COUNTY OF FAIRFAX

POLICE DEPARTMENT
REGULATIONS AND GENERAL ORDERS

VOLUME II - OPERATIONS

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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: OPERATION OF POLICE VEHICLES	NUMBER: 501.1
CANCELS ORDER DATED: 4-1-09	ISSUE DATE: 1-1-11

I. PURPOSE

This policy is issued for the purpose of delineating policy, providing guidelines, establishing rules governing the operation of County vehicles, and outlining procedures for specific incidents. Crashes involving police vehicles may involve property damage ranging from minimal to extensive, and may result in personal injuries or death to police officers and/or citizens. The serious consequences and potential losses resulting from crashes make the issue of vehicle operation one of grave concern.

II. POLICY

The safety of the public and employees of the Department is of paramount importance in the operation of police vehicles. Accordingly, Department policy is that all County vehicles shall be driven within the limits of state law and County ordinance, and with a goal of establishing an example of safe driving for all citizens. Under emergency situations, sworn personnel are permitted to operate emergency vehicles beyond the limits of normal driving. The guidelines for these situations and other vehicle operations are set forth in this policy.

III. APPLICABILITY

The provisions of this policy are applicable to every employee of the Police Department, police officer and civilian, who is required to operate a County vehicle in the performance of official duties. Certain sections, by the very nature of their design, apply specifically to police officers.

IV. TERMINOLOGY

As used in this policy, the following words and terms shall have the meaning ascribed:

A. Controlled Intersection - Any location of intersecting streets or highways where vehicular traffic is controlled by signal lights or signs.

B. Normal Driving - That driving which relates to the maintenance of vehicle

speed concurrent with the normal flow of traffic, the obedience to motor vehicle laws and requirements of posted vehicular control signs, the adherence to the "Rules of the Road," and the practice of courtesy as a responsible driver.

C. Pursuit Driving - The act of following another vehicle, with emergency lights and siren activated (in accordance with the provisions of *Code of Virginia* § 46.2-920), in order to overtake and apprehend a violator who has disregarded the signal to stop. This definition is applicable regardless of the distance, speed, duration or number of police vehicles involved in the pursuit, and whether or not an apprehension is made.

D. Pacing - The act of following a motor vehicle at a coordinated speed to determine the followed vehicle's actual speed in violation of the posted speed limit.

E. Response Driving - That driving of an expeditious nature which relates to the effort made in a police vehicle to proceed to the location of an emergency, in a manner consistent with the provisions of *Code of Virginia* § 46.2-920, to include the usage of emergency lighting equipment, siren, and having due regard for the safety of persons and property. The term *response driving* includes operation of a law enforcement vehicle both in apprehension of persons suspected of committing a violation of law or in a response to an emergency call.

An active attempt by one or more officers operating police vehicles equipped with emergency lights and siren to overtake and capture a suspect or violator of the law operating a motor vehicle, while that person is making <u>no</u> willful effort to disregard the signal to stop, is also considered response driving. This applies to the time between the observation of an offense until the point and time that the police vehicle has moved into a position behind the suspect/violator vehicle. If the suspect/violator vehicle yields to the signal to stop, then the encounter ends as a response driving situation. If the suspect/violator fails to yield to the police vehicle and willfully disregards the signal to stop, then the encounter escalates to a pursuit (see section IV. C.).

F. Precision Immobilization Technique - The intentional act of using a police vehicle to physically force a fleeing vehicle from a course of travel in order to stop it. PIT is a <u>specific, technical maneuver</u> which requires advanced

practical training prior to use.

G. Serious or Fatal Injuries - Life-threatening injuries or injuries resulting in death.

H. Incident - When a police vehicle comes into contact with another vehicle, object or person as a direct result of the intentional actions of the officer. The use of the Precision Immobilization Technique shall not be considered an incident for reporting purposes.

I. Close Pursuit - Pursuit that is initiated with the intent to overtake and arrest. Close pursuit does not necessarily imply immediate pursuit, rather pursuit without unreasonable delay. Close pursuit shall be synonymous with hot or fresh pursuit.

J. Foreign Jurisdiction - Maryland, the District of Columbia and/or other states.

K. Major Jurisdictional Boundary - Any jurisdictional boundary beyond what the pursuing officer would cease to have authority under normal conditions (i.e., state boundaries, the District of Columbia boundaries and certain federal boundaries).

L. Probable Cause - Where facts and circumstances are such as to cause a person of reasonable caution to believe that an offense is being or has been committed.

M. Felonies Involving Violence - Crimes under this definition are murder, manslaughter, mob-related felonies, malicious wounding, felony kidnapping or abduction, robbery, carjacking, felony criminal sexual offenses, escape with force, and any felonies involving the discharge of a firearm.

V. GENERAL OPERATIONS AND GUIDELINES

Police response must, of necessity, be governed by the nature of the occurrence, the amount of information a caller or complainant provides, and the credibility of that information.

During normal day-to-day police operations, many calls are received from citizens that concern mostly matters of routine services and complaints. In the majority of these calls, the situation reported is neither urgent nor of an emergency nature; hence, an officer responding to such an assignment would not be justified in operating the police vehicle in a manner other than that defined as normal driving. In other cases, however, an officer may or may not be justified to expedite to the location of a call, depending on: (1) the nature of the call; (2) the seriousness of the situation; and (3) the variable conditions of traffic congestion, weather, road surface, etc., present at the time.

No attempt is made to establish a fixed order or priority to include every possible situation. However, some form of guideline must be offered and, of necessity, that guideline must concern itself with the matter of whether a human life is or is not in danger, based on the total information known at the time.

Any situation in which there is a high probability of death or serious bodily injury to a person is one that calls for action that is immediate and swift.

Recognizing that protection of human life is paramount, the responding officer must bear in mind that the response objective is to get to the location of the occurrence as soon as possible, safely and without danger to the officer or to others.

Since an officer's judgment and decision to expedite or not to expedite will depend on the total information received from the Police Radio Dispatcher or other source it is critically important for such information to be complete and accurate. Recognizing the importance of communication content and accuracy, EVERY INDIVIDUAL involved in the communication process must exercise great care to obtain as much information as possible from the reporting source, and to make every effort to ensure information accuracy throughout the process, from the initial source to the officer in the field.

VI. RULES GOVERNING VEHICLE OPERATION

The following rules govern the operation of police vehicles:

A. The operator of a County vehicle has the responsibility to inspect the safety features of the vehicle prior to commencing operation. The check should include, but not be limited to, all lights, brakes, fluid levels, siren, horn and steering. No officer or employee shall operate any County vehicle which is believed to be operationally unsafe. Vehicles shall not be operated without fully functioning emergency equipment. A County vehicle with serious mechanical defects shall be towed, not driven, to the County Garage. All weapons shall be removed from any police vehicle prior to delivering it to a County Garage or other service location.

B. Safety belts shall be worn by drivers and passengers whenever the vehicle is so equipped. This applies to the operation of County-owned vehicles, commercial or privately owned vehicles, if used while on-duty.

C. No operator of a County vehicle shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, supplemental restraint systems (airbags), emission control devices or any part of the vehicle which affects its operation.

D. During periods of inclement weather when County vehicles cannot be washed regularly, the operator of a County vehicle must ensure that headlight, bar light and taillight lenses are kept clean, insofar as circumstances permit.

E. The operator of a County vehicle, when made aware of any unsafe condition, shall advise the squad supervisor who shall ensure the vehicle is transported to the respective Department of Vehicle Services (DVS) facility as soon as practicable. DVS personnel shall determine the condition of the vehicle and its suitability for service.

F. The operator of a County vehicle shall exercise careful observation of surrounding conditions before turning or backing any vehicle, and operate the vehicle with due regard for these conditions.

G. A County vehicle shall not be left unsecured with its engine in operation.

H. The operator of a County vehicle must recognize the variable factors of weather, road surface conditions, road contour and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall operate the vehicle with due regard for these factors.

I. In addition to the provisions of this policy, the operation of County vehicles is governed by the Motor Vehicle Laws of the Commonwealth of Virginia and the County of Fairfax.

J. Except for the very limited period of time in which pacing is accomplished, response or pursuit driving shall require the use of emergency equipment. Under certain limited conditions, such as open highway with no traffic, the siren may be used intermittently with emergency lights in constant operation. Police vehicle operation under these conditions requires extreme caution.

K. The nature of certain crimes in progress may call for the use of the siren and/or emergency lights to be discontinued on close approach to the location of the occurrence. Although this action is authorized by Code of Virginia § 46.2-920, police operations under these conditions require prudent judgment and extreme caution and such use shall be clearly articulated.

L. For the call *Police Officer in Trouble* (Signal 1), only the units assigned and those nearest the location should respond. For reasons of safety, responding units should advise the police radio dispatcher as to the location from which they are en route. The first officer arriving at the location who can do so should advise the police radio dispatcher of the conditions as soon as possible in order that additional units can be canceled or dispatched without delay.

M. When approaching a controlled intersection or other location where there is a reasonable possibility of collision, the operator of a police vehicle being operated under response or pursuit driving and having the right-of-way, shall control the vehicle in such a manner so as to avoid a collision, reducing the vehicle′s speed or stopping if necessary. When the operator of the police vehicle being operated under response or pursuit driving does not have the right-of-way, the operator shall reduce the speed of the vehicle and control the vehicle in such a manner so as to avoid collision with another vehicle or pedestrian, or **stopping completely, if necessary**, before entering and

traversing the intersection, while having due regard for the safety of persons and property.

N. Regardless of the seriousness of the situation to which an officer is responding, and except in circumstances that are clearly beyond the officer's control, the operator of a police vehicle shall be held accountable for the manner in which the vehicle is operated.

O At the scene of a crime, a motor vehicle crash or other police incident, a police vehicle should be parked in such a manner so as not to create an obstacle or hazard to other traffic. If it is necessary to warn other drivers approaching the location, the emergency lights, four-way flashers, traffic flares or cones, or other warning devices shall be used.

P. The public address system located in police vehicles shall be used for official purposes only. The system may be used for purposes such as crowd control, felony vehicle stops, evacuation, riot scene control and other similar incidents. The specific use shall be at the discretion of the officer when an articulable need exists.

Q. The spotlights and alley lights located on police vehicles shall be utilized in accordance with state law and for official purposes only. The system may be used for vehicle stops, checking businesses, or other patrol related functions.

R Truck chassis vehicles shall not engage in vehicle pursuits. However, sworn personnel who have been authorized by the Chief of Police and who have received training from the Criminal Justice Academy's Driver Training Unit may engage in response driving while operating an authorized truck chassis or SUV platform vehicle in accordance with Section IV.E of this policy. The Criminal Justice Academy shall maintain a list of authorized vehicles and divisional personnel who are certified to use such vehicles for response driving.

S. When entering a curve or entrance/exit ramp, operators of truck chassis vehicles shall adhere to the posted maximum safe speed. Drivers who are authorized to engage in response driving mode in an approved truck chassis or SUV platform vehicle shall exercise caution while entering a curve or entrance/exit ramp to ensure their speed is appropriate to safely handle the vehicle.

T. Truck chassis vehicles shall always be slowed when going off the roadway or traveling on uneven pavement.

U. While operating a County vehicle, personal or issued communication devices shall not distract a sworn or civilian employee from the safe operation of the vehicle.

VII. VEHICLE ESCORTS

Requests for various vehicle escorts are received on a regular basis by the Police Department. These range from escorts for funeral processions to dignitary protection to hazardous material transportation. Requests for these services will generally originate with the Traffic Division, Operations Support Bureau, and will be provided by the Motor Section. Occasionally, staffing constraints may dictate the need for patrol assistance via personnel from affected district stations. Personnel should be aware of the hazardous circumstances which are present while conducting escorts. Thus, it is recommended that all escorts be conducted with marked police vehicles, motors or cruisers. Marked police vehicles provide maximum visibility to other motorists, which will reduce the risk of crashes.

A. Officers assigned to escorts have the responsibility to choose the travel route. Factors to be considered in route selection are time of day, local traffic, workload, road hazards, permit requirements and weather. If the escorted party does not agree to the selected route, they will be advised to proceed at their own risk without an escort or, in the case of hazardous materials or wide loads, that they cannot traverse the County until they agree to the specified conditions.

B. Officers have the responsibility to refuse any escort which presents an unreasonable hazard to their safety or that of the public, after consulting with their supervisor. The primary concern in all escorts is to ensure the safety of the officers involved, persons being escorted and the public. It is the secondary concern of police personnel to ensure minimal disruption to the normal traffic flow.

C. Police vehicles actively involved in traffic control during an escort assignment shall have their emergency lighting equipment in operation at all times.

Intermittent use of the siren may be required as a warning to other motorists. No escorted vehicle shall be permitted to exceed the posted speed limits.

D. The officer in charge of a funeral escort will determine the manageable number of vehicles which can be escorted, based on assigned personnel, route and weather conditions. Generally, processions with less than 15 vehicles will not be escorted unless circumstances dictate otherwise. Prior to refusing such an escort, the officer will confer with the immediate supervisor. In the event that the procession is larger than anticipated and cannot be safely escorted with available staffing, the officer will advise the procession coordinator that there will be a delay to await additional assistance or the procession can; (1) proceed without escort at its own risk or; (2) the officer may take a manageable number of vehicles, to include the family vehicle and funeral coach. Additionally, funeral home personnel shall be advised of the need to have all participating vehicles illuminate their headlights and activate their four-way flashers. Placarding for the lead and last vehicle should also be recommended.

E. Officers shall enter controlled intersections only on a green traffic signal. The officer may take control of the intersection; however, once this is done, control shall be maintained until the last vehicle in the procession has passed through the intersection. Motor officers may take control of any intersection, regardless of the signal color, when required by traffic conditions.

F. When officers pass vehicles in a procession in order to reach the front, they shall not pass within the same traffic lane as the escorted vehicles and shall exercise due regard for their safety and the public. Escorted vehicles shall not be allowed to proceed against a red traffic signal, unless at the direction of a police officer.

G. When the route of travel includes the interstate highway system, officers will advise a funeral home representative that the procession may not be assisted onto the interstate by police. Escort officers will remain in the right lanes of the interstate at a speed of less than 55 miles per hour to facilitate the reassembly of the procession.

H. Escorts of public officials and dignitaries will be coordinated with the appropriate personnel representing the official or dignitary and the commander of the Operations Support Bureau through the Traffic Division commander. The Motor Section supervisor will be responsible for

establishing the specific duties and assignments of police personnel related to the escort. When such escorts will be done in conjunction with a security detail for the officials, then the policies and procedures established under General Order 520.6, VIP Protection Policy, will also be followed.

I. Escort requests of an unusual nature, such as for hazardous materials, over-sized loads, parades, etc., shall be approved by and coordinated through the Operations Support Bureau commander or the Traffic Division commander.

J. Escorts of civilian vehicles or other non-emergency equipped vehicles in emergency situations are prohibited.

VIII. CRASHES OR INCIDENTS INVOLVING POLICE VEHICLES

Recognizing that motor vehicle crashes will occur despite all preventive efforts, this policy establishes the following investigative responsibilities and procedures:

A. The operator of a police vehicle involved in any type of crash or incident shall, unless physically disabled, notify a police supervisor without delay.

B. When notified of such crash or incident, the police radio dispatcher shall advise the involved operator's supervisor.

C. A complete investigation of the facts and circumstances surrounding the crash or incident shall be conducted.

1. Generally, the investigation shall be conducted by the operator's squad supervisor. In the event the respective squad supervisor is not available, the investigation shall be conducted at the direction of the nearest available supervisory officer.

2. An officer of equal or superior rank shall investigate any crash or incident involving a supervisor or staff officer. The services of any Accident Investigation Unit may be utilized for assistance.

3. The Internal Affairs Bureau, with the assistance of the Crash Reconstruction Unit, shall investigate the following specific types of crashes or incidents:

a. All crashes, **or incidents**, resulting from or involving a police vehicle coming into contact with another vehicle, object, or person as a direct result of the intentional actions of the officer, **which result in death or serious physical injury.**

b. All crashes resulting in fatalities or serious physical injury which directly involve a police vehicle.

c. Use of the Precision Immobilization Technique.

d. Crashes which result in death or serious physical injury that occur coincidentally with a vehicle pursuit involving Fairfax County Officers shall be investigated by the Internal Affairs Bureau.

4. In those cases to which they are assigned, the Internal Affairs Bureau is responsible for the following tasks:

a. Completing all investigative activities, reports and administrative actions usually assigned to the employee's immediate supervisor.

b. Ensuring a thorough examination of all issues likely to be questioned in future civil proceedings.

D. Incidents, as defined in this general order, shall be reported in accordance with General Order 540.1 “Use of Force.”

E. The investigating officer shall determine the cause of the crash, based on all evidence and known facts, and shall include such factual findings, together with the conclusions, in a detailed administrative investigation report directed to the Chief of Police. All such reports shall be routed through the investigating officer's station, division or bureau commander, as applicable, for initial review.

A report via the **Accident Module** in I/LEADS must be completed for all crashes involving a police owned vehicle or rental vehicle that occur in

Fairfax County and the Towns of Herndon and Vienna, as required by law in the following situations:

- Cruiser crash resulting in death or injury to any person on public property

- Cruiser crash or hit and run crash in which the total property damage is $1,500 or greater and taking place on public property

Reportable cruiser crashes occurring within the confines of Fairfax County

1. Document in I/LEADS via Accident Module as with any other reportable crash.

2. Document administrative investigation via PD207 or IA format memorandum as appropriate to complexity/severity of incident.

Reportable cruiser crashes occurring outside of Fairfax County

1. Document in I/LEADS via the Non-Reportable Accident template.

2. Document administrative investigation via PD207 or IA format memorandum as appropriate to complexity/severity of incident.

3. Obtain copy of any documentation available from reporting jurisdiction and include in investigative file.

An Incident Report will be completed using the **Non-Reportable Accident template** for all crashes involving a police vehicle that occur in Fairfax County and the Towns of Herndon and Vienna, in the following situations:

- Cruiser crash resulting in death or injury to any person on private property

- Cruiser crash or hit and run crash in which the total property damage is under $1,500 and taking place on public property

- Cruiser crash or hit and run crash taking place on private property

A diagram of the crash scene **SHALL** be attached to the Incident Report.

All crash reports shall be sent by link to the Patrol Bureau.

Non-Reportable cruiser crashes occurring within the confines of Fairfax County

1. Document in I/LEADS via Non-Reportable Accident template.

2. Document administrative investigation via PD207 or IA format memorandum as appropriate to complexity/severity of incident.

Non-Reportable cruiser crashes occurring outside of Fairfax County

1. Document in I/LEADS via Non-Reportable Accident template.

2. Document administrative investigation via PD207 or IA format memorandum as appropriate to complexity/severity of incident.

3. Obtain copy of any documentation available from reporting jurisdiction and include in investigative file.

G. In all police vehicle crashes resulting in a report via the Accident Module, the operator, unless physically incapable of doing so, shall submit a memorandum detailing the circumstances of the case.

H. The completed Administrative Investigation Report shall be transmitted to the Office of the Chief of Police as soon as possible. Only the original reports are to be submitted; however, copies may be made for station or division files.

