; or,

   b. Delay of the warrant service may jeopardize public safety; or,

   c. Based on the defendant's record or reputation, notice to the defendant of an outstanding warrant may create a risk for other police officers; or,

   d. Other facts are known which justify an exception.

   An exemption may also be made for the service of misdemeanor warrants after hours to those individuals already in custody.

The specific exception to the policy, the reasons for the exception, and the name of the approving supervisor shall be entered in the tracking field of the I/LEADS Warrant Module.

2. Sworn personnel executing arrest warrants shall not search a third party residence for a suspect unless there is probable cause to believe the suspect is present on the premises. In addition, one of the following situations **MUST** exist:

   a. An officer is in hot pursuit of a suspect.

   b. Consent of the owner or person occupying the premises to be searched.

   c. There exists a justifiable fear of injury to people or property if the arrest is delayed.

   d. Other exigent circumstances are present; i.e., those circumstances requiring immediate action.

   If one of the aforementioned situations does not exist, a search warrant shall be obtained.

   These criteria do not apply to a property wherein the person named in the warrant lives. Reason to believe the person named in the warrant is present on their own premises is sufficient reason to conduct the search.

   Reason to believe in this instance would mean articulable facts and circumstances which, taken together with rational inferences therefrom, would cause an officer to reasonably suspect that the person named on the warrant is currently present inside the dwelling in which they live.

3. In the event an officer or detective believes a situation involves a high-risk arrest or that advanced tactical procedures should be used to execute an arrest or detention, a first-line supervisor shall be contacted and the *Threat Assessment Worksheet* completed to evaluate the risk associated with the arrest.

   If the first-line supervisor determines the situation to involve a high risk

arrest, the supervisor shall advise the station or division commander of the recommendation. The duty officer may stand in for the division commander if that commander is not readily available.

The division commander shall evaluate the potential threat by reviewing the completed *Threat Assessment Worksheet*. If the station or division commander determines the situation to involve a high-risk arrest, or perceives the need for advanced tactics, the commander shall advise the Special Operations Division (SOD) commander, or his designee, of the recommendation. The SOD commander shall evaluate the potential threat and make a determination regarding the authorization to use the SWAT Team.

If a request originates from another law enforcement agency to assist with an arrest that involves a high-risk arrest or a plan to use advanced tactics, the request shall be forwarded to the investigations section normally responsible for investigating the crime for which the arrest is sought. If the operation appears to involve a high-risk arrest or to justify the use of advanced tactics, the first-line supervisor of that investigations section is responsible for the threat assessment and communicating with the appropriate commander as previously described.

The *Threat Assessment Worksheet* shall be completed and forwarded to the Inspections Division of the Internal Affairs Bureau at the conclusion of the investigation any time the form is completed, regardless of whether or not advanced tactics were ultimately approved for use.

These procedures are not intended to apply in exigent circumstances, when a delay would create a danger to the officers or would jeopardize the success of an investigation.

B. Warrant Control Procedures

1. The existence and status of warrants shall be monitored through the Warrant Module in I/LEADS. The Fairfax County Police Department Report Writing Manual contains specific instructions for using the Warrant Module

2. It is the responsibility of the officer to examine the warrant upon issuance by the magistrate to ensure that the proper identifiers and

the magistrate's signature are included in the warrant (see *Code of Virginia* §19.2-72). Warrants cannot be entered into the VCIN or NCIC without the following mandatory information: name, date of birth, sex, race, height, weight, and hair color. Every effort shall be made to include the full name (last, first, middle initial, Jr., Sr., etc.) of the wanted subject on the warrant.

3. The Virginia eMagistrate system allows the VCIN to monitor a warrant immediately upon issuance by a magistrate. It is the responsibility of the obtaining officer to have the warrant entered into I/LEADS immediately upon issuance. This may be accomplished by either having the station PCA or the Warrant Desk personnel enter the warrant into I/LEADS. Personnel entering a warrant shall attach a copy of the I/LEADS Warrant Worksheet to the warrant, to serve as proof of entry. Officers are encouraged to attempt service on obtained warrants after the warrant has been properly entered into I/LEADS.

4. Once a warrant is received at a station for service, the employee receiving it shall update the tracking record using OTH (other) in the tracking field to indicate the warrant was received. Attempts of service shall be documented in the tracking field, and should include date, location, and method of service. If the officer is unable to serve the warrant, the reason shall be entered in the tracking field, to include any notations indicating that the subject has moved, and any forwarding address, if known. If someone at a station determines that a warrant should be returned to the Warrant Desk, the warrant tracking field should be updated to include that it was returned and the reason for return.

5. Upon service of a warrant, the officer shall immediately contact the Warrant Desk to have the warrant removed from I/LEADS. The officer shall then contact Teletype to have the warrant removed from NCIC/VCIN. The Warrant Worksheet can be discarded at this point, due to the availability of electronic records. The Warrant Desk shall advise the officer who obtained the warrant that it has been served by another officer via automated notification.

6. All unserved warrants will be kept in a file by patrol area and assigned for service at the discretion of the squad supervisor. A log shall be maintained to ensure that the location of the warrant is known in the event an inquiry is received.

7. A wanted person's check, both local and NCIC/VCIN, shall be completed on all persons who are physically arrested in order to determine the existence of additional warrants.

8. The Fugitive Squad of the Criminal Investigations Bureau shall be advised, for information only, of all out-of-state extraditions. The information provided shall include the name of the defendant, location of extradition, and the charge.

9. Arrest indictments received from the court shall be treated as an arrest warrant for the purposes of warrant control procedures, arrest and reporting procedures as outlined in this General Order.

10. The Fairfax County Sheriff's Office will be responsible for transporting and processing all prisoners detained on Fairfax County criminal warrants throughout the State of Virginia.

    All inquiries from other jurisdictions within the State of Virginia, pertaining to the transportation of prisoners needing to be delivered to Fairfax County, shall be directed to the Fairfax County Sheriff's Office.

C. Warrant service for adjoining jurisdictions

After confirming an outstanding warrant from an adjoining jurisdiction, to include Alexandria, Arlington, Fairfax, Falls Church, Herndon, Loudoun County, Prince William County, and Vienna, the officer may relinquish custody of the prisoner to an officer from the county or city where the charge is to be tried, pursuant to *Code of Virginia* §19.2-76.

D. Warrant service for the District of Columbia

1. After confirming an outstanding warrant from the District of Columbia, the officer shall transport the prisoner to the Adult Detention Center.

2. The arresting officer shall request a teletype confirmation from the Teletype Section.

3. Officers shall not obtain a fugitive warrant. The teletype confirmation will serve as a federal detainer. The prisoner is then remanded to the custody of the Fairfax County Sheriff's Office without the Livescan or fingerprint/photograph process.

4. Information surrounding an arrest of this nature does not need to be forwarded to the Department's Fugitive Section.

V. DE-ARREST

A. Legal Background

In some instances, officers may encounter a circumstance where probable cause develops to arrest an individual for an offense only to find out shortly thereafter that the person under arrest did not commit a crime, or that further investigation reveals the event does not constitute a crime. It is imperative that the officer terminate the arrest process immediately to avoid becoming liable for false imprisonment. False imprisonment, as defined in Montgomery Ward v. Freeman, 199 F 2D 720 (1953), "is the restraint of one's liberty without any sufficient legal excuse."

The Attorney General of Virginia has issued an opinion, Report of the Attorney (1971), Page 102, which states the following:

> "Although 19.1-100.1 (now Section 19.2-82) was enacted only in 1968, its antecedents in the Code of Virginia predate the case of Mallory v. United States, 254 U.S. 449 (1957). (See Code of 1942, Section 4827(a). Cases interpreting this section have held that the word `forthwith' is to be construed literally, providing the same effect as the Mallory rule.) Winston v. Commonwealth, 188 Va. 386 (1948); McHone v. Commonwealth, 190 Va. 435 (1950).
>
> These cases, as well as more recent cases, such as Holt v. City of Richmond 204 Va. 364 (1963), arise out of the context where a formal charge is sought to be sustained after the `forthwith' rule has not been complied with. It is my opinion, however, that the Legislature did not intend for this rule to operate where no formal charge is to be placed, since the purpose of the rule is to protect an arrestee from being held incommunicado by the police without formal charge or access to bail. If no formal charge is ultimately placed, there would be no occasion for the rule to be invoked against the Commonwealth. This does not mean, of course, that the police officer may `hold for investigation' a person for an unduly long

> time and then release that person, since this might create an action for false imprisonment by the detainee.
>
> It is my opinion, therefore, that an arresting officer, who may have had probable cause to initially make the arrest without a warrant, may thereafter conclude that further prosecution of the arrestee would be improper or fruitless and may, subsequently, discharge the person from custody without the necessity of taking the person before a magistrate."

As stated by the Attorney General, an officer is required to formally charge only those persons who have been placed under arrest, if the officer concludes that further prosecution would be proper and fruitful.

B. De-Arrest Documentation and Reporting

1. The arresting officer shall not formally charge those under arrest when it is proven to the officer's satisfaction that either the person under arrest did not commit a crime or that an event investigated is found not to constitute a crime.

2. When an officer de-arrests a subject, the officer should take care to restore the person to the same location or position occupied before the arrest, or improve upon it. An example of this would be if a subject is arrested and the officer begins to transport the subject when that officer learns that the probable cause utilized to make the arrest no longer exists. Instead of releasing the subject along the roadside, the officer should return to the original contact point and release the subject. If a vehicle has been towed, the vehicle shall be returned to the operator or registered owner.

3. Upon releasing a subject in a de-arrest circumstance, the officer shall immediately contact the first-line supervisor and advise the supervisor of the incident.

4. The officer shall document in a field notebook the following information:

   a. Date and time of arrest.

   b. Subject arrested (name, address, date of birth, race).

c. Location of arrest.

d. Location and time of de-arrest and whether subject was transported.

e. Reasons or discovery of information which led the officer to de-arrest.

f. Witnesses to the alleged crime, or to the fact the individual arrested was allegedly involved.

5. At the earliest possible time, the officer should have a case number generated for the incident and complete an incident report, which shall include, but is not limited to, the information outlined in 4 a. through f. The officer shall forward a copy of the report to Internal Affairs through the division/station commander.

If an officer is reasonably sure in concluding that an arrestee is guilty of a particular offense based on facts and circumstances which are available and obvious to such an officer, the arrest made is with probable cause and, therefore, lawful. That probable cause must continue to exist through the appearance of the officer and arrestee before the magistrate. If not, the arrest process must terminate at the time when probable cause ceases to exist. In this circumstance, if the officer developed probable cause to arrest the individual and concluded that prosecution would be proper and fruitful, and both elements are maintained <u>through</u> the appearance before the magistrate, but the magistrate denies a warrant or summons, the officer shall de-arrest the subject at the magistrate's office in accordance with B., 2. However, if the officer believes that probable cause for the arrest was valid, the officer, after consulting with his supervisor, may exercise discretion, based upon safety factors, to simply release the subject at the magistrate's office rather than return him to his prior location upon arrest.

In these cases, the officer shall keep his investigation report active, and at a reasonable time after the denial of a warrant, consult with the Commonwealth's Attorney's Office regarding further prosecutorial action. The results of this meeting shall be documented in a supplemental report that shall be completed by the end of that shift.

If the case involved an arrest for Domestic Assault, officers shall

immediately make all reasonable attempts to notify the complainant, victim, and any other individual to whom the subject was violent with. ALL attempts, whether successful or unsuccessful, shall be documented in the incident report. This will include who was spoken to and/or who was left a message and in what capacity (voice message, message with a family or household member, etc.).

Officers shall accurately indicate in their incident report, the specific times that they originally took the subject into custody, the time that the warrant was denied, and the name of the denying magistrate. A copy of the incident report shall be forwarded to the patrol bureau.

VI. SEARCH OF PERSONS

In order to ensure the safety of the arresting officer and prevent possible harm to the arrestee or other persons, officers shall search persons in their custody for weapons or other objects which could be used to inflict harm or effect an escape, evidence, and contraband.

A. Search incident to arrest - in effecting the arrest of a suspect, officers should perform a systematic search of the person at the earliest possible time and, unless conditions dictate otherwise, prior to transporting prisoners in police vehicles. The search is made by sliding the hand over the suspect's body, feeling for weapons, other objects, evidence, and contraband with special attention to the waistband, armpit, collar, and groin areas. If an unusual object is detected, the officer will reach into or under the clothing to remove it.

   Search incident to arrest includes a thorough search of the suspects clothing and pockets, and removal of coats, jackets, or other outer garments.

B. Officers accepting temporary custody of a prisoner for transporting, detention, interview, or interrogation should take it upon themselves to conduct a search of the person with the assumption that the subject has not been searched.

C. Strip searches shall not be permitted except in the following situations:

   1. An officer has reasonable cause to believe an arrestee is concealing a weapon in such a manner that it may not be discovered by the above methods.

2. An officer has reasonable cause to believe an arrestee is concealing evidence or contraband in such a manner that it may not be discovered by the above methods.

3. Upon the authority of a valid search warrant.

Other factors that should be considered in determining the necessity for a strip search include the nature of the crime, arrest circumstances, past history of the subject, acts of violence, and discoveries from the search incident to arrest.

A strip search consists of the removal or rearrangement of any clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of an arrestee.

A strip search shall only be conducted by a member of the same sex as the person arrested, and on premises where the search cannot be observed by persons not physically conducting the search.

Unless exigent circumstances dictate otherwise;

- officers conducting a strip search shall notify a supervisor prior to the search; and
- the search shall be conducted at a detention facility; and
- a second law enforcement officer shall witness the search.

Officers shall document the fact that a strip search was conducted and the results of the search in the incident report.

D. Body cavity searches other than the mouth shall not be performed except pursuant to a warrant and under the supervision of medically trained personnel.

E. Prior to incarceration in any detention facility, all valuables and potential weapons shall be removed from prisoners. Officers shall comply with the provisions of General Order 610.1, Section II, Custody of Property to ensure the safeguarding of prisoner property.

F. Officers delivering person(s) to the Adult Detention Center for incarceration

shall assist in or visually observe the search of their prisoner(s).

G. Upon discovery of contraband or weapons, the arresting officer shall take the appropriate action relevant to the seized property and the securing of warrants.

VII. REPORTING PROCEDURES - IDENTIFICATION PROCESSING

A. All persons taken into custody for the following offenses shall be processed under CCRE reporting procedures:

1. Treason.

2. Any felony.

3. Any Class 1 or 2 misdemeanor under Title 18.2, *Code of Virginia* (except Disorderly Conduct, 18.2-415, and Trespassing, 18.2-119).

4. Any similar ordinance of any city, county, or town (See Attachment).

5. Any misdemeanor under Title 54.1, *Code of Virginia*.

NOTE: Arrests for traffic violations, Class 3 and 4 misdemeanors under Title 18.2 are not reportable to CCRE.

B. As specified in General Order 601.1, Misdemeanor Arrest/Summons Release, persons arrested for misdemeanors which are reportable to the CCRE and are released on a summons shall not be processed until after a disposition of guilt is entered in court.

C. LiveScan System – All persons taken into custody for a CCRE reportable offense shall be processed using the LiveScan system whenever possible.

1. The arresting officer shall complete:

a. One Arrestee Information Worksheet for each arrestee and

b. One IBR Information Sheet for each CCRE charge.

2. The LiveScan process will assign a Fairfax Contributor Number (FCN) to an arrestee by comparing their fingerprints to the NOVARIS

database. If the arrestee is identified as having an existing FCN, that number will be returned to the LiveScan Unit.

3. The IBR Information Sheet and a copy of the LiveScan disposition sheet shall be attached to the LiveScan FBI card.

4. Arresting officers shall contact the Warrant Desk at 703-246-4231 to report the arrest and the FCN.

5. If the LiveScan process is unavailable, the arresting officer shall use the traditional ink process to record the arrest.

D. When the traditional ink process is used, arresting officers must contact the Records Section to determine if the person has been previously assigned a contributor's number or if a new number must be assigned by NOVARIS.

The following forms must be completed:

1 photograph
1 set – CCRE form which includes the CCRE Fingerprint Card
1 copy – FBI Fingerprint Card
1 copy – Palm Print Card (felonies only)

E. Personnel shall include their Employee Identification Number (EIN) adjacent to their signature on all fingerprint cards and CCRE forms.

F. Arrests of School Employees

Section 19.2-83.1 of the *Code of Virginia* imposes certain requirements on law enforcement officers for the reporting of crimes against children by school employees:

Section 19.2-83.1. Report of arrest of school employees for certain offenses. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or other employee in any public school division in this Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state shall file a report of such arrest with the division superintendent of the employing division as soon as reasonably practical. The contents of the report required pursuant to this section shall

be utilized by the local school division solely to implement the provisions of §§ 22.1-296.2 B and 22.1-315.

The school liaison commander shall be responsible for making all such reports to the appropriate school division superintendent. Any officer conducting a preliminary investigation of an incident which involves the circumstances described in Section 19.2-83.1 shall ensure that CIB is notified of the case, regardless of the case status. The school liaison commander shall establish the necessary internal procedures to make notification of the appropriate school division superintendent and document such notification in a supplemental report.

G. NCIC Check and Clearance Requirements

1. In all cases where an arrested person is not released on a summons but is brought before a special magistrate, the arresting officer shall initiate an NCIC wanted check of the arrested individual.

2. If an arrested person is entered as wanted in the NCIC, it shall be the arresting officer's responsibility to contact the DPSC computer room to arrange for NCIC removal of the arrested person's name or notification of the arrest to the jurisdiction that made the NCIC entry.

H. Completion of the Incident Report for Physical Arrests

In all cases where a custodial arrest occurs, the arresting officer shall document the circumstances of the arrest in an incident report or supplemental report.

I. Anytime an officer is involved in an arrest or reportable event where a record check indicates that the individual involved has a concealed weapons permit (CWP), the officer shall document this finding in an incident report and fax a copy of the report to the Resource Management Bureau (703-352-5642). It is particularly important that any case involving drugs, alcohol-related charges, assault, domestic violence or abuse, stalking, or any felony charges be forwarded immediately to the Resource Management Bureau.

VIII. SPECIAL INSTANCES

A. Immunity from Arrest

1. Except for treason, felony, or breach of the peace, members of the Virginia General Assembly, clerks and their assistants, are privileged from arrest during the session of the General Assembly, and five days before and after the session.

2. Except for treason, felony, or breach of the peace, members of the Congress of the United States are privileged from arrest during session and in traveling to and from session.

   Vehicles belonging to Members of Congress bearing congressional license plates are exempt from State and local vehicle registration requirements. Vehicles not bearing congressional license plates but belonging to Members of Congress, and vehicles belonging to their administrative aides are authorized to obtain from the Division of Motor Vehicles a "Nonresident Permit." This permit allows these vehicles to be exempt from State and local vehicle registration requirements. However, such an exemption is not automatic; application must be made and the resulting permit displayed in the lower left-hand corner of the windshield.

3. Witnesses entering the Commonwealth of Virginia, or traveling through the state en route to another state, in response to a summons directing them to give testimony, are immune from arrest in connection with matters which arise before their entrance into this state under the summons. They are subject to arrest for any violations committed after entry into the state.

4. The service of warrants is prohibited inside any courtroom while court is in session.

5. Diplomatic agents, their household family members, members of their administrative and technical staff, and members of their service staff enjoy various levels of immunity from arrest, detention, or prosecution.

   a. Diplomats of all levels are subject to the following actions:

      (1) Diplomats or consular officers, unable to produce satisfactory identification in situations that would

normally warrant arrest or detention, should be informed that they will be detained until proper identity can be confirmed by the United States Department of State.

(2) Officers may issue a traffic summons to ANY diplomat or consular officer, when circumstances dictate. Individuals CANNOT be taken into custody for refusing to sign the summons. Copies of the summons should be distributed in the normal manner. Although the charged individual may or may not appear in court, the Department of State monitors individuals' driving behavior and will suspend the operators' licenses of those who demonstrate irresponsible habits.

(3) Diplomats and consular officers who are driving while intoxicated should not be permitted to continue driving. Sobriety tests may be offered, but may not be required or compelled. Alternate arrangements shall be made for transportation. Officers shall make every effort to have the vehicle removed by making arrangements with the detained person or through the appropriate embassy via the Department of State. If the vehicle presents an immediate hazard or is obstructing traffic, it may be moved off the roadway. Vehicles may be impounded in accordance with established procedures if all other efforts to secure the vehicle fail.

(4) Criminal offenses involving diplomats must be developed and documented precisely and in detail. Although a physical arrest cannot be made, the Department of State may seek approval for prosecution or termination of immunity for unusual cases which ensure successful prosecution.

(5) Officers may exercise the option to obtain a warrant of arrest. Although it cannot be served, it can be entered into the records of the U. S. immigration authorities and thus serve to bar the subsequent issuance of a U.S. visa permitting such person to reenter the United States.