I. Fatal or serious injury crashes or incidents require an oral report to be made to the Chief of Police as soon as possible after the occurrence. The Duty Officer or the Police Liaison Commander shall make the oral report. In the event the Chief of Police is unavailable, the report shall be made to the appropriate Deputy Chief.

J. The investigation of any police vehicle crash that occurs outside the

boundaries of Fairfax County that involves death or serious injury to any party or involves allegations of criminal conduct by police personnel shall be conducted in accordance with Section VIII, C, 3, of this policy. All other police vehicle crashes will be investigated in accordance with Section VIII, and the following is provided as a general guide for supervisory staff. Any such investigation conducted outside Fairfax County shall be coordinated with the local jurisdiction investigating the crash to the maximum extent possible.

1. Crashes occurring within the greater Washington Metropolitan Area (contiguous jurisdictions to Fairfax County, Washington DC, Prince George's County, and Montgomery County Maryland) - Appropriate supervisory police personnel will respond and investigate any police crash that occurs. With duty officer approval, in some limited instances involving minor crashes occurring outside Fairfax County, an immediate on-site investigation by Fairfax County Police supervisory personnel may not be required. The investigating supervisor may utilize police information and reports from the foreign police jurisdiction, telephone interviews, interviews and statements from the involved employee and other means in lieu of having personnel respond to a distant, minor crash scene.

2. Crashes occurring outside the Washington Metropolitan Area will not require the routine response of police supervisory personnel in most instances. The assigned supervisor may utilize the crash report and related investigative reports from the foreign police department. In cases where the crash does not meet the foreign jurisdiction's reporting requirements, an on-scene crash investigation and written report shall be requested by the assigned supervisor as a professional courtesy.

IX. CRASHES INVOLVING RENTAL VEHICLES

Crashes involving rental vehicles will be investigated in accordance with Section VIII of this policy. There are, however, several differences in dealing with the vehicle.

A. Towing/Storage

1. If needed, the closest available County contracted wrecker will be used. During business hours, the vehicle will be taken to a repair facility pre-designated by the rental agency. After normal business hours, the vehicle will be taken to the nearest police facility until the next working day. The rental agency will be contacted at that time to arrange removal to a repair facility.

2. If the vehicle can be driven, it should be returned to the operating employee's station/assignment.

B. Repair/Replacement Arrangements

1. If the employee is at fault or if fault cannot be determined, the investigating supervisor must obtain two repair estimates. The Resource Management Bureau′s vehicle coordinator will assist in arranging for estimates. This information, along with the vehicle, will be given to the rental agency. The rental agency will then provide a replacement rental car. A copy of the estimates will be forwarded to the Administrative Support Bureau, Financial Resources Division, for processing.

2. If a non-employee party is at fault, the vehicle will be taken to the designated location for repair. The rental agency will make every effort to collect from the party at fault. If the rental agency is unable to collect, Fairfax County will become responsible for payment of damage.

X. CRASHES OR INCIDENT REVIEW PROCEDURES

A. The station, division or bureau commander of the officer involved in the crash or incident shall conduct a review after receiving the investigating officer's report. The review is for the purpose of determining whether there are any violations of statutes or ordinances, violation of general orders or regulations, and to arrive at a decision on whether the crash is preventable.

B. If the crash is determined to be preventable, the reviewing commander shall conduct a hearing and indicate in the ensuing narrative report how that conclusion was reached and what specifically the involved officer did or did

not do which resulted in the preventable crash.

C. In cases where the crash is ruled preventable, the reviewing commander shall include in the report what disciplinary action is taken or recommended (if beyond the scope of delegated authority), and/or what remedial training is recommended.

D. The reviewing commander shall forward the report to the next higher level of command for further review. The commander at the next level shall review the crash and reach a determination on two points: whether the crash was preventable and whether the disciplinary action is appropriate and consistent with other similar cases. The bureau commanders shall consult on the question of the consistency of disciplinary action. The decision at this level shall be reached within five work days after receiving the report.

E. Disciplinary action shall be imposed in accordance with General Order 310.2, Disciplinary Actions and Appeals. Appeals from decisions on disciplinary action shall be in accordance with the procedures in General Order 310.2 or 310.3.

XI. PURSUIT OF VIOLATORS

There are occasions when suspects flee from police authority, or criminal or traffic law violators refuse to stop when given a signal to do so. Such circumstances require special consideration.

A. A pursuit is justified when the officer knows or has reasonable suspicion to believe that a suspect has committed or is attempting to commit a crime or a traffic infraction and refuses to stop when given a signal to do so and the necessity of immediate apprehension for the crime or traffic infraction outweighs the level of danger created by the pursuit. Supervisors and pursuing officers must take into consideration the potential risk of death or serious injury to any person created by the pursuit itself.

B. As soon as the pursuit is initiated, the pursuing officer must advise the police radio dispatcher immediately of the pursuit and the reason for the pursuit. A first line supervisor will also be notified as soon as practical, via the Department of Public Safety Communications (DPSC). The supervisor is

required to acknowledge awareness of the pursuit and assume incident command verbally, either through the voice radio or another oral communications device. As soon as practical thereafter, a supervisor shall give specific direction that either: (a) the pursuit may continue or; (b) the pursuit shall be terminated. This provision does not preclude the termination of a pursuit by a supervisor or officers at any time within the criteria set forth in this order. A supervisor actively involved in the pursuit may assume command and control of the pursuit. This does not preclude a higher ranking supervisor or the duty officer from taking command of the pursuit.

C. In many circumstances, the decision by an officer to abandon a pursuit may be the most prudent course of action:

1. If, in the opinion of the pursuing officer or supervisor, there is a clear and unreasonable danger to the officer and others that outweighs the necessity for immediate apprehension.

2. If the suspect's identity has been established to the point that later apprehension can be accomplished and there is no longer any need for immediate apprehension.

3. If the prevailing traffic, roadway and environmental conditions indicate the futility of continued pursuit.

4. If the pursued vehicle's location is no longer known.

5. If the officer is unfamiliar with the area and is unable to determine the pursuit location and direction of travel, especially in pursuits outside of Fairfax County.

6. If the communications capability between the pursuing officer(s) and the DPSC becomes severely limited.

D. The pursuit shall be terminated at or prior to the jurisdictional boundary consistent with the exceptions authorized within this general order. It shall be the responsibility of each pursuing officer and supervisor to be aware of the exact location of these boundaries. Additionally, officers not directly involved in a pursuit are not permitted to position themselves in another jurisdiction in anticipation of assisting or joining a pursuit where the most recent information

does not authorize pursuit beyond the boundaries of Fairfax County, as directed in this general order.

E. At no time will more than three police units be directly involved in the pursuit, except in instances where specific need for them can be clearly defined. If more assistance is necessary, the number of units will be determined by:

1. the nature of the offense;

2. the number of suspects;

3. whether the participating police vehicles have more than one officer; and

4. other clear and articulated facts that would warrant the increased hazard.

The decision to commit additional vehicles shall rest with the supervisor based on information supplied by officers in pursuit. All officers involved shall advise the police radio dispatcher, preferably through verbal communications, at the earliest possible moment. Units joining or participating in a pursuit without the specific, acknowledged authority of a dispatcher may be subject to discipline.

F. Officers involved in or responding to a pursuit shall monitor the pursuit radio talk group utilized by the police radio dispatcher and supervisor controlling the pursuit, so as to acknowledge information, direction and orders, such as pursuit termination.

G. Whenever possible, use of unmarked police vehicles as pursuit vehicles should be avoided. The increased danger created by the less visible unmarked units makes it necessary that officers operating unmarked cruisers during a pursuit withdraw at the earliest possible time. Whenever marked police vehicles become available to take over the pursuit, the unmarked vehicle shall withdraw from the pursuit.

Police vehicles manufactured on truck chassis (patrol wagon, four-wheel drive utility vehicle, van, etc.) shall not be used to engage in a pursuit.

H. There should be no attempt by officers to pass other units involved in the pursuit unless the passing is first coordinated with the unit to be passed. All

units in pursuit, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reacting time in the event the lead vehicle stops, slows or turns.

I. As outlined in General Order 530.2, Police Helicopter Operations, when a police helicopter enters the pursuit, other pursuing officers should reduce their speed and maintain radio contact with the aircraft, enabling the helicopter to direct and coordinate the pursuit. Officers not directly involved in the pursuit should monitor radio traffic for the pursuit location. It is recognized that instances will arise where officers would be acting properly in not reducing their speed after helicopter involvement. Examples of such instances include:

1. If the light and/or weather conditions are such that it is likely the pursued vehicle will be able to evade the helicopter.

2. If the terrain is such that the pursued vehicle could be easily concealed from the helicopter's view (i.e., wooded areas, etc.).

3. If the suspects are wanted for a serious felony and their immediate apprehension is necessary once the vehicle is stopped.

J. If there is sufficient time, number of officers, and the road and traffic conditions allow, the deployment of the 3' STOP Stick Tire Deflating Device may be utilized to bring the pursuit to a conclusion. The following rules govern the deployment and use of the 3' STOP Stick:

1. The STOP Stick **shall** only be deployed by officers trained in the deployment of the STOP Stick.

2. The STOP Stick **shall** only be used on vehicles with four or more tires, traveling at speeds greater than 10 mph.

3. The Police Radio Dispatcher shall be advised of the exact location of the STOP Stick deployment, and pursuing units shall be notified by radio of the existence and location of the STOP Stick deployment.

4. Officers shall deploy the 3' STOP Stick in accordance with the deployment methods, prescribed by the Department’s training

guidelines.

5. Use of the STOP Stick shall be documented in a STOP Stick supplement, which shall be sent by link to the Resource Management Bureau.

6. Once the STOP Stick has been used or damaged and cannot be reused, it must be returned to the Quartermaster Section and a replacement obtained **(DO NOT DISCARD THE USED DEVICE,** as there is a lifetime warranty, with free replacement).

K. Due to the potential dangers associated with vehicle collisions, the use of police vehicles to strike or make intentional contact with another vehicle should be avoided except in the following circumstances:

1. In accordance with the Precision Immobilization Technique (PIT) procedures established by these general orders;

2. In accordance with the training and procedures established by specialized units of this Department (i.e., Organized Crime and Narcotics Division, etc.);

3. When such action is not likely to cause serious injury or death and is likely to terminate an incident which, if permitted to continue, will place officers and citizens at risk of serious injury or death (i.e., boxing and trapping maneuvers).

L. Except in extreme cases, three units are sufficient to box in a vehicle and slow its rate of speed to effect a safe, forced stop, minimizing the risk of serious injury and damage to property. This method requires extreme caution because it places the officer in the danger zone of an armed suspect and may expose the police vehicle to ramming by the suspect.

M. If, in the judgment of the police officer or officers in pursuit, the fleeing vehicle must be stopped immediately to safeguard life and preserve the public safety, the Precision Immobilization Technique (PIT) may be used. Only those officers who have successfully completed training in PIT shall utilize it. This decision may be made by a pursuing officer. The decision to use the PIT must take into account the safety of bystanders and the risk of physical injury to the occupant(s) of the fleeing vehicle, as well as the police officer.

The Precision Immobilization Technique shall be considered Non-Deadly Use of Force. The use of PIT within the prescribed training guidelines of the Fairfax County Police Department is not likely to cause serious bodily injury or death. The decision to do so shall be reviewed on a case by case basis to determine whether it meets the criteria herein established. The review shall be conducted as specified in Section VIII of this policy.

N. As a last resort, when all other means have failed to stop and apprehend a person fleeing in a motor vehicle who has committed a serious felony or who presents an immediate threat to life or injury to any person, the use of a stationary roadblock may be considered to effect an arrest and to stop the fleeing vehicle. The decision to use a stationary roadblock must take into account the risk of injury or death to any person, and shall be made by a supervisor. The use of a stationary roadblock shall be established as follows:

1. Under no circumstances shall a citizen's vehicle be utilized to establish a moving or stationary roadblock.

2. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.

3. The police radio dispatcher shall be advised of the exact location of the roadblock, and all pursuing units shall be notified by radio of the existence and location of the roadblock.

O. When possible, civilian passengers should not be allowed to remain in an emergency vehicle during pursuits.

XII. CLOSE PURSUIT INTO MARYLAND AND THE DISTRICT OF COLUMBIA

Maryland and the District of Columbia have granted statutory authority for Virginia law enforcement officers to pursue across their boundaries and effect arrests, provided that probable cause exists involving the occurrence of an offense which is a felony. After entry, the laws of such jurisdictions control the permissible conduct for pursuing officers.

It is the policy of this agency that close pursuit shall extend into Maryland and the District of Columbia solely in accordance with the following requirements:

A. Vehicle operation shall be in compliance with this policy and Virginia state

law.

B. The pursuing officer(s) has established probable cause that the person being pursued has committed, has attempted to commit, or is committing a felony involving violence or the threatened use of violence, as defined in Section 19.2-297.1 of the 1950 Code of Virginia, as amended. Crimes included under this code definition are murder, manslaughter (to include hit and run fatality), mob-related felonies, malicious wounding, felony kidnapping or abduction, robbery, carjacking and felony criminal sexual assaults. In addition to these crimes, officers may also pursue for escape with force and any felony involving the discharge of a firearm.

C. A first line supervisor shall be notified as soon as practical and must specifically authorize the pursuit to continue. Officers are not required to delay entry into a foreign jurisdiction while awaiting supervisory approval. The supervisor′s decision to allow continuation of the pursuit shall be based on the seriousness of the crime, traffic condition, time of day and environmental conditions. If a first line supervisor is not available, authorization shall be obtained from the duty officer. In the event the Duty Officer is not available, the Police Liaison Commander (PLC) shall assume responsibility for authorization.

D. Responsibilities of pursuing officer(s) before entering Maryland or the District of Columbia.

1. When an officer(s) in close pursuit perceives the likelihood that the pursuit will involve movement into Maryland or the District of Columbia, the officer shall notify the DPSC. The officer(s) shall provide the DPSC with the description of the vehicle, occupants, indication of weapons present, location of entry into the jurisdiction and criminal charges involved.

2. No more than two emergency vehicles should cross a major jurisdictional boundary in a pursuit, unless additional units are authorized by supervisory personnel for articulable reasons. When more than two units pursue across a major jurisdictional boundary, those in excess of two shall terminate pursuit as units from the entered jurisdiction join pursuit. As soon as practicable, the pursuit shall be relinquished to personnel from the entered jurisdiction, with a unit from the initiating jurisdiction continuing in response until the

pursuit is concluded or terminated. This does not preclude a continued response by additional units of the pursuing agency at the discretion of their supervisor.

3. Officers shall not cross major jurisdictional boundaries to pursue for a non-violent felony, misdemeanor or traffic infraction. If a non-violent felony, misdemeanor or traffic infraction continues as the vehicle crosses a major jurisdictional boundary, the law enforcement agency of the entered jurisdiction shall be notified.

E. Responsibilities of pursuing officer(s) after entering Maryland or the District of Columbia.

1. The pursuing officer(s) shall allow the unit from the jurisdiction in which the pursuit is taking place to assume control of the pursuit and initiate any additional requests for assistance. In the event units from the jurisdiction in which the pursuit is entering do not assume control of the pursuit, the supervisory personnel who authorized the pursuit, as outlined in Paragraph C, shall direct the pursuing officer when to terminate the pursuit.

2. Roadblocks shall not be initiated by any Fairfax County unit after crossing a major jurisdictional boundary.

3. Officers may arrest felons after a legal pursuit across major jurisdictional boundaries; however, they shall hold the individual for, and relinquish the individual to, the law enforcement agency of the entered jurisdiction. Custody of this individual should then be administratively processed through the entered jurisdiction with extradition procedures initiated by the Commonwealth of Virginia.

4. Any violations that occur after entry into a foreign jurisdiction will be charged by law enforcement officers of that jurisdiction.

XIII. CLOSE PURSUIT WITHIN THE COMMONWEALTH OF VIRGINIA, OUTSIDE THE BOUNDARIES OF FAIRFAX COUNTY

This section is applicable to pursuits entering Prince William County, Loudoun County, Arlington County, Alexandria City, Falls Church City, Fairfax City, and any other city or county within the Commonwealth of Virginia. It is not applicable to the Towns of Vienna, Herndon or Clifton.

It is the policy of this agency that close pursuit shall be permitted anywhere within the state in accordance with the following requirements.

A. All vehicle operation shall be in compliance with this policy and Virginia state law.

B. The pursuing officer(s) has established reasonable suspicion that the person being pursued has committed, has attempted to commit, or is committing any of the following:

1. A felony involving violence or the threatened use of violence. Crimes under this definition are murder, manslaughter (to include hit and run fatality), mob-related felonies, malicious wounding, felony kidnapping or abduction, robbery, carjacking, felony criminal sexual offenses, escape with force, and any felonies involving the discharge of a firearm;

2. The following misdemeanor violations; parental abductions, assault, exposure, peeping, and sexual battery; and

3. Any offense involving the use, threatened use, display or possession of a firearm or explosive device.

C. With supervisory approval, an officer may continue beyond the boundary of Fairfax County, but within the Commonwealth of Virginia, under the following circumstances.

1. When only one officer from another jurisdiction is actively involved in the pursuit, or if the number of suspects, nature of crime and the possibility of weapons requires additional units for officer safety; or,

2. The suspect(s) are reasonably suspected of having committed a felony that poses a threat to public safety. Examples may include serial burglars, auto theft rings, professional shoplifters, fugitive warrants for violent offenses, etc. This exception is not intended to include Speed to Elude under Title 46.2, Code of Virginia or single instances of property crimes; or,

3. With prior approval of the Organized Crime and Narcotics Division commander, pursuits may be authorized for the offenses of distribution and/or possession with the intent to distribute illegal drugs. The decision to grant authorization will be based on the type and amount of illegal substance, as well as information regarding previous dealings and criminal history of the suspect(s).

D. When an officer in close pursuit perceives the likelihood that the pursuit will necessitate movement into another jurisdiction within the state, the officer shall advise the DPSC and provide information such as vehicle and occupant description, location and charges.

E. Responsibilities of pursuing officer(s) after entering another jurisdiction within the Commonwealth of Virginia.

1. The officer shall maintain, to the extent possible, communications with the DPSC and relay information that will assist the jurisdiction in locating and apprehending the person pursued.

2. When an apprehension and arrest are made of the person pursued in a city or county adjacent to Fairfax County (City of Alexandria, City of Falls Church, City of Fairfax, Loudoun County, Prince William County, Arlington County), the arresting officer shall immediately return the accused to a special magistrate in Fairfax County.

3. When an apprehension and arrest are made of the person pursued in a city or county not adjacent to Fairfax County, the arresting officer shall take the accused before the proper official of the city or county in which the arrest occurred.

a. If the arrest takes place with a warrant, the judicial officer shall either commit the accused to the custody of the arresting

officer for immediate transfer to Fairfax County, commit the accused to jail for transfer as soon as possible, or release the accused according to law (i.e., bail, personal recognizance).

b. If the arrest takes place without a warrant, the arresting officer shall obtain a warrant from the judicial officer where the arrest was made, charging the accused with the offense(s) committed in Fairfax County.

NOTE: Offenses which are observed by pursuing officer(s) occurring beyond Fairfax County shall be reported to the authorities of such jurisdiction. The pursuing officer shall offer all reasonable assistance to authorities to further the investigation and any resulting prosecution for the offenses.

F. DPSC Responsibilities

1. When an officer in close pursuit notifies the police radio dispatcher that a pursuit is likely to continue into another jurisdiction within the state, the DPSC personnel shall immediately alert the affected jurisdiction and provide all known information. If the affected jurisdiction, based on their department's policy, refuses to participate in the pursuit, this fact should be immediately relayed to the pursuing officer.

2. The appropriate first line supervisor shall be notified as soon as practical of the pursuit and of any instances of non-participation by the affected jurisdiction.

XIV. PURSUITS INTO FAIRFAX COUNTY BY OTHER JURISDICTIONS

Officers may assist with pursuits by other jurisdictions into Fairfax County if it meets the Department′s criteria and if approved by a supervisor. All vehicle operation and pursuit criteria shall be in compliance with this policy. Officers assisting an outside agency shall terminate their assistance when the pursuing officer leaves Fairfax County unless the pursuit continues to meet the Department′s criteria as outlined in Section XIII. The DPSC shall notify the pursuing jurisdiction that we are terminating the pursuit at the County line. Warrants for traffic and criminal violations committed

by the pursued driver may be obtained in the event that the identity of the violator is established. In the event that the other jurisdiction terminates its pursuit while within the County, officers will continue to pursue only on the basis that the pursuit continues to meet the Department's criteria and approval is granted by a supervisor.

XV. DOCUMENTATION AND REVIEW

A. Whenever an officer is involved in a motor vehicle pursuit, the immediate supervisor shall be informed of the incident. This procedure applies to all pursuits regardless of outcome. In all cases, the involved officer shall complete an incident report. If more than one officer is involved in the pursuit, each additional officer shall file a supplemental report. The investigating supervisor shall complete a pursuit supplement report. The incident report shall be sent by link to the appropriate commander's role in-box. After command review, which includes the commander approving the pursuit supplemental report completed by the first line supervisor, the incident report shall be sent by link to the Internal Affairs Bureau and Criminal Justice Academy role in-box. This policy is applicable to all motor vehicle pursuits and not limited to those pursuits that continue outside the boundaries of the Commonwealth of Virginia.

B. The controlling supervisor shall respond to the location at the end of the pursuit to assist officers at the scene, unless circumstances exist that prohibit them from responding. As soon as practical following the pursuit, a debriefing will be conducted by the first line supervisor and involved officers, unless the pursuit results in a criminal or administrative investigation, at which time a debriefing may only be conducted with the specific approval of the bureau commander. Information and observations provided by the DPSC and helicopter crew, if applicable, may also be considered for inclusion. The purpose of the review is to evaluate the observations and actions of all personnel in light of pursuit procedures and training issues.

C. The duty officer shall include a brief synopsis of any pursuit occurring during his tour of duty in his report.

XVI. LEGAL REFERENCE

A. Code of Virginia

1. 46.2-852
2. 46.2-829
3. 46.2-920
4. 46.2-373
5. 46.2-828
6. 46.2-817
7. 46.2-834
8. 19.2-76
9. 19.2-77
10. 19.2-79 B.

B. Code of the County of Fairfax

1. 82-1-6
2. 82-4-1
3. 82-4-12
4. 82-1-18
5. 82-1-19

XVII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.		PER.
05.01	01.01	01.09	09.02
05.04	01.02	03.05	
	01.03	07.08	
	01.04	07.13	
	01.08		

This General Order becomes effective January 1, 2011 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: INVESTIGATIVE RESPONSIBILITIES	NUMBER:	501.2
CANCELS ORDER DATED: 7-1-07	DATE:	10-1-10

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.

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 identity of the suspect or suspects, and achieve an arrest if it can be accomplished either at the scene or through immediate pursuit.

5. Furnish other police units, through the radio dispatcher descriptions, method, and direction of flight, and other relevant information concerning wanted persons or vehicles.

6. Obtain complete identification of all witnesses.

7. Determine what information is known by the victim and each witness.

8. 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).

9. Determine in detail the exact circumstances of the offense.

10. 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.

11. Accurately and completely enter all pertinent information in Incident Reports and Case Supplements.

12. Brief fully the CIB or CIS detective who must assume the follow-up investigation as to the known facts of the case.

13. 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.

14. The preliminary investigating officer or detective, where appropriate, shall provide the victim of any felony, assault and battery, stalking, sexual battery, attempted sexual battery, maiming, or driving while intoxicated with a standardized form listing the specific rights afforded to crime victims. This form shall include a telephone number by which the victim can receive further information and assistance. 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.

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.

I. The Victim Services Section provides support and assistance to crime victims.

1. Assistance is provided to victims and/or survivors of the following crimes:

- Homicide
- Involuntary Manslaughter
- Malicious Wounding
- Rape and Sexual Assaults

- Robbery
- Domestic Violence
- Stalking
- Burglary
- Bias Crimes
- Elder Abuse
- Financial Crimes/Fraud
- Human Trafficking

Supervisors may request Victim Services support for other crimes through the on-call CIB supervisor. Victim Services Specialists are available 24 hours a day.

2. Victim Services personnel provide services which include, but are not limited to the following:

- Crisis Intervention
- Counseling Referrals
- Court Advocacy and Escort
- Witness Preparation
- Victim Impact Statements
- Crime Victim Compensation
- Temporary Emergency Shelter
- Cell Phones for Protection
- Personal Safety Alarms
- Help with Transportation
- Coordination of Escort into Residence in Cases of Domestic Violence

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 Case 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. LEGAL REFERENCE

Code of Virginia 19.2-11.01

VII. ACCREDITATION STANDARDS REFERENCE

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

This general order becomes effective October 1, 2010 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: USE OF SPEED MEASUREMENT DEVICES	NUMBER: 501.3
CANCELS ORDER DATED: 10-1-01	DATE: 04-01-11

I. POLICY

Speed enforcement is necessary to ensure compliance with posted speed limits. However, it must be accomplished with due regard for the safety of the officer and the public. It is the policy of the Fairfax County Police Department to utilize radar/LIDAR equipment to:

A. Reduce motor vehicle crashes on roadways at specific locations where the cause of crashes is attributed to excessive speed.

B. Reduce speeding on roadways identified by citizen complaints and verified through an officer's on-site evaluation.

C. Reduce speeding on roadways identified through common knowledge, if violations present a hazard.

D. To conduct evaluations at locations where the posted speed limit may be inappropriate.

II. PROCEDURES

The following procedural guidelines have been established to ensure that traffic radar/LIDAR use shall comply with the *Code of Virginia* §§ 2.2-1112 and 46.2-882, and the standards set forth by the Virginia Law Enforcement Professional Standards Commission.

A. Station commanders, assistant commanders, and first line supervisors may authorize the use of radar/LIDAR in conjunction with the above policy.

B. Supervisors shall periodically monitor the operation of radar/LIDAR for the purpose of ensuring compliance with departmental policy.

C. Radar/LIDAR may be deployed at any location with a legally enforceable posted speed limit; however, station commanders may forbid the operation of radar/LIDAR at specific locations within their district where its operation is impractical or presents a substantial hazard to officers or the public.

D. Working radar/LIDAR at the foot of a grade shall not be a standard practice. If complaints are received from citizens or if accidents have occurred which can be attributed to excessive speed, an on-site inspection shall be conducted by a first line supervisor prior to the use of radar/LIDAR at the foot of a grade.

E. Traffic radar units shall only be operated by those officers who have successfully completed the Police Department approved Radar Operators Course or equivalent course by another agency as determined by the Criminal Justice Academy. Officers who have not completed an approved course may make radar arrests under the direction of a certified operator. Officers must be in uniform to make an arrest based on a radar reading.

F. Traffic LIDAR units shall only be operated by those officers who have successfully completed the Fairfax County Police Department approved LIDAR Operators Course or equivalent course by another agency as determined by the Criminal Justice Academy. Officers who have not completed an approved course may make LIDAR arrests under the direction of a certified operator. Officers must be in uniform to make an arrest based on a LIDAR reading.

G. Station commanders shall ensure that the use of radar/LIDAR is accomplished without any adverse impact on the availability of staffing for minimum patrol needs and services rendered to the community. Under normal circumstances, there will be no more than three officers at the radar/LIDAR site.

H. Because conditions vary with each roadway and the primary purpose of radar/LIDAR is to cite the more flagrant violator, no motorist should, under normal circumstances, be cited for violations under 10 mph beyond the posted speed limit. Tolerance levels, over and under the minimum, may only be set by the station commander based on circumstances of a specific location.

I. Radar antennas should be aimed only at target vehicles and not blocked by body parts.

J. Radar antennas should be mounted outside police vehicles to increase range. If mounted inside, radar antennas should be securely mounted and

aimed out the front or rear windshield. Interior mounted radar units must be secured because untethered radar units may become a dangerous missile inside the passenger compartment during a crash or emergency vehicle maneuver.

K. Radar units should be turned off or placed in the "standby" mode when not in use.

L. Station commanders shall ensure that a “Known Distance” location is identified at their station so operators can comply with LIDAR testing procedures.

III. STATIONARY RADAR ENFORCEMENT

At times, it may be necessary for stationary radar enforcement to be used in an effort to regulate vehicle speed on a specific roadway. Stationary radar enforcement is defined as the process of standing outside the police vehicle and using hand signals to direct the violator to the side of the roadway. Although radar enforcement is necessary to ensure compliance with posted speed limits, it must be accomplished with due regard for the safety of the officer and the public. Officers conducting stationary radar shall use extreme caution when stepping into the roadway to direct violators to the side of the road. The following procedures shall be adhered to when conducting stationary radar enforcement.

A. Officers shall not conduct stationary radar enforcement without the approval of their first line supervisor.

B. Officers shall ensure that the location where they are working stationary radar meets the requirements of this general order. Each location where stationary radar is worked must provide adequate sight distance for the operator of any vehicle to observe and safely follow the hand signals of the officer. Stationary radar shall not be worked at the crest of a hill or around a curve, and it must be free of obstacles that could prevent the operator of a vehicle from observing the officer.

C. Stationary radar enforcement shall not be used on roads with posted speed limits in excess of 35 mph, and shall be limited to roadways with no more than two lanes of travel in the same direction.

D. Officers shall be in uniform, including hat and traffic safety vests.

E. The location where stationary radar enforcement is to be worked shall provide maximum safety for both the approaching motorists and the officer conducting the enforcement. This shall include adequate space to park police vehicles and to allow violators to be pulled out of the traffic flow.

F. Stationary radar enforcement shall not be conducted during the hours of darkness.

IV. EQUIPMENT

A. All radar equipment used for enforcement purposes shall be approved by the State Division of Purchases and Supply and shall meet or exceed the DOT/NHTSA Model Minimum Performance Specifications for Police Traffic Radar Devices.

B. All tuning forks shall be taken to the approved vendor for recalibration checks semiannually. All radar/LIDAR sets will be taken to the current contracted vendor or returned to the manufacturer when in need of service or repair.

C. Tuning fork calibration certifications shall be forwarded to Court Liaison and filed for officers' use in court presentations.

D. Only radar/LIDAR units on the IACP's Consumer Product List shall be purchased, as this is a federal regulation and complies with Virginia Code.

E. LIDAR units must be submitted to the current contacted vendor every six months for accuracy and calibration testing.

V. LEGAL REFERENCE

Code of Virginia §§ 2.2-1112 and 46.2-882.

VI. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
07.01
07.03
07.04

This general order becomes effective April 1, 2011 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: COURT PROCEDURES	NUMBER:	501.5
CANCELS ORDER DATED: 1-1-05	DATE:	10-1-06

I. POLICY

Since court appearances are an integral part of the police function, it is necessary to clarify and standardize departmental procedures in this area. The image presented by officers appearing in court not only reflects upon the Department and the entire profession, but also affects the image of the court. In order to ensure a professional demeanor and improve efficiency, procedural guidelines will be followed.

II. GENERAL PROCEDURES

A. When setting trial dates for adult criminal cases, officers will allow at least ten working days between the day of arrest and the trial date.

For all traffic offenses, officers shall allow at least four weeks between the day of arrest and the trial date. Officers who consistently do not provide at least a four week interval will have their cases automatically continued to a date chosen at the court's convenience. If this court date conflicts with an officer's schedule, a memorandum requesting a new date shall be endorsed by the officer's station or division commander and sent to the General District Court, Traffic Division, Docket Supervisor. The memorandum shall clearly state the reason for requesting a new date. A copy of all such memorandums shall be forwarded to the Patrol Bureau commander.

Procedures for Juvenile Court are outlined in Section VII. Requests for immediate trial are addressed in General Order 601.1, Misdemeanor Arrest/Summons Release, Section III.

B. Subpoenas for employees which are delivered to police facilities shall be promptly delivered to the named employee. Precise documentation of that delivery shall be maintained.

C. Officers appearing in court shall wear the uniform of the day or other appropriate business attire as described in SOP 04-002, Police Uniforms, Personal Equipment and Civilian Clothing, Section V.

D. All officers shall sign in on the check-in sheet in the liaison office upon arrival in the courthouse and sign out, noting their time of departure prior to leaving.

E. Under no circumstances will officers park in the metered spaces in the County lot. Privately owned vehicles driven by officers attending court shall not be parked in violation of any County parking regulation or parked in "Police Vehicle Only" parking spaces.

F. Officers will conduct themselves in such a manner as to create a favorable impression at all times. Proper decorum will be maintained not only in the courtroom, but in all areas of the courthouse.

G. First-Line Supervisors shall monitor, through personal observation, their non-supervisory subordinate's performance in court. Supervisors shall monitor their subordinates a minimum of once every 12 months, and more frequently if one-on-one training is required to improve performance. The monitoring shall be documented and retained by the reviewing supervisor.

H. Subpoena for Witnesses

1. In accordance with Fairfax County General District Traffic Court policy, witnesses to traffic cases will not be subpoenaed for the initial court date. If the defendant enters a plea of not guilty, the court will continue the case to the officers next court date for trial. The investigating officer will complete the Fairfax County General District Court "Request for Subpoena" to ensure the witnesses are notified of the trial date. This form shall be submitted to the Office of the Clerk of the Court at least two weeks prior to trial date.

   In those cases where the defendant files a continuance request prior to the first court date, the officer will receive a notice of continuance which indicates the defendant's intent to plead guilty or not guilty. Officers who receive a notice of continuance indicating the defendant intends to plead not guilty should proceed to subpoena any necessary witnesses for the new court date.

2. In all other court cases, whenever witnesses are to appear, the officer shall request that the subpoena be issued. In order to ensure that the subpoenas are properly issued and served, officers will complete the Fairfax County General District Court "Request for Subpoena." This form shall be submitted to the Office of the Clerk of the Court at least two weeks prior to trial date.

I. Interpreter Requirements

An officer who places charges, traffic or criminal, and determines that the defendant requires a foreign or sign language interpreter shall notify the Pretrial Services Office (703-246-3045) of the request two weeks prior to the court date. A certified sign language interpreter is required for defendants who are hearing impaired. Arrangements for a certified sign language interpreter can also be made through Department procedures. No pre-trial notice is required for Spanish language interpreters.

J. Criminal arrest records shall be obtained prior to appearing for a criminal trial. Requests for Fairfax County records are to be submitted to the Central Records Section at least five days prior to the trial date. The transcripts of the arrest record issued by the FBI shall be logged out at the Central Records Section.

K. Request for Copies of District Court Case Papers

Officers who need a certified copy or copies of previous court cases should forward a copy of the summons and the defendant's DMV transcript to the Court Liaison section. Court Liaison staff will obtain the certified copies and store them for the officers' use on their respective court date. The documents should be forwarded as soon as possible to ensure the certified copies are obtained before the court date.

L. The authority of an officer to carry a firearm into any court within Fairfax County may, from time to time, be restricted by court order. Court orders in effect shall be posted in a conspicuous manner in the court liaison offices, in the various district stations and in CIB.

III. PRELIMINARY HEARINGS

Preliminary Hearing court dates are set during the court arraignment. Court arraignments are held on the next working day after the date of arrest for a felony charge. The arresting officer shall contact the Clerk of the Criminal Court on the arraignment date to determine the Preliminary Hearing date. The Preliminary

Hearing date shall be relayed to the complainant stated on the warrant, if the complainant is other than the arresting officer.

IV. CONTINUANCES

A. Under no circumstances will police officers grant continuances under their own authority. Any person requesting a continuance shall be referred to the Clerk of the Court.

B. In cases of illness or emergency, officers may have their scheduled cases continued. In the event an officer cannot attend court because of the above reasons, the officer shall be responsible for notifying the following:

1. Court Liaison.

2. Clerk of the Court.

3. Day work supervisor at officer's station or division.

4. Immediate supervisor on next work shift after continuance.

C. Officer-Requested Continuances – General District Traffic and Criminal Court.

The following documents shall be completed and forwarded to the appropriate office of the Clerk of the Court.

1. Requests made 30 or more days in advance of court date.

a. One Request for Court Continuance (PD Form 198) shall be completed for the affected court date.

b. A Notice of Court Continuance (PD Form 16) addressed to each defendant shall be completed.

c. Copies of all witness subpoenas.

Upon approval of the continuance request, the Clerk shall mail the completed PD Form 16 to the defendant(s), notifying them of the new court date. The Clerk will also complete the lower yellow portion of the PD Form 198 and return in to the initiating officer.

2. Requests made less than 30 days in advance of court date.

   a. The officer will contact the appropriate docket supervisor as soon as possible to verbally request a continuance.

      - Traffic Docket Supervisor – (703)246-4995
      - Criminal Docket Supervisor – (703)246-3305

      If the continuance request is denied, the officer shall notify his immediate supervisor.

   b. If the continuance request is granted by the Clerk, the requesting officer shall:

      - Submit all the documents to the appropriate Clerk of the Court required for requests made 30 or more days in advance of court date, in accordance with paragraph C, subsection 1 of this General Order.
      - Notify defendants and witnesses of the continuance. Officers shall document all notifications and attempts to notify (i.e., via telephone) if unsuccessful.

D. Officer-Requested Continuances – Juvenile and Domestic Relations Traffic and Criminal Court.

   1. Traffic – Requests made five or more days in advance of court date.

      a. Officers shall contact the Clerk's Office to request a continuance. Continuances will automatically be granted in these cases.

- Requesting officer shall be responsible for notifying all parties of the continuance.

2. All criminal cases and traffic cases when request is made less than five days in advance of court date.

   a. Officers shall contact the appropriate Clerk of the Court to request a continuance and complete the Motion for Continuance Form at the Clerk's Office. This form must be completed by 1200 hours the day before the officer wishes to have the motion heard.

   b. An Assistant Commonwealth's Attorney shall present the motion to the judge at 1500 hours the following day.

      - Requesting officer shall be responsible for contacting the appropriate Clerk of the Court to determine if the Motion for Continuance was granted.

      - If the motion is granted, the requesting officer shall be responsible for notifying all parties of the continuance.