(6) Police authorities may intervene, to the extent

necessary, to halt such activity in those circumstances where public safety is in imminent danger or a serious crime may otherwise be committed.

(7) In addition to personal immunity, the private residence, automobile or other property is inviolable and cannot be searched or seized. However, in circumstances where public safety is in imminent danger or it is apparent that a serious crime may otherwise be committed, officers may intervene to the extent necessary to halt such activity.

b. In any case in which a question arises concerning a person's diplomatic immunity or what action might be appropriate, the following offices shall be contacted:

Department of State Operations Command Center (24 hours) - 202-647-1512 or Diplomatic Security Command Center at 202-647-7277

Department of State Office of Protocol - Immunity Status during normal business hours, 202-647-1985 or 202-647-1727

Department of State - Status of vehicle registration, license plates, driver licenses, or other motor vehicle information, 202-895-3521 (0800-1700 Monday – Friday)

Reporting of traffic incidents/crashes, issuance of summonses, etc., involving foreign missions personnel 202-895-3538

c. The Department of State is interested in <u>all</u> incidents, including traffic crashes, summonses, and criminal complaints involving a diplomat or consular officer. The Bureau of Diplomatic Security will be notified via NLETS of any incident involving resident foreign officials or diplomats, their families, or their properties. Within 24 hours of such an incident, the officer handling the matter will send a message to the DPSC Service Desk providing them with the information to send an NLETS message to the Department of State. The text of the message should contain only basic information. The DPSC Service Desk will send this message to NLETS terminal #DCDOS0005. The officer's PD 42 shall reflect that an NLETS message was

forwarded to the Department of State.

B. Arrest and Detention of Foreign Nationals

1. A foreign national is any person who is not a U.S. citizen, including lawful permanent resident aliens. Except for a brief detention such as a routine traffic stop, a foreign national must be advised of the right to have his consular officer notified whenever he is taken into custody or detained. In some cases, the consular officer must be notified regardless of the foreign national's wishes. Notification requirements vary depending on the country of citizenship of the detained person. Notification, when requested or required, shall be made by the arresting officer without delay and as soon as possible after completing the detention or arrest process.

2. Those countries that require notification of arrest or detention regardless of the national's wishes are identified in the Consular Notification and Access Manual, page 47, Table A, Provisions from Bilateral Agreements Requiring Mandatory Notification. The manual can be found on the BLUENet, in the Document Center, Manuals file. Additional guidance can be found on pages 102-107 of the Consular Notification Manual.

3. Notification may be made by personal phone call or fax. Officers do not need to disclose the reason for the detention or arrest unless specifically requested by the consular officer or authorized by the foreign national. Officers should, however, provide the following information:

   a. Officer's name, agency, address, and telephone number.

   b. National's name, date of birth, place of birth, passport number, and date and place of passport issuance.

   c. Current location of national and contact phone number.

4. The fact that an arrested or detained foreign national was advised of his right to have his consular officer notified, as well as whether notification was made, shall be documented in the incident report. Notification regarding the death of any foreign national shall be documented in the incident report or supplemental report.

5. In addition to the NCIC wanted person checks required for all arrested and detained persons provided for under Section IX, Paragraph F, foreign nationals under physical custody arrest should have a US Immigrations and Custom Enforcement (US-ICE) name check made via teletype through the US-ICE Law Enforcement Support Center (LESC).

6. The US Immigrations and Custom Enforcement (US-ICE) maintains a 24-hour, 7-day-a-week Law Enforcement Support Center (LESC) for law enforcement inquiries and assistance. The LESC telephone number is 802-872-6050.

C. Arrests of Illegal Aliens

1. Officers have limited statutory authority to arrest undocumented aliens for violations of federal immigration laws under the Virginia Code.

2. Whenever an officer runs a wanted check on an individual through NCIC, the Immigration Violators File (IVF) is automatically searched and a "hit" may be received. IVF hits are based on administrative warrants entered by ICE on deported felons and absconders.

3. Section 19.2-81.6 of the *Code of Virginia* establishes the criteria for the arrest of a person for immigration status.

§19.2-81.6. Authority of law-enforcement officers to arrest illegal aliens.

All law-enforcement officers enumerated in § 19.2-81 shall have the authority to enforce immigration laws of the United States, pursuant to the provisions of this section. Any law-enforcement officer enumerated in § 19.2-81 may, in the course of acting upon reasonable suspicion that an individual has committed or is committing a crime, arrest the individual without a warrant upon receiving confirmation from the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security that the individual (i) is an alien illegally present in the United States, and (ii) has previously been convicted of a felony in the United States and deported or left the United States after such conviction. Upon receiving such confirmation, the officer shall take the individual forthwith before a magistrate or other issuing authority and proceed pursuant to § 19.2-81 (SEE ADDITIONAL SECTIONS…REFER TO CODE).

4. There are situations (e.g., reports of suspicious persons or activity) in which officers may not have reasonable suspicion that an individual has committed or is committing a crime, or probable cause to effect an arrest, but still have cause to check a person's wanted status through

NCIC. It is the policy of the Department to not knowingly release any person identified and confirmed by ICE as a previously deported felon illegally present in the United States back into the community if probably cause to arrest under the provisions of §19.2-81.6 exists, or a detainer can be obtained.

5. When an officer conducts an NCIC/VCIN inquiry on an individual and receives a "hit" on an IVF entry, the following procedures shall be followed:

   a. Carefully read the hit received through NCIC. There are two possible responses that will appear: "PREVIOUSLY DEPORTED FELON" or "OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL".

   b. If the response reads "PREVIOUSLY DEPORTED FELON", the officer shall request the Teletype Section to confirm the hit through the LESC and request a detainer. Following confirmation of the hit <u>and</u> a detainer issued by the LESC, the officer shall take the individual into custody and transport the individual to the Adult Detention Center or other detention facility.

   c. If reasonable suspicion exists that the arrested individual has committed or was committing a separate offense, the arresting officer shall proceed under the provisions of §19.2-81.6 and take the person forthwith before a magistrate and obtain the appropriate warrant. The arresting officer may also arrest and charge the person, as appropriate, with any other offenses for which probable cause exists.

   d. If reasonable suspicion does not exist that the arrested individual has committed or was committing a separate offense, arresting officers may act solely on the confirmation and detained issued by the LESC for a "PREVIOUSLY DEPORTED FELON" and transfer custody to the Sheriff's Office, which has established policies and practices in place with ICE. Detention by the arresting officer in these cases is supported, as it is a criminal violation of federal law for any previously deported felon to illegally re-enter the United States.

   e. If the response reads "OUTSTANDING ADMINISTRATIVE

WARRANT OF REMOVAL" and the individual is not in custody or being taken into custody for any other violation of law, officers shall not confirm the hit through the LESC and shall not take the individual into custody based solely upon the IVF hit. The majority of such administrative warrants represent civil violations of immigration law.

f. If the response reads "OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL" and the officer has detained or taken the individual into custody for a Class 1 or 2 misdemeanor, or the individual is wanted on a separate criminal arrest warrant for which a summons release is authorized, the officer may take the NCIC response into consideration in determining whether the person is eligible for release on a summons in accordance with the provisions of Virginia Code §19.2-74.

g. Persons entered into NCIC with an "OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL" are those who have allegedly failed to appear for a hearing or failed to leave the United States after having been ordered to do so. If a person is being charged with a Class 1 or 2 misdemeanor, or is being served with a criminal arrest warrant for which a summons release is generally authorized, the arresting officer may determine that the person is "likely to disregard a summons" and take that person before a magistrate in accordance with Virginia Code §19.2-74.

h. The arresting officer shall request the Teletype Section to obtain confirmation of the hit through the LESC. The arrested shall be transported to the ADC or other detention facility and presented before the magistrate on the underlying State or County offense(s). The officer shall also notify the Sheriff's deputies of the hit confirmation and the location of any detainer, so the Sheriff's Office can fulfill its obligations, under Virginia Code §53.1-218, and contact ICE.

i. Information regarding residency status obtained through the LESC is strictly for criminal justice use only, and shall not be shared with non-criminal justice persons or agencies.

6. In addition to the hits previously described, notification to the LESC

shall be made under the following circumstances:

a. The arrest of an alien for involvement in terrorist or subversive activities.

b. The arrest of any person involved in fraudulent activity aimed at assisting undocumented aliens to enter the United States.

c. The arrest or involvement of an alien in possession of a firearm.

d. The arrest or involvement of an alien in organized crime; to include gambling, prostitution, narcotics distribution.

e. The arrest of an alien where the arrest is related to membership and participation in a criminal street gang.

f. The arrest of an alien for a felony offense.

7. Notification to the LESC shall include the name, address, D.O.B., nationality, charge, court date, subject's present location, and a brief description of the case. Subsequent follow up as to any immigration proceedings is the responsibility of the US-ICE.

8. While investigating the circumstances around the arrest of an illegal alien, officers shall not question the residency status of a witness or victim of a crime unless they are subject to arrest for a violation of law.

D. Arrests of Military Personnel

1. The arrest of an active duty member of the Armed Forces should be reported as soon as possible to the appropriate liaison officer listed below. This shall be done regardless of the hour of day, and irrespective of the arrestee's rank, residence, or current duty station.

Service/Liaison Office	Telephone
U. S. Army Provost Marshal's Office	703-696-3525
U. S. Marine Corps Provost Marshal	or 3526
Joint Base Myer-Henderson Hall	

U. S. Air Force Chief of Security Police Andrews/Bolling Air Force Base	301-981-2001
Naval District Washington Regional Duty Officer	202-439-4243
U.S. Coast Guard Command Officer of the Day	703-313-5400

2. This notification pertains to cases where the person is taken into physical custody and not released on a summons. Military personnel shall be handled the same as any other traffic violator, at the discretion of the officer making the stop, and in accordance with exceptions outlined in *Code of Virginia* §§ 46.2-221.4 and 46.2-600. Notifications are not required in these instances.

E. Off-Duty Incidents

It is the policy of the Department that arrests made by officers while off duty shall be limited to incidents where a felony is involved, a criminal misdemeanor is committed in the officer's presence, or a breach of the peace jeopardizing public safety is imminent.

It is essential for officers to properly identify themselves when taking police action when not in uniform. In order to maintain officer safety and avoid friendly fire situations, officers should verbally identify themselves when taking police action. Officers are also strongly encouraged to utilize visual items to identify themselves, such as displaying their badge of authority or issued police arm band whenever prudent to do so. Such items should be readily accessible within police vehicles, especially those vehicles used while in an off-duty capacity.

If challenged by other law enforcement officials, plainclothes officers shall use the Council of Governments (COG) Policy on “Casual Clothes Officer Interactions” as outlined in SOP 11-040 Stakeout /Surveillance.

1. Any member of the Department who is off duty in another jurisdiction has only that authority granted any other citizen. As a matter of civic responsibility, the Department encourages action which will prevent a felony or cause the apprehension of one who commits a felony in any jurisdiction; however, such action is not taken under authority granted

as a police officer.

2. Officers shall not use personal vehicles to overtake and stop a motorist under any circumstances. The grant of authority under Section 46.2-920 of the *Code of Virginia* does not extend to privately owned vehicles operated by police officers. In addition, insurance companies may revoke policies as a result of such improper use of privately owned vehicles.

3. Off-duty members of the Department observing a serious traffic violation, which they believe requires enforcement action, should obtain as much information as is prudently possible, without jeopardizing public safety by speeding or engaging in other forms of reckless driving, and relay that information to the Department for appropriate follow-up by on-duty personnel. If the violator can be identified, but not immediately apprehended by on-duty personnel, the proper course of action is to have a warrant issued and served when the officer returns to duty.

4. Arrests

   a. Any member of the Department who makes an arrest while off duty shall notify the Department of Public Safety Communications as soon as possible. The police liaison commander (PLC) shall contact the on-duty squad supervisor for the district in which the arrest occurred.

   b. The squad supervisor shall respond and investigate the circumstances of the arrest. The supervisor's findings shall be forwarded to the Chief of Police via memorandum with a copy to the off-duty officer's district station commander.

5. An incident report must be submitted by the off-duty officer under any of the following circumstances:

   a. An arrest is made or a warrant is obtained;

   b. Any of the involved individuals may attempt to obtain a warrant;

   c. The situation involves any use of force;

   d. The officer exercises police powers, or

e. The incident may result in further involvement of the officer and/or Department.

The incident report is needed as official documentation of the crime or incident. It also provides validation of the officer's statement of events in future actions, court cases, and/or complaints against the officer. The report should be submitted as soon as possible after the incident.

F. Arrests during Secondary Law Enforcement Assignments

1. Officers who make an arrest during the course of secondary law enforcement employment shall notify the supervisor on-duty in the service area of the assignment.

2. Officers making arrests during secondary employment assignments shall ensure that all necessary reports are completed within 24 hours of the arrest.

3. All arrests made during the course of secondary law enforcement employment shall be scheduled for the officer’s usual court dates and compensated by the County of Fairfax. Under no circumstances shall an employee receive paid compensation for any court appearance from both the County and any non-regular employer.

G. Arrest of Persons on Court Capias who are under Contract for Bail with Bondsmen

1. Capias directed to "Any Police Officer"

a. Capias directed to any police officer shall be examined for validity in all respects, as any other Capias.

b. The affected bondsman shall not be present at the time the Capias is served.

c. After service of the Capias, the defendant shall be transported directly to the nearest accessible Magistrate for arraignment.

2. Any Capias which is issued as a result of a bondsman's application to a court that is directed only to a bondsman shall not be served by any Department member, nor shall any member assist in such service.

3. Department members shall recognize that no bondsman is specifically authorized to carry a concealed weapon, unless a permit has been issued by the Chief Judge of the Nineteenth Judicial Circuit. Department members shall also recognize that bondsmen are criminally and civilly liable for the injury of third persons which are harmed as a result of the bondsmen's actions while effecting an arrest.

IX. LEGAL REFERENCES

A. United States Constitution, Article 1, Section 8.

B. Code of Virginia

1. 19.2-72
2. 19.2-76
3. 19.2-81
4. 19.2-83.1
5. 19.2-390

X. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
02.02	07.03
02.03	12.04
02.04	12.05
02.05	
25.08	
25.10	

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: ARREST PROCEDURES		NUMBER:	601
CANCELS ORDER DATED:	1-1-13	DATE:	4-1-13

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

ATTACHMENT

The following offenses of the *Code of the County of Fairfax* shall be reported to CCRE under authority of Section 19.2-390, *Code of Virginia*:

Section 5-1-3, Peeping or spying into structure occupied as dwelling

Section 5-1-5, Obstructing free passage of others

Section 5-1-7, Participating in riot

Section 5-1-10, Conspiracy, incitement to riot

Section 5-1-11, Resisting or obstructing execution of legal process

Section 5-1-13, Commission of certain offense in county, city, or town declared by Governor to be in state of riot or insurrection

Section 5-1-14, Injury to property or persons by persons unlawfully or riotously assembled

Section 5-1-18, False report of crime

Section 5-1-19, Calling or summoning ambulance or firefighting apparatus without cause

Section 5-1-20, Obstructing justice by threats or force

Section 5-1-21, Failure to assist law enforcement officers

Section 5-1-22, Illegal use of badges, uniforms and police signals

Section 5-2-3, Production, publication, possession of obscene items

Section 5-2-4, Obscene exhibitions and performances

Section 5-2-5, Advertising obscene items, exhibitions or performances

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: DOMESTIC VIOLENCE POLICY	NUMBER: 601.4
CANCELS ORDER DATED: 11-01-10	DATE: 04-01-13

I. PURPOSE

The purpose of this directive is to set forth the procedures for police intervention in cases of reported or identified domestic violence. The provisions of this directive are intended to supplement the investigative and reporting requirements already imposed by law and by existing regulations and general orders.

II. POLICY

Domestic violence is a crime that differs from other crimes because of the intimate/familial relationship between the victim and the accused. Notwithstanding that difference, officers shall respond to domestic violence incidents as they would respond to any crime and take appropriate action to arrest and pursue criminal remedies whenever sufficient probable cause exists. As with victims of all other crimes, officers shall ensure that victims are provided with all necessary assistance and are informed of services available to victims of domestic violence, consistent with *Code of Virginia* §19.2-11.01 and General Order 501.2, Investigative Responsibilities.

III. DEFINITIONS

Respondent: The person named in a protective order as an allegedly abusive spouse or family/household member.

Petitioner: The allegedly abused spouse or family/household member in a protective order.

Family or Household Member: (1) the person's spouse, whether or not he or she resides in the same home with the person, (2) the person's former spouse, whether or not he or she resides in the same home with the person, (3) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (4) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in law who reside in the same home with the person, (5) any individual who has a child in common with the person whether or not the person and that

individual have been married or have resided together at any time, or (6) any individual who cohabits or who, within the previous twelve months, cohabited with the person, and any children of either of them residing in the same home with the person (*Code of Virginia* §16.1-228).

Cohabiting: The Virginia Attorney General issued an opinion in 2006 that same sex partners can be charged with domestic assault if they are currently cohabiting. Cohabiting is determined by a totality of the circumstances test and must be considered on a case by case basis. Factors such as shared responsibility for shelter, food, clothing, commingled assets, affection, aid of each other and conjugal relations are all possible points of meeting the threshold for cohabitation. Same sex partners determined to be cohabiting, and meeting probable cause for assault, shall be charged under *Code of Virginia* §18.2-57.2, Assault and battery against a family or household member.

Family Abuse: Any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury

Domestic Dispute: For reporting purposes, any incident, not involving a violent criminal offense, in which the parties involved appear to have a covered relationship.

Domestic Violence: For reporting purposes, any criminal offense involving the use or threatened use of physical force in which the parties involved appear to have a covered relationship.

Ex parte Hearing: A hearing conducted by the Court in which only the complaining party appears to give testimony.

Predominant Physical Aggressor: The predominant physical aggressor is not necessarily the first disputant to engage in assaultive behavior. Officers shall identify the predominant physical aggressor based on the totality of the

circumstances. The following should be considered when attempting to determine the predominant physical aggressor in a dispute:

- The intent of the law which is to protect the health and safety of family and household members.
- Who was the first aggressor?
- Prior complaints of family abuse by the allegedly abusing person involving the family or household member.
- Evidence and statements obtained from witnesses.
- Current or previous protective orders that have been filed against involved parties.
- The relative severity of the injuries inflicted on persons involved in the incident.
- Whether any injuries were inflicted in self-defense?
- Other observations.

Protective Order: A court order given on behalf of a family or household member that prohibits the abuser from subsequent acts of violence and may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures (*Code of Virginia* §16.1-279.1)

Types of protective orders:

- Emergency protective order (EPO) – valid at least for 72 hours
  For domestic violence (*Code of Virginia* §16.1-253.4)
  For stalking or violent crimes resulting in serious bodily injury
  (*Code of Virginia* § 19.2-152.8)

- Preliminary protective order (PPO) – valid up to 15 days
  For domestic violence (*Code of Virginia* § 16.1-253.1)
  For stalking or violent crimes resulting in serious bodily injury

(*Code of Virginia* §19.2-152.9)

- Full protective order (PO) – valid up to 2 years
  For domestic violence (*Code of Virginia* §16.1-279.1)
  For stalking or violent crimes resulting in serious bodily injury
  (*Code of Virginia* §19.2-152.10)

Stalking: Any person who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member. (*Code of Virginia* §18.2-60.3)

Stalking behaviors include following a person to home, work, and other places, parking outside home or office, threatening notes or telephone calls, threats, or computer-based, on-line threats.

IV. PROCEDURES

Through mutual agreement with the Department of Public Safety Communications (DPSC), the following will occur:

A. Dispatch

1. Events shall be classified on the basis of all information available to the call taker. Should additional information concerning the situation become available to a call taker or dispatcher subsequent to initial entry of the event, the event type should be reevaluated to determine if it properly describes the incident. As a general guideline, the following event types should be used to describe domestic events:

   a. Domestic Dispute (DOMDIS) - Any incident, not involving a violent criminal offense, in which the parties involved appear to have a covered relationship.

b. Domestic Violence (DOMVIO) - Any criminal offense involving the use or threatened use of physical force, in which the parties involved appear to have a covered relationship, as defined in Section III, Family or Household Member. For CAD event entry purposes only, this event type shall not be used to classify any event involving a specific weapon. In these instances, an appropriate event type such as SHOT, STAB, ASLTW, etc., shall be used. Comments describing the apparent relationship between parties shall be included in the narrative portion of the event entry.

2. Domestic events shall be prioritized in the same manner as any other call for police assistance, following the currently approved DPSC Standard Operating Procedures and the Department's Manual of Regulations and General Orders. Whenever possible, a minimum of two officers shall be assigned to a domestic call.

3. Call takers receiving a domestic call shall attempt to elicit from the caller and shall communicate to the responding officer as much information as time, nature and the exigencies of the reported incident allow. Call takers should ask the caller about the existence of any protective orders.

4. The dispatcher shall examine premise history and Location of Interest files to determine if relevant information concerning the address is available. Should such information be identified, it shall be relayed to the responding officers.

5. The police liaison commander (PLC) or the duty officer will contact the appropriate first line supervisor when a complaint of domestic dispute or domestic violence involving an employee of any law enforcement agency is received.

B. Police Response

1. The responding officer should approach the scene of a domestic dispute as a high risk event.

2. The officer should obtain all available information from the dispatcher before arriving at the scene and should notify the dispatcher by voice or MCT upon arrival.

3. All vehicle response in connection with domestic calls shall be in accordance with existing regulations and general orders.

C. Initial Contact

1. The responding officers shall identify themselves as police officers, explain the reason for their presence and request entry into the home. Officers shall request to see the person who is the subject of the call (i.e., alleged victim/complainant). If the person who called the police is someone other than the subject of the call, officers shall not reveal the complainant's name.

2. If refused entry, officers shall be persistent about being seen and speaking alone with the subject of the call. If access is still refused, officers must consider the totality of the circumstances to determine if an emergency exists which would justify an immediate search of the premises for the subject of the call. The assistance of supervisory or command personnel should be requested if time permits.

D. Preliminary Investigation

1. Once inside, the responding officers should establish control by:

a. Identifying potential weapons in the surroundings.

b. Separating the parties.

c. Restraining the assailant, if necessary, and removing the assailant if immediate arrest is warranted.

d. Assessing injuries, administering first aid, and/or requesting emergency medical assistance.

e. Inquiring about the nature of the dispute.

f. Identifying all occupants/witnesses on the premises.

g. Separating occupants/witnesses from the victim and accused.

h. Locating and ensuring the welfare of any children, or others, at the scene.

2. The officers should interview the parties as fully as circumstances allow.

3. If a potential criminal violation has occurred, the victim's safety and privacy should be ensured by interviewing the victim in an area apart from the assailant, witnesses, and bystanders. In questioning the victim, the officers should use supportive interview techniques. The officer should ask the victim about previous domestic incidents, their frequency and severity including injuries and inquire about the current existence or previous existence of protective orders. If both parties appear to have sustained injuries or make cross/reciprocal complaints, the officers shall attempt to distinguish the predominant aggressor from the victim. The officer should not tell the victim what decision has been made concerning arrest until all available information has been collected.

4. See Sections V. and VI. of this order for additional guidance regarding the enforcement of protective orders.

5. The officer should interview any witnesses as soon as circumstances allow. If witnesses provide information about prior incidents, the officer should document such incidents to establish a pattern.

6. Children should be interviewed in a manner appropriate to the child's age. Signs of trauma and any apparent healing of abuse wounds on the child should be noted by the officer. If signs of abuse and/or neglect are noted, the provisions of General Order 603.2, Assistance to Abused or Neglected Children, shall be followed.

7. If a criminal violation has occurred, the officer should collect and preserve all physical evidence reasonably necessary to support prosecution, including evidence substantiating the victim's injuries, evidentiary articles that substantiate the attack (weapons, torn clothing, etc.) and evidence recording the crime scene. The officer should ensure that photographs are taken of visible injuries to the victim.

8. Responding officers who discover a party involved in a domestic dispute or domestic violence is an employee of this Department or of any law enforcement agency shall advise their supervisor. The first line supervisor will ensure a thorough investigation is conducted, and an arrest is effected, if warranted. The first line supervisor is responsible for notifying the appropriate commander and/or duty officer, as well as the appropriate authorities in the subject's agency.

E. Arrest Decision Factors

1. An officer having probable cause to believe that a violation of *Code of Virginia* §18.2-57.2 (Assault and battery against a family or household member) or *Code of Virginia* §16.1-253.2 (Violation of protective orders and certain court orders which have previously been served on the respondent) has occurred, <u>shall</u> arrest and take into custody the person the officer has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than arrest. In the event that the suspect has left the scene prior to the arrival of the officer, and there is probable cause that a violation of *Code of Virginia* §18.2-57.2 (Assault and battery against a family or household member) has occurred, the officer shall respond to the magistrate to obtain the arrest warrant unless there are special circumstances which would dictate a course of action other than obtaining the warrant. In situations where the officer responds to the magistrate to obtain the warrant, the officer shall appear as the complainant.

2. An officer who concludes that special circumstances exist which would dictate a course of action other than arrest or responding to the magistrate to obtain the warrant shall consult with his supervisor for concurrence prior to leaving the scene. The special circumstances exception shall not be based on the fact that the victim does not want to press charges, has not pressed charges in the past, or assurances that the violence will stop.

3. For all other violations, the responding officers should arrest a criminal assailant whenever arrest is permitted by law and supported by facts and circumstances which constitute probable cause to believe that a crime has occurred and that the suspect committed the crime.

4. Under current Virginia law, arrest is permitted in the following circumstances:

   a. Probable cause to suspect the person of having committed a felony;

   b. A crime committed in the presence of an officer;

   c. For simple assault, when such arrest is based on probable cause upon reasonable complaint of the victim or any other person who observed the alleged offense (*Code of Virginia* § 19.2-81);

   d. For an alleged violation of *Code of Virginia* § 18.2-57.2 (Assault and battery against a family or household member) or *Code of Virginia* § 16.1-253.2 (Violation of protective orders and certain court orders which have previously been served on the respondent), if such arrest is based on probable cause.

   e. Where there are valid warrants on file.

5. It is the officer's responsibility to decide whether an arrest should be made <u>based solely</u> on the facts and circumstances relevant to the criminal violation. When an arrest is made, the officer shall

emphasize to both the victim and suspect that the criminal action thus initiated is at the Commonwealth's discretion and not the victim's.

6. If the officer arrests for the commission of a crime, the officer shall confiscate all weapons used or threatened to be used in the commission of the crime, and such weapons should be held as evidence.

7. If there is evidence of mutual assault and the officer concludes that one party was acting in self-defense, that party should not be arrested.

8. *Code of Virginia* § 18.2-57.2 states that any person who commits an assault and battery against a family or household member shall be guilty of a Class 1 misdemeanor. Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding in violation of *Code of Virginia* § 18.2-51, (iii) aggravated malicious wounding in violation of *Code of Virginia* § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, or (v) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

F. Arrest Procedures

1. When an arrest is made for a violation of *Code of Virginia* § 18.2-57.2 or *Code of Virginia* § 16.1-253.2, the victim shall be advised that the perpetrator is likely to be in custody only briefly and that, although the officer will seek an emergency protective order as required by law, the victim may wish to leave the residence temporarily in order to ensure his/her safety.

2. The officer should obtain all arrest warrant(s) in the situations previously described. The victim should not be required to obtain warrant(s).

3. When an arrest is made for a violation of *Code of Virginia* § 18.2-57.2 or *Code of Virginia* § 16.1-253.2, the officer shall petition for an emergency protective order when the person arrested is brought before the magistrate. (*Code of Virginia* § 16.1-253.4)

   The victim should be advised of the expiration date listed on the emergency protective order, and that obtaining a preliminary protective order from the Juvenile and Domestic Relations Court should be considered.

4. Officers shall ensure that subpoenas are issued for all victims and witnesses in domestic violence cases. Victims and witnesses shall be informed of the potential consequences of failing to answer to a subpoena.

5. The provisions of General Order 601, Arrest Procedures, shall be followed in all cases.

G. Procedure When Arrest is Not Permitted or Special Circumstances do not Warrant a Custodial Arrest

1. Regardless of whether an arrest is made, if the officer has probable cause to believe that a danger of acts of family abuse exists, the officer shall seek an emergency protective order. (*Code of Virginia* § 19.2-81.3)

2. If the nature of an offense does not permit a custodial arrest, a summons may be issued, if appropriate and permitted by law.

3. If an arrest is not made, or the officer cannot determine the probable cause necessary for obtaining the arrest warrant:

   a. The officer shall explain to the victim the reasons that the arrest is not being made or the warrant is not being sought.

b. The officer shall advise the victim of procedures for obtaining a warrant and a protective order.

c. The officer shall encourage the victim to contact the resources available to assist domestic violence victims.

d. The officer shall not become involved in the disposition of personal property other than as described in Section H, paragraph 1 below.

e. In the absence of a warrant or probable cause to believe a crime has occurred, officers shall remain neutral and be concerned primarily with maintaining the peace and safety of those present.

H. Assistance to Victims, Witnesses, and Dependents

1. Whether or not an arrest is made, the responding officers shall not leave the scene of the incident until the situation appears to be under control and the reasonable likelihood of further violence has been eliminated. The officers should stand by while victims gather necessities for short-term absences from home, such as clothing, medication, and necessary documents.

   To better assist victims, officers should, in certain situations, accompany victims into residences so they can retrieve items necessary for their stay away from their primary residence. The sole purpose of this policy is to maintain the peace and prevent further violence while the victims gather their property.

2. Whether or not an arrest is made, the responding officers shall notify the victim of the availability of a shelter, including its telephone number and other victim/witness and domestic violence services available in the County. Officers and detectives shall address the rights and concerns of victims and witnesses in accordance with the *Code of Virginia* § 19.2-11.01, Crime Victims and Witness Rights, and consistent with General Order 501.2, Investigative Responsibilities.

3. 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.

4. If the victim is unable to communicate in written or spoken English, the officer shall arrange for translation of all information concerning the availability of community victim assistance resources. Except in emergency or exigent circumstances, officers should avoid using children of the involved persons for translation purposes.

5. In circumstances in which it is necessary for the victim temporarily to leave the residence, the officer shall offer the victim assistance in locating lodging with family, friends or in public shelters. The Victim Services Section shall be contacted if the victim requires temporary alternative housing services such as a domestic violence shelter or hotel.

6. The officer, upon request of the victim, shall provide or help arrange transportation to emergency housing or to a medical facility. The address of the location the victim is transported to shall not be included on any police reports; however the location shall be provided to the Victim Services Section and district station domestic violence detective.

7. When an officer determines that a preliminary report will be made regarding a domestic violence event involving assault and battery, he shall advise the victim that a summary of the field investigation report can be obtained by responding to the Central Records Section approximately ten days after the incident. The request

must be made in person and the victim must furnish proper identification. If a personal request is not feasible, authorization for the release of the report to another person must be provided by power of attorney.

I. Reporting of Events

1. It shall be the responsibility of the officer preparing a preliminary investigation report to classify the actual event on the basis only of facts known at the time of the report and at the completion of preliminary investigative activities. Such classification shall be supported in the narrative of the report with facts that will permit any reviewing authority to identify the elements of the crime or service classification used. The narrative shall further contain a complete summary of the actions taken to elicit the facts, and of actions not taken which may be required to successfully conclude the case. Narrative portions of all preliminary reports shall support the classification and status assigned to the case.

   In all cases of domestic violence, the presence of juvenile family or household members, even if they did not directly witness the incident, should be documented in the narrative. Names and ages are not required but should be included if available.

2. A victim's refusal to cooperate does not apply as an exceptional means to close cases of assault and battery against a family or household member (*Code of Virginia* § 18.2-57.2) or violation of protective orders and certain court orders which have previously been served on a respondent (*Code of Virginia* § 16.1-253.2).

3. First line supervisors shall ensure that all required elements of a report have been completed clearly and accurately. Particular emphasis shall be given to the classification of the actual event, the narrative support given the classification, the presence or absence of facts warranting follow-up investigation, and whether the case status assigned by the officer is appropriate.

4. In those instances when an arrest is made, a copy of the incident report(s) shall be faxed to the Commonwealth's Attorney's Office

by the conclusion of the officer's shift. The fax number for the Commonwealth's Attorney's Office is 703-691-4004. Whether or not an arrest is made, a copy of the incident report shall be forwarded to the Victim Services Section and the district station domestic violence detective.

5. Repeat Offenders – If the reporting officer is informed or learns of a history of domestic violence, this should be documented in the investigative report narrative. The report will be electronically submitted to the domestic violence detective of the appropriate district station for follow up.

   The assigned detective will ensure that:

   - Victim Services, Crime Prevention, Child Services, school resource officers or any other relevant prevention and assistance organizations are informed.
   - The case is logged in the I/LEADS case management system for tracking purposes.
   - Certified copies of prior convictions should be obtained to aid in the prosecution of the case.
   - The Commonwealth's Attorney will be contacted and provided with information relating to past history.
   - If the domestic violence detective is present for the court proceedings, an investigation supplement should be filed outlining the results of the court proceeding. This will aid in any future investigations.

V. EMERGENCY PROTECTIVE ORDER

Officers investigating assaults against family or household members may find it necessary to initiate, through a magistrate, an emergency protective order when probable cause exists that such an assault occurred and there are reasonable grounds to believe that there is probable danger of a further offense against the victim.

A. In every case in which an officer makes an arrest for assault against a family or household member, the officer shall petition for an emergency protective order when the person arrested is taken into custody and brought before a magistrate (*Code of Virginia* §§ 19.2-81.3 and 16.1-253.4).

B. Regardless of whether an arrest is made, if the officer has probable cause to believe that a danger of acts of family abuse exists, the officer shall seek an emergency protective order from a magistrate. (*Code of Virginia* §§ 19.2-81.3 and 16.1-253.4)

C. Emergency protective orders are issued at the request of a police officer or an allegedly abused person. At the request of an abused person, officers shall assist in the transportation of a victim to appear before a magistrate.

D. The decision to seek an emergency protective order should not be affected by the fact that the family or household member left the premises to avoid the danger of another assault.

E. Officers may attempt to secure an EPO via telephone in cases where the suspect has fled the scene and there is probable cause to believe that family abuse has occurred with probable danger of further abuse against a family or household member. Prior to making contact with the magistrate, the officer shall complete state form DC-626, Emergency Protective Order - Family Abuse. In completing the EPO form, the abused person or crime victim will be listed as the petitioner. An EPO granted to a police officer by telephone should be returned to the issuing magistrate if possible.

F. The following conditions may be imposed by the magistrate:

1. No further acts of family abuse to be committed by respondent.

2. No contact by the respondent with family or household members as the magistrate deems appropriate to protect the safety of such persons.

3. Granting the family or household member temporary possession of the premises to the exclusion of the respondent. (Note - No such granting of temporary possession shall affect title to any real or personal property).

G. Once an officer receives an emergency protective order from the magistrate, the respondent must be served in person, as soon as possible, for the protective order to go into effect. A copy of the order shall be given to the family or household member, and a copy of the order shall be faxed to the Teletype Section for entry into VCIN when the order is issued. The Teletype Section shall be advised of the EPO's location. The order will automatically expire at 11:59 p.m. the next business day that the family court is in session or 72 hours after issuance, whichever is later. No court hearing is required for an emergency protective order. Upon service of an emergency protective order, a CAD message with the date and time of service shall be sent to the Teletype Section for entry into VCIN.

H. If the officer is unable to serve the emergency protective order on the respondent prior to the end of the officer's shift, the officer shall forward the EPO to the relieving shift supervisor. The officer shall document this in the incident report. The on-duty supervisor shall ensure continued service attempts are made while the EPO is active. The EPO shall be forwarded to the relieving shift supervisor until the EPO is served or expires. When the EPO is served, the Teletype Section shall be notified. All expired EPO's shall be returned to the Chief Magistrate's office by the PCA. A supplement shall be filed by the officer detailing the action in either case.

I. The officer obtaining the emergency protective order will enter the event location into the Location of Interest (LOI) file of the CAD system. The LOI entry will have the retention days set to ensure the record remains on file until the expiration of the emergency protective order. The remarks section will include the respondent's name, conditions of the emergency protective order, the emergency protective order's location, and the names of the officer and the issuing magistrate.

J. Upon receipt of an emergency protective order, or as soon as practical thereafter, the obtaining officer shall ensure the EPO is entered into the

Warrant Module of I/LEADS consistent with the Report Writing Manual for tracking purposes. The supervisor shall ensure the Warrant Module shall is updated upon EPO service or if the expired EPO is returned to the Chief Magistrate's office.

K. An incident report shall be submitted by the assigned officer, detailing the officer's actions. A copy of the served emergency protective order shall be attached to the report.

Any respondent upon whom an emergency protective order has been served and who violates that order shall be guilty of a Class 1 misdemeanor (*Code of Virginia* § 16.1-253.2) and shall be arrested and taken before a magistrate. The arrest of an individual in violation of an emergency protective order should be documented on a Virginia Uniform Summons, citing the above Code section.

VI. PROTECTIVE ORDERS

A. A preliminary protective order or a protective order (final) is issued by the Juvenile and Domestic Relations Court in situations where a family or household member has been assaulted and is likely to be assaulted again. The protective order may direct the suspect to move out of the home and to stay away from the property. (*Code of Virginia* §16.1-253)

B. Officers shall inform victims of domestic violence of the procedures for obtaining a protective order.

1. The applicant and abuser's relationship must be defined in Section III of this order under Family or Household Member.

2. The applicant must be the victim of an assault and in fear of repeated assaults.

3. The applicant must appear before an Intake Officer and swear to the petition.

4. The petition will be taken before a judge, ex parte, on the same day. The judge will decide whether or not to issue a preliminary protective order in response to the petition. The preliminary

protective order shall specify a date for the full hearing which shall be held within 15 days of the issuance of the preliminary protective order.

5. The preliminary protective order or a protective order (final) is effective after personal service on the allegedly abusing person is complete.

6. A preliminary protective order is valid from the date of personal service until the court hearing.

7. A final protective order is valid for two years from the date of the hearing, unless otherwise specified by the court.

8. Both a preliminary protective order and a final protective order may be rescinded prior to the expiration date by the Juvenile and Domestic Relations Court on a motion filed by either the respondent or family/household member.

C. Foreign Protective Order (FPO)

An FPO is any judgment, order or decree, whether permanent or temporary, issued by an out of state court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with, or physical proximity to another person.

FPOs shall be accorded full faith and credit, and officers shall enforce protective orders from other states or possessions of the United States as if they were issued in Virginia. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders does not require that they be registered in Virginia. (*Code of Virginia* § 16.1-279).

D. Violations of Protective Orders (*Code of Virginia* §§ 16.1-253.2 and 19.2-81.3)

1. Officers should treat a protective order, including foreign protective orders, as valid on its face and shall enforce the terms

of the order if it meets the following conditions:

a. The order contains both parties' names.

b. Is signed by a judicial officer.

c. Is not expired.

d. Terms of the order are clear and it appears that an alleged violation has occurred.

2. A copy of the original order is sufficient for service.

3. There is no requirement for an FPO to be filed or registered in Fairfax County. Registration is optional. Individuals desiring to register their orders shall be referred to the Juvenile and Domestic Relation Court during regular business hours.

4. If the complainant/victim is unable to produce the original or copy of the protective order, the officer should take the following actions to determine the status of the order;

   a. Verify existence and terms of the order or FPO by communicating with the appropriate court or law enforcement personnel in the issuing state or jurisdiction.

   b. Confirm through use of centrally automated protection order registries. Contact information for each statewide registry is available from the National Center on Protection Orders and Full Faith and Credit at 703-312-7922.

   c. Contact affected sheriff's office in Virginia if the protective order has been previously filed with a Virginia jurisdiction.

   d. Request the DPSC Teletype Section to confirm through VCIN and the NCIC Protection Order File (POF).

5. An officer may rely on representations made by the protected party that a valid order remains in effect, when the totality of

factors present supports this determination. For example, the accused person acknowledges existence of the protective order.

6. In situations where the existence and status of a protective order or EPO cannot be confirmed, officers shall not make an arrest based on the existence of the order. However officers shall enforce all applicable state and local statutes concerning domestic violence, assaults and other violations of law.

7. If an officer determines that a valid protective order or EPO has not been properly served on an accused person who is present at a complaint, the officer should:

   a. Serve the protective order or EPO on the accused person.

   b. Prepare and submit a confirmation of service form to the Juvenile and Domestic Relations Court and Sheriff's Office for entry into VCIN.

   c. Notify the issuing authority that the accused person received notice and or a copy of the protective order.

   d. Complete an incident report documenting the incident.

   e. Provide copies of the report to Victim Services and the District Station Domestic Violence detective.

E. Protective Order Files

1. Preliminary Protective Orders (*Code of Virginia* § 16.1-253.1)

   a. By CAD message from the Sheriff's Office, Central Records will be provided with information on served preliminary spousal protective orders, which specify "the respondent shall grant the petitioner possession of the residence occupied by the parties to the exclusion of the allegedly abusing spouse...."

b. The protected family/household member's address, respondent's name, and the scheduled court date shall be entered into the CAD Location of Interest File (LOI).

c. An expiration date, five business days after the scheduled court date, shall be set for the LOI entry.

d. A copy of the served preliminary protective order will be provided to Court Liaison on the next business day by the Sheriff's Office. Court Liaison shall forward the order to the appropriate district station for posting on the roll call board.

e. Should the provisions of a preliminary protective order be modified by the Court to include or eliminate the requirement for a respondent or a family/household member to remain away from the residence, the Clerk of the Juvenile and Domestic Relations Court shall provide such information to Central Records. Central Records personnel shall immediately enter, delete or otherwise modify the LOI record to reflect the new information.