E. Officer-Requested Continuances – Circuit Court

Officers shall contact a Commonwealth's Attorney to initiate a continuance request.

V. <u>ADULT TRAFFIC COURT</u>

A. Officers will be provided a copy of the court docket listing their cases, indicating collateral posted and open cases. Officers shall closely examine their docket sheets prior to 0915 hours on the trial date. If a defendant's name has been omitted from the docket, the clerk shall be immediately informed and provided with a photocopy of the officer's copy of the summons.

B. Officers who have Driving While Intoxicated cases, or other cases where jail time may be warranted, shall meet with the Commonwealth Attorney at 0830

hours on the day of the court date. Officers shall be in the Traffic Courtroom at 0930 hours, prepared to testify. Otherwise, they shall advise the Court Liaison Officer that they will be late.

C. Officers using vehicle calibration sheets shall return these documents to the Court Liaison file before leaving court. Radar accuracy certificates shall be returned to district station files as soon as practical after leaving court.

VI. CRIMINAL COURT

A. A master copy of the Criminal Court Docket will be maintained at the Liaison Office.

B. Officers shall be in the Criminal Courtroom, prepared to testify, at 0930 hours. Otherwise, they shall advise the Court Liaison that they will be late.

VII. JUVENILE COURT

A. Officers will not set court dates when juveniles are arrested except those traffic and alcohol offenses for which they are released on a summons. If the juvenile is released to a parent or guardian, a hearing date will be set by the Juvenile Court when a petition is secured. If a juvenile is detained while court is in session, the juvenile shall be transported to the court for an immediate hearing. Cases involving juveniles detained when court is not in session will be heard on the next day that court convenes.

B. The Juvenile Court Clerk will periodically amend the times in which misdemeanor, felony, traffic, domestic, and sex offense cases are to be heard. Therefore, officers and all involved parties will be required to appear at least one hour prior to the scheduled court time (except traffic cases) in order to assist the assigned Assistant Commonwealth's Attorney in case preparation.

VIII. GRAND JURY

The Office of the Commonwealth's Attorney is responsible for preparing indictments to be presented to the Grand Jury. Generally, the necessary information is provided to that office following the preliminary hearing.

A. If the officer of record for the preliminary hearing will not be presenting the case information to the Grand Jury, it is the responsibility of that officer to notify the Administrative Assistant to the Commonwealth's Attorney of the alternate officer who will be taking the case to the Grand Jury. This notification shall be made at least five working days prior to the scheduled Grand Jury date.

B. If extenuating circumstances prevent the officer of record from appearing, and less than five working days remain before the scheduled date, the officer shall notify an immediate supervisor and the Court Liaison Unit. The officer's supervisor shall then notify the Office of the Commonwealth's Attorney of the alternate selection.

C. Officers scheduled to work the midnight shift on Grand Jury day can arrange for their cases to be heard as early as possible in the morning session. Officers scheduled to work the evening shift can arrange for their cases to be heard in the afternoon session. Both of these requests may be granted by contacting the Administrative Assistant to the Commonwealth's Attorney at least five working days prior to the scheduled date.

IX. ACCREDITATION STANDARDS REFERENCE

VLEPSC
ADM.
14.01

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: COURT PROCEDURES		NUMBER:	501.5
CANCELS ORDER DATED:	1-1-05	DATE:	10-1-06

This General Order becomes effective October 1, 2006 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: STAKEOUT/SURVEILLANCE PROCEDURES	NUMBER:	501.6
CANCELS ORDER DATED: 7-1-99	DATE:	1/1/10

General Order 501.6 has been removed and reissued as SOP 11-040. This document can be found in the Fairfax County Police Department Manual of Standard Operating Procedures.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT:	CRIMINAL INVESTIGATIONS INVOLVING PERSONAL COMPUTERS AS EVIDENCE	NUMBER:	501.7
CANCELS ORDER DATED: 7-1-00		DATE:	10-1-10

I. PURPOSE

The purpose of this policy is to facilitate the identification, investigation and prosecution of any person who uses computers, electronic devices or digital media in the furtherance of criminal activity.

II. POLICY

It shall be the policy of the Department that during any criminal investigation, only departmental employees who are Computer Forensics detectives shall seize and forensically examine electronic devices and associated digital media that are used in the furtherance of criminal activity.

III. DEFINITIONS

A. Computer Forensic Detective: Any member of the Department assigned to the Criminal Investigations Bureau Computer Forensics Section specifically trained in the techniques of computer data recovery and seizure.

B. Electronic Device: Computer system, computer peripheral, cellular device, wireless device, PDA, digital camera, portable electronic device, portable recording device, GPS device, and any other device capable of analyzing, creating, displaying, converting, receiving or transmitting electronic, magnetic, optical or other binary impulses or data.

C. Digital Media: Hard disk, floppy disk, optical disc, removable cartridges, RAM, tapes, flash media, magneto-optical disk, and any other media which is capable of storing magnetic, optical and/or binary coding.

IV. PROCEDURES

This policy shall apply only in those cases where data residing on electronic devices and digital media are being sought as evidence in an investigation. Computers seized by agency personnel as fruits of crimes, (i.e., burglary, retail

theft), shall be treated in accordance with General Order 610.1, and will not normally require the services of the Computer Forensic detective.

A. No member of the Department, except those under the direction of a Computer Forensic detective, shall turn the power on, off, or disconnect the power source access, analyze or extract data from an electronic device or associated media in any way where it is to be seized and later analyzed by a member of the Computer Forensic Section. Electronic devices and associated media can and have been found to contain destructive programs which can alter and destroy evidence. Improper handling of such devices and media, as well as accessing files and programs, may lead to the destruction of, alteration of, or inability to analyze critical evidence. This procedure shall not preclude a member of the Department from previewing an electronic device related to searches incident to arrest where there is an immediate need to access information in relation to furthering an investigation, or where there is an immediate need relating to the danger or welfare of another.

B. When it is determined that an electronic device and/or digital media is to be seized and processed for evidence, Department personnel shall contact the supervisor of the Computer Forensic Section. In his absence, the on-call Major Crimes Division supervisor should be contacted. The supervisor of the Computer Forensic Section or Major Crimes supervisor will assign a Computer Forensic detective to assist the requesting officer.

1. The Computer Forensic detective shall conduct the seizure and packaging of the electronic devices and media.

2. Prior to leaving the scene, all seized evidence will be remanded to the investigating officer/detective by the Computer Forensic detective.

3. When the nature of the equipment or media seized exceeds the available resources to process it, the Computer Forensic detective shall inform the case detective of that fact and assist in obtaining the required assistance.

4. Whenever possible, the Computer Forensic detective shall process seized devices and media for evidence in a controlled environment.

5. The Computer Forensic detective shall conduct a thorough forensic examination, where possible, of devices and media of evidentiary value and provide a supplement report of findings to the investigating officer/detective.

C. All requests for reviews, examinations and analysis of electronic equipment and media should include a copy of the Incident Report, a copy of a signed search warrant, or copy of a signed consent form before any action can be taken by a Computer Forensic detective.

D. Training of Department personnel regarding seizure and handling of electronic devices or digital media by Department personnel shall be approved by the Computer Forensics supervisor prior to administration.

This general order becomes effective October 1, 2010, and rescinds any 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 RADIO PROCEDURES		NUMBER:	510.1
CANCELS ORDER DATED:	4-1-99	DATE:	1-1-04

General Order 510.1 has been removed and reissued as SOP 04-013. This document can be found in the Fairfax County Police Department Manual of Standard Operating Procedures.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: RADIO AND CAD DESIGNATORS		NUMBER:	510.2
CANCELS ORDER DATED:	10-1-00	DATE:	1-1-04

General Order 510.2 has been removed and reissued as SOP 04-014. This document can be found in the Fairfax County Police Department Manual of Standard Operating Procedures.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT:	COMPUTER-AIDED DISPATCH (CAD) SYSTEM OPERATING POLICY	NUMBER:	510.3
CANCELS ORDER DATED:	1-1-97	DATE:	1-1-04

General Order 510.3 has been removed and reissued as SOP 04-015. This document can be found in the Fairfax County Police Department Manual of Standard Operating Procedures.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: RESPONSE TO ALARMS	NUMBER:	520.1
CANCELS ORDER DATED: 1-1-04	DATE:	11-6-08

I. POLICY

It is the policy of the Fairfax County Police Department to assure an organized, well considered response to reports of security alarm activations. A controlled response affords the greatest possibility for apprehension of offenders, while offering the greatest measure of safety for the responding officer and the employees or residents of a protected location.

II. BACKGROUND

The connection of alarms/alarm system equipment to the Department of Public Safety Communications (DPSC) Emergency Operations is regulated by Chapter 8.1 of the Code of the County of Fairfax.

Alarms may be transmitted to the DPSC in several ways. The majority of alarms are transmitted to the DPSC by commercial alarm companies. Alarms may also be transmitted by automatic dialing devices from homes or businesses which transmit a message to non-emergency lines. Citizens may hear an alarm and personally report the event. Finally, officers may discover and report alarms in homes and businesses in the course of their patrol activities.

III. DPSC PROCEDURES

A. Policy

1. The DPSC call taker is responsible for obtaining sufficient information on reported alarm activations to ensure the proper classification of the event. Should the alarm company advise they have confirmed with the protected premises that an actual criminal action has taken place, the DPSC call taker shall enter the event as a robbery or burglary, rather than as an alarm activation.

2. There are eleven categories of alarms used by the DPSC in entering events into the CAD system:

ALARM TYPE CODE
Unknown Alarm
Automatic Dial Up
Bank Burglary Alarm
Bank Hold-Up Alarm
Commercial Burglary Alarm
Commercial Hold-Up Alarm
Domestic Violence Alarm
Residential Burglary Alarm
Residential Panic Alarm
Station Phone Monitor
School Alarm

B. Burglary Alarms

1. County Code Section 8.1-3-7 requires alarm monitoring companies to verify every alarm signal they receive with the exception of duress or hold-up alarms. The alarm monitoring company is mandated to call the alarm user or premises prior to requesting police dispatch. DPSC call takers shall ensure the alarm monitoring company attempts to verify the alarm signal by calling the protected premises prior to dispatching police.

2. Upon receipt of a burglary alarm, the DPSC call taker shall enter the event, including all available information.

3. DPSC dispatchers shall, on the basis of the event priority, dispatch appropriate units in accordance with existing General Orders and DPSC Standard Operating Procedures.

C. Bank Hold-Up Alarms / (GPS) Directional Activation Alarms

1. Upon receipt of a bank hold-up alarm, the DPSC call taker shall enter the event, including all available information.

2. The DPSC call taker shall then immediately attempt to make telephone contact with the protected location for the purpose of determining the actual situation. As additional information is available concerning the event, it shall be added as a supplement. If

the additional information indicates that an actual criminal action has taken place, the event type shall be changed to appropriately describe the situation.

3. Upon receipt of a (GPS) Directional Activation Alarm, the PLC, or in his absence, the DPSC supervisor, shall be responsible for monitoring the Directional Activation Alarm.

4. When an activation has occurred, a unit shall be dispatched directly to the bank to render aid and provide updated suspect information and direction of travel.

5. DPSC dispatchers shall, on the basis of the event priority, dispatch appropriate units in accordance with existing General Orders.

6. A simulcast broadcast of the alarm shall be made on the CIB and adjacent district frequencies.

D. Commercial Hold-Up Alarms

1. Upon receipt of a commercial hold-up alarm, the DPSC call taker shall enter the event, including all available information.

2. DPSC dispatchers shall, on the basis of the event priority, dispatch appropriate units in accordance with existing General Orders.

3. At the direction of the responding unit, the controlling dispatcher shall direct that a DPSC call taker attempt to contact the protected location for the purpose of determining the actual situation. As additional information is available concerning the event, it shall be added as a supplement. If the additional information indicates that an actual criminal action has taken place, the event type shall be changed to appropriately describe the situation.

E. Residential Panic Alarms

1. Upon receipt of a residential panic alarm, the DPSC call taker shall enter the event, including all available information.

2. DPSC dispatchers shall, on the basis of the event priority, dispatch appropriate units in accordance with existing General Orders.

3. At the direction of the responding unit, the controlling dispatcher shall direct that a DPSC call taker attempt to contact the protected location for the purpose of determining the actual situation. As available, additional information concerning the event shall be added as a supplement. If the additional information indicates that an actual criminal action has taken place, the event type shall be changed to appropriately describe the situation.

F. Station Phone Monitor Alarms

1. Upon receipt of a station phone monitor alarm (ALRMP), the DPSC call taker shall enter the event, including all available information. The DPSC call taker shall stay on the line with the station personnel, adding supplements as necessary until responding units arrive on the scene.

2. DPSC dispatchers shall, on the basis of the event priority, dispatch appropriate units in accordance with existing General Orders and DPSC Standard Operating Procedures.

G. Domestic Violence Alarms

1. Upon receipt of a Domestic Violence alarm (ALRMDV), the DPSC call-taker shall enter the event, including all available information.

2. DPSC dispatchers shall, on the basis of the event priority, dispatch appropriate units in accordance with existing General Orders and DPSC Standard Operating Procedures.

3. The DPSC call taker shall then immediately attempt to make telephone contact with the protected location for the purpose of determining the actual situation. As additional information is available concerning the event, it shall be added as a supplement. If the additional information indicates that an actual criminal action has taken place, the event type shall be changed to appropriately describe the situation.

IV. PATROL RESPONSE TO ALARMS

A. Utilization of emergency equipment during response will be in compliance with General Order 501.1.

B. The first unit to arrive at the scene of an alarm will approach the protected premises carefully, being observant for lookouts, getaway cars, etc., and will take up a position to cover the entrance without being seen from inside, unless it has been determined that the suspects have left. If it has been determined that the suspects have left, the unit will enter and obtain information for radio lookout if the premises are occupied.

C. The first backup unit to arrive at the scene will take up a position to cover the second most likely exit. Unless the suspects are known to have left, the backup unit will attempt to be positioned to avoid being seen from within the protected premises. The backup unit will advise DPSC when in position, and will remain alert for suspects acting as lookouts and for getaway vehicles, etc.

D. In cases of a verified robbery alarm, all other patrol units will proceed as follows until given other assignments or instructed to resume normal patrol activity.

1. Patrol units not dispatched to, but near the scene of the alarm, will begin moving toward positions from which to observe possible escape routes or areas where robbery suspects might switch vehicles.

2. Upon confirmation of a robbery, distant patrol units not otherwise engaged in cases warranting their immediate attention will proceed to the closest point which will afford the opportunity to observe an escape route or effect interception of fleeing suspects.

V. CRIMINAL INVESTIGATIONS BUREAU RESPONSE TO CONFIRMED BANK ROBBERIES

A. Once a robbery is confirmed, all available CIB units in the vicinity will proceed toward the victim bank unless engaged in other emergency work or directed to disregard by the dispatcher.

1. Responding units will utilize possible escape routes and be alert to suspicious activity.

2. Any units near the residence of known robbery suspects will proceed to that address and then to the bank by a route most likely to be used by that subject.

VI. DOCUMENTATION AND REVIEW OF ALARMS

A. Responsibility of Officers

1. If, in the officer's discretion, an alarm activation is determined to be due to actual or attempted criminal activity, the event type shall be changed to an appropriate classification (i.e., suspicious event, burglary, robbery, etc.) and a field investigation report filed.

2. Due to the nature and severity of a Directional Activation Alarm, any false or accidental activations shall be documented on a Field Investigation Report and copies sent to the CIB Robbery Squad.

3. If, in the officer's discretion, an alarm activation is due to unusual environmental conditions such as an electrical storm, a disposition of "10-99U" may be entered to close the event.

4. Subsequent to investigation, automotive alarms shall be either reclassified and a field investigation report submitted or a disposition of "10-99U" entered, as appropriate.

5. All other security alarm responses shall be documented through the use of a PD Form 209. A disposition of "10-98" shall be entered for

all such events. Written field investigation reports are not required for such events.

6. County Code Chapter 8.1 requires that written notice be left on the scene of all false alarm responses to advise an alarm owner that the police responded and that the owner's ten (10) business day appeal has begun. PD Form 209 satisfies these two requirements. For every false alarm response a PD Form 209 shall be completed and the cream color hard copy shall be left on the scene. Such notices should not be left in a position as to be obviously seen and read from the exterior of the protected premise whenever possible.

7. To ensure due process in the appeal procedure, PD Form 209 shall be accurately completed and the original shall be turned in prior to the end of the officer's shift. The first line supervisors shall forward the copy to the False Alarm Reduction Unit on a daily basis.

B. Responsibility of the False Alarm Reduction Unit

1. The False Alarm Reduction Unit shall be responsible for monitoring compliance with Chapter 8.1 of the Code of the County of Fairfax by security alarm users.

2. Alarm monitoring software has been established for the purpose of administering the alarm ordinance. This software will notify the False Alarm Reduction Unit as significant alarm levels are attained, track suspense dates for required inspections, and permit the printing of reports generated by the CAD system.

3. The False Alarm Reduction Unit supervisor shall generate correspondence for administrative service fees. Weekly reconciliation reports shall be sent to the Financial Resources Division.

4. The False Alarm Reduction Unit supervisor is designated as administrative hearing officer for the purposes outlined in Article 4 of the Security Alarm Ordinance. Detailed instructions for administrative appeal hearings are contained in Article 4 of the ordinance.

VII. LEGAL REFERENCE

Code of the County of Fairfax, Chapter 8.1

VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
01.01

This General Order becomes effective November 6, 2008 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: POLICE RESPONSE TO BOMB THREATS AND BOMB INCIDENTS	NUMBER: 520.2
CANCELS ORDER DATED: 1-1-97	DATE: 10-01-08

I. PURPOSE

To assure the uniform, safe and expeditious processing of bomb threats and bomb incidents, it is necessary to specify the responsibilities of police officers and how the officers shall coordinate their activities with those of other agencies.

II. POLICY

All possible efforts shall be made to prevent the detonation of explosive devices. But the safety of citizens and police officers may require that devices be permitted to explode if, in the opinion of police bomb technicians, the time until expected detonation is insufficient to render safe or otherwise safely dispose of such devices.

A police bomb technician shall be called to the scene as soon as practicable after a device has been found. A police bomb technician shall also be notified of all bomb threats and incidents where an explosive device has been detonated during normal working hours. The bomb technician will then determine if a response to the scene is necessary. After normal duty hours at the request of the field supervisor, the bomb technician shall be notified. This shall include bomb threats of a serious nature and detonated explosive devices. This will not include pyrotechnic mailbox bombings without injury.

III. RESPONSIBILITIES

A. The Police Department shall have command responsibility and undertake all required activities in all cases involving a bomb threat and in all cases of bomb incidents; except that command responsibility shall shift to the Fire and Rescue Department after any device in a bomb incident explodes.

B. The Police Department, through personnel of the Criminal Investigations Sections, shall have investigative responsibilities in all bomb threat and bomb incident cases where no explosion occurs. If an explosion has

occurred, the Arson Investigation Division of the Fire and Rescue Department, with the cooperation of the Criminal Investigations Bureau of the Police Department, shall have investigative responsibility; except that the Criminal Investigations Bureau in the Police Department, with the cooperation of the Arson Investigation Division of the Fire and Rescue Department shall have investigative responsibilities if an explosion involves the injury or death of a person. The primary agency responsible for investigation of an explosive device detonation shall be immediately notified of the incident.