2. Protective Orders (Final) (Code of Virginia § 16.1-279.1)

a. The Clerk's Office will provide Central Records with copies of final protective orders, issued after a hearing by the Juvenile and Domestic Relations Court, which specify "the respondent shall grant the petitioner possession of the residence occupied by the parties to the exclusion of the respondent. . . ."

b. The protected family/household member's address, along with the respondent's name and expiration date of the order shall be entered into the CAD Location of Interest File (LOI).

c. An expiration date of 99 days (unless a shorter effective interval is specified by the order), will be established for each LOI record.

d. Should the provisions of a final protective order be modified by the Court to include or eliminate the requirement for any person to remain away from the residence, the Clerk of the Juvenile and Domestic Relations Court shall provide such information to Central Records. Central Records personnel shall immediately enter, delete or otherwise modify the LOI record to reflect the new information.

e. On a monthly basis, the DPSC staff shall provide Central Records with a listing of all protective orders currently in the LOI file.

f. The DPSC staff will additionally provide the listing of protective orders to the Clerk of the Juvenile and Domestic Relations Court. The clerk will then verify the status of all listed protective orders within five business days.

g. The list of protective orders will be returned to Central Records with all discrepancies noted.

h. Central Records will make all entries, deletions and modifications to the LOI file necessary to resolve these discrepancies.

F. Tracking of the Service or Attempted Service of Protective Orders

a. Officers may encounter situations where they may be requested to assist with the service of preliminary protective orders (PPO), protective orders (Final) or foreign protective orders (FPO).

b. Upon receipt of a preliminary protective orders, protective orders (Final) or foreign protective orders, or as soon as practical thereafter, the obtaining officer shall ensure the preliminary protective orders (PPO), protective orders (Final) or foreign protective orders (FPO) is entered into the Warrant Module of I/LEADS consistent with the Report Writing Manual for tracking purposes.

c. Entry into the Warrant Module does not apply to a Teletype "Attempt to Locate" request from another agency or jurisdiction. The Department must be provided a physical copy of the protective order for service in order for tracking in the Warrant Module to be necessary.

d. The Warrant Module shall be updated upon service of preliminary protective orders, protective orders (Final) or foreign protective orders. The supervisor shall ensure the Warrant Module is updated if at any time service of the preliminary protective order, protective order (Final) or foreign protective order will not be completed because the protective order has expired or the respondent cannot be located and the protective order is being returned to the originating court, agency or jurisdiction.

e. The service of any preliminary protective order, protective order (Final) or foreign protective orders shall be documented in an incident report under the appropriate event type.

VII. GENERAL OR NON-FAMILY/HOUSEHOLD MEMBER PROTECTIVE ORDERS (GENERAL DISTRICT COURT)

A. When two parties do not meet the definition of family or household member, protective order relief may still available to alleged victims through *Code of Virginia* §§ 19.2-152.8, 19.2-152.9, and 19.2-152.10.

B. Emergency Protective Order (§ 19.2-152.8)

1. An emergency protective order (EPO) is issued by a judge or magistrate, upon request of a law enforcement officer or an alleged victim. To obtain this EPO, the alleged victim must have been subjected to an act of violence, force, or threat, <u>and</u> the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for a criminal offense resulting from the commission of an act of violence, force, or threat. Law enforcement may request an EPO either by telephone or in

person. An alleged victim must appear in person before a judge or magistrate to request an EPO.

2. An EPO can:

   a. Prohibit acts of violence, force, or threat or criminal offenses resulting in injury to person or property,

   b. Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members, and

   c. Grant other conditions that the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

3. An EPO expires at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that court is not in session, the EPO shall be extended until 11:59 p.m. on the next day that the court that issued the order is in session.

4. Law enforcement should advise the victim that he/she may request a preliminary protective order, within a reasonable period of time following the incident, through the general district court (§ 19.2-152.9).

5. Law enforcement officers may petition for an extension of an EPO on behalf of the victim, if the person protected by the order is mentally or physically incapacitated (not to exceed three days after expiration of the original order).

C. Preliminary Protective Order (§ 19.2-152.9)

1. A preliminary protective order (PPO) is issued by a judge, upon request of an alleged victim. To obtain a PPO, the alleged victim must have been subjected to an act of violence, force, or threat, <u>or</u> a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission

of an act of violence, force, or threat. An alleged victim must appear before a judge in person to request a PPO.

2. A PPO can:

   a. Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,

   b. Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members, and

   c. Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

3. A PPO is valid for 15 days, or until the date of the next hearing scheduled at the time of issuance of the preliminary protective order.

D. Protective Order (§ 19.2-152.10)

1. A protective order (PO) is issued by a judge, following a hearing at which both the petitioner and respondent are present.

2. A PO can:

   a. Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,

   b. Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members, and

   c. Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

3. A PO is valid for any period of time up to a maximum of two years.

E. Violations of Non-Family/Household Member Protective Orders (§ 18.2-60.4)

1. Only the respondent listed on a protective order can be charged with a violation of that order.

2. Officers cannot arrest for a violation of a protective order if the respondent has not been served with the order. In this case, the officer shall serve the order immediately.

3. If a copy of the protective order is not available, officers may still enforce the order and its conditions, upon a credible statement that an order has been granted and served. When relying on such a statement, it is recommended that the officer have the complainant victim write and sign the statement.

4. Any person who violates any provision of a protective order issued pursuant to §§ 19.2-152.8, 19.2-152.9 or 19.2-152.10 is guilty of a Class 1 misdemeanor.

5. The punishments for certain violations and for second and third convictions increase to include mandatory minimum terms of confinement and more severe penalties.

6. Upon conviction for any protective order violation, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

F. The documentation of incidents involving general or non-family/household member protective orders shall be in compliance and consistent with Section IV, I. Reporting of Events within this General Order.

G. All service or service attempts of general or non-family/household member protective orders shall be in compliance and consistent with Section VI, F. Tracking of the Service or Attempted Service of Protective Orders within this General Order.

VIII. LEGAL REFERENCES

A. *Code of Virginia*

16.1-228	18.2-57.2
16.1-253	18.2-60.3
16.1-253.1	18.2-60.4
16.1-253.2	19.2-11.01
16.1-253.4	19.2-81
16.1-279.1	19.2-81.3
18.2-51	19.2-152.8
18.2-52	19.2-152.9
18.2-51.2	19.2-152.10

B. The Full Faith and Credit Provision of the Federal Violence Against Women Act (VAWA), 18 U.S.C., Sections 2265 – 2266

IX. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.		OPR.	
02.02	23.03	02.01	12.02
23.01		02.03	13.01
23.02		12.01	

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: DOMESTIC VIOLENCE POLICY		NUMBER:	601.4
CANCELS ORDER DATED:	11-01-10	DATE:	04-01-13

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: JUVENILE PROCEDURES	NUMBER:	602.2
CANCELS ORDER DATED: 7-1-12	DATE:	4-1-13

I. PURPOSE

To establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses, and those charged with criminal offenses.

II. POLICY

The Department's interests concerning juvenile offenders reflect those of the community, and it is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. Responsibility for participating in, and supporting, the agency's juvenile procedures is shared by all of the Department's components and personnel. The Department expects officers to handle juveniles consistent with common sense and the dictates of state law. The Department's policy includes the identification, apprehension, and conviction of juveniles charged with crimes. The best interests of juveniles and the community, however, dictate a limited application of our arrest powers against juveniles who are charged with status offenses. Accordingly, officers may handle errant juveniles informally, particularly status offenders, those in need of protection, and those suspected of committing minor criminal offenses. The authority to carry out the provisions of this order derive from *Code of Virginia* §§16.1-246, 16.1-247, and 16.1-299. In cases of minor or status offenses, officers should divert juveniles from the formal criminal justice process, and instead choose community referral.

III. DEFINITIONS

Child, Juvenile, Minor: A person who is less than eighteen years of age. Physical appearance, maturity, marriage, or the seriousness of an offense does not affect a juvenile's legal status.

Child in Need of Services: A juvenile whose behavior, conduct or condition presents or results in a serious threat to the wellbeing or physical safety of the child or another person.

Child in Need of Supervision: A juvenile that meets one of these criteria:

- A juvenile subject to mandatory school attendance, is habitually absent without valid excuse.

- A juvenile who habitually remains away from his family or guardian.

- A juvenile who escapes or remains away from a residential care facility ordered by the court.

Delinquent Acts: Acts designated as crime under the laws of the Commonwealth of Virginia or an ordinance of any city, county, town or service district, or under federal law, but not acts which would be an offense only if committed by a juvenile.

Detention Order: A commitment order issued by a judge, intake officer or magistrate requiring the juvenile to be taken into custody.

Intake Officer: A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the criminal process, or petition the court. An intake officer is normally a juvenile probation officer, per §16.1-228.

Juvenile Court: The name by which the Juvenile and Domestic Relations District Court is often called. This court is responsible for the judicial processing of juvenile offenders, and the determination of abuse and neglect cases. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.

Responsible Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custody of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, guardians or next of kin can assume responsibility.

Petition: A legal document containing the written statement that brings the case involving a juvenile into court. The petition contains facts concerning the case and requests a hearing to determine the truth of these facts and to take whatever action is appropriate and permitted by law.

Secure Detention: A secure detention or confinement has occurred within a facility when a juvenile is physically detained or confined in a locked room, set of rooms, or a cell that is designated, set aside, or used for the specific purpose of securely detaining persons who are in law enforcement custody.

Shelter Care: The temporary care of children in physically unrestricting facilities.

Shelter Care Order: A commitment order issued by a judge, intake officer or magistrate placing a juvenile in a shelter care facility.

Status Offender: In accordance with §16.1-228, a juvenile who commits an act (status offense) which is unlawful only if committed by a juvenile. Examples of status offenses include:

- A juvenile who is subject to compulsory school attendance but is habitually absent without justification (truant).
- A juvenile who remains away from or who habitually deserts or abandons the family (runaway).

Warrant: A legal document accusing a person of committing crimes, requiring that the person be arrested, be brought before a magistrate for a pretrial release (bail) hearing, and be required to appear in court to answer the accusations.

IV. PROCEDURES – GENERAL

A. Overview

1. All members of the Department will cooperate with juvenile justice and support activities. Department policies regarding juvenile procedures will be provided to local juvenile court personnel for review and comments and suggestions as to ways the procedures can be improved.

2. The juvenile justice system and juvenile laws are designed to give children a chance to mature without bearing the stigma of a criminal record. Judges, intake officers and police officers are given a great deal of flexibility in handling situations involving children. Officers shall set examples for children within the community. Officers shall not engage in activities or encourage children to engage in activities that are not consistent with acceptable community behaviors.

3. Officers shall treat juveniles with respect and ensure that all constitutional rights are afforded to them. Officers are reminded that the

rules governing searches, frisks or pat-downs, reasonable suspicion, and probable cause all apply to juveniles. See General Order 540.2, Police Citizen Contacts, for legal guidance.

4. All Department personnel must thoroughly understand and practice the provisions of this order.

B. Handling of Juvenile Offenders – General

1. A juvenile offender shall be handled with firmness and respect; this sets the tone for the entire processing of the juvenile's case. The contact a juvenile has with law enforcement is his or her first impression of society's enforcement system. The officer's proper handling may help to prevent the recurrence of anti-social behavior. An officer's warning is often all that is required to keep the juvenile from having to appear in juvenile court. Improper handling often creates the mistaken but lasting impression that all officers and other government officials are unfair, untrustworthy, and inflexible, and may result in the juvenile's complete rejection of lawful authority. See §16.1-227 for a discussion of the purposes and objectives of juvenile justice in Virginia.

2. The officer may handle a juvenile either informally or formally. The options under informal handling are detailed under section C, below. Formal handling occurs when the juvenile is brought before the juvenile court or an intake officer for further processing. The options under formal handling are detailed under section D below. When appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.

3. In making the decision to handle the juvenile either informally or formally, the officer shall consider the following:

   a. Seriousness of offenses.

   b. Prior record of child.

   c. Child's age.

   d. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated.

e. Degree of wrongful intent, violence, premeditation, knowledge of violation.

f. Likelihood that the child or parent can be successfully referred to a helping agency.

C. Informal Handling

1. Informal handling includes the officer's use of the following measures:

a. Warning or oral counseling and releasing to a parent or guardian.

b. Requiring the parents to pick up the juvenile.

c. Taking the youth home and informing the parents of the reasons for his being picked up.

d. Referring the family to a community social service agency.

e. When handling the juvenile informally, the police officer shall ensure that the parents are notified.

2. Guidelines for informal handling:

a. A juvenile's right to privacy must be respected. Information gained should be provided to others only on a "need to know" basis and consistent with state and federal laws.

b. When the officer encounters a victim or complainant who demands to bring a child before the juvenile court, and the officer believes the matter should be handled informally, the officer shall contact the intake officer for assistance.

c. When a juvenile is handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.

d. If officers handle a case informally, officers may still follow-up on the case at a later time or, at any time, refer the juvenile and the parents to an appropriate social service agency.

3. Sample offenses for informal handling:

Generally, first instances of the following types of offenses should be handled informally; however, the list is not complete and officers shall use good judgment in assessing the situation.

a. Annoying telephone calls;

b. Curse and abuse;

c. Drunkenness;

d. Noise ordinance violation;

e. Disorderly conduct;

f. Other minor offenses.

D. Formal Handling

1. Formal handling occurs when the juvenile is taken before the juvenile court or intake officer for a decision on the proper disposition.

2. Generally, the following situations require formal handling of the juvenile:

a. Delinquent acts that if committed by an adult would be a felony.

b. Delinquent acts involving weapons.

c. Delinquent acts involving aggravated assaults and batteries.

d. Delinquent acts committed by juveniles under probation or parole.

E. Taking a Juvenile into Immediate Custody

In accordance with §16.1-246, no juvenile may be taken into immediate custody except under the following circumstances:

1. With a detention order or shelter care order issued by a judge or intake officer.

2. With a warrant issued by a magistrate.

3. When the child is alleged to be in need of services or supervision, and:

    a. There is clear and substantial danger to child's life or health; or

    b. Custody is necessary to insure the child's appearance before court.

4. When, in the arresting officer's presence, a child commits a crime and the officer believes custody is necessary for protection of the public interest.

5. The officer has probable cause to believe a child has committed an offense, which if done by an adult, would be a felony.

6. When a juvenile has committed one of the following misdemeanor offenses:

    a. Shoplifting in violation of *Code of Virginia* §18.2-103

    b. Assault and battery

    c. Carrying a weapon on school property in violation of *Code of Virginia* §18.2-308.1

    Although the offense was not committed in the presence of the arresting officer, the arrest is based on probable cause on reasonable complaint of a person who observed the alleged offense.

7. The officer has probable cause to believe that a child has either run away from home or is without adult supervision at such hours of the night and under such circumstances that the officer reasonably

concludes that there is a clear and substantial danger to the child's welfare.

8. The officer has probable cause to believe that a person committed to the Department of Juvenile Justice as a juvenile has run away or has escaped from a jail or detention home.

9. The officer has probable cause to believe that a child has run away from a residential facility, child-caring facility or home where he or she had been placed by the court or an appropriate social services agency.

10. The child is believed to be in need of inpatient treatment for mental illness (§16.1-340).

F. General Guidelines for Taking Juveniles into Custody

1. Do not take custody of a juvenile or assume an overly authoritative position when the purpose can be accomplished by asking appropriate, permissible questions at the location of contact.

2. When stopping them on the street, detain juveniles for the briefest time that will permit the purpose of the stop to be accomplished. The decision of either formal or informal handling shall be made in a reasonable amount of time.

3. All situations where juveniles may need to be taken into custody at a school facility shall be processed under the provisions of General Order 601.5, Service, Investigations, and Arrests at County Public School Facilities.

G. Notification to Parents

1. When a juvenile has been detained, brought into a police or juvenile facility, or has been transported by an officer, that officer shall take immediate steps to notify the juvenile’s parent, guardian, or a responsible adult that the juvenile is in custody and the place where he is being held, was transported or temporarily detained.

2. Regardless of the disposition of the juvenile in custody, officers shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances.

3. To encourage and support the use of parental authority, it shall be the policy of the Department to notify the parent or other responsible adult, of the specific act or acts, other than a traffic violation, which brings a juvenile into police custody.

4. Notification shall be made by telephone or in person, as soon as reasonably possible after the juvenile is taken into custody. If the juvenile resides out of town and notification cannot be made by telephone, officers shall arrange for notification through the appropriate local law enforcement agency.

H. Interviewing and Questioning of Juveniles

1. Normally, officers should contact the juvenile's parent or guardian before questioning and explain the reason for questioning. If this is not feasible, the officer may question the child, but must ensure that all rights of the juvenile are protected.

2. While the officer may be conducting a non-custodial interview, the juvenile may construe it to be a custodial interrogation. When conducting an interview or an interrogation with a juvenile, the officer shall consider the duration of the questioning, and the juvenile's age, mental capacity, education, and experience. Officers must ensure that the juvenile and, if applicable, his parent or guardian, understand that the juvenile is not in custody, is free to leave, and is not required to answer any questions.

3. When questioning a juvenile in custody, the same rules and procedures used for an adult must be followed. No juvenile can be compelled to answer any questions which may tend to incriminate him or her. Juveniles are entitled to the full Miranda warnings and these rights should be explained in the presence of parents, guardian or counsel, depending on the circumstances. When determining whether a parent or legal guardian needs to be present, officers shall consider the juvenile's age, maturity, cognitive ability, experience with

the criminal justice system and any other relevant factor that would affect or impair a juvenile's ability to understand his rights.

In Grogg v. Commonwealth (1988), the court ruled that "the absence of a parent does not necessarily invalidate a waiver, but instead constitutes a circumstance and factor to be considered in the totality of the circumstances." The court further states "Although it is desirable to have a parent, counsel or some other interested adult or guardian present when a juvenile waives fundamental constitutional rights and confesses to a serious crime…the mere absence of a parent or counsel does not render a waiver invalid."

4. When questioning a juvenile, officers shall not prolong the interview beyond what is needed in order to complete the investigation or to determine that the child is not going to be cooperative. The number of officers/detectives engaging in the interview will be held to a minimum in order to lessen the chance of the juvenile feeling intimidated or pressured.

I. Transportation of Juveniles

1. No juvenile who is known or believed to be less than fifteen years of age shall be transported or conveyed in a police patrol wagon, without supervisory approval.

2. In situations involving mass arrest, juveniles may be transported in a police patrol wagon with a supervisor's approval.

3. No juvenile under the age of eighteen shall be transported in the same vehicle with adults suspected of, or charged with criminal acts.

4. Officers shall ascertain that the juvenile is not in need of immediate medical attention or under the influence of drugs or alcohol. Officers should request rescue or transport juveniles who are in need of immediate medical attention or under the influence of drugs or alcohol to appropriate services such as community hospitals or mental health facilities. If possible, notify a parent or legal guardian prior to transport.

5. Officers transporting juveniles shall communicate to the Department of Public Safety Communications (DPSC) through MCT or radio, the vehicle mileage at the start of the transport and update the vehicle mileage at the conclusion of the transport. These updates should take place as close to the actual times starting and completing the transport as possible. In the event of a delay, the officer shall notify DPSC of the actual start and stop times.

6. The care and custody of juveniles is subject to the rules and regulations in General Order 203, Prisoner Care and Custody.

J. Release of Juveniles in Custody

To prevent the unnecessary detention of juveniles, it shall be the policy of the Department to make all reasonable efforts to release juveniles to a parent or a responsible adult who is available, able, and willing to take custody. In making the decision to release a juvenile from police custody, the least restrictive option should always be considered with detention being the last resort.

Officers are required to ensure the safety of the juvenile in their care or custody. Officers shall consider factors such as time of day, location of release, and the age and known vulnerability of the juvenile in determining the best circumstances for releasing that juvenile.

K. Required Reporting and Documentation

Officers shall document all circumstances in which a juvenile comes to police attention. Juvenile contacts include but are not limited to: when petitions are filed or contemplated; transports of juveniles; field contacts of juveniles; juveniles in the company of others at the proximate time an offense was committed; and other circumstances, as determined by a supervisor.

Officers should include the following details in the incident and supplement reports:

1. Officers shall include in their incident report how notification was made or what actions the officer took in attempting to notify parents, legal guardians or other responsible adult.

2. The incident report shall include the complete personal information of the juvenile's parent(s) or legal guardian(s), to include their home address, home phone number, work phone number, cellular phone number, email address and any other obtainable contact information such as place and address of employment.

3. The officer shall document the result of any steps taken to arrange for a return to the home or other appropriate care and supervision, and under what conditions.

4. The officer shall document any medical care provided to an injured juvenile.

5. When a juvenile is taken into police custody, the details of the release shall be documented to include the name of the facility the juvenile was released to, such as Juvenile Detention or Shelter Care, or the name of the parent or responsible adult the juvenile was released to, including their full contact information.

6. When an officer conducts a juvenile interview or an interrogation, the incident report narrative shall include the following specific details:

    a. Was a parent or legal guardian notified prior to the interview/interrogation?

    b. Was the juvenile provided his Miranda warnings at any time prior to or during the interview? If so, was Miranda provided in the presence of a parent or legal guardian?

    c. The duration of the interview, to include the start date and time and the end date and time of the interview.

    d. The location of the interview (i.e., school, residence or police facility).

    e. Any other individuals present during the interview to include, but not limited to the juvenile's family members, the juvenile's lawyer, the juvenile's teacher, interpreters, other officers, or court personnel.

f. If any part of the interview was video or audio recorded.

V. PROCEDURES – JUVENILE INTAKE

A. Location and Hours of Service

- **Central Intake (Courthouse):**
  0700 to 2400 hours Monday through Friday
  703-246-2495 Fax: 703-278-9339
  4110 Chain Bridge Rd., Suite 104, Fairfax, VA 22030

- **Juvenile Detention Center:**
  2400 to 0700 hours Monday through Friday
  All day on weekends and holidays; during inclement weather or another disaster that would result in Central Intake's closure.
  703-246-2884 or 703-246-2801
  10650 Page Ave., Fairfax, VA 22030

- **North County Office:**
  0800 to 1600 hours Monday through Friday
  703-481-4014
  1850 Cameron Glen Dr., Suite 400, Reston, VA 20190

- **East County Office:**
  0800 to 1600 hours Monday through Friday
  703-204-1016
  2812 Old Lee Hwy, Suite 100, Fairfax, VA 22031

- **South County Office:**
  0800-1600 hours Monday through Friday
  703-704-6004
  8350 Richmond Hwy, Suite 119, Alexandria, VA 22306

B. What an officer needs to file:

1. Involved juvenile's information:

   - Full legal name (no nicknames)

- Date of birth
- Address
- Phone number
- Description (race, sex, height, weight, hair and eye color)
- Language spoken

2. Information on at least one parent/legal guardian:

   - Full legal name
   - Address
   - Phone numbers (home, work and cellular)
   - Language spoken

3. Victim's information:

   - Full legal name
   - Date of birth
   - Address
   - Phone number
   - Language spoken
   - Parental information if victim is a juvenile

4. Names of all co-defendants (even adults)

5. Interpreter needed for anyone involved with the case

   - May be for involved juvenile, parent, victim or witness
   - Need to know language needed

6. Probable Cause:

   - Detailed account of what happened and level of involvement of each person (items stolen and value, amount of damage, injuries, etc.)
   - Did juvenile admit guilt or involvement?

7. Is restitution being sought in this case? If so, in what amount?

C. Juveniles in Custody

1. Once an officer takes a juvenile into custody, the officer is responsible for remaining with the juvenile until he is released to a parent or legal guardian or until he is detained in either Juvenile Detention or Shelter Care.

2. Juvenile Intake will only detain a juvenile in the following situations:

   - The child is a danger to himself, the child is a danger to others or property, the child is a flight risk or has violated previously imposed conditions of release
   - The officer is unable to locate the parent or guardian
   - The juvenile has committed a felony against a person (malicious wounding, robbery, assault on law enforcement officer, etc.)

D. Options for filing

1. In Person

   - All offices work on an appointment basis. The officer may call ahead to see if there is an opening for a walk-in.
   - Officers with a juvenile in custody will be seen immediately at Central Intake.

2. By Fax – Misdemeanor Cases Only

   - Complete intake form
   - Fax a copy of the intake form and incident report to Central Intake
   - These are usually completed within 48 hours by Juvenile Intake

3. By Email – JDRDC-IntakeDropBox@fairfaxcounty.gov

   - Complete the intake form
   - Email a copy of the intake form and incident report to Central Intake
   - These are usually completed within 48 hours by Juvenile Intake

4. Petitions may be signed at any Intake Office. Officers should designate their location preference when filing. If no designation is provided, then the officer will be asked to sign the petition at the Courthouse location.

5. Petitions must be signed within two weeks or the case will be closed and the officer will have to start over and file again.

E. Diversion

The Juvenile Court offers three distinct forms of diversion: diversion hearings, monitored diversion and restorative justice. All hold the juvenile accountable for his actions, as well as offer services which may benefit the child and his family. The goal is to decrease the chance of the child returning to the juvenile court. The juvenile must be a first time offender and an admission of guilt is required for a case to be diverted and diversion is voluntary. If the involved juvenile chooses not to participate in diversion because he wants to go to trial, a petition will be issued.

Juvenile Intake may request officers attend diversion proceedings. Officers shall cooperate with court services in these instances.

1. Diversion Hearing

The juvenile and his parent or legal guardian are required to appear before the Hearing Officer who will issue a consequence directly related to his offense. They will have 90 days to comply with the consequence. If they comply and stay out of trouble, the case will be closed at the end of the 90 days and the complaint will be removed from their court record when they turn eighteen. If the juvenile fails to comply with the consequence and/or receives any additional charges within the 90 days, the case may be referred for formal court action.

The benefits of a diversion hearing include: it is a non-adversarial process, no formal criminal charges, no criminal conviction or record, quicker process for all parties, no need to present evidence, removal from the juvenile's record is often earlier than if convicted by a judge; attorneys are not required to be present but may attend with limited involvement.

The possible consequences that a juvenile may receive from the

Hearing Officer include: paying restitution (up to $500), performing community service, STOP (Shoplifter Theft Offender Program), SAFE (Substance Abuse Focused Education Program) or ADS (Alcohol and Drug Services), Firestop (arson intervention program), victim impact class, counseling, jail tour, or other court sponsored programs.

2. Monitored Diversion

If it can be determined that a juvenile's actions were due to mitigating circumstances, then the juvenile may be referred for monitored diversion. Mitigating circumstances may include, but not be limited to, items such as mental health, family issues, or involvement with alcohol or drugs. Juveniles placed on monitored diversion will be monitored by a Diversion Probation Officer for a period of 90 to 120 days.

The probation officer may impose a consequence as in a diversion hearing and may also require the juvenile and the parent or legal guardian to participate in or attend services. The probation officer will facilitate access to those services, as needed. The juvenile and the parent or legal guardian must sign a set of rules and maintain compliance for the duration of the diversion.

If the juvenile becomes non-compliant or receives any additional charges, the case may be referred for formal court action. If the juvenile complies and stays out of trouble, the case is closed at the end of the diversion period and the complaint is removed from the juvenile's court record when he turns 18.

3. Restorative Justice

The purpose of restorative justice is to involve those most affected by the crime. This includes the involved juvenile, the victim, and key supporters. There will be a scheduled face to face meeting to facilitate a written agreement between the involved parties that helps repair the harm and hopefully decreases the chances of reoffending. If an officer believes that a case is appropriate for restorative justice, he should indicate this to Juvenile Intake at the time of filing.

F. Citizens Seeking Petitions

As in adult cases, officers may encounter situations where they do not have probable cause to charge a juvenile and may advise the victim on how to file a petition. Citizens may not file petitions in felony cases except in cases of unauthorized use of a vehicle, or a loss prevention officer may file in cases of grand larceny or possession of burglarious tools.

G. Appeal Process for Denied Petitions

In cases where the intake officer denies an officer's request for a petition, the officer should request to speak to an Intake Officer's supervisor about the situation. The purpose of speaking with the supervisor is not to complain on the intake officer, but to better facilitate an understanding about the situation between the officer and the intake officer.

After hearing the intake officer's reasons for refusing to issue a petition and discussing it with the intake officer's supervisor, if the arresting officer continues to believe the charge initially sought should be pursued, the officer shall:

- In felony or Class 1 misdemeanor cases, the arresting officer shall immediately appeal the refusal to a magistrate.
- The officer shall include, with the material presented to the magistrate, written notice from the intake officer of the refusal.
- There is no appeal from an intake officer's refusal for Class 2, 3, or 4 misdemeanors.
- A magistrate's finding is final. If a warrant is issued, it shall be returnable to the Juvenile Court and served as a petition.

VI. PROCEDURES – CUSTODY AND ARREST SITUATIONS

A. Juveniles Voluntarily in Custody

An officer with a juvenile voluntarily in custody shall complete an incident report only. The report shall include the circumstances in which the juvenile came to police attention, the result of any steps taken to arrange for a return to the home

or other appropriate care and supervision, and under what conditions the juvenile left police custody.

B. Warnings

An officer who comes into contact with a juvenile for an offense which the officer determines a warning is appropriate shall:

1. Notify, by telephone, in person, or by written notice, the parent or legal guardian that the juvenile was warned for committing a minor offense.

2. Complete an incident report containing all details relating to the facts that led the officer to conclude that this form of release was appropriate. The case status and disposition would be **CLOSED EXCEPTIONAL – JUVENILE/NO CUSTODY**.

3. No Arrest Record is required in this situation.

4. A summons is not issued to the juvenile or parent in these situations.

C. Juvenile Diversion (Department Referral)

1. An officer may opt to refer a juvenile for juvenile diversion in certain circumstances. Departmental referral to Juvenile Diversion is only available at this time to officers located at the district stations of Fair Oaks, Mason, McLean, and Sully. Officers should confirm that the referral process is available prior to making a referral. The referral should be based on the following profile of the offender:

   - The juvenile is 13 to 17 years of age.

   - No prior criminal conviction or oral counseling record (special cases are considered).

   - Criminal offense is that of a misdemeanor (special cases are considered).

   - The juvenile must be enrolled in school or an alternative education program.

- The juvenile must not dispute guilt.

- The juvenile has not previously participated in a diversion program within the County.

- The referring officer must believe that the juvenile is just beginning to make poor choices in regards to criminal activity and would benefit from the investment of time and resources of the diversion program.

The officer will be notified in the following circumstances after a juvenile has been referred to the program:

- The offender does not respond to contact letters.

- The offender does not qualify during the interview.

- The offender fails to meet the requirements of the program.

- The offender successfully completes the program.

In all but the last circumstance, the referring officer must consider whether to file the original charge.

2. An officer who comes into contact with a juvenile for an offense which the officer determines that juvenile diversion is appropriate shall:

   - Notify the parent or legal guardian that the juvenile is a candidate for the juvenile diversion program and provide a copy of the Juvenile Diversion Information Referral Sheet. Inform the parent or legal guardian that they will be contacted via mail by the Fairfax County Learning for Life Juvenile Diversion representative. The officer should explain that if the parent or legal guardian does not respond to the letter, the original charge will be pursued in court.

   - Complete an incident report containing all details relating to the facts that led the officer to conclude that this form of release

was appropriate. The case status and disposition would be **CLOSED/CLEARED – CLOSED BY ARREST**.

- Send a link from the incident report to the Role of **In Box – Sros**. The subject of the link shall include the text of "Juvenile Diversion".

- A summons is not issued to the juvenile or parent in these situations.

- An arrest record for the juvenile shall be completed to document the arrest. The juvenile disposition for the arrest will be selected as **REFERRED TO OTHER AUTHORITIES**. The Summons # field in the arrest record shall be entered as **DIVERSION** to indicate that this charge was submitted for diversion. The Arrest # field should be left blank.

- In the situation where the juvenile does not successfully complete the program, a supplemental incident report shall be completed to document any further actions taken by the referring officer. The case status and disposition should also be updated, as appropriate, according the actions taken.

- If the youth does not complete the juvenile diversion program and the officer pursues the original charge, a new arrest record shall be completed to document the arrest.

D. Oral Counseling

An officer who comes into contact with a juvenile for an offense which the officer determines that oral counseling is appropriate shall:

1. Seek to notify, by telephone or in person, the parent or legal guardian that the juvenile was in police custody.

2. The officer shall complete an incident report containing all details relating to the facts that led the officer to conclude that this form of release was appropriate. The case status and disposition would be **CLOSED/CLEARED – CLOSED BY ARREST**.

3. An arrest record for the juvenile will be completed to document the arrest. The juvenile disposition for the arrest will be selected as **HANDLED WITHIN DEPARTMENT**. The Summons # field in the Arrest Record shall be entered as **ORAL COUN** to indicate that this charge is an oral counseling. The Arrest # field should be left blank.

4. A summons is not required to be issued to the juvenile or parent in these situations.

E. Written Citations/Summons

1. Not all misdemeanor offenses can be released on a summons. Most offenses that are summons releasable for an adult are not for a juvenile. Only those offenses listed in the *Code of Virginia* §16.1-260 are summons releasable. Officers shall follow the procedure in Section VI of this General Order for securing a petition when appropriate to charge a juvenile, immediate custody is not necessary and he cannot be released on a summons.

2. An officer may use the Virginia Uniform Summons form, just as for an adult, in the following situations, in accordance with *Code of Virginia* § 16.1-260:

   - Violation of the traffic laws, including offenses involving bicycles, hitchhiking, or other pedestrian offenses.

   - Violation of animal control ordinances.

   - Violation of game and fish laws.

   - An arrest for any alcohol-related offense where a parent or legal guardian is available to sign the summons. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile.

   - Littering violations.

- Violation of tobacco laws.

- An officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

- Class 3 and 4 misdemeanors, provided that notification of the summons is mailed by the officer to the child's parents within five days after the issuance of the summons.

3. The officer shall seek to notify, by telephone or in person, the parent or legal guardian that the juvenile was in police custody.

4. The officer shall complete an incident report containing all details relating to the facts that led the officer to conclude that this form of release was appropriate for any offense other than traffic charges. The case status and disposition would be **CLOSED/CLEARED – CLOSED BY ARREST**.

5. An arrest record for the juvenile shall be completed to document the arrest. The juvenile disposition for the arrest will be selected as **REFERRED TO OUTSIDE AUTHORITIES**.

   There are certain offenses that can be completely documented within the arrest module without the need for an incident report. The officer may not need to complete the incident report if the criteria for a 10-98A (Arrest Record Only) disposition have been satisfied in compliance with the Report Writing Manual.

F. Diversion Hearing (Juvenile Intake Referral for Diversion)

1. When an officer has the intent to request a diversion hearing or an intake officer refers a juvenile for a diversion hearing, the juvenile is considered to be arrested at that time.

2. The officer shall complete an incident report containing all details relating to the facts that led the officer or intake officer to conclude that this form of release was appropriate. The case status and disposition would be **CLOSED/CLEARED – CLOSED BY ARREST**.

3. The arrest module shall be completed to document the arrest. The Arrest Type field would be listed as **SUMMONED/CITED**. The juvenile disposition field is set to the code of **REFERRED TO OUTSIDE AUTHORITIES**. The Summons # field in the Arrest Record shall be entered as **PETITION** to indicate that the juvenile will be issued a summons to appear in court for this charge.

4. A summons shall be completed.

G. Petitions

An officer who comes into contact with a juvenile for an offense which the officer determines this form of release is appropriate shall:

1. Notify, by telephone or in person, the parent or legal guardian that the juvenile was in police custody.

2. The petition shall be sought no later than ten days after the release from custody.

3. Complete an incident report. The narrative shall contain complete information concerning the case, including a concise statement indicating the arresting officer's intent to secure petitions. The case status and disposition will be held as **CLOSED/CLEARED – CLOSED BY ARREST**.

4. Once petitions are secured, a supplemental incident report shall be completed. The narrative shall contain information pertaining to the issuance or refusal of issuance by the intake officer of the petition. It shall also include the charge(s) placed and the court date. The case will remain **CLOSED/CLEARED – CLOSED BY ARREST** regardless of the outcome with the Intake Officer.

5. An arrest record for the juvenile shall be completed at the time the juvenile was taken into custody to document the arrest. The Juvenile Disposition for the arrest will be selected as **REFERRED TO OTHER AUTHORITIES**. The Summons # field in the arrest record shall be entered as **PETITION** to indicate that the juvenile will be issued a petition for this charge. The Arrest # field should be left blank.

6. A summons is not required to be issued to the juvenile for non-CCRE reportable offenses.

7. For CCRE offenses, the officer shall complete a summons and the appropriate fingerprint cards and photographs outlined in section XI. B.

H. Immediate Custody

Juveniles may be taken into immediate custody according to the provisions of Section IV. E. of this General Order. Under the circumstances where this type of action is necessary, the officer shall:

1. Transport juveniles without delay to Juvenile Intake to meet with an intake officer. The juvenile will be transported to Central Intake during Central Intake's open business hours or the Juvenile Detention Center to see an intake officer when Central Intake is closed.

2. An oral or written statement of the reasons for taking the juvenile into custody should be given to a parent or other responsible adult. The officer should inform the intake officer whether the parent or custodian was notified of the juvenile's arrest. In cases where notice is not given prior to transporting the juvenile to the Juvenile Intake, the intake officer should contact the parent or legal guardian.

3. Once the juvenile's physical placement is decided, the police officer should ensure that the intake process is completed and/or the juvenile is served with a copy of the detention order, warrant or shelter care order or capias.

4. The officer shall complete an incident report. The case status and disposition would be **CLOSED/CLEARED – CLOSED BY ARREST**.

5. An arrest record for the juvenile shall be completed at the time the juvenile was taken into custody to document the arrest. The Juvenile Disposition for the arrest will be selected as **REFERRED TO OUTSIDE AUTHORITIES**. The Arrest Type field is listed as **TAKEN INTO CUSTODY**.

6. For CCRE offenses, the officer shall complete a summons and the appropriate fingerprint cards and photographs outlined in section XI. B.

I. Wanted Juveniles

In situations where an officer encounters juveniles with outstanding warrants, detentions orders, shelter care order or capias, he shall proceed by verifying the validity and location of the paperwork through DPSC personnel, just as he would if the wanted subject was an adult. Once the verification is complete, the officer shall follow the provisions of section H above.

J. Handling of Escapees

When an officer encounters a juvenile who is an escapee from jail, a detention home, or other institution in which he was placed by an order of the juvenile court, Child Protection Services, or other licensed child welfare agency, the officer shall take the juvenile into immediate custody. The officer may return and release the juvenile to the facility from which the juvenile escaped or fled. If the juvenile is not released to the facility from which the juvenile escaped or fled, the officer shall contact the intake officer of the court who will determine where the juvenile will be placed.

VII. PROCEDURES – STATUS OFFENSES

A. Runaway / Missing Juvenile Investigations

Personnel shall treat all runaway and missing juvenile complaints as a serious matter and will make a diligent effort to locate the juvenile. There is no requirement that a subject be missing any stated period of time before a report can be taken.

1. Within the following guidelines, a complaint shall be accepted:

   - A missing juvenile is domiciled in Fairfax County, even though the last known location may have been in another jurisdiction.

   - A missing juvenile is a suspected victim of criminal acts which occur or originate in Fairfax County.

- A missing juvenile is being sought by another law enforcement agency and such agency requests assistance from this Department.

- A missing juvenile is last seen or known to be in Fairfax County and the jurisdiction from which the person disappeared refuses or is incapable of investigating the case.

2. The officer taking the initial report shall:

   a. Review the facts and investigate the circumstances surrounding the disappearance to ensure the child left voluntarily.

   b. Notify a supervisor immediately, if the juvenile meets the criteria for being classified as endangered, is under the age of thirteen, there are indications that a child did not leave voluntarily, or for any other reason the officer feels is significant.

      1) Upon notification and briefing by the preliminary officer, the supervisor will determine what the next immediate course of action should be, what resources are needed, and notify the district station commander or staff duty officer and DPSC.

      2) During the conference with the station commander or staff duty officer, a decision should be made as to what resources beyond patrol (e.g., K-9 and Helicopter) should be utilized and if CIB should be requested to respond. If CIB is not called out, the Child Exploitation Squad supervisor, or on call CIB supervisor, if after hours, shall be notified.

   c. Complete a Virginia Missing Children Information Clearing House Report (PD135J) and have completed form signed by the complainant. The form shall be attached to the I/LEADS incident report in PDF format.

   d. Officers taking the initial report shall contact the DPSC Teletype Section within two hours of receipt of a report that a juvenile is missing in accordance with *Code of Virginia*, §15.2-1718. The

officer shall fax the completed and signed PD135J to Teletype and then call for verification that the juvenile will be entered into NCIC/VCIN.

e. The teletype message number generated by the Teletype Section shall be entered into the incident report and written on the PD 135J. If NCIC/ VCIN entry is not possible prior to the submission of the incident report, this shall be noted in the narrative of the incident report.

f. A photograph of the missing juvenile shall be obtained when available.

g. Broadcast a local lookout for the missing juvenile.

h. Contact or request other jurisdictions check any locations where the child may have gone.

i. Follow up on all possible leads with permission of the patrol supervisor, unless the assigned CIB detective or CIB supervisor directs the officer otherwise.

j. The officer shall complete an incident report.