C. Assessment of the nature of any device found in the course of a bomb threat or bomb incident shall be the responsibility of the bomb technicians of the Police Department; provided, however, they may call upon such other agencies as may be available to aid in the assessment of a device.

D. The render safe procedure (RSP) and disposal of explosive materials or devices shall be the responsibility of the bomb technician, or such other agency(s) as may be available.

E. The Staff Duty Officer shall have the responsibility of notifying the bomb technicians' commander of the times and cases in which the bomb technicians were used.

IV. DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS PROCEDURE

A. When a bomb threat is received in the Department of Public Safety Communications, the person receiving the call should:

1. Have someone else monitor the call.

2. Complete the bomb threat questions as contained in the GR (General Reference) file.

3. Attempt to identify the origin of the call (local, long distance, phone booth, internal, etc.).

4. Attempt to determine the caller's sex, age, voice characteristics, accent, type of language, and demeanor.

5. Listen for background noises.

6. If the caller seems agreeable to further conversation, attempt to ascertain:

   a. Location of the bomb.

   b. Time of detonation.

   c. Exact location, if in a building.

   d. Type of bomb.

   e. Type of explosive.

   f. Physical characteristics of the bomb.

   g. Location of the caller.

7. If the receiver of the call is able to obtain the above information, find out how the caller knows so much about the incident.

8. Make a case record.

9. Notify the Police Liaison Commander (PLC).

10. Notify Fire and Rescue Department via the uniformed fire officer.

11. Notify the Department of Public Safety Communications Supervisor.

12. Preserve any and all notes taken while talking to the caller. Remember, however, true bomb threats are usually more detailed than a hoax. There is no exact method for determining authenticity.

B. If a bomb threat call is received through another party, attempt to obtain as much information related above as possible. Obtain full information on the caller and why the caller is relaying the threat.

C. All bomb threats will be assigned to the nearest patrol and/or investigative unit(s) available to the target area regardless of assignment.

D. When a bomb threat is received in the Department of Public Safety Communications, the fire dispatcher notifies the fire company affected. There is no response by the company. If the threat is received during the 8 to 4 shift, the Field Forces Supervisor of Fire Services is also notified. If the threat is directed at a hospital or any other institutional occupancy, the "first due" company will respond and stand by. If the Police Department locates a bomb or incendiary device, the investigating officer, bomb technician or a supervisor may request that Fire and Rescue units respond to stand by.

E. The Department of Public Safety Communications supervisor shall be responsible for notifying EOD of all bomb threats and the detonation of explosive devices during normal hours. After normal working hours, the on-call bomb technician will be notified on an as needed basis.

V. INVESTIGATING OFFICER PROCEDURE

A. Upon receiving an assignment in reference to a bomb threat, the assigned unit(s) will proceed directly to the scene. All vehicle radio transmissions, including MDT transmissions, should be discontinued within 300 feet of the threatened facility.

If required, voice communications may be made via 800 Mhz. portable radios from the exterior of the threatened facility. Do not transmit within fifty (50) feet and/or in the same room with a suspect explosive device.

B. Upon arrival at the scene, the first unit will take charge of the assignment and become the scene commander until relieved by a superior officer or a bomb technician.

C. The investigating officer should, if possible, call the Department of Public Safety Communications and interview the recipient of the bomb threat in order to ascertain any information which might be beneficial in locating the device or in determining a time element which might be a consideration.

D. It will be the responsibility of the unit(s) on the scene to work with the facility management in determining the possible need for evacuation. Decision making authority must weigh loss of productivity against risk of injury or death to personnel. Most decision makers will choose to evacuate for the protection of life. Whether or not to evacuate is a management decision and should be based on all available information.

E. If the facility is to be evacuated, and if time permits, all evacuation routes should be searched prior to evacuation.

F. The investigating officer shall be responsible for conducting an exterior search of those areas which are readily accessible. A search of the exterior areas shall be conducted regardless of whether the management of the threatened facility decides to search or evacuate. However, the investigating officer should solicit the help of the management to select their own personnel, or others, to assist in conducting the search. These personnel generally are more familiar with the contents of the facility or what is suspicious in nature.

G. Responsibility for an interior search of a threatened facility will rest with the management of that facility. However, if the management requests police

assistance for an interior search, EOD shall be notified to provide this assistance.

H. Requests to utilize the police bomb dog at the scene of a threatened facility shall be made by a police supervisor. If the bomb dog is utilized for an interior search, a supervisor shall be at the scene to assure proper evacuation of the threatened facility.

I. It shall be the responsibility of the officer investigating any bomb threat, found or detonated device, to send a copy of the Field Investigation Report to the EOD Section. When a bomb threat has been verified or an explosive device has been found and/or detonated, it shall be the responsibility of EOD to notify the Explosive Incidents Office of the FBI. Additionally, the Fire Prevention Division of the Fire and Rescue Department shall be notified of all found or detonated explosive devices and provided with a copy of the Field Investigation Report.

VI. SEARCH PERSONNEL PROCEDURE

A. All search personnel should be cautioned to look for anything that is unfamiliar or out of place in a given area, and not to touch or disturb any suspicious or unfamiliar packages or containers.

B. Begin the search on an outside perimeter and work toward the inside. Once inside, begin at the lowest floor level and work up to the top floor. This procedure reduces the risk of injury to both searchers and any occupants. Utility and service areas may be prime targets for those who want to shut down a business.

C. Elevators should be run through at least one cycle. This may prevent injury if an explosive device is set to be activated by the action of an elevator.

D. Searchers should search in pairs. When this is done, searchers are more likely to be thorough.

E. When conducting a room search, carry it out with the best steps which will ensure thoroughness and minimize confusion and delay.

F. When conducting vehicle searches, remember that bombs planted in vehicles are usually directed at an individual rather than property.

G. If time is an element of the reported threat, all search procedures should be discontinued 30 minutes prior to the reported time of threatened detonation and not resumed until 30 minutes thereafter.

H. If the building or area searched fails to disclose any suspected items, the responsibility for returning persons to the area shall also be the decision of the facility's management. No officer will make any statement that no explosive device exists.

I. A command post should be set up once a suspected device is located. It should be manned by the Staff Duty officer or shift supervisor and one patrol unit. (The command post should be located at least 300 feet from the suspected target area.) Selected persons with knowledge of the threatened facility may be admitted to the command post at the discretion of the command post supervisor. Personnel operating the command post must have decision making authority. The post should have the capability of communicating with all involved personnel and by the safest means possible. Members of the command post must ensure that they do not allow the lines of communication and control to extend beyond the capabilities of the post.

J. When a suspected device is located, the investigating officer should report to the command post with information concerning the suspected device and the need for any support personnel which will include, but not be limited to, a departmental bomb technician and/or County Arson Investigation Division officer.

K. The command post should relay all of the information in Step J to the Department of Public Safety Communications.

L. The investigating officer, and any support units, will be responsible for evacuating the immediate area in which the suspected device is located. A distance of 300 feet should be considered as a minimum. The scene should be completely secured. Officers should be posted at strategic locations to keep all unauthorized persons out of the area.

VII. BOMB TECHNICIAN PROCEDURE

A. Upon arrival on the scene, the technician is to contact the command post to obtain as much information as possible about the case.

B. The technician will approach and attempt to identify the device. Where practical, the technician should also photograph the device. If immediate action is deemed necessary, it will be taken.

C. The technician will contact the command post and state an opinion regarding the capability of the device should detonation occur. The technician will also request additional evacuation and/or assistance if necessary.

D. If practical, the technician and/or support unit will accomplish the removal and disposal of the device. The method used will be the technician's and/or support unit's responsibility.

E. If it is deemed impractical by the technician that the device be removed, the technician will contact another agency equipped to do so through the command post and the Department of Public Safety Communications.

F. When the removal of the explosive components of a bomb is to be accomplished, they will be transported to the nearest pre-selected safe area, either by the technician or the agency effecting the removal. Any deteriorated explosives or home made chemical explosive mixtures which the technician determines to be unstable will be transported to the nearest pre-selected safe area and destroyed immediately.

G. The bomb technician has the responsibility for the reporting of all bomb incidents to which the technician is called and will complete a Supplementary Field Investigation Report. All reports will then have the status of "Active - T.O.T." to the affected CIS with a copy to the Fire and Rescue Department, Fire Prevention Division. If appropriate, copies of the completed Field Investigation Report will be forwarded to the FBI Bomb Data Center.

VIII. NOTIFICATION OF FIRE AND RESCUE DEPARTMENT, FIRE PREVENTION DIVISION

A. During normal Fairfax County working hours, all notifications shall be made to the Investigations Section of the Fire Prevention Division, at 246-4741.

B. After normal Fairfax County working hours, all notifications shall be made to the DPSC Uniform Fire Officer at 280-0824.

C. All district stations shall establish a location at the front desk for the holding of information/T.O.T. copies of Field Investigations Reports related to bomb incidents.

D. A representative of the Fire Prevention Division will call each station on a daily basis to determine if there are any Field Investigations Reports being held for the Investigations Section and, if necessary, to make arrangements to pick up a copy of the reports.

IX. ACCREDITATION STANDARDS REFERENCE

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05.01

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: POLICE RESPONSE TO BOMB THREATS AND BOMB INCIDENTS	NUMBER: 520.2
CANCELS ORDER DATED: 1-1-97	DATE: 10-01-08

This General Order becomes effective October 1, 2008 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: SPECIAL OPERATIONS: HOSTAGE/BARRICADED PERSONS	NUMBER: 520.3
CANCELS ORDER DATED: 1-1-97	DATE: 10-01-08

I. PURPOSE

This General Order is issued to establish guidelines and procedures for use in tactical situations involving a hostage and/or a barricaded person.

II. POLICY

Unless immediate action is necessary to protect life, it is the policy of this Department to utilize the SWAT team of the Special Operations Division when confronted with hostage or barricaded person situations. Thus, when time permits, the role of the patrol officer will generally be restricted to that of containment. The safety of police officers, hostages, and innocent bystanders is of paramount concern. Consequently, the arrest of perpetrators and the recovery of ransom paid for the release of a hostage are secondary concerns. Demands for weapons will not be considered.

III. OPERATIONAL PROCEDURES

A. First unit(s) on the scene:

1. Unless immediate action is necessary to protect life, the first unit(s) on the scene will confine activities to containment and stabilization of the situation.

2. At the earliest opportunity apprise the Department of Public Safety Communications of the situation, giving as much detail as possible. The Department of Public Safety Communications shall notify the Staff Duty Officer.

3. Once sufficient staffing is available at the scene, attempts should be made to establish a perimeter to prevent the escape of the suspect and to keep unauthorized persons from entering the area.

4. Persons in the immediate vicinity of the point where the suspect is located should be moved to a safe area, provided such movement can be accomplished without exposing the persons to danger. Any movement which exposes persons to the suspect's field of fire must be avoided.

B. Mobilization of the SWAT Team:

1. Once it appears that the situation is stabilized and no immediate action is necessary to protect life, the SWAT team shall be mobilized as soon as practical. Any sworn supervisor shall have the authority to request that the SWAT team be mobilized.

2. Upon receipt of a request to mobilize the SWAT Team, the Department of Public Safety Communications shall contact the OSB commander. In the absence of the OSB commander, the SOD commander shall be contacted to obtain authorization for the call-out. Upon receipt of authorization, the Department of Public Safety Communications will send a page to the paging group(s) designated by the OSB commander.

C. Command Post Establishment; Command of the Scene:

1. As soon as the situation allows, the ranking supervisor on the scene will establish a command post for the purpose of coordinating the activities of all units involved and exchanging necessary information with the Department of Public Safety Communications Normally, the Staff Duty Officer will establish the command post.

2. Overall command of the scene will rest with the Staff Duty Officer, or district station commander of the area in which the event occurs, depending upon the availability of these individuals and which of them arrives first at the scene. Any of the above may be relieved of overall command by a superior officer. Once the operation is underway and one of the commanders cited above has assumed overall command, it may not be advisable for a superior officer to relieve a subordinate officer, since this may tend to disrupt unity of command in a situation where time is of the essence. Generally

speaking, the initial commander has more knowledge of the situation and as such is in a better position to direct activities at the scene.

3. Overall command shall extend to the direction of patrol units and their supervisors on the scene as well as support units which may be called for specific duties.

4. Upon arrival at the scene, the SWAT Team will report to the staging area, if one has been established, or to the commander of the scene. The commander of the scene will consult with the ranking SWAT Team commander. Upon request of the scene commander, the OSB commander, or, in the absence of the OSB commander, the SOD commander, will make the final decision as to whether the SWAT Team is committed.

5. Once the SWAT Team has been briefed by the commander of the scene as to the situation, and has been committed to action, the team shall be under the exclusive command and control of the OSB commander, SOD commander, SOD assistant commander, team leader, or assistant team leader, in that order of succession.

6. Although the SWAT Team chain of command shall have exclusive authority for tactical decisions involving the deployment and movement of the SWAT Team, policy decisions concerning the demands of the suspect shall rest with the commander of the scene. The SWAT Team commander's role shall be advisory with respect to these matters.

7. The decision to use deadly force shall be consistent with the provisions of General Order 540.1.

VI. NEGOTIATOR'S RESPONSE

A. Mobilization of Unit

1. Some situations (i.e., suicide attempts/threats) may occur, in addition to hostage/barricade incidents, which may be successfully resolved through the use of a trained negotiator. This assistance is available on a stand-by basis at all times.

2. In the event a negotiator is believed to be required at an incident, the on-call negotiators and on-call unit supervisor will be called, upon request, by the Department of Public Safety Communications Director or designee.

B. Arrival on Scene

1. Upon arrival at the scene, the negotiators and supervisor shall report to the incident commander.

2. After being briefed, the negotiator unit supervisor will determine whether or not additional negotiators are to be called.

C. Notification

Upon activation of the negotiators, the OSB Commander, or, in his absence, the SOD Commander, will be advised by the Department of Public Safety Communications Director or designee.

VII. ACCREDITATION STANDARDS REFERENCE

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06.02

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: SPECIAL OPERATIONS: HOSTAGE/BARRICADED PERSONS	NUMBER: 520.3
CANCELS ORDER DATED: 1-1-97	DATE: 10-01-08

This General Order becomes effective October 1, 2008 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:	7-1-03	DATE:	1-1-04

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 or on private property without property owner's consent, and has invalid license plates, inspection, or County stickers. --Immobile due to adverse weather conditions.	3.	County - 82-5-29 (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.	State - 46.2-888 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.	State - 46.2-890 County - 82-1-6 (46.2-890)
6.	Obstructing movement on any premises, driveway or parking area without owner's permission.	6.	State - 46.2-1211
7.	Parked in violation of law.	7.	County - 82-5-29
8.	Parked without permission on County-owned property.	8.	County-82-5-32

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

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 - 18.2-110
4.	Vehicle used in connection with illegal manufacture, sale or distribution of controlled substance.	4.	State - 18.2-249

C. Administrative Impoundments

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

Reason	Statutory Authority
1. Operated by person whose privilege to drive is suspended/ revoked, based in 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. State - 46.2-301.1 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 on a Field Investigation Report (Form 42):

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 a Field Investigation Report.

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. Vehicles subject to inventory shall be inventoried prior to removal from the scene unless the vehicle is being towed to a police facility for storage.

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 agreement with Fairfax County. Requests for wrecker service shall be routed through the Public Safety Communications Center which is responsible for ensuring response in accordance with the procedures in the current towing agreement as provided by Section 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. An indication whether an abandoned or unattended vehicle is being towed under the authority of the Code of Virginia or the Fairfax County Code.

C. After requesting towing services through the Public Safety Communications Center, the officer shall remain on the scene to ensure that only the towing company summoned by the Public Safety Communications Center handles the request. If a wrecker responds to the scene without having been requested by the Public Safety Communications Center, the officer shall request that the wrecker leave. The officer shall also advise the Public Safety Communications Center of such incidents and provide the name of the towing company if it is under the current towing agreement with the County.

D. Vehicles which require processing by the Crime Scene Section should be impounded at Police Headquarters by an approved towing company. Once processed, if storage is necessary, the officer/detective handling the case shall contact the Police Department Vehicle Coordinator, who will arrange for EMTA to tow the vehicle to the Fair Oaks Station storage lot. The investigating officer shall ensure that the EMTA wrecker is accompanied by an officer during the tow. Suspected stolen vehicles which must be towed to EMTA 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 Public Safety Communications Center. 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."

VII. FORMS: COMPLETION, DISTRIBUTION, AND FILING INSTRUCTIONS

A. PD48, Vehicle Tow-In and Inventory Record

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 Field Investigation Report, Supplementary Investigation Report, or Accident Investigation Report shall be completed when appropriate to record the details of the investigation conducted by the assigned officer.

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.

B. PD49 Private Property Release

PD49 shall be completed whenever a vehicle is towed from private property at the direction of a police officer under the provisions of Section 82-5-29 of the Fairfax County Code. The form shall contain as complete a description of the vehicle as possible (including license number and VIN) and be signed by

the private property owner or lessee. The original of the form shall be attached to the Field Investigation Report and submitted to the Records Section. A copy may be kept at the District Station.

C. PD82 Seizure Notification

PD82 shall be completed by the towing officer whenever a vehicle is seized. The original shall be forwarded to the Commonwealth's Attorney and a copy to the Sheriff of Fairfax County. Except when necessary to store a seized vehicle at a police facility because of its evidentiary value, seized vehicles shall be stored at one of the approved locations pending disposition by the Sheriff. The director of the Public Safety Communications Center shall maintain a list of approved storage locations.

The Sheriff shall be notified via PD Form 82 within 24 hours of the seizure.

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

1. PD4MN will be completed by the officer assigned to the case if the owner cannot be determined in three business days. The officer is responsible for completing the top two-thirds of the form including vehicle description, location and tow company information, and the officer's information. The PD4MN will then be forwarded to the Parking Enforcement Section supervisor for appropriate action and closure.

2. If the PD48 is returned "undeliverable" by the Post Office to the officer handling the case, then the above "owner unknown" procedure should be followed. The PD48 and the envelope together shall be forwarded with the PD4MN.

3. The Parking Enforcement Section supervisor will maintain a file or computer listing of PD4MNs which are required to be advertised.

4. The PD4MNs will be forwarded by the Parking Enforcement Section supervisor to the Public Information Office to be published on the first Monday of each month.

5. The Public Information Office will notify the Parking Enforcement Section supervisor of the date of publication by returning the PD4MN and a copy of the advertising text.

6. The PD4MN will be placed in a "suspense" file and maintained at the Parking Enforcement Section for a period of fourteen (14) days.

7. After the 14 day period, the Parking Enforcement Section supervisor shall notify the towing company that they may dispose of the vehicle as provided for by law.

8. The Parking Enforcement Section supervisor shall inactivate the case, if not done previously, and forward the PD4MN to Central Records to be included in the original case file.