1) The event type will be classified as **SERVICE – RUNAWAY JUVENILE** when the juvenile's disappearance is voluntary or **SERVICE – MISSING JUVENILE** when there is an indication the disappearance is involuntary, suspicious or endangered.

2) In all cases where an incident report is created to document a Missing/Runaway juvenile, no other event types shall be added to the same incident report. A Missing/Runaway juvenile report needs to be independent of any other event type. This ensures an independent investigation by the Major Crimes Division and the ability to close the case as service when the juvenile is located and cleared from NCIC.

3) Officers generating a runaway juvenile report shall list the juvenile as an **OF, OFFENDER/ARRESTED**. No victim is required in the incident report.

4) Missing juveniles who cannot be confirmed as a runaway but deemed endangered shall be entered as **IO, INVOLVED, OTHER**.

3. Investigative Responsibility

The CIB Child Exploitation Squad shall have complete investigative responsibility for missing and runaway juveniles. The officer taking the initial report shall TOT the incident report along with the Virginia Missing Children Information Clearinghouse Report and juvenile's photograph to CIB.

B. Taking a Runaway into Custody

When probable cause exists that a juvenile has run away from home, the officer shall perform the following:

1. Take the child into custody and verify the runaway juvenile status.

2. Release the juvenile to a parent, guardian, legal custodian, or other person acting for a parent or if a detention order or shelter care order is on file, follow the procedures for Immediate Custody in section VI. H. of this General Order.

3. Local Runaways

a. The officer shall complete a supplement to the original incident report or create a new one if a case does not exist. The report will be forwarded to CIB Child Exploitation for case closure.

b. The Child Exploitation Squad shall be responsible for generating the Arrest Module for all confirmed runaways.

c. The officer shall notify Teletype of the juvenile's apprehension for removal from NCIC/VCIN.

d. The officer shall cancel all lookouts or electronic messages reference the missing juvenile.

4. Other Jurisdiction Runaways

a. The officer shall complete an incident report with an event type of **SERVICE – POLICE SERVICE**. The report will be forwarded to CIB Child Exploitation for information.

b. The officer shall notify Teletype of the juvenile's apprehension for notification to the originating jurisdiction.

C. Truant

1. When custody occurs because a juvenile is a reported truant by school officials, or an officer reasonably determines because of the child's age and circumstances that a juvenile is a suspected truant, the juvenile shall be taken into custody and delivered to the appropriate school personnel and released.

2. The officer shall complete an incident report or field contact which includes the name of the person notifying the parent of the truancy and the name of the person to whom the juvenile was released.

VIII. PROCEDURES – SPECIAL SITUATIONS

A. Abused and Neglected Children

All cases involving alleged abuse or neglect of juveniles shall be processed under the provisions of General Order 603.2, Assistance to Abused or Neglected Children.

B. Domestic Violence

All cases involving juveniles in domestic assault situations shall be processed under the provisions of General Order 601.4, Domestic Violence Policy.

Upon a custodial arrest of a juvenile for domestic assault, officers shall explain to the juvenile's parent or legal guardian that unless the arrest is for a

felony, like malicious wounding, that the juvenile is unlikely to be held in secure detention. The officer should have the juvenile's parent or legal guardian follow or meet the officer at Juvenile Intake. Once the intake process is complete, the juvenile will be released to the parent. If the parents or legal guardian are unwilling or unable to take possession of their child, then the parent should find an alternative responsible adult to release the child.

C. Possession of Marijuana

As of July 1, 2011 possession of marijuana for a juvenile is a summons releasable offense. However, the new law requires that a Notice of Right to Consideration for Diversion form be submitted along with the summons or the case "shall be dismissed". The law does not require that officers use a summons for this offense. An officer may still file directly with Juvenile Intake.

Explanations of filing options:

1. Option 1: Summons

   - Issue the juvenile a summons with a listed court date
   - Issue the juvenile a copy of the Notice of Right to Consideration of Diversion
   - Submit the summons along with a second completed copy of the Notice of Right to Consideration of Diversion to the court

   The JDR Clerk's office will maintain the original summons and diversion notice. In order for the juvenile to exercise his right to consideration for diversion, he must submit the signed notice to the Clerk's Office at least ten days prior to the listed court date. The Clerk's Office will contact Juvenile Intake to determine if the juvenile is eligible for diversion and will then send the juvenile a letter advising if his request was accepted or denied. Officers will also receive a copy of the letter as notice. If the juvenile is eligible, they must contact Central Intake within five days. Juvenile Intake will determine if the juvenile is willing to admit guilt, and if so, the case will be set for a diversion hearing. The officer will then be contacted to provide a copy of the incident report for probable cause. If the juvenile is not willing to admit guilt, the Clerk's Office is notified to re-docket the original

summons.

2. Option 2: File Directly with Juvenile Intake (Preferred Method)

   - Issue the juvenile a summons with an "OPEN" or "TBD" court date

   - Follow Juvenile Intake procedures to file in person or via fax

   With this option, Juvenile Intake will determine if the juvenile is eligible for diversion when filing. If the juvenile is eligible, the case will be set for a diversion hearing and if the juvenile is not eligible, the officer will be notified to come sign a petition. The benefits of this option are that the case is not likely to be dismissed due to procedural error (i.e. failing to provide the juvenile a Notice of Right to Consideration of Diversion) and an eligible juvenile will not miss out on an opportunity for a diversion hearing because of a failure to respond within five days to his notice.

D. Shoplifting

All cases involving juveniles in shoplifting situations shall be processed under the provisions of General Order 602.1, Arrest and Detention for Shoplifting.

IX. FINGERPRINTS AND PHOTOGRAPHS

A. Virginia Code §16.1-299 provides that fingerprints and photographs may be taken and filed under the following circumstances:

1. Any child who is charged with a delinquent act which, if committed by an adult, is required to be reported to Central Criminal Records Exchange (CCRE), pursuant to §19.2-390.

2. Any child fourteen years of age or older charged with a “violent juvenile felony” (per §16.1-228).

3. Other physical samples may be taken from a juvenile for identification purposes only after the officer has conferred with the Juvenile Court or the Commonwealth's Attorney for advice and assistance as to the

legalities and proper procedure for obtaining such samples. Samples include, but are not limited to: hair, blood, urine, nails, breath, stomach contents, handwriting, etc.

On the issue of juveniles and DNA samples, they are processed the same as adults after certain selected criminal acts. For further guidance see Sections 19.2-310.2:1, 19.2-310.3:1, and 16.1-299.1, *Code of Virginia*.

B. When a juvenile is taken into police custody and charged with a delinquent act which would be reportable to the CCRE if committed by an adult, they shall be fingerprinted and photographed as follows:

1. Complete CCRE Form:

- One CCRE form for each offense that would be reportable to the CCRE if committed by an adult.

- The CCRE form will be completed exactly the same way as for an adult, except a full set of fingerprints must be taken on each subsequent CCRE form if multiple charges are placed.

- The arresting officer shall send the original page one of the CCRE (white copy) to NOVARIS via county interoffice mail.

- The arresting officer shall retain the remainder of the CCRE pages (second and third page) to provide to Juvenile Intake when obtaining a petition. Juvenile Intake will then forward the CCRE to the Clerk of the Juvenile Court if a petition is issued.

- When a juvenile is released to his parents or other responsible adult, the juvenile shall sign their name in the CCRE, "Signature of Person Fingerprinted" block. The person accepting the juvenile shall sign below the juvenile's name and print their name below their signature. A photocopy of the first page of the CCRE shall then be given to the accepting adult.

- If the petition is denied, the officer shall write in large, bold letters, PETITION DENIED, across the face of page two of the

CCRE. The second and third pages of the CCRE shall then be sent to NOVARIS for destruction.

2. Complete one FBI fingerprint card (the same as adult).

   The officer shall send the FBI fingerprint card to NOVARIS via county interoffice mail.

3. Complete one palm print card (for felony offenses only).

   The officer shall send the palm print card to NOVARIS via county interoffice mail.

4. A case number shall be obtained for the juvenile and entered on these documents in the appropriate blocks.

5. Additional guidance regarding the fingerprinting and photographing of juveniles arrested for criminal offenses may be located in the Report Writing Manual.

   Arrest photographs shall be taken by the officer at Juvenile Intake with the camera provided. A photo board is available and shall bear JUV in the top to allow for separate filing. The officer shall update the juvenile's name, date of birth and date of arrest on the board in the designated locations provided. The officer shall leave the photograph on the camera in Juvenile Intake for a CIB Child Exploitation detective to download and file in accordance with Section X of this General Order.

X. DISSEMINATION AND RETENTION OF FINGERPRINT CARDS AND PHOTOGRAPHS

A. Dissemination and retention of juvenile records to include fingerprint cards and photographs shall be the responsibility of NOVARIS and shall be in accordance with *Code of Virginia* §16.1-299.

B. Fingerprint cards and photographs will be destroyed under the following circumstances, in accordance with *Code of Virginia* §16.1-299 when:

1. No petition or warrant is filed within 60 days against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law. The fingerprint cards and photographs shall be destroyed no later than 60 days after fingerprints were taken.

2. Within six months of a juvenile or circuit court finding a juvenile not guilty of a violation of the law, pursuant to a court order.

C. Juvenile fingerprint cards and photographs authorized for retention will be maintained separately and securely in NOVARIS. Access to these records will be restricted to official use, and may be viewed by the public and other law enforcement agencies only on the authority of a court order pursuant to *Code of Virginia* §16.1-301. NOVARIS is located in a secure facility with access restricted to NOVARIS personnel only, through a secure access point utilizing proximity access cards.

D. Fingerprints and photographs shall be retained, and copies of the fingerprints forwarded to the CCRE, when the court finds that a juvenile has committed an offense which would be reportable to the CCRE if committed by an adult.

XI. CONFIDENTIALITY OF RECORDS AND RELEASE OF INFORMATION

A. *Code of Virginia* §16.1-301 requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning a child are protected against disclosure to any unauthorized person. Juvenile records are to be destroyed only upon notification by the court per §16.1-306.

B. Officers may release, upon request to one another and to other local, state, or federal law enforcement officers, current information on juvenile arrests limited to name, address, physical description, date of arrest, and charge. Such information may only be used for current investigations (§16.1-306).

C. For release of juvenile information to the media, see General Order 401, Release of Information.

XII. LEGAL REFERENCES

A. Case Law

Miranda v. Arizona, 384 U.S. (1966)
Grogg v. Commonwealth, 6 VA App (1988)

B. Code of Virginia

15.2-1718	16.1-301
16.1-227	16.1-306
16.1-228	16.1-340
16.1-246	19.2-81
16.1-247	22.1-266
16.1-299	

XIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
25.03	04.01
25.08	04.02
	04.03
	08.07

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: ASSISTANCE TO ABUSED OR NEGLECTED CHILDREN	NUMBER:	603.2
CANCELS ORDER DATED: 7-1-12	DATE:	4-1-13

I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for the handling of juveniles believed to be abused or neglected.

II. POLICY

The safety and welfare of the children of Fairfax County are matters of the highest concern. This responsibility must be met with an awareness of the necessity for coordination between the Department and other agencies, primarily the Department of Family Services and the Juvenile and Domestic Relations Court. The Department recognizes that the Department of Family Services, Child Protective Services (CPS), functions as the focus for all activity related to investigating child abuse or neglect and protecting children from further harm. Prompt beneficial assistance to children in jeopardy will be the purpose of this General Order.

III. DEFINITIONS

Child, Juvenile, Minor: A person who is less than eighteen years of age. Physical appearance, maturity, marriage, or the seriousness of an offense does not affect a juvenile's legal status.

Abused or Neglected Child: Occurs when a parent(s), or other person(s) responsible for a child's care creates, inflicts, threatens, or allows another to create, inflict or threaten said child with a physical or mental injury, other than by accident, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, or:

- When those responsible fail to provide necessary health care for a child, or
- When a child is abandoned, or
- When those responsible commit or allow a sexual act to be committed upon a child, or
- When a child is without care or guardianship caused by unreasonable

absence, or the mental or physical incapacity of the child's parent, legal guardian, etc.

IV. DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS PROCEDURE

Reports of alleged child abuse or neglect received by the Department of Public Safety Communications (DPSC) shall be screened to determine if a patrol officer should be dispatched or the matter should be referred to the Child Protective Services (CPS) section of the Department of Family Services.

A. A patrol officer shall be dispatched in any circumstance where the information indicates that a child's life or health may be in imminent danger, a child is abandoned, or a criminal offense has been reported.

B. In circumstances involving no imminent danger or abandonment of a child, DPSC personnel shall record the complainant's name, address, telephone number and other pertinent information concerning the alleged abuse or neglect. The information shall be transmitted immediately to the CPS Hotline and they shall determine the proper course of action.

- During the hours 0800 - 1600, Monday through Friday, contact the CPS Hotline at 703-324-7400.
- After hours, the toll free number for receiving reports statewide: is 800-552-7096.

C. A request to DPSC by a CPS worker for assistance from a police officer in an investigation of alleged child abuse or neglect shall be handled on a priority basis, as required by Section 63.2-1507, *Code of Virginia*.

V. INVESTIGATING OFFICER PROCEDURE

An officer who is dispatched to the scene of a reported child abuse or neglect, or an officer who discovers child abuse or neglect during the course of an investigation shall proceed in the following manner:

A. The following are examples of cases requiring notification to CPS, but notifications are not limited to these examples:

- Child is the victim of violence by a possible caregiver (i.e., family member, guardian, teacher, babysitter, coach)
- Child abandoned or left alone in a car or residence
- Drugs present in a home with child present
- Child witnesses a domestic assault
- Child is a victim of sexual abuse

Officers shall contact the CPS Hotline or DPSC, if requesting the on call CPS social worker, from the scene.

B. Suspected child abuse or neglect where there is no imminent danger to the child shall be reported directly to the CPS Hotline at 703-324-7400 during regular business hours or after hours by calling the statewide toll free number at 800-552-7096.

C. If an officer finds a child in a situation which presents an imminent danger to the child's life or health, the officer may take the child into custody without prior approval of the parents or guardian if a court order is not immediately available from the Juvenile and Domestic Relations Court. Protective custody is authorized under § 63.2-1517, *Code of Virginia*, when a child is abused or neglected as defined by § 63.2-100.

Protective custody is more appropriately utilized in situations where a child is abandoned or where there is immediate risk to the child. Otherwise, the officer should immediately contact a CPS worker as noted before and have an assessment given by the worker of whether or not the child should be removed from the home. This allows the CPS worker to comply with the court ordered criteria for removal of a child, if custody is necessary.

D. Criteria for immediate removal and custody of a child from a home.

1. The child has an imminent threat to life or health to the extent that a delay would likely result in severe or irremediable injury.

2. There is no alternative less drastic than removal which would adequately protect the child's life or health pending an advisory hearing.

3. If removal takes place, preference should be given to placement in the home of the nearest kin or personal friend of the child's parent or legal guardian.

E. If an officer must take immediate custody of a child, the officer shall immediately contact the CPS worker.

The patrol officer shall remain at the scene, or another safe location, if necessary to leave the scene, such as a police station or hospital, until the CPS worker arrives and shall remain to assist the CPS worker as long as necessary to ensure that the investigation proceeds without interference.

F. Medical Attention

All victims should be offered treatment for their injuries. If the child is in need of immediate/emergency medical attention, rescue should be requested and the victim should be transported to the nearest medical facility for treatment. If at all feasible, transportation should be made to Fairfax Hospital. The preliminary officer should accompany/follow the victim to the hospital. If there is a crime scene, it should be preserved by a second officer until the arrival of the Crime Scene Section detective. Should the case involve suspected sexual abuse with no need for other medical treatment, CIB and/or Child Protective Services should be contacted as soon as possible.

G. Interviewing a Juvenile Victim

In cases involving children who are suspected to be the victims of sexual or physical abuse, it is imperative that the responding officer understand that the facts and circumstances of the case do not have to be obtained from the child victim. It is preferred that the information be taken from a third party complainant. At this point in the investigation, “HEARSAY IS OKAY.” Interviewing children for detailed information is very specialized and requires certain steps to be followed to ensure the gathering of accurate information that will be used in court. This is best left to the detective investigating the case, as well as a Child Protective Service worker if they become involved.

Should it become necessary for the preliminary investigating officer to interview the victim, the child should not be questioned in depth. At no time

should the preliminary officer attempt to utilize objects such as toys to obtain a description from the child of what actually occurred. The preliminary officer should take all information pertaining to the case from the reporting party. All information should be forwarded to the CIB detective.

All of the elements of a specific violation may not be known or given at the time of the preliminary report. It will be the responsibility of the CIB detective to gather the facts from the child.

H. A copy of the incident report in child abuse or neglect cases shall be forwarded to the Department of Family Services and the Major Crimes Division. Officers that handle cases involving suspected or actual abuse and neglect of a child **shall** forward a copy of their incident report to CPS at DFSCPSPoliceReports@fairfaxcounty.gov or fax a copy to 703-324-2267. Officers will indicate in their incident report if a copy was forwarded to CPS. This does not replace the officer's responsibility to notify CPS from the scene.

I. CPS if a parent or guardian is arrested and a child is without proper supervision and care.

VI. MAJOR CRIMES DIVISION RESPONSIBILITIES

A. Child abuse or neglect.

The Major Crimes Division shall assist the Department of Family Services upon request when it is necessary to conduct an investigation for criminal conduct resulting from child abuse or neglect. If a detective is not available, a patrol officer may be requested to process and preserve evidence. The Major Crimes Division Child Abuse Squad shall be responsible for handling any cases of sexual abuse or physical abuse that results in serious and/or life-threatening injury (fractures/burns/severe bruising, etc.). Cases that appear to be domestic violence, or do not meet the above criteria, shall be handled by the responding patrol officers or a domestic violence detective.

B. Runaway.

During an investigation concerning a juvenile who is a runaway, a detective may discover conditions in the child's home environment which indicate child

abuse or neglect. The action required to assist the child shall be guided by the criteria previously outlined.

If a child repeatedly runs away from home or an investigation reveals a condition in the home, other than abuse or neglect, which would persuade a child to run away, the officer may seek a petition from the Juvenile and Domestic Relations Court. This may be done, for the best interest of the child, without agreement of the parent or guardian.

VII. THE FOLLOWING DO NOT REQUIRE NOTIFICATION TO DEPARTMENT OF FAMILY SERVICES

A. Abuse or neglect of a child committed by an adult who is not the parent, guardian, babysitter, or other person responsible for the care of the child.

B. Delinquency.

C. Truancy, unless due to parental neglect.

VIII. INFORMATION COPIES TO BE SENT TO THE DEPARTMENT OF FAMILY SERVICES

A. Any case of suspected child abuse.

B. Conflict arising between a parent and child, with no indication of abuse.

C. Domestic conflict that is confined to the parents and no abuse or neglect is directed to the child.

IX. LEGAL REFERENCES

Code of Virginia

63.2-100	63.2-1509
63.2-1507	63.2-1517

SUBJECT: ASSISTANCE TO ABUSED OR NEGLECTED CHILDREN	NUMBER:	603.2
CANCELS ORDER DATED: 7-1-12	DATE:	4-1-13

X. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
14.01	04.01

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: EMOTIONALLY DISTURBED PERSONS CASES	NUMBER:	603.3
CANCELS ORDER DATED: 1-1-13	DATE:	4-1-13

I. POLICY

Police encounters with persons displaying symptoms of a mental disorder require the exercise of extreme caution and adherence to established guidelines in order to protect the rights of individuals and ensure public safety. It is the policy of the Department that non-arrest resolutions of cases involving emotionally disturbed persons (EDP) will be attempted whenever possible. Ideally, contacts with EDPs exhibiting symptoms of a mental illness will result in a referral to appropriate facilities on a voluntary basis. When public safety demands otherwise, involuntary detentions must be resorted to; however, the placing of criminal charges for the purpose of taking such persons into custody is to be avoided if possible. The effective and humane disposition of calls involving EDPs requires adherence to the procedures set forth in this general order. A coordinated effort between the police, courts, and mental health agencies is essential to the achievement of a professional approach to the problem.

II. STATE LAW

Code of Virginia §37.2-808, sets forth the procedures to be followed regarding the involuntary emergency custody of mentally disturbed adults. An amendment to this section in 2008 sets forth procedures that allow a law enforcement officer to take an adult into emergency custody without judicial authorization if the officer has PROBABLE CAUSE to believe based upon the officer's own observation **or** the reliable reports of others, if that adult is mentally ill and is in need of EMERGENCY evaluation.