E. 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 PSCC

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 Public Safety Communications Center teletype section and provide the necessary information from PD48 for entry into the VCIN Stored Vehicle File. The officer shall record the message number as furnished by the Public Safety Communications Center on the PD48 form.

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 Public Safety Communications Center, for assistance in seeking possible reimbursement for towing and storage fees.

5. In cases of vehicle seizures the officer shall complete the PD Form 82 in addition to other required forms and notify the Commonwealth's Attorney and the Sheriff as described in VII. C. of this General Order.

6. 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.

7. In the Field Investigation Report, and any subsequent Supplementary Investigation 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.

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 immediately</u>. Mondays through Fridays requests shall be time stamped in the Office of the Chief and forwarded to the Operations Support Bureau commander immediately to begin the hearing process. From 4:30 p.m. Friday to 12:01 p.m.

Sunday, requests shall be time stamped by Central Records and the Duty Officer shall be immediately notified to begin the hearing process. 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 (Saturdays, Sundays, and holidays included) 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 in their absence, assistant station commanders.
   - SOD commander.
   - Traffic Division commander.
   - CIB, Major Crimes commander.
   - Department Duty Officers prescribed by the Chief of Police.

   The Hearing Officer(s) shall determine whether <u>probable cause</u> 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 Public Safety Communications Center and vehicle storage lot personnel, if necessary.

D. PSCC Responsibilities

1. Upon receipt of the notification from the officer who directed the towing of a vehicle and was unable to contact the registered owner by the end of the shift, the receiving clerk in the Public Safety Communications Center computer room shall request from the officer all data necessary to establish a file within the Public Safety Communications Center and create a record in the VCIN Stored Vehicle file. The clerk shall furnish the officer the message number for entry on the PD48 form.

2. A manual card file serving as a back-up to the VCIN Stored Vehicle File shall be maintained in the Public Safety Communications Center. This file shall serve as a centralized source for response to inquiries regarding the location of towed vehicles.

3. The Public Safety Communications Center is responsible for coordinating with the towing companies and the Commonwealth's Attorney to arrange for the release of vehicles to owners without the payment of towing and storage fees in certain cases. This is applicable where a vehicle is towed as a stolen recovery or is towed as an abandoned vehicle and is later determined to have been stolen, or is reported stolen after having been towed.

IX. LEGAL REFERENCES

A. Code of Virginia

1. 18.2-110
2. 18.2-249
3. 19.2-80.1
4. 46.2-301.1
5. 46.2-867
6. 46.2-888
7. 46.2-890
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. 82-5-29
3. 82-5-32
4. 82-11-2

X. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
02.02	07.16

This General Order becomes effective January 1, 2004 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: CONTROL AT CRIME/CIVIL DISASTER SCENES	NUMBER: 520.5
CANCELS ORDER DATED: 4-1-97	ISSUE DATE: 10-1-97

I. POLICY

To assure the preservation of evidence critical to the successful identification, apprehension and prosecution of offenders, it shall be the policy of the Police Department to stringently limit access to the scenes of crimes or civil disasters. Only those persons immediately and directly connected to the investigation of the event for which the scene was established shall be granted access.

II. PURPOSE

It is recognized that the majority of scenes maintained by the Department will be controlled by officers of one squad with the need for only limited support from other units. Larger scale crime/disaster scenes, which require coordination of resources from different districts or a commitment of personnel from more than one shift, shall be governed by the procedures outlined in the "Fairfax County Police Department Emergency Operations Plan." Assuming that the situation does not escalate beyond a minor disaster, as defined in the Emergency Plan, command and control also may not develop beyond the first-line supervisory level or the staff duty officer.

The Order is issued to provide specific guidance for the control of scenes, which can only be successful when each member of the Department, from the moment of notification, exercises sound judgment to ensure the preservation of such scenes. The presence of personnel who wish to observe a scene to satisfy their personal curiosity is contrary to the best interest of the Department and cannot be tolerated.

This policy shall apply to all persons, regardless of rank or position in the County of Fairfax, any other governmental unit, or the community.

III. TERMINOLOGY/SCOPE OF AUTHORITY

A. Crime/Civil Disaster Scene - The physical area in which a crime or civil disaster occurred or the area in which evidence may be found. The extent of the area will be determined by the course of the investigation in each circumstance. It includes the area immediately surrounding the crime or disaster as well as any secondary perimeter established away from the scene which is needed to control access to the scene itself.

B. Operations Supervisor - The supervisor directly responsible for the security of a crime/disaster scene and the support of investigative personnel assigned to the scene. At scenes which require the presence of only one supervisor for command, the Operations Supervisor shall act as Incident Commander and have sole authority for control of a scene and ordinarily will be the ranking patrol supervisor in the station district where the event occurs.

C. Investigating Officer - The officer, assigned to patrol or investigative duties, who assumes primary responsibility for an investigation at a scene and who directs the progress of the investigation.

D. Incident Commander - Crime/disaster scenes which require the utilization of elements from different district stations or which will necessitate a time involvement greater than one shift shall be commanded by an Incident Commander in addition to an Operations Supervisor. Ordinarily, the Incident Commander will have overall administrative authority, shall direct activity outside the crime/disaster scene proper and within any perimeter established to control access to the vicinity of the scene, and shall be accountable for assuring that all reasonable requests for resources are met.

IV. FIRST OFFICER'S RESPONSIBILITIES

Regardless of the location, nature and extent of the crime/disaster scene, the first officer to arrive shall have command and control authority and shall:

A. Determine jurisdiction of the incident and request, if appropriate, an officer from the affected jurisdiction.

B. Render medical assistance to injured persons, as needed.

C. Provide for the security of the scene until the arrival of a first-line supervisor, or until responsibility for security is assigned to other personnel.

1. No persons shall be permitted within the scene as outlined in Section V. B. 2. of this Order.

2. No physical object shall be moved or evidence collected for any reason, other than safety or for the prevention of the destruction of evidence, until directed by the investigating officer.

3. Scenes involving establishments open to the public shall be closed if access to any portion of the establishment interferes with the security of the scene.

D. Assessing the scene to determine if additional units are needed for security and if support from the Criminal Investigations Bureau and/or the Crime Scene Section is apparently required. If support is necessary, the officer's first-line supervisor shall be notified.

V. OPERATIONS SUPERVISOR

A. The first-line supervisor notified by the first officer at a crime/disaster scene shall review the information in order to determine the feasibility of the support requested and whether or not the resources directly under their supervision are sufficient, with limited support, to effectively control the scene. In scenes which require only the presence of one first-line supervisor for effective control, that officer shall be designated the Incident Commander.

B. The responsibilities of the Operations Supervisor shall include:

1. Command of the crime/disaster scene unless specifically relieved by an officer of superior rank or by relief at the termination of a tour of duty.

2. All measures to prevent any unauthorized access within the perimeter of the scene or any other secondary perimeter required to assure police and Fire and Rescue Department personnel operations may proceed effectively.

   a. No persons shall be permitted within a crime scene unless their presence will directly further the investigation being conducted, except personnel involved in a lifesaving role. All persons shall report to the Operations Supervisor before entering the scene.

   b. All persons permitted within a crime scene shall submit a supplemental report providing details of their activity and function at the scene.

   c. Fire and Rescue Department personnel shall be assisted in performing any lifesaving effort if injured persons are found at the scene, and shall not be hampered until their task is concluded. At the time they have completed their duties, the Operations Supervisor shall reestablish restriction of access to the scene, limited only to those actively involved in the investigation.

3. Assure that no physical object is moved or collection of evidence occurs, unless at the direction of the Investigating Officer.

4. Request assistance from the Criminal Investigations Bureau, Crime Scene Section, or any other needed support elements.

5. Notify and brief the Staff Duty Officer and/or Public Safety Communications Center supervisor in all circumstances which may be significant for inclusion in the Daily Activity Report or which may require notification of authorities outside the Police Department.

6. Assist the Investigating Officer and support elements in the conduct of the investigation. Assistance shall include expediting all reasonable requests for additional resources for conduct of the investigation.

7. Establish a command post, as needed.

8. Control and limit the communications with the Public Safety Communications Center originating from units at the crime/disaster scene; and also assure that Public Safety Communications Center personnel are given adequate information so that they may provide sufficient assistance.

9. Assure that civilians denied passage through the area are, whenever possible, given a reasonable explanation of the reason for the denial, are provided directions on how alternatively they may reach their destination and, in case of residents of the area, provided controlled egress to their homes whenever such egress will not impede or damage conduct of the investigation or disrupt the crime scene.

VI. INVESTIGATING OFFICER

A. The responsibilities of the Investigating Officer, whether uniform or plainclothes, shall include:

1. All responsibilities provided in General Order 501.2, Paragraph II. B, Investigative Responsibilities.

2. Requesting all support necessary for adequate investigation through the Operations Supervisor.

3. Directing all personnel assigned within the scene who are involved in the investigation or processing being conducted.

4. Identifying or causing to be identified and recorded all personnel within the scene together with their assigned function.

B. In all scenes in which the investigating officer is assigned to the Criminal Investigation Bureau or the Internal Affairs Bureau, appropriate investigative supervisors shall have access to the scene. The supervisor shall determine if additional investigative resources are needed and provide assistance as needed to the investigating officer.

VII. INCIDENT COMMANDERS

A. In circumstances in which it becomes apparent to an Operations Supervisor that control of a crime/disaster scene will necessitate the use of resources from different districts or personnel from another shift, the supervisor shall contact the Staff Duty Officer. The Staff Duty Officer shall coordinate the assignment of personnel and equipment to the scene. The Staff Duty Officer shall respond and become the Incident Commander whenever possible. If the Staff Duty Officer cannot respond, the ranking patrol supervisor shall be Incident Commander until otherwise relieved by higher authority.

B. The Incident Commander's responsibilities shall include:

1. Overall administrative command of all personnel assigned to duties related to activity within and surrounding the scene.

2. Assist the conduct of the investigation through the Operations Supervisor and provide all reasonable requests for resources for use within the perimeter of the crime/disaster scene.

3. Brief the Public Information Officer, the district station commander, the Deputy Chiefs of Police or the Chief of Police, as necessary.

4. Request the Public Information Officer to respond and assume responsibility for contact with members of the media present at the scene, if required.

5. Establish a command post, as needed.

6. The Incident Commander, or designee, shall record the presence and assignment of all personnel and equipment at the scene and provide for the relief of personnel and deployment of new personnel assigned to the scene.

7. The Incident Commander shall continue the assignment unless specifically relieved of command by an officer of superior rank, or relieved at the termination of the tour of duty by an officer of equal rank.

VIII. CRIME SCENE SECTION

Crime Scene Section personnel shall report to the Incident Commander to ensure knowledge of their presence for recording. The Crime Scene Section personnel shall confer with the investigating officer prior to the start of any activity. The investigating officer shall establish the scope of the processing needed, and rely upon the expert knowledge of the Crime Scene personnel for the most practical method to be used to complete the processing.

After conferring with the investigating officer, Crime Scene personnel shall evaluate the scene perimeter and, if necessary, establish an Ainner-perimeter≅ where the actual search and collection of evidence will occur. This perimeter will be established by red barrier tape that is marked ACrime Scene-Do Not Enter.≅ No

persons shall be permitted within this area without the express permission of the on-scene CIB or Crime Scene detective and the CIB or Crime Scene Supervisor.

IX. CIVIL DISTURBANCE UNIT

The Civil Disturbance Unit (CDU) is a non-standing section of the Special Operations Division. This unit has the capability to respond to large demonstrations, labor/civil unrest situations, and provide crowd control for major events. Specially equipped officers of this unit will provide a high profile organized response to these incidents in such a manner as to minimize threats to public safety and damage to property.

A. The CDU may be activated by the Chief of Police or designated personnel.

B. Upon arrival at the staging area, the ranking CDU commander will consult with the commander of the scene. Upon request of the commander of the scene, the OSB commander, or, in the absence of the OSB commander, the SOD commander will make the final decision as to when and how CDU is deployed.

C. Once the CDU has been briefed by the commander of the scene as to the situation, and has been committed to action, the unit shall be under the exclusive command and control of the OSB commander and the SOD commander, in that order of succession.

Other guidelines are delineated in the Civil Disturbance Unit's Standard Operating Procedures (SOPs).

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: CONTROL AT CRIME/CIVIL DISASTER SCENES	NUMBER: 520.5
CANCELS ORDER DATED: 4-1-97	ISSUE DATE: 10-1-97

X. ACCREDITATION STANDARDS REFERENCE

CALEA

12.1.2	46.2.1
46.1.2	61.2.3
46.1.3	

VLEPSC

OPR.

05.01	05.06
05.02	05.07
05.03	05.08

This General Order becomes effective October 1, 1997 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: VIP PROTECTION POLICY	NUMBER:	520.6
CANCELS ORDER DATED: 1-1-97	DATE:	7-1-10

I. POLICY

It is the policy of the Fairfax County Police Department to provide the appropriate level of security for all dignitaries requiring such protection due to actual or implied threats of violence. The following guidelines have been delineated to establish a set procedure for providing VIP protection.

II. OBJECTIVES

A. To provide a level of protection to safeguard life and property.

B. To establish a set procedure to follow when requested to provide security for VIPs conducting business or residing in Fairfax County.

III. PROCEDURES

A. Any employee receiving a request for VIP protection shall:

1. Refer the request to the commander of the Operations Support Bureau, by telephone, as soon as possible.

2. Send the request, if in writing, to the commander of the Operations Support Bureau.

3. Document the request, if by telephone or in person, and send it to the commander of the Operations Support Bureau.

B. Commander of the Operations Support Bureau shall:

1. Decide if protection is to be afforded and to what extent.

2. Designate a Department member to contact requestor and advise whether or not the Department shall afford dignitary protection.

C. If protection is to be afforded, the commander of the Operations Support Bureau will have overall protection responsibility and shall:

1. Direct the commander of the Special Operations Division to prepare, with the assistance of a member of the SWAT Team, advance security arrangements.

2. Establish telephone contact and set up a meeting with the representative of the dignitary, if necessary.

3. Determine the itinerary of the dignitary and identity of any other persons accompanying the dignitary.

4. Ascertain protective measures of other agencies involved in the protection plan.

5. Define the responsibilities of all departmental units involved in the protection plan.

6. Evaluate any intelligence information pertaining to threats against the dignitary, ensuring this intelligence is coordinated through the Criminal Intelligence Unit.

D. The SWAT Team assigned to the VIP detail shall:

1. Consist of trained personnel capable of responding during all tours of duty.

2. Have responsibility for close-in protection whether the dignitary is traveling on foot or in a motorcade.

3. Coordinate its planning and action through the commander of the Special Operations Division, or designee.

4. Reconnoiter travel routes, and plan alternatives.

5. Determine equipment requirements to include consideration of vehicles, weapons, and use of body armor for personnel or dignitary.

6. Establish an identification designation for SWAT personnel (e.g., lapel pins).

E. Prior to the detail itself, the commander of the Operations Support Bureau shall:

1. Arrange a briefing to:

   a. Include representatives from all support units.

   b. Provide last minute changes.

   c. Identify outside agencies and their responsibilities.

   d. Identify emergency first aid, ambulance, and medical facilities.

   e. Ensure all proper notifications have been made.

2. If necessary, establish a command post that shall:

   a. Be used by the detail commander.

   b. Serve as center for all communications staging, briefing, etc.

IV. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
05.03
07.09

This general order becomes effective July 1, 2010 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: BIAS CRIME POLICY		NUMBER:	520.7
CANCELS ORDER DATED: 10-1-03		ISSUE DATE:	4-1-05

I. PURPOSE

This policy sets forth the procedures for police intervention in cases of reported or identified bias crimes (also known as hate crimes) and incidents. The provisions of this policy are intended to supplement the investigative and reporting requirements already imposed by laws and existing Regulations and General Orders.

II. POLICY

Bias crimes differ from other crimes because of the potential effect on the victim(s) and community stability. Officers shall respond to bias crimes as they would to any crime and take appropriate action to arrest and pursue criminal remedies whenever sufficient probable cause exists. Regardless of the feasibility of pursuing criminal prosecution, Department members shall initiate efforts to ensure that resources are coordinated to help communities overcome the impact that bias crimes or incidents may have on individuals and/or groups.

III. DEFINITIONS

A. Bias Crime – Also known as Hate Crime. Any unlawful action committed against a person because of their race, religious conviction, ethnic/national origin, disability, and/or sexual orientation. The Code of Virginia does not specifically define a bias crime or hate crime as a violation of law, but does provide enhanced penalties for Assault and Battery (18.2-57) and vandalism (as defined by 18.2-121) when the acts are committed against a person based upon their race, religious conviction, color or national origin.

B. Bias Incident – Involves behaviors that, though motivated by bias against a victim's race, religious conviction, ethnic/national origin, disability, and/or sexual orientation, are <u>not</u> criminal acts (i.e., distribution of unsolicited hate literature hostile or hateful speech or other disrespectful/discriminatory behavior may be motivated by bias but is not a criminal violation of criminal law) but may be classified as a violation of civil statutes. They become criminal acts only when they directly incite perpetrators to commit violence against persons or the destruction of property.

C. Race – A group of persons who possess common physical characteristics generally transmitted by descent and heredity that distinguish them as a distinct division of humankind.

D. Ethnic Group – A group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions.

E. Religious Group – Any persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

IV. RESPONSE TO BIAS CRIMES

A. Preliminary Investigation

The preliminary investigation of bias crimes shall be in accordance with the provisions set forth in General Order 501.2, Investigative Responsibilities. In addition, officers shall conduct the following procedures when a bias crime is identified:

1. The investigating officer shall notify a first line supervisor as soon as practicable.

2. Victims shall be provided with the Virginia Crime Victim and Witness Rights brochure.

B. Supervisory Responsibilities

1. Upon notification that a bias crime has been committed, a first line supervisor shall respond to the scene if it is within the confines of Fairfax County.

2. The first line supervisor shall:

   a. Confer with the initial responding officer.

   b. Ensure all preliminary investigative steps have been followed.

c. Request additional support, if required, to conduct specialized investigative and/or support steps.

d. Notify appropriate command personnel.

e. Determine appropriate investigative steps for follow-up actions to arrest perpetrators.

3. If the event occurred outside Fairfax County, the first line supervisor shall ensure that the appropriate jurisdiction is contacted and provided with all relevant information.

C. Command Responsibilities

1. Station commanders shall review the facts and circumstances of a reported bias crime or incident and evaluate the need for community intervention. The goals of community intervention are:

a. To foster a partnership with the affected community,

b. Attempt to heal the harm inflicted upon its members,

c. Enlist community support in sending a clear message to the perpetrators that such behavior will not be tolerated,

d. Enlist community support and assistance in prosecuting offenders and preventing acts of retaliation or escalation.

2. The following are suggested community intervention techniques:

a. Meet with residents and neighborhood groups in target communities, and other interested groups, to allay fears, relay the Department's concern and response to the incident(s), reduce the potential counter-violence, and provide safety and crime prevention information.

b. Consult with the agency Bias Crime Investigations Coordinator to provide, direct, and refer assistance to victims of the event.

c. Establish liaison with formal or informal organizations and leaders within the affected community.

d. Where appropriate, utilize available resources to educate the community on bias crimes and incidents.

e. Conduct aggressive pro-active follow-up procedures to ensure the needs of the community are being met to reduce fear and prevent recurrence of similar events.

f. Provide appropriate services and resources to the victims and witnesses of bias crimes and incidents.

g. Request assistance from the Human Rights Commission to hold community meetings.

V. INVESTIGATIVE RESPONSIBILITIES

All bias crimes shall receive follow-up investigation. Bias crimes shall be investigated in accordance with General Order 501.2, Investigative Responsibilities.

VI. RESPONSE TO BIAS INCIDENTS

Bias incidents include actions that are motivated by bias but do not meet the necessary elements for a criminal offense. Examples of such behaviors include name calling, using racial slurs, or disseminating racist leaflets. Although the event may involve a criminal act, the incident may be an act that rises to the level of a civil violation. Law enforcement can help to defuse potentially dangerous situations and prevent bias-motivated criminal behavior by responding to and documenting bias-motivated speech or behavior even if it does not rise to the level of a criminal offense.

When confronted with a potential bias incident, the investigating officer(s) should seek voluntary compliance to obtain as much information as possible regarding the incident under the guidelines established by General Order 540.2, Police-Citizen Contacts.

VII. REPORTING PROCEDURES

A. Supervisors shall ensure all preliminary investigative reports are appropriately classified and coded for Incident Based Reporting Procedures as outlined in the Report Writing Manual.

B. Event Classification for Bias Crimes and Incidents – Field Investigation Reports

1. Event 1

a. If a criminal offense occurred, the space provided for "Event 1" on the Field Investigation Report shall be used to record the actual event as determined by the preliminary investigation.

b. If there is no criminal offense, the classification of "Bias Incident" shall be assigned in the space for "Event 1".

2. Event 2

a. If Event 1 is a criminal offense that constitutes a bias crime, the space for "Event 2" on the Field Investigation Report shall be used to record the classification "Bias Crime".

b. If Event 1 is a criminal offense that does not constitute a bias crime, but a secondary event occurred that constitutes a bias incident, the classification "Bias Incident" shall be entered in the space for "Event 2".

c. If Event 1 has already been classified as "Bias Incident", Event 2 shall remain blank.

C. First line supervisors shall furnish TOT or information copies of all bias crime and bias incident reports to the following personnel:

1. Station Commander

2. Affected Patrol Bureau Commander

3. Bias Crime Investigations Coordinator

4. Public Information Office

5. Appropriate investigative authority (CIB or CIS)

D. The Information and Policy Services Bureau shall track and record all bias crimes and prepare the Virginia State Police Form SP-47, as required.

E. The supervisor of the Criminal Intelligence Unit of the Criminal Investigations Bureau will serve as the Bias Crime Investigations Coordinator. The Bias Crime Investigations Coordinator shall establish a clearinghouse system for collection and review of investigative reports for intelligence gathering. The Coordinator shall also liaison with all community groups affected by bias crimes and/or incidents. Additional duties of the Coordinator include providing assistance to commanders, attending community and regional meetings, attending appropriate training, and completing an annual report of bias crimes occurring in Fairfax County.

The Bias Crime Investigations Coordinator will analyze all records received and share information, as deemed appropriate, with the following for further action:

1. Victim Services Section

2. Commonwealth's Attorney's Office

3. Human Rights Commission

4. Information and Policy Services Bureau – The Bias Crime Coordinator will provide the Information and Policy Services Bureau with copies of all reported Bias Crimes.

F. The Office of the Chief will be responsible for forwarding a copy of the Department's annual report on bias crimes to the following groups:

1. Fairfax County Board of Supervisors

2. Human Rights Commission

3. Chief's Citizen Advisory Council

VIII. LEGAL REFERENCES

Code of Virginia
18.2-57
18.2-121
52-8.5
18.2-423
18.2-423.1
8.01-42.1

IX. ACCREDITATION STANDARDS REFERENCE

VLEPSC
ADM.
20.01
20.02
21.01

This General Order becomes effective April 1, 2005 and rescinds all previous General Orders pertaining to the subject.

Chief of Police

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: RESPONSE TO MOBILE SECURITY DEVICES	NUMBER:	520.8
CANCELS ORDER DATED: 4-1-04	DATE:	7-1-10

I. PURPOSE

The purpose of this policy is to establish overall guidelines and procedures regarding requests for response to Mobile Security Device (MSD) activations.

II. POLICY

It is the policy of the Fairfax County Police Department to assure an organized and well considered response to reports of mobile security device activations. A controlled response provides the greatest measure of safety for responding officers while ensuring resources are deployed in an efficient manner.

It is the policy of the Fairfax County Police Department to dispatch appropriate resources to all reported mobile security device activations indicating a life safety or personal protection emergency. Generally, these types of activations include those originating from an automatic collision notification (vehicle crash) or manual activation device (personal safety).

In regards to property protection or asset theft MSD activations, it is the policy of the Fairfax County Police Department to respond only to verified activations.

The use of and response to activations of mobile security devices are specifically not subject to the provisions of Chapter 8.1 of the Code of the County of Fairfax, Security Alarm Systems, or the reporting provisions of General Order 520.1, Response to Alarms.

III. DEFINITIONS

For purposes of this policy, the following terms have the meaning indicated:

A. Automatic Collision Notification (ACN): Activation of the MSD as the result of a motor vehicle crash, usually coincident to activation of the automobile air bag system and/or rollover sensors.

B. Global Positioning System (GPS): A system of satellites and ground stations monitored by the U.S. Air Force to provide accurate latitude, longitude, and altitude information to GPS receivers.

C. Listen-in: A mode of MSD monitoring where the operator can hear sounds in or around the MSD protected asset or person through a voice channel without evidence of this happening at the MSD.

D. Manual Activation Device: A general term for any device that allows the user to manually initiate an alarm signal. These devices include handheld or remote control devices. They also include integrated devices (such as keypads) and single function devices (such as panic buttons), which are mounted in a fixed location relative to the rest of the MSD system and are usually hard-wired to the system.

E. Mobile Security Devices (MSD): Those security devices, or combinations of devices, that are mobile in nature; that may be installed in motor vehicles or other conveyances, or may be carried by pedestrians; that are used for the purpose of personal safety and/or asset protection; and that transmit assistance requests to monitoring centers; also known as MSD Systems.

F. Monitoring Center: The physical place where MSD monitoring is conducted.

G. MSD Request for Response: A request for law enforcement response to an activation of an MSD unit or the patching of a call to a law enforcement agency as the result of a MSD activation.

H. MSD User: The person, firm, partnership, association, corporation, company or organization of any kind which uses or is in control of any MSD unit.

I. MSD Verification: An attempt to obtain validation of an emergency or dispatchable condition by on-site inspection, audio, video, or other electronic confirmation.

J. Patch-In: A mode of MSD monitoring where the operator, user, and Department of Public Safety Communications (DPSC) personnel are connected in a three-way call configuration and all parties can speak and hear each other simultaneously.

K. Property Protection/Asset Theft MSD Activation: Activation of the MSD as the result of apparent theft or disturbance of a motor vehicle or other protected asset. These do not include instances in which a life safety situation exists.

L. Talk/Listen: A mode of MSD monitoring where both the operator and MSD user can speak and hear simultaneously (like a normal telephone connection).

IV. BACKGROUND

MSDs include two-way wireless communications and global positioning satellite (GPS) technology combined into a vehicle-mounted or portable unit that provides a user interface to obtain assistance in a variety of situations. The systems emit a panic or distress signal along with instant information on the location of the transmitting unit when there is airbag deployment, vehicle rollover, theft, or activation of a panic button by the user. The signal is received by a third party monitoring center that in turn notifies the appropriate public safety agency for response.

When an MSD is activated, a signal is sent from the location of the activation to the monitoring center. The monitoring center should be able to determine if the activation is due to a life safety/personal protection activation or a property protection/asset theft activation. With many systems, the monitoring center has the ability to listen-in and determine if an actual emergency exists. Furthermore, some systems include a voice link in which the monitoring center can communicate directly with the MSD user. These methods should be used by the monitoring center to verify an activation prior to notifying the DPSC and making a MSD request for response.

MSD activations may be generally characterized as life safety/personal protection emergencies and property protection/asset theft incidents. Life safety/personal protection emergencies include activations as the result of automobile collision notification (ACN) or a manual activation (panic) device. ACNs are activated in some model automobiles in the event of vehicle rollover or a collision resulting in airbag deployment. Manual activation devices include vehicle-mounted panic buttons, as well as handheld and remote devices. Property protection/asset theft activations include those initiated as a result of apparent theft of the vehicle. These are

activated when a vehicle is operated without first deactivating the MSD. The distinct nature of a life safety vs. property safety activation requires different response protocols.

V. DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS PROCEDURES

A. Policy

The DPSC call taker is responsible for obtaining sufficient information from the monitoring center to ensure the proper classification of the MSD activation. If the monitoring center has confirmed that an actual criminal action or personal emergency has taken place, the DPSC call taker shall enter the actual event rather than an alarm activation.

B. Requests for Response to an Automobile Collision Notification (ACN)

1. On receipt of a request for response to an ACN, the DPSC call taker shall enter the event, including all available information. The monitoring center must provide an actual street location and not just GPS coordinates. The call taker shall determine what verification methods, such as listen-in, talk/listen, or patch-in that activated ACN system supports. If the ACN system includes such verification features, the monitoring center shall be requested to utilize them and report the findings to DPSC.

2. DPSC dispatchers shall, on the basis of the event priority, dispatch appropriate fire and rescue and police units in accordance with existing general orders and DPSC standard operating procedures.

C. Requests for Response to a Manual Activation Device

1. On receipt of a request for response to a manual activation device, the DPSC call taker shall enter the event, including all available information. The monitoring center must provide an actual street location and not just GPS coordinates. The call taker shall determine what verification methods, such as listen-in, talk/listen or patch-in that the activated device supports. If it includes such verification features, the monitoring center shall be requested to utilize them and report the

findings to DPSC.

2. DPSC dispatchers shall, on the basis of the event priority, dispatch appropriate fire and rescue and police units in accordance with existing general orders and DPSC standard operating procedures.

D. Requests for Response to Property Protection/Asset Theft MSD Activation

1. On receipt of a request for response to a property protection/asset theft MSD activation, the DPSC call taker shall determine whether or not the monitoring center has verified that a crime has or is occurring. If the monitoring center cannot verify a crime or other emergency has or is occurring, the request for dispatch shall not be accepted. The DPSC call taker shall inform the monitoring center to verify the MSD activation through the listen-in, talk/listen, or patch-in features, if available, or through telephonic contact with the MSD user.

2. On receipt of a request for response to a verified MSD activation, the DPSC call taker shall obtain all available information from the monitoring center. This includes whether or not the vehicle or other protected asset is mobile. The MSD user must provide verification either to the monitoring center or to DPSC that the vehicle or asset has been stolen or disturbed prior to acceptance of a request for response to the MSD activation.

3. DPSC dispatchers shall, on the basis of the event priority, dispatch appropriate fire and rescue and police units in accordance with existing general orders and DPSC standard operating procedures.

4. The DPSC call taker shall determine what verification methods, such as listen-in, talk/listen, patch-in or telephonic contact that the activated MSD system supports. If the MSD system includes such verification features, the monitoring center shall be requested to utilize them and report the findings to DPSC. The monitoring center will be requested to provide continuous updates regarding the location of a moving target.

VI. RESPONSE TO MSD ACTIVATIONS

A. Utilization of emergency equipment during response will be in compliance with General Order 501.1.

B. Response to an ACN will normally be to a fixed location and should be considered as a response to a motor vehicle crash.

C. Responses to a manual activation device or a property protection/asset theft MSD activation have all the inherent problems of alarms in fixed premises plus the added feature that they may continue to move after activation. This possibility presents unique problems for responding officers. Officers should recognize GPS coordinates are currently accurate to within 100 yards.

The verification process utilized by the monitoring center should provide responding officers information regarding the nature of the crime; for example, stolen auto or car jacking. The assigned officers must carefully coordinate their response which may include, as necessary, a felony vehicle stop.

VII. DOCUMENTATION

Reporting of responses to MSD activations shall be in compliance with the provisions of the Report Writing Manual and general orders. Events that are classified as false activations shall be closed as 10-99U and not be cleared with the 10-98 code.

This general order becomes effective July 1, 2010 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: LIMITED ENGLISH LANGUAGE PROFICIENCY	NUMBER:	520.9
CANCELS ORDER DATED: 7-1-03	DATE:	10-1-10

I. PURPOSE

The purpose of this general order is to establish guidelines for Department personnel to utilize when interacting with a person(s) of limited English language proficiency (LEP).

II. POLICY

It is the policy of the Fairfax County Police Department to provide essential law enforcement and public safety services. The role of the Department is determined by the community it serves. Through a partnership with the citizens, the Department improves the quality of life through control and reduction of crime. Essential to this partnership is effective and accurate communication.

Due to the diversity of Fairfax County, officers and civilian employees routinely come into contact with individuals with LEP skills, and persons who are deaf or hearing impaired. All employees shall provide the same level of service to members of the public regardless of that individual's ability to communicate. Many resources have been put in place to assist employees in communicating with LEP persons.

III. LEVELS OF CONTACT

Employees will have varying levels of contact with the LEP public requiring varying levels of interpretive services. Officers must examine the level of skill potential interpreters possess and the likelihood of the interpretation being used in court testimony. When using members of the public to translate, officers must be cautious of people who may intentionally mislead an investigation by means of their translation.

IV. PROCEDURES

A. Telephone calls received by any employee on a public line from LEP individuals where there is not adequate understanding of their needs should be interpreted by:

1. Bilingual Department Employees (including Auxiliary Officers)
2. Telephonic Language Line service (if three-way calling is available)

3. TDD Device (for the deaf or hearing impaired)

B. Routine contacts with, and service reports by, LEP individuals may be interpreted by any of the following:

1. Bilingual Department Employees (including Auxiliary Officers)

2. Telephonic Language Line service

3. Other members of the public possessing adequate skill

4. Written word or TDD Device (for the deaf or hearing impaired)

C. The interview of crime victims or suspects whose statement is likely to be brought into court shall be provided by:

1. Bilingual Department Employees (including Auxiliary Officers)

2. Professional Interpreters

3. Telephonic Language Line service (use of the Language Line should be avoided for suspect interviews)

D. There will be times during the early stages of emergency situations where any means of translation must be used in order to establish the initial elements of criminal occurrences. This general order shall not limit Department personnel from using emergency translation during these circumstances. Once situations have stabilized, then more formalized means of translation shall be provided to the LEP individual.

E. To use the language line, dial 1-800-874-9426 and use account 922011 and your personal identification code. Any time the Telephonic Language Line is utilized, the employee shall note the operator number identifying the translator. Each facility commander shall ensure that three-way calling capabilities exist from phone lines called by the public, and that personnel are trained to connect calls to the language line.

F. Guidelines for contacts with deaf or hearing impaired persons are provided in General Order 601, Section VI.

V. OTHER RESOURCES

Fairfax County maintains several language interpretation and translation vendor contracts which may be used to provide various language access services, usually in a non-emergency situation. If services are needed in a non-emergency situation, contact should be made with the Financial Resources Division to determine availability and use of these contracts.

VI. DEPARTMENTAL FORMS AND BROCHURES

Many Department forms and brochures have been translated into many different languages. Officers shall provide the appropriate form, if available, to any LEP person requiring it. Officers must be particularly mindful of this when providing Miranda or Implied Consent warnings.

If employees identify forms or brochures that need to be translated, they should contact the Public Information Office for further assistance.

V. ACCREDITATION STANDARDS REFERENCE

VLEPSC
ADM
02.02

This general order becomes effective October 1, 2010 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: ASSET FORFEITURE/MONEY LAUNDERING UNIT/SEIZED VEHICLE PROCESSING FEE	NUMBER:	520.10
CANCELS ORDER DATED: 4-1-05	DATE:	7-1-10

I. PURPOSE

The purpose of this order is to identify the mission and operational parameters of the Asset Forfeiture/Money Laundering Unit, establish guidelines and responsibilities for first line supervisors and patrol officers and define the procedures for releasing lawfully seized vehicles at the direction of the Office of the Commonwealth's Attorney including the collection of a $500 processing fee.

II. POLICY

It shall be the policy of the Fairfax County Police Department to actively investigate individuals, terrorists and/or terrorist groups, illegal drug dealers, criminal enterprises, conspirators and co-conspirators involved in the illegal activity of money laundering.

The Department will actively seize proceeds and/or property/vehicles used in connection with, or derived from, illegal drug transactions and other related crimes; such as transporting stolen property valued over $200, transportation of illegal alcohol or alcoholic beverages, prostitution, and gambling.

At the direction of the Office of the Commonwealth's Attorney, the Department may collect a $500 processing fee for the release of lawfully seized vehicles that are no longer subject to forfeiture.

The Asset Forfeiture/Money Laundering Unit will provide training and support to all entities of the Department.

III. DEFINITIONS

A. Proceeds: Property acquired or derived, directly or indirectly, from, produced through, realized through, or caused by an act or omission and include property, real or personal, of any kind.

B. Property: Anything of value, and includes any interest therein, including any benefit, privilege, claim or right with respect to anything of value, whether real or personal, tangible or intangible.

C. Vehicle Seizures: The taking of legal possession subject to forfeiture to the Commonwealth of Virginia.

IV. RESPONSIBILITIES

The Asset Forfeiture/Money Laundering Unit is under the direction of the Organized Crime and Narcotics Division (OCN) and normally operates between the hours of 1100 and 2100. The Organized Crime and Narcotics Division will be the clearinghouse for all lawful vehicle seizures, monies, and/or property. The members of the Asset Forfeiture/Money Laundering Unit, through the approval of the Commander of the Organized Crime and Narcotics Division or his designee, shall be the only employees of this Department authorized to collect the $500 processing fee for the return of lawfully seized vehicles.

A. Asset Forfeiture/Money Laundering Unit

1. Identify and successfully seize assets and/or property from drug dealers, conspirators, co-conspirators, terrorists and/or terrorist groups, and other continuing criminal enterprises.

2. Disrupt the financial support network that these criminal enterprises depend on by seizing businesses and other identified financial assets.

3. Identify and facilitate the eventual arrest and conviction of persons providing illegal financial support services to these criminal enterprises.

4. Enhance conspiratorial cases against these targeted criminal enterprises and their co-conspirators by obtaining financial evidence to support charges for violations of state law as well as violations of financial state laws.

5. Provide support to other entities of the Department in the financial investigation of any criminal enterprise.

6. Collect a processing fee in the amount of $500 for the return of lawfully seized vehicles.

7. Timely notification to the Commonwealth's Attorney's Office and/or

any federal jurisdiction of all seizures.

B. District Stations Commanders

To assist in the lawful seizure and successful forfeiture of monies and/or property/vehicles, station commanders shall make every effort to ensure that officers shall contact the Asset Forfeiture/Money Laundering Unit during normal working hours, 1100 to 2100. After hours, first line supervisors shall go through DPSC/PLC for call-out of the Asset Forfeiture/Money Laundering Unit of any and all seizures of monies in excess of $1,000, vehicles and/or property. DPSC/PLC will then contact the on-call OCN supervisor for authorization of a call-out of the Asset Forfeiture/Money Laundering Detectives. Any monies seized under the amount of $1,000 shall require immediate notification to the Organized Crime and Narcotics Division via I/LEADS of the completed paperwork describing the reason for the seizure.