The standard for probable cause based upon the change in the code is as follows:

> ….that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

Code of Virginia §16.1-340 sets forth similar procedures to be followed regarding the involuntary emergency custody of mentally disturbed minors. As with adults, law enforcement officers may take a minor into emergency custody without prior judicial authorization if the officer has PROBABLE CAUSE to believe, based upon the officer's own observation or the reliable reports of others, that a minor is mentally ill and is in need of an EMERGENCY evaluation. The standard for probable cause for a minor is as follows:

(i) because of mental illness, the minor

(a) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats,

or

(b) is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusionary thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control;

and

(ii) the minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment.

The period of emergency custody is limited to four hours. If necessary, one two-hour extension shall be granted by a magistrate if good cause exists. The specific procedures relating to involuntary temporary custody initiated by police officers is set forth in Section III. D below.

Unless otherwise specified, the use of the term "persons" or "EDP" refers to both adults and minors.

III. PROCEDURES

A. Voluntary Admissions to Mental Health Facilities

1. Persons who appear to be in need of mental health treatment, and do not pose an imminent danger to themselves or others, should be referred to a mental health facility. A family member or other responsible person is often available to assist the EDP in seeking such treatment. Emergency clinics are operated at the Woodburn Center and the Mount Vernon Center for Community Mental Health. Northern Virginia Mental Health Institute is a public inpatient facility for Northern Virginia.

2. Persons who have been or are under the care of a private physician should be referred to the physician, if possible.

B. Involuntary Admissions Where No Emergency Exists

1. If no emergency exists, a relative or any responsible person may petition a magistrate on duty at the ADC or Mount Vernon District Station for an emergency custody order to order the detention and a hearing for a person who is believed to be in need of mental health treatment. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to §37.2-809 (adult) or §16.1-340.1 (juvenile) and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

2. Police officers should refrain from initiating involuntary admissions unless there is no relative or other responsible person available and/or the suspected EDP appears to be dangerous to self or others as defined above.

C. Mobile Crisis Unit

1. The Woodburn Center operates a Mobile Crisis Unit during the hours of 0800 to 2300, seven days a week. The unit is comprised of mental health

professionals who operate out of the Emergency Services Section of the Woodburn Center. Two of the above persons will be working as a team during the stated hours. The unit responds on a 24-hour basis under special circumstances such as a hostage/barricade situation.

2. The mission of the Mobile Crisis Unit is twofold:

   a. To respond to calls from Judges, Special Justices, and Special Magistrates for the purposes of evaluating persons to determine whether detention is warranted, or in effecting feasible alternatives to involuntary detention.

   b. To respond to Police Department and Fire and Rescue Department requests for assistance in cases involving EDPs where counseling is of potential benefit. Assistance may be provided by telephone consultation or by response to the scene where appropriate.

3. If the EDP in need of mental health treatment is an imminent danger to self or others or in need of medical treatment and immediate involuntary detention is appropriate, the procedures outlined under III. D. below shall be followed in lieu of contacting the Mobile Crisis Unit. If a family member is available, that person should be the petitioner.

4. If the EDP appears willing to talk with a mental health professional, but is unwilling or unable to come to a mental health facility, the Mobile Crisis Unit should be contacted for telephone consultation or to arrange for a field visit if appropriate. The Mobile Crisis Unit may be contacted at 703-560-0224. Telephone hours for the Mobile Crisis Unit are 0800-2400.

5. If the Mobile Crisis Unit responds to a scene to assist the Department, police officers shall remain at the scene until the Mobile Crisis Unit arrives and the safety of all persons is assured.

6. In cases where the Mobile Crisis Unit responds to a scene, but determines that involuntary detention is unavoidable, a family member or a police officer shall be the petitioner as only in the rarest of circumstances can the mental health screener be the petitioner. The procedures outlined in III. D. below applies where a police officer is the

petitioner. Members of the Mobile Crisis Unit do not have the authority to detain a person suspected of being mentally ill.

7. Where the Mobile Crisis Unit makes a field contact at the request of the court, a magistrate may be designated to request simultaneous assistance from the Police Department. Upon such request, appropriate staffing will be dispatched to the scene to meet with the Mobile Crisis Unit and provide security assistance until there is a reasonable certainty that no imminent danger to the persons involved exists, and that immediate detention is not appropriate. If immediate detention is appropriate, utilize the procedures outlined in III. D. of this Order.

8. The Mobile Crisis Unit is unable to provide transportation. In some voluntary cases the police may be requested to transport after voluntary treatment has been arranged. Whenever possible, a member of the Mobile Crisis Unit will be requested to accompany such cases in the police vehicle.

D. Emergency Custody Initiated by Police Officers

1. An officer may take an adult EDP into emergency custody for an emergency mental health evaluation if the officer has PROBABLE CAUSE, based upon the officer's own observations or the reliable reports of others, that any person:

(i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future,

(a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any,

OR

(b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs,

(ii) is in need of hospitalization or treatment,

AND

(iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

2. An officer may take a minor EDP into emergency custody for an emergency mental health evaluation if the officer has PROBABLE CAUSE, based upon the officer's own observations or the reliable reports of others:

   That the minor EDP, as a result of mental illness, presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats

   OR

   That the minor EDP is experiencing a serious deterioration of his ability to care for himself in a developmentally age-appropriate manner, as evidenced by delusionary thinking (i.e., false or unrealistic beliefs, hallucinations such as hearing voices or seeing things that are not there) or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control;

   AND

   The minor is in need of compulsory treatment for a mental illness and is reasonably likely to benefit from the proposed treatment.

3. If an officer believes that probable cause exists to take custody of an EDP under these circumstances set forth in section III. D(1) or (2), the officer shall observe the following procedure:

   a. The EDP will need to undergo a medical screening prior to admission to a mental health facility. When the mental health facility does not have the capability of performing a medical assessment, the EDP

shall be transported to an authorized hospital for such an evaluation. Officers shall follow the procedures established in SOP 09-035.

b. Transport the EDP to one of the facilities listed below for evaluation to assess the need for hospitalization.

Woodburn Center for Community Mental Health
3340 Woodburn Rd; Annandale, 703-573-5679
24 hours/day, 7 days/week, including holidays

Northwest Center for Community Mental Health
North County Human Services Building
1800 Cameron Glen Dr.; Reston 703-481-4100
0900-1700 Monday-Friday
Closed Holidays
Use Woodburn Center when closed.

Mount Vernon Center for Community Mental Health
8119 Holland Rd.; Alexandria 703-360-6910
0900-2030 Monday-Thursday;0900-1700 Friday;
Closed Holidays; Use Woodburn Center when closed.

c. Such evaluations shall be conducted immediately. The period of custody shall not exceed four hours from the time the law enforcement officer takes the EDP into custody. However, upon a finding by a magistrate that good cause exists to grant an extension, the magistrate shall issue an order extending the period of emergency custody one time for an additional period <u>not to exceed two hours</u>. Good cause for an extension includes the need for additional time to allow (a) the Fairfax-Falls Church Community Services Board (CSB) to identify a suitable facility in which the EDP can be temporarily detained pursuant to §37.2-809, or (b) a medical evaluation of the EDP to be completed if necessary. During this process an officer must remain at the facility with the EDP until a temporary detention order (TDO) is issued, or until the EDP is released. If it appears that the four hour time window might expire, the officer assigned to the case shall notify his first-line supervisor. The <u>first-line supervisor</u> shall consult with the emergency room physician and/or the appropriate CSB staff

from their Emergency Services Unit to assess the need for requesting the two hour extension. If, in the judgment of any of those professionals, or in the judgment of the first-line supervisor, there would be a public safety concern to abandon the process at four hours, the police officer assigned to the case shall seek the two hour extension from the magistrate.

Because an EDP will have been in custody for four to six hours depending on whether or not an extension is granted, once the time limits have expired, officers shall remove themselves from scene upon expiration of their statutory time limits for lawful detention. When this occurs, officers shall let the affected CSB staff know they are leaving, and:

- Officers shall make all reasonable attempts to notify the complainant and any other individual to whom the detained EDP has made threats as part of this process - ALL attempts shall be documented in the report, whether they are successful or unsuccessful. This will include who was spoken to and/or who was left a message and in what capacity (voice message, message with a family or household member, etc.).

- Officers shall accurately indicate in their police report the specific times that they originally took the EDP into custody, the time that a two hour extension was requested and approved, when the two hour extension expired, and who was informed that they were leaving upon expiration of the lawful detention time. This should include the name of the CSB staff, patrol supervisor, and duty officer.

- The report should also reflect that the officer informed the affected patrol district or other police jurisdiction of the circumstances to include a description of the EDP and the possible location he may go. If the location is in Fairfax County, officers shall patrol the area when possible.

- Copies of all reports where the four hour (no extension authorized) or six hour emergency custody expires and

officers are removing themselves from the scene shall be sent to the Patrol Bureau via an I/LEADS link to the aide to the Deputy Chief for Patrol who will be tracking these cases.

d. When a TDO is obtained, the officer shall deliver the EDP to the facility indicated on the detention order.

e. If a TDO is denied, the officer shall offer to return the EDP to the location where custody occurred.

f. When a TDO is issued under these circumstances, the officer will not be required to attend the detention hearing unless the officer was the petitioner. Family members or others close to the EDP should be used as the petitioner, whenever possible.

E. Jail Diversion

1. EDPs who have committed a non-violent misdemeanor offense may be referred to the Jail Diversion program at the Woodburn Center in lieu of arrest. EDPs who are referred to Jail Diversion must meet the following criteria:

   - At least 18 years of age.
   - Suffering from an obvious mental illness as determined by the officer.
   - Have committed a non-violent misdemeanor offense in which the victim does not wish to prosecute.
   - The EDP may be taken to the Woodburn Center under voluntary or involuntary circumstances.

2. Officers who encounter an EDP who is eligible for Jail Diversion shall determine if there is a victim in the case who wishes to pursue charges. In these instances, the officer shall advise the victim of the diversion program and determine if they will forgo charges in lieu of diversion. If the victim refuses to consider diversion, the officer shall follow appropriate Department policy regarding arrest procedures.

3. The determination of mental illness for diversion is dependent upon the officer's training and experience, and not any formal medical assessment. It can include, but not be limited to, any abnormalities in the individual's perception, thought, or mood. The decision to use diversion shall rest with the investigating officer.

4. EDPs eligible for diversion shall have the process explained to them in an effort to gain their voluntary entry into the program. The explanation should include the alternative of treatment at the Woodburn Center in lieu of having criminal charges placed against them. If the EDP voluntarily agrees to diversion, the officer shall transport them to the Woodburn Center. EDPs who do not agree to diversion and do not meet the criteria for involuntary detention should be processed in accordance with General Order 601.1, Misdemeanor Arrests/Summons Release.

5. An EDP who has committed a criminal offense and is transported to the Woodburn Center under voluntary circumstances may leave the facility at any time. In the event that this occurs, the investigating officer shall make the decision as to whether to obtain a warrant for the original offense. An EDP who is transported to Woodburn Center under involuntary means shall not be permitted to leave the facility until the evaluation is completed or the time limit has expired (four hours or six hours, if a two hour extension was granted by a magistrate) for the officer to lawfully detain the person, whichever shall come first.

6. EDPs who are involuntarily detained by an officer for an emergency psychiatric evaluation and who have committed a minor criminal offense may be eligible for Jail Diversion if they meet the diversion criteria. These persons may be transported directly to the Woodburn Center for evaluation. This evaluation shall be conducted within the time period permitted for emergency detentions. During this time period, an officer must remain at the facility with the EDP until a TDO is issued, the EDP is released, or the EDP voluntarily agrees to enter the diversion program.

F. Domestic Violence and the Emotionally Disturbed Person

There may be circumstances where family members call the police for assistance with handling an EDP who is in a mental health crisis, and has

committed a simple assault against a family member, and the family member is not interested in criminal prosecution. In these cases, with the concurrence of a supervisor, an officer may assist the family by invoking the mental health emergency custody process in lieu of making a domestic assault arrest; keeping in mind that accomplishing the goal of removing the violence is the same under either scenario, and the criminal process requires the officer to prove criminal intent which might be difficult under these circumstances.

G. Custody and Transportation of EDPs

1. Proper restraining devices will be used, if necessary, to prevent injury to the EDP or the officer. The decision to use handcuffs will be based on the totality of circumstances and the potential for violence exhibited by the detainee.

2. EDPs taken into custody shall be transported in a cruiser equipped with a safety shield. If possible, two officers should handle the custody and transport of EDPs. Extremely violent EDPs may require special restraints and transportation by ambulance to the detention facility. If ambulance transportation is used, one officer will accompany the ambulance crew during transport if requested by them.

3. EDPs taken into emergency custody who are in apparent need of medical treatment independent of their mental disorder must be taken to a hospital Emergency Room prior to being taken to the detention facility. The period of emergency custody shall not exceed four hours, with one two hour extension granted by a magistrate if necessary.

4. EDPs taken into custody pursuant to a TDO who are in apparent need of medical treatment independent of their mental disorder must be taken to a hospital emergency room prior to being taken to the detention facility.

5. EDPs taken into custody will remain the responsibility of the police officer until custody is assumed by receiving personnel at the detention facility. If the officer has the proper detention order upon arrival at the designated facility, there should be minimal delay in relieving the officer of custodial responsibility. In the case of an escapee, the arresting officer shall transport the subject back to the facility the patient escaped from. The facility will either find bed space for the subject, or make arrangements to

transfer custody to the Sheriff's Office. Until placement is determined, the arresting officer is responsible for custody of the escapee.

6. If an officer is guarding an EDP at a hospital and for reasons of personal safety feels that physical restraints are necessary for the patient, due to the EDP's conduct, the officer should contact the Administrative Nursing supervisor. The Administrative Nursing supervisor should be requested to observe the EDP's actions or conduct and to contact the appropriate physician, if restraints are required. Nothing in this section shall preclude officers from restraining EDPs without prior approval in an emergency situation.

7. On rare occasions when no bed space is available in a secured mental health treatment facility anywhere else in the Commonwealth of Virginia, EDPs may be detained at the direction of a magistrate at the Woodburn Place (Crisis Care) located at 3300 Woodburn Road. This facility, which is considered an approved facility by the Board of Behavioral Health and Developmental Sciences and is managed by the CSB, is **not** a secure facility and the CSB will only use this facility for those EDPs under a TDO who are not a threat for violence or escape. As an officer's lawful authority to take action under §37.2-809 ceases upon delivery of the EDP to the facility listed on the TDO, officers will **not** be requested to guard EDPs at this location. If the CSB requests that on officer provide a guard at this facility, the duty officer shall be contacted immediately.

8. Officers shall cooperate fully with and assist personnel at the detention facility. This includes compliance with any detention facility regulations concerning the securing of police weapons.

9. Officers shall wear their service weapons at all times while guarding EDPs at any hospital facility.

    a. If an officer is assigned to guard an EDP at a Psychiatric Unit at any hospital, the officer shall contact the Administrative Nursing supervisor to request that the EDP be moved to another ward. If the officer is unable to resolve the matter at this level, the officer's supervisor shall be contacted. The supervisor will notify the hospital authority of Department policy, and that the EDP will not be guarded without the officer being armed.

b. The Psychiatric Unit at Fair Oaks Hospital is not an actual secured Psychiatric Unit as are the units at Fairfax and Mount Vernon Hospitals. If an officer is assigned to guard an EDP on this unit, weapons shall be worn.

10. The officer transporting the EDP shall advise the Department of Public Safety Communications of the officer's destination and estimated time of arrival so that a telephone call can be made alerting the receiving facility that an EDP is en route.

11. The list of facilities authorized to receive EDPs under a TDO is maintained by the Magistrate's Office and the police liaison commander (PLC). On an annual basis, the PLC will verify the accuracy of this approved list with the chief magistrate that the list is still accurate. This verification will be done within the first week of the new calendar year

12. For transports to facilities more than 90 minutes from Fairfax County, consideration should be given to the comfort of the EDP being transported and officers should use a designated transport vehicle when it is available. The Patrol Bureau will be responsible, through the PLC, to inform affected personnel of the availability and location of the vehicle.

H. Hearings Following Involuntary Detention

1. The officer executing the detention order is not required to attend the hearing <u>unless</u> the officer is named as the petitioner. This should only occur in cases where immediate detention is necessary and there is no relative or other responsible person available to request detention.

2. A hearing will be held within 48 hours of detention unless waived by the detainee. The officer's presence is necessary at this hearing if the officer is the petitioner.

I. Service of Emergency Custody Orders, Temporary Detention Orders or Escape Warrants

1. Department of Public Safety Communications personnel who receive a request for the service of a warrant/order shall record the necessary information for the dispatch of an officer.

2. The officer receiving the warrant/order shall immediately verify that it has been properly completed and signed. Special instructions as to the time of service or place of detention shall be noted. An emergency custody order (ECO) is valid for 6 hours upon issuance. A TDO is only valid for 24 hours from the time it is issued unless it specifically indicates otherwise.

3. Upon receipt of an ECO or a TDO, or as soon as practical thereafter, the obtaining officer shall ensure the order is entered into the Warrant Module of I/LEADS for tracking purposes. The Warrant Module shall also be updated upon service, or if an expired order is returned to the issuing authority's office.

4. If the warrant/order cannot be served within the same shift as received or at the time designated, the issuing authority shall be notified and the reason service cannot be made shall be provided. The issuing authority shall determine whether another attempt at service should be made later or whether the warrant/order should be returned to the court or detention facility. The officer shall notify the Warrant Desk of warrants which are being held for service; such warrants shall be entered into the Department's active warrant file.

5. Police officers are required to fill out the execution block on the lower left-hand corner of the order. The mental detention order is not valid until this is done. The hospital or other institutions can refuse to accept EDPs presented for admission if the detention order is not properly executed. Failure to execute this order and deliver a copy of this order is a cause for a technical dismissal of the matter during the hearing.

6. When an officer responds to Woodburn for the service of a juvenile petition for mental health and the subsequent TDO, the CSB will automatically notify the shift commander at the ADC. The Sheriff's Office will be responsible for the service of the petition only, in accordance with §16.1-341. The officer is still responsible for service of the TDO and transport of the juvenile to an approved facility.

7. EDPs served with mental petitions for detention at the Northern Virginia Mental Health Institute during the periods between 1700 and 0800 hours on regular weekdays, on weekends and State (not County) holidays, must first be taken to the Woodburn Center for Community Mental Health, where they will be examined by a physician. The officer(s) must remain at Woodburn during this time. At the conclusion of the examination, the officer(s) will then take the EDP to the Northern Virginia Mental Health Institute for detention.

J. Reporting Procedures

1. A complete incident report shall be submitted by the assigned officer, detailing the circumstances of the incident. Ten-99 clearances of such cases are not acceptable. The assigned officer shall contact the Warrant Desk whenever the warrant/order is served or returned to the issuer. The warrant control procedure shall be in accordance with General Order 601, Arrest Procedures, IV. B.

2. A complete incident report shall be submitted by the assigned officer for all cases involving Jail Diversion. The space provided for Event 1 on the incident report shall be used to record the criminal event found at the location of an occurrence. If the EDP is referred, either through voluntary or involuntary means, to the Jail Diversion Program, then Event 2 on the Incident Report shall have the classification, “Jail Diversion.”

IV. LEGAL REFERENCES

Code of Virginia

16.1-340	37.2-808
16.1-340.1	37.2-809
16.1-341	

SUBJECT: EMOTIONALLY DISTURBED PERSONS CASES	NUMBER:	603.3
CANCELS ORDER DATED: 1-1-13	DATE:	4-1-13

V. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
08.03
09.01
12.01
12.02

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: CUSTODY OF PROPERTY	NUMBER:	610.1
CANCELS ORDER DATED: 1-1-09	DATE:	4-1-13

I. PURPOSE

In order to ensure a valid chain of custody for evidence and found property seized or coming into the control of Department personnel; to eliminate the possibility of lost or mishandled property; and to avoid an unnecessary accumulation of property, uniform procedures for the storage and disposition of evidence and other property shall be utilized.

II. POLICY

The Department takes the management of property seriously, as it has a profound impact on many operations within the agency, as well as the criminal justice system as a whole. Officers are expected to use prudent judgment when impounding property and pay close attention to the rules of evidence. All employees involved in the handling of property shall have thorough knowledge of the policies and procedures surrounding the handling, reporting, and preservation of property. Individuals who do not follow the guidelines contained herein may be subjected to additional training or discipline, as deemed appropriate.

III. DEFINITIONS

Administrative disposal: A process utilized to clear an item's storage location and voucher from the evidence management system.

Audit: A review of the policies, procedures, and processes of the property and evidence functions of the agency to determine whether or not they meet the Department's General Orders and Standard Operating Procedures.

Evidence: Any property that comes into the custody of the Department, when such property may tend to prove or disprove the commission of a crime or the identity of a suspect, pursuant to an official criminal investigation.

Found property: Any property of no evidentiary value, which comes into the custody of the police, and whose rightful owner may, or may not, be known to the finder or to the Department. Due diligence shall be exercised with respect to

determining the rightful owner. If the owner cannot be determined, the Department shall dispose of the property in a manner prescribed by law.

Inspection: A periodic review of designated aspects of the property and evidence functions, such as security, access control, packaging, etc.

Inventory: The process of individually checking all, or a specified portion of, the property/evidence items against the agency's records.

Material: Used in this General Order to refer broadly to any controlled substance, marijuana, or paraphernalia, as defined by the Drug Control Act of Virginia (from GO 610.2)

Property: Used within this General Order to refer broadly to evidence, found property, and property for destruction.

Property for Destruction: Any property, including firearms and ammunition, seized from, or released by a citizen to the Department for disposal.

Temporary Property Collection Point: A secure, Department authorized room, designated by each station and certain divisions to house property from the time it is collected by the officer or detective until it is picked up by the Property and Evidence technicians or delivered directly to the primary Property and Evidence Section. This room shall be used solely for holding property, and should be set up so that sensitive items, to include but not limited to, currency, firearms, narcotics, and precious metals, are stored separately and more securely than other evidence. The blue supplemental crime scene lockers used for holding evidence that needs to be processed should also be located in this room. Authorized points include the district stations, the Operations Support Bureau, the Major Crimes Division, and the Organized Crime and Narcotics Division.

Temporary Property Supervisor: The sergeant or second lieutenant designated by a station or division commander to oversee the authorized temporary property collection point.

IV. SAFEGUARDING PROPERTY REMOVED FROM ARRESTED PERSONS

In order to ensure the safety of the arresting officer and prevent possible harm to the prisoner or other persons, officers shall search all persons in their custody for weapons or other objects which could be used to inflict harm or effect an escape.

A. Adult Detention Center

All property, other than evidence or contraband, removed from a prisoner who is to be detained at the Adult Detention Center, shall be turned over to the receiving officer at the booking desk of the Adult Detention Center.

B. Juvenile Detention Center

All property, other than evidence or contraband, removed from a prisoner who is to be detained at the Juvenile Detention Center, shall be turned over to the shift supervisor at the Juvenile Detention Center.

V. PROPERTY, OTHER THAN CONTROLLED SUBSTANCES AND CONTROLLED PARAPHERNALIA

A. Rights of Property Owners and Finders

1. Property acquired by the Department, other than by seizure or required for court, shall be claimed by the rightful owner within 60 days of the date of the Department's possession.

   Property seized or otherwise taken possession of by the Department, which is necessary for any court action, must be claimed by the rightful owner within 60 days from the date of the final disposition of court proceedings.

2. If the rightful owner does not claim such property within the 60 day period, the property shall be released to any person who found and delivered, or caused the property to be delivered, to the Department.

Finders shall claim property within 10 days of the expiration of the initial 60 day period. The finder's failure to claim property within the 10 day period shall be deemed a waiver of any claim the finder may have to the property and the property shall be disposed of as unclaimed property.

Based on Section 2-2-4 of the *Code of the County of Fairfax, Virginia*, finder's rights provided in Section 2-2-1 of the County Code do not apply " . . . to pistols, revolvers, derringers, bowie knives, dirks, sling shots, metallic knuckles, or other deadly weapons of like character . . ." Officers receiving such found property from citizens shall inform the finder of this exclusion.

Finders shall not claim property in the possession of the Department if they are a Department employee, or a member of the employee's immediate family.

3. Exception: Bulky or hazardous property may be disposed of immediately. This includes the disposal of bicycles. Found bicycles for which no owner is known and the finder does not wish to take possession will be disposed of immediately. When the owner is known, bicycles will be held long enough to allow the owner to reclaim them.

VI. CUSTODY OF CONTROLLED SUBSTANCES AND PARAPHERNALIA

A. All narcotics held as property shall be stored in the designated narcotics storage within the temporary property collection point or transported directly to the Property and Evidence Section.

B. Only material which is to be introduced as evidence at trial shall be forwarded for laboratory analysis.

1. Material Seized for Evidence and Transported to the Lab by the Property and Evidence Section

a. After properly packaging the material and entering it into the Evidence Module, the officer shall complete the Request for

Laboratory Examination form (DFS100-F100) as indicated in Section III, Chapter 24 of the Report Writing Manual.

b. During the scheduled weekly collection, property technicians will check the evidence for proper packaging and completion of the Request for Laboratory Examination (RFLE). The technicians will not collect any narcotics with packaging or RFLE form errors. The technicians shall identify any issues to the station/division property supervisor. The material will be left in the temporary property collection point for the officer to correct.

c. Properly packaged materials will be collected and submitted to the lab by employees of the Property and Evidence Section on a weekly basis, in accordance with the section's internal operating procedures.

2. Material Seized for Evidence and Transported to the Lab by the Case Officer

a. Depending on the type of case and/or evidence involved, detectives and sometimes patrol officers may elect to hand carry evidence to the lab. Patrol officers may do so only with supervisory approval.

b. Material that is hand carried shall be placed inside a Department approved clear plastic bag, or if too large, packaged suitably in a Department approved evidence packaging box. Officers shall complete the outside of the clear plastic bag or box. The bag shall be completely sealed, and items such as bongs shall have all holes closed with tape. Freshly cut or living plants shall be thoroughly dried prior to storage in the Department approved clear plastic bag or box, unless seized or found in such bag. If doubt exists concerning packaging requirements for materials, contact an available drug chemist at the Northern Virginia Forensic Laboratory, 703-334-9755, or review the online packaging manual at www.dfs.virginia.gov.

c. The officer shall package the material in accordance with all departmental policies, procedures, and evidence packaging guidelines. An RFLE form shall be completed.

d. The officer shall bring all evidence that they intend to hand carry to the lab to the Property and Evidence Section first. The chain of custody record can only be updated once it is received by the Property and Evidence Section.

e. The officer shall then transport the material to the Northern Virginia Forensic Laboratory, 10850 Pyramid Place, Manassas, Virginia. The lab receives material Monday through Friday between 0815 hours and 1700 hours. The officer shall submit the RFLE form at the lab's evidence receiving desk and retain a copy for the case record.

f. Following analysis, the seizing officer shall receive by mail, three copies of a Certificate of Analysis. The officer shall file a copy of the Certificate of Analysis no less than 7 days prior to the assigned court date.

g. A property technician will transport evidence from the lab back to the Property Section during a regularly scheduled pickup.

h. When material is no longer required as evidence for court, the officer shall notify the Property Section and ensure that the status is changed from EVIDENCE to DESTROY. The Property Section personnel shall receive the material and obtain court authorization for destruction.

C. Material that is not evidence and therefore does not require laboratory analysis shall be handled as follows:

1. The reporting officer shall package the material in a Department approved clear plastic bag or a box, complete the information on the exterior portion, and clearly mark the package with the word DESTROY.

2. The material shall be entered into the Evidence Module with the status of DESTROY, and the barcode label displaying this status shall be affixed to the exterior of the package.

3. The packaged material shall be placed in the narcotics storage of the temporary property collection point. The property technician shall collect the material during the weekly pickup and process the item for destruction.

D. Upon receipt of any prescription medications that are held in police custody as found property or for temporary safeguarding, a reasonable effort should be made to visually inspect the container to ensure that the contents correspond to the prescription and that illicit substances are not present. A Physician's Desk Reference (PDR) is useful in identifying prescription medications by appearance. Prescription medications may be released under the following conditions:

1. Releasable medications must be packaged in the original pharmacy-issued contained, including the prescription label identifying the pharmacy, patient, medication, dosage, date prescribed, and prescribing doctor.

2. The material is to be released only to the adult patient prescribed the medication, and only upon satisfactory proof of identification with valid photo ID. The claimant, if other than the patient, may receive the material only legal custody or guardianship of the patient (i.e., child or other family member) can be established.

E. Narcotics, marijuana, and paraphernalia collected and submitted in quantities that constitute a misdemeanor shall be stored by the Property Section for one year to allow the investigating officer to initiate prosecution of the case. The investigating officer is responsible for notifying the Property Section and updating the evidence record to indicate the item(s) need to be retained for a longer period of time. Lacking any notification, the status of the item(s) will be changed to FOR DESTRUCTION by the narcotics processing officer and destroyed during the next scheduled drug disposal.

F. A detective from the Internal Affairs Bureau shall accompany Property and Evidence staff during the quarterly narcotics burns to audit the process and ensure compliance with all legal requirements and business practices.

VII. RESPONSIBILITIES OF SUBMITTING PERSONNEL

A. All property which is seized or comes into the possession of Department personnel shall be properly packaged in accordance with established procedures provided in the FCPD Evidence Packaging Guide. An incident report shall be completed describing the circumstances under which the property came into police possession.

1. All potentially dangerous articles shall be rendered safe. Firearms shall be unloaded and secured in an approved weapons box. The exterior of the box shall be marked “SAFE”. Open-bladed knives will have exposed edges covered. Handguns shall be placed in the approved storage location within the temporary property collection point.

2. Narcotics and related paraphernalia shall be packaged separately. Narcotics shall be placed in the approved storage location within the temporary property collection point.

3. Large items not suitable for packing in containers will be appropriately identified with a bar code label on a securely attached bulk item tag.

4. Property opened for any reason must be resealed before submission to the Property Section for safekeeping.

5. All currency or negotiable items coming into the control of Department personnel will be packaged and sealed as an individual item in a translucent Department currency bag. This includes currency removed from arrested persons. If the currency is such an amount that it will not fit into a currency bag, then it may be packaged in a box.

a. The separate and sealed individual package of currency will list the exact contents, including the breakdown of denominations (bills and coins), and the grand total of the currency. This information will be recorded on the exterior of the currency bag or box. The currency package shall be signed by the counting officer and a verifying officer.

b. A verified counting procedure has been established to accurately record all currency and to eliminate the possibility of a miscount. The following procedure will be utilized for all currency which is in the control of the Department for any reason:

(i) At the first reasonable opportunity, the employee responsible for the custody of the currency shall count the currency by separating it into each denomination of bills and coins.

(ii) The total amount of each denomination should be added to determine a grand total.

(iii) The currency will also be counted in the same manner by another sworn employee, preferably a supervisor. The second officer or supervisor shall be documented as a part of the case or property record.

(iv) After confirming the amount, the money will be placed in a separate sealed currency bag or box and the exact currency count recorded on the exterior of the currency bag or box. The appropriate barcode label will be placed at the top of the currency bag or box.

(v) All currency shall be placed in the approved storage location within the temporary property collection point.

6. Prior to the end of the collecting officer's shift, all property will be entered into the Evidence Module. Each item or group of like items will be sequentially numbered when entering property into the module. The barcode shall be attached to the exterior of the

package of each item or group of like items. In limited situations when an employee cannot enter the property into I/LEADS by the end of the shift, the property will be secured in the temporary property collection point. Officers shall include their name and case number, and complete the Temporary Log for Immediate Entry. Supervisory approval is needed for any items not entered into I/LEADS prior to the end of the shift. Property shall be processed immediately upon return to work.

7. All personnel shall place all property into an authorized temporary property collection point after entering it in the Evidence Module. Exceptions to this include large quantities of recovered or seized property, or large, bulky items that may not fit into the temporary collection point, and should be transported immediately to the primary Property and Evidence Section. The Property and Evidence Section has a limited, after-hours drop-off location outside the police entrance to the section. Officers who need to secure property after hours shall place the evidence inside the locker and secure it with the provided padlock. Property technicians inspect the lockers Monday through Friday during business hours and will process any items secured inside. Property shall not be stored in any vehicle, desk, personal locker or any other unauthorized location.

8. If circumstances occur outside of the regular operating hours of the Property and Evidence Section and the drop-off location cannot accommodate the size or quantity of the property, arrangements for transport and/or storage shall be made by contacting the police liaison commander (PLC), who will coordinate with the Resource Management Bureau.

9. Any officer who intends to hand carry any evidence directly to the Northern Virginia Forensics Laboratory for analysis shall first take it to the Property and Evidence Section so the chain of custody record may be updated.

10. Officers may elect to hold certain property at the station for release to the owner. Such property shall be marked and dated as “Hold for Release to the Owner”. However, if the owner has not collected the

property from the station within 72 hours of notification, the property will be transported during the next scheduled weekly pickup.

11. Any property that is released to the owner directly from the station must be completed in accordance with Section II, Chapter 3 of the Department's Report Writing Manual. Deviation from requirements in this subsection must be approved by a command staff officer. Property releases shall be recorded in I/LEADS prior to the end of the releasing officer's shift.

    a. Firearms may be released at the Property Section or the respective district station or division. Prior to releasing the firearm, the police citizen aide (PCA) or other VCIN Level B operator shall complete an NCIC/VCIN criminal background check, using purpose code "F" on the person attempting to pick up the firearm. The results of the background check shall be recorded on the Firearm Release Verification form (PD210). This form shall be forwarded to the Property Room following the release of the firearm(s) or the refusal to release the firearm to the owner.

    b. Civilian employees may request a sworn officer to assist with the release of firearms at the station to ensure the firearm has been made safe.

12. Officers who have been designated by the Department as supplemental crime scene technicians or detectives assigned to CIS may temporarily retain evidence at a station beyond the weekly collection period with the intent of further processing or retrieving additional information from the evidence (i.e., determining ownership). The collecting officer shall enter the retained item(s) into the Evidence Module and complete the Crime Scene Request template in the Supplement section of the I/LEADS Incident Module. A link shall be sent from this supplement to the Role for Crime Scene in order to ensure processing and analysis. The item(s) shall be stored in the blue supplemental crime scene lockers designated for evidence that requires processing When processing has been completed, the processing officer/CIS detective will place the item(s) in the appropriate storage location within the temporary

property collection point, at which time it will be transported through normal means.

a. Evidence retained for this purpose shall not be held at the station more than 30 days beyond its date of collection.

b. If there is not any space available in the blue slam lockers to hold property for processing, the item(s) shall be sent to the Property Section during the next weekly collection and held until supplemental crime scene is able to retrieve and process it.

13. Officers recovering bicycles shall ask finders of such bicycles if they are interested in claiming the bicycle in the event the owner cannot be identified. If so, officers are to note the finder's name and daytime telephone number in the. Evidence Module. The Property Section will contact the finder and arrange for release and pickup of the bicycle. Officers are not to advise finders to contact the Property Section.

14. Virginia Department of Motor Vehicles (VDMV) temporary and permanent license plates shall be placed in the temporary property collection point or delivered directly to the Property Section. Each license plate shall have a barcode label attached.

a. License plates that are not needed as evidence will be marked as “release to owner,” VDMV. These license plates will be transported to the VDMV by an employee of the Property and Evidence Section.

b. All VDMV license plates and operators’ licenses that are needed for court are handled as evidence and shall be processed as any other evidence pursuant to Section III of this Order.

c. Out of state license plates and operator’s licenses that come into possession of Department personnel shall be treated as any other property pursuant to Section V of this Order. VDMV does not accept these items.

15. VDMV operators' licenses seized for suspension or revocation shall have the appropriate VDMV suspension/revocation notice attached in lieu of completing a bar code label. Station/division commanders shall utilize one of the following methods in handling this type of VDMV property:

    a. The licenses may be placed in a separate tray that is checked on a daily basis and the licenses transported within the required 24 hours.

    b. The licenses may be mailed directly to VDMV headquarters.

16. It is the responsibility of the current case officer to notify the Property Section when the disposition of property changes. This includes changes from EVIDENCE to RELEASE TO OWNER or OWNER UNKNOWN, DISPOSE OF IN ACCORDANCE WITH LAW. When a case has been assigned to a detective, it is that detective's responsibility to update the case officer information in the records management system.

17. Employees submitting property which may be claimed shall make a determined effort to locate the rightful owners of any property without known ownership. This includes conducting an NCIC check when appropriate. Employees shall inform finders that should the rightful owner be located after property was released to them, the owner may take action to reclaim the property in the possession of the finder.

    a. An Owner Notification Letter shall be sent by the Property Section to the owner/finder of all releasable property, once the property disposition is changed to releasable.

VIII. RESPONSIBILITIES OF DIVISION/STATION SUPERVISORS

A. Each division and station commander having an authorized temporary collection point will designate one supervisor at the rank of sergeant or second lieutenant to oversee the temporary property collection point. This temporary property supervisor will be responsible for conducting a complete inventory of the property collection point weekly, and conducting inspections. This temporary property supervisor will also be the primary point of contact with the Property Section regarding all property matters at their division/station.

1. The weekly inspection shall include a shelf-to-record inventory, which requires the temporary property supervisor to print a complete list of property currently assigned to the station's temporary property collection point. The temporary property supervisor shall then compare what is on hand to what is on the list. The supervisor shall complete the Weekly Property Inspection Summary, noting items not accounted for, items not entered into I/LEADS, etc. All discrepancies shall be researched, verified, and corrected, as appropriate. The results of the inventory and corrective actions shall be forwarded to the appropriate supervisor and commander for review and action, as necessary.

2. Inspections may be done as needed and at the discretion of the station commander. The temporary property supervisor may review items for proper packaging and labeling; proper storage of sensitive items and items held for processing; reoccurring exceptions that may require training; and security and access control.

3. Station or bureau commanders may conduct an inspection or audit of the temporary property collection point(s) at any time.

4. Supervisors are responsible for initiating administrative disposals in accordance with Section X of this General Order, when an item cannot be located at the temporary property collection point, and there is no indication that the item was transported to the primary Property and Evidence Section.

B. The station commander shall ensure that a supervisor is available to accompany the property and evidence technicians during the weekly scheduled property collection. This supervisor shall ensure that any issues identified during the collection period (e.g., incomplete or inappropriate packaging) are communicated to the appropriate station personnel and/or command staff.

C. Any issues identified during the weekly collection must be corrected by the next scheduled collection. Issues identified during consecutive weekly collections shall be referred by the station property supervisor to the station commander. If an opportunity for training is identified, the station commander shall coordinate with the commander of the Resource Management Bureau to determine an appropriate solution.

IX. RESPONSIBILITIES OF PROPERTY SECTION PERSONNEL

A. The Property Section will maintain a sufficient supply of materials for sealing and resealing containers presented for storage.

B. Evidence technicians will regularly collect evidence from the temporary property collection points on a weekly basis, in accordance with the schedule established by the Property Section supervisor. If a location experiences a high volume of evidence, a supervisor may request an additional pick-up by the Property Section.

C. Evidence technicians will not accept any property which is not appropriately packaged according to established guidelines.

1. The Property and Evidence Section supervisor will accompany the evidence technicians at least once a quarter and conduct an unannounced inspection of each station's temporary property collection point. Results will be communicated in writing to the respective station/division commanders.

2. The Property and Evidence section supervisor shall conduct a quarterly inspection of adherence to procedures used for the control and accountability of property. This may include, but is not limited to

the inspection of security and access control and internal processes and procedures followed by the evidence technicians.

3. The Property Section supervisor will be responsible for finalizing all administrative disposals, conducted in accordance with Section X of this General Order.

X. ADMINISTRATIVE DISPOSAL

A. Administrative disposals do not relieve the affected employee or supervisor of any responsibility to exhaust all investigative steps to locate an item, nor do they substitute for an administrative investigation. In the event of cases involving firearms, currency, or narcotics, an administrative disposal shall not occur until an administrative review has been completed.

1. When an item cannot be found during an inventory, officers and/or supervisors shall follow these procedures:

a. Review all pertinent case documents, including incident reports, supplements, property records, and/or vouchers for any scanned documents or notes that indicate the location of an item.

b. Follow up with the listed owner to ensure the item was not released back to them.

c. Consult with the Property and Evidence Section for additional investigative steps, or audit information.

2. If these steps do not reveal the status of the item, an administrative disposal memo shall be routed through the officer's assigned station/division commander to the Director, Logistics and Property Division, Resource Management Bureau.

3. A copy of this memo will be routed to the Property and Evidence Section supervisor to complete the final disposition. Any voucher associated with the property will be reviewed and deleted if all of the items on the voucher can be accounted for. The supervisor or a designee will utilize Quick Update and use the code DISPOSITION

and add notes in the disposition record indicating administrative disposal. The memo will be retained in the Section supervisor's office files for a minimum of three years.

B. The Internal Affairs Bureau Inspections Division may inspect records of administrative disposals at any time. The Inspections Division is also responsible for other inspections related to property and evidence, as defined in General Order 320.1, Section V.

XI. LEGAL REFERENCES

Code of the County of Fairfax, Virginia, Section 2-2-1
Code of the County of Fairfax, Virginia, Section 2-2-4

XII. ACCREDITATION STANDARDS REFERENCE

VLEPSC
ADM.
16.01
16.02
16.03
16.04

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

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: CUSTODY OF CONTROLLED SUBSTANCES	NUMBER:	610.2
CANCELS ORDER DATED: 10-1-07	DATE:	1-1-13

General Order 610.2 has been removed and incorporated into GO 610.1, Custody of Property