V. PROCEDURES

A. The Asset Forfeiture/Money Laundering Unit will immediately be notified of any and all seizures of monies in excess of $1,000 and/or property/vehicle seizures conducted by any member of the Department.

B. The Asset Forfeiture/Money Laundering Unit will complete the proper asset forfeiture paperwork for filing with the Commonwealth's Attorney's Office and/or any federal jurisdiction forms, which may be required.

C. The Asset Forfeiture/Money Laundering Unit shall maintain and report all seizures in the Asset Forfeiture Database as well as the collection of the $500 processing fee for the return of lawfully seized vehicles.

D. Vehicles seized by any member of the Department in conjunction with General Order 520.4, Impoundment or Seizure of Motor Vehicles, shall be taken to the nearest district station or other place as designated by the OCN commander. The Asset Forfeiture/Money Laundering Unit will make arrangements for seized vehicles to be transported to the Organized Crime and Narcotics Division Seizure lot.

E. Vehicles seized by any member of the Department shall be inventoried as defined in General Order 520.4, Section V., VEHICLE INVENTORY POLICY

AND PROCEDURE.

F. A $500 processing fee will be charged for any and all lawfully seized vehicles returned at the direction of the Commonwealth's Attorney's Office. This fee may be waived at the discretion of the commander of the Criminal Investigations Bureau, the commander of the Organized Crime and Narcotics Division or his designee.

G. All property seized will be packaged and stored in compliance with General Order 610.1, Custody of Property.

H. U.S. currency seized shall be counted when practical and verified by the on-duty supervisor as defined in General Order 610.1, Section III., Paragraph B., Responsibilities of Submitting Personnel, Subparagraph C, Currency.

I. All completed paperwork describing the reason for the seizure and the location of the seized monies and/or property/vehicle shall be immediately forwarded to the Organized Crime and Narcotics Division via I/LEADS.

VIII. LEGAL REFERENCES

Code of Virginia

18.2-246.1	19.2-386.4
18.2-246.2	19.2-386.5
18.2-246.3	19.2-386.6
18.2-246.4	19.2-386.8
18.2-246.5	19.2-386-19
19.2-386.3	19.2-386.22

IX. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
16.01	03.01
16.02	03.05
	12.03

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: ASSET FORFEITURE/MONEY LAUNDERING UNIT/SEIZED VEHICLE PROCESSING FEE	NUMBER:	520.10
CANCELS ORDER DATED: 4-1-05	DATE:	7-1-10

This general order becomes effective July 1, 2010 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: CANINE OPERATIONS	NUMBER:	530.1
CANCELS ORDER DATED: 1-1-97	DATE:	10-1-07

I. POLICY

The objective of the Canine Section is to provide line support to members of the Department with highly mobile, specially trained police service dogs. The police service dog has special attributes in searching for items or people that can quickly facilitate their location. In this regard, resources can be better managed with additional safety for the police officers and improved crime detection and prevention.

The Canine Section also has drug detection capability. The use of trained dogs for the purpose of drug detection is widely recognized by both state and federal courts throughout the United States. A positive alert by a trained drug detection dog can be probable cause for both an arrest and the issuance of a search warrant.

II. DEFINITIONS

A. Police Service Dog: A dog that has been trained to: locate articles, track and locate suspects or missing people, and to apprehend suspects by biting and holding them.

B. Bloodhound: A breed of dog that is trained to be scent specific to track a particular person to the exclusion of all others and to work in heavily scent contaminated areas. The bloodhound is not trained to bite and hold suspects when found.

C. Drug Detection Dog: A dog that has been trained to identify certain controlled substances by smell. The Department utilizes some dogs that are trained solely in drug detection and are not trained to apprehend suspects.

D. Police Canine: Includes police service dogs, bloodhounds, and drug detection dogs as defined above.

E. Canine Handler: The police officer assigned to work with a specific police service dog, bloodhound, or drug detection dog.

F. Canine Team: A canine handler and dog.

III. REGULATIONS

A. Interaction Between Patrol Officers and Canine Units

1. No one shall approach, pet, tease, or attempt to play with police canines, without the canine handler's approval.

2. When any police canine is present, other persons must avoid any physical contact of any nature with the dog's handler, because the dog might perceive such contact as an attack on his handler and respond in accordance with his training by biting and holding the perceived attacker.

3. No one shall follow the canine handler and police canine on any track unless specifically directed to do so by the canine handler.

4. Police service dogs are trained to apprehend, on command, fleeing suspects or suspects who may be attacking the handler or the dog. In the event that an officer is confronted by a police canine, the best tactic is to stand still since any sudden movement or attempted flight might cause the dog to respond by biting and holding.

5. Under normal circumstances no one other than the canine handler shall attempt to interfere with or call off a police service dog which has been given the command to apprehend by the canine handler. In the event that the canine handler becomes incapacitated and incapable of controlling his/her dog, another officer at the scene must take action to ensure that excessive force does not occur or that innocent persons are not injured by the police canine.

6. Officers who need a canine handler to appear in court must have a subpoena issued so that court attendance can be coordinated with the Canine Section duty schedules.

7. Whenever an officer requests the assistance of a canine unit, the officer shall indicate on the Field Investigation Report the fact of

such request. The canine handler shall file a supplemental report describing his/her response to the request for assistance; this supplemental report shall include a specific description of the actions undertaken by the canine handler and the results of any search or pursuit.

B. General Provisions Applicable to Canine Officers

1. Canine units will not be assigned radio calls except as a backup for other units or in cases of emergency when a regular patrol unit is not available.

2. Canine units will assist whenever possible in arrest situations, but will not take physical custody and transport prisoners.

3. <u>While on and off-duty, the canine handlers shall maintain control of their dogs at all times</u>.

4. Police Service Dogs shall not be taken inside any police building <u>unless authorized by a supervisor</u>.

5. a. In the event of a dog bite the incident will be investigated by a Canine Section supervisor. This includes any time there is visible evidence the police canine bit anyone, such as swelling or redness of the skin, or any time the subject complains of an injury as a result of the arrest. In the Canine Section supervisor's absence, the incident will be investigated by a patrol supervisor working the district where the event occurred. Should the incident involve the Canine Section supervisor's dog, the investigation will be conducted as directed by the Commander of the Special Operations Division or by the Staff Duty Officer. The investigation of the incident shall be conducted in the manner set forth in paragraphs 5(c) and (d) below.

   b. In the event that a police service dog causes, or is alleged to have caused, injury to a citizen not suspected of any crime, the investigation of the incident shall be conducted as set forth in paragraphs 5(c) and (d) below. In addition,

the investigating supervisor shall be responsible for completing a Citizen Injury Report. These reports are available through the Police Department's Personnel Resources Division.

c. The event shall be investigated and reported in accordance with General Order 301 as supplemented by paragraph 5(d) below. The investigating supervisor's report shall include photographs of any and all wounds inflicted or alleged to have been inflicted by the police canine. These photographs shall be taken, if at all possible, after the wound has been treated and before it is bandaged.

d. The person conducting the investigation should interview persons with information as soon as possible after the incident. It is the preferred practice to record the interview by video or audio means for preservation. If the interview is not recorded the investigating supervisor should have the witness write and sign a statement or take detailed notes of the interview. Persons to be interviewed should include the following:

(1) The person bitten or injured.

(2) The canine handler.

(3) Other officers present at the scene of the incident being investigated.

(4) Any other persons present at the scene of the incident being investigated.

(5) Emergency medical services personnel who responded to the scene of the incident being investigated.

(6) Officers or others who transported the injured person from the scene of the incident being investigated.

(7) Hospital personnel, including admissions personnel, nurses, physician's assistants, and doctors who saw, treated, or otherwise have personal knowledge of the condition of the injured person.

(8) Jail personnel, including booking officers, jail medical staff, and housing officers who saw, treated, or otherwise have personal knowledge of the condition of the injured person.

6. The canine handler or the Canine Section supervisor shall have exclusive control over the use of his/her dog, subject to review by the Commander of the Special Operations Division. Patrol officers must understand that the canine handler will make the final determination as to whether to deploy his/her police canine based upon his/her assessment of the situation and knowledge of the capabilities of the dog.

IV. OPERATIONAL PROCEDURES

A. Primary Situations Warranting Canine Support

1. Building Searches - Upon discovery of a possible burglary, including, but not limited to, such observable evidence as broken windows, latches, or doors that appear to have been forced or tampered with, the officer assigned should request the assistance of a canine team to conduct a building search unless the officer has clear evidence that the original suspicion is unfounded or that the building is free of any suspect. The mere fact that a building or residence is found open without further evidence of breaking or motion inside of the building will not generally merit a canine search of the building. If a patrol officer requests canine assistance, he should not enter the building before the canine team arrives, absent exigent circumstances. During the course of the search no person shall enter the building except the handler or someone at the handler's request.

a. Prior to any canine search of a building, an announcement must be given indicating the intent to release a police service dog to search the building and apprehend anyone therein. The announcement must be consistent with the following: "I am a Fairfax County police officer. Come out with your hands up. If you do not come out, a police dog will be released, and you may be bitten." The wording of the announcement shall be documented in the canine handler's supplemental report.

b. Whenever possible, the announcement shall be given over the police cruiser P/A system at a level that can be heard by perimeter units. After the announcement has been made, the canine handler shall allow sufficient time for civilians to exit the building and for any suspects to avail themselves of the opportunity to surrender before beginning the search. In the event that a large building or area is being searched, the announcement should be repeated whenever the search reaches a new floor or an area in which the initial announcement might not have been heard. Each additional announcement must be documented with respect to the wording of the announcement and the location in which each additional announcement was made.

c. A warning may only be dispensed with in the unusual event that there is a reasonable belief that specific officer safety issues would be created by the giving of a warning.

2. Tracking

a. The pursuit of suspects fleeing the scene of a crime is initially the responsibility of the first officer on the scene. Once the officer has lost sight of the suspect, and depending on the terrain and visibility, the officer should request canine assistance. It is important that the officer mark the location where the suspect was last seen, so that the police canine can pick up the scent as soon as possible. The area where the track is to begin must remain

uncontaminated to ensure that the canine will have the best opportunity to obtain the suspect's scent. Therefore, any and all unnecessary walking over the area must be avoided.

b. Police service dogs can be used to great advantage in searching for missing persons as well as physical evidence or property that may have been recently handled. The principles regarding the marking of the location and protection of the scene are the same as those set forth above.

The police bloodhound is the preferred tool to employ to search for missing persons because bloodhounds are not trained to apprehend suspects and are unlikely to unintentionally bite a person. Police service dogs go through extensive training, but the possibility of an unintentional bite always exists. There are times, however, when the risk of not finding the missing person outweighs the risk of the potential bite. Some factors to consider when evaluating whether to use a police service dog to search for a missing person are:

(1) The mental capacity of the missing person (age, Alzheimer's, dementia, other disability, etc.).

(2) Age and health of the person (young and elderly are more prone to the risks of exposure).

(3) The weather conditions.

(4) The clothing that the person was last seen wearing.

(5) The length of time the person has been missing.

(6) The time that it will take for a bloodhound to arrive on the scene.

c. Prior to searching wooded areas, and depending upon the availability of appropriate staffing and the size of the area, the area should be isolated by establishing a perimeter. This will assist in preventing unauthorized persons from entering the search area and prevent a suspect from fleeing.

3. Drug Detection

a. Requests for a drug detection dog shall be approved by the immediate supervisor of the officer or detective making the request. The supervisor will notify a DPSC supervisor who will contact the most accessible on-duty drug detection dog handler.

b. Generally, the Canine Section will provide seven day coverage from 0700-0530 hours and should be the primary response unit during that time. In situations where no handler is on duty, the DPSC supervisor should refer to the stand by list.

c. Requests for a drug detection dog by other law enforcement agencies, during normal duty hours, shall be made to the Commander of the Special Operations Division or a designee. Requests by other agencies during other than normal duty hours shall be made to the Staff Duty Officer through the Department of Public Safety Communications.

d. Requests for drug detection dogs will be made in a timely manner so as to reduce the downtime of the investigative stop.

e. When the drug detection dog is used for building searches, the following procedures should be followed, both for maximum effectiveness and safety of the dog handlers:

(l) All persons on the premises should be removed or placed in one room prior to the dog search commencing.

(2) All plain view drugs should be secured prior to the dog search.

f. Drug detection dogs will not be used in an area deemed unsafe by the dog handler.

g. The cross trained dog teams assigned to the Canine Section will assist; however, because they must be available for their patrol duties, they must limit themselves to a support role and not that of lead officer.

h. Requests from the Office of the Sheriff for routine scheduled drug searches of the Adult Detention Center shall follow the requirements of paragraph C of this section, however, with an added requirement of two weeks advance notice.

i. Fairfax County Police canines are trained to indicate the presence of narcotics by scratching, barking, or biting the area where they smell narcotics; therefore, because of the possibility of injury to persons during that alert process, drug detection dogs will not be used to search people or objects in their possession.

j. Drug detection dogs will not be used for any public exhibition without the express authorization of the Commander of the Special Operations Division.

k. Drug detection dogs will not be provided for use by private individuals or agencies. Drug detection dogs may only be used as part of a police investigation or as part of an administrative search of a government facility with the approval of the Canine Section supervisor.

l. Drug detection dogs will not be used in any area or on any premises to which the handler does not have lawful access.

B. General Operational Considerations

1. Use of Force Guidelines

a. Each canine handler is responsible for the proper use and control of their assigned police canine.

b. The federal courts consider utilization of the police service dog for apprehension to be the use of non-deadly force. Accordingly, the use of police service dogs for apprehension must be in compliance with General Order 540.1, Use of Force.

c. Under the direction of its handler, a police service dog may be employed in any situation in which the use of non-deadly physical force is reasonably necessary to:

(1) Prevent escape from lawful custody, to effect an arrest or an investigative stop of a person reasonably suspected of committing a criminal offense, or to prevent any person from being injured.

(2) Defend the canine handler or any other person from assault, or what the canine handler reasonably believes to be physical resistance while effecting or attempting to effect an arrest, investigative stop, or while preventing or attempting to prevent an escape from lawful custody, or to restore institutional integrity in a detention facility.

d. Only that amount of force necessary to achieve a lawful intended result should be used when deploying a departmental police service dog under the direction of its handler.

e. There are a number of factors that canine handlers must consider when evaluating the use of a police service dog for apprehension:

(1) The severity of the alleged crime.

(2) Whether the suspect poses an immediate threat to the safety of law enforcement personnel or others, including whether the suspect is known to be or may be armed with any weapon or any other object that could be used to inflict serious physical injury.

(3) The degree to which the suspect resists arrest or detention.

(4) Any attempt by the suspect to evade arrest by flight or concealment.

f. Generally, felonies and serious misdemeanors, such as assault, weapons violations, and fleeing after driving while intoxicated would justify the use of the police service dog for apprehension.

g. Serial crimes that present a danger to the community, such as exposures or peepings, particularly when associated with sexual assaults might justify the use of the police service dog for apprehension. To properly support the use of police service dogs for serial offenses a request, with supporting documentation, should be made to the Commander of the Special Operations Division for the use of the dogs for serial offenses. Approval by the Commander of the Special Operations Division, or designee, is required prior to the deployment of police service dogs for apprehension under these cases. The decision to deploy the canine at the time of the response still rests with the canine handler, subject to review by the Commander of the Special Operations Division.

h. In the event that a police canine apprehends a suspect by biting and holding, the canine handler must reduce the use of force as appropriate in response to the subject's compliance with the canine handler's commands.

2. Officers requesting canine assistance must ensure that the request is canceled once it becomes apparent that the need no longer exists.

3. Requests for canine assistance during hours when the Canine Section is off-duty will be directed to DPSC who will contact the canine handler on the stand by list.

4. In the event a canine handler is injured to the extent that the handler cannot exercise control over the police canine, any officer at the scene shall call for another canine handler or the Canine Section supervisor to handle the dog. If the time required for response by another canine handler may jeopardize the injured canine handler's life, officers on the scene should attempt to divert the dog's attention in order to reach the injured canine handler and move that canine handler to safety, if possible. The use of deadly force against the police canine shall not be considered until all other means have failed and the canine handler's injuries are of a type that might result in death or serious injury if medical attention is delayed until the police canine can be brought under control.

5. Police service dogs shall not be used for crowd control purposes unless directed by the Chief of Police or a designee.

V. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
01.08

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: CANINE OPERATIONS	NUMBER:	530.1
CANCELS ORDER DATED: 1-1-97	DATE:	10-1-07

This General Order becomes effective October 1, 2007 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 HELICOPTER OPERATIONS	NUMBER:	530.2
CANCELS ORDER DATED: 1-1-97	DATE:	10-1-10

I. PURPOSE

This general order is issued to establish guidelines and procedures for use of the Fairfax County police helicopters. The operational success of the Helicopter Division is dependent on effective coordination between air and ground units, and their combined knowledge of the operational procedures contained in this order.

II. POLICY

The Fairfax County Police Helicopter Division will function primarily as an aerial platform for police operations in traffic control, apprehensions, crime prevention, safety and searches. In terms of operations, medical evacuations for life threatening situations will be the highest priority. Field units are encouraged to utilize this support whenever the situation warrants. Inquiries regarding possible uses of the helicopters should be directed to the Helicopter Division.

III. Definitions

A. Pilot-In-Charge: The designation for the pilot who is in charge of the helicopter during actual operations. If there are two pilots in the helicopter, only one acts as pilot-in-charge.

B. Flight Officer: The crew member who functions as the police observer and an emergency medical technician.

C. Flight Crew: The crew members who are assigned to a helicopter during a tour of duty. This will generally be a pilot and flight officer.

D Rotorwash: The wind generated by the rotor blades of the helicopter.

E. Landing Zone: Any area designated as a location for the helicopter to land.

F. Confined Area: Any landing zone that is small in size and probably having poor approach paths. The helicopter must make a steep approach and takeoff and has limited maneuvering space. A large appearing area may actually be confined because of obstructions, such as light poles. Officers should be aware the amount of load the helicopter can carry will be

influenced by how confined the area is that has been chosen as a landing zone.

G. Medical Control: The senior physician on-duty at Fairfax Hospital Emergency Department, or appropriate designee.

IV. RESPONSIBILITIES

A. Officers Requesting Helicopter Support

1. Requests for a helicopter must be made through a supervisor. However, if an officer assigned to a crime in progress or crime recently committed feels the helicopter may aid in the detection of suspects, vehicles, or property, he may request the police helicopter to respond to the area.

2. Establish communications with the Department of Public Safety Communications relating:

   a. Location of incident, including landmarks, nearest major intersections, or other reference points. Keep in mind, street numbers are impossible to find from the air.

   b. Type of incident.

   c. Specific nature of service requested and any specific equipment required.

3. If a landing is indicated:

   a. Establish a safe landing zone and relay all information to the helicopter crew.

   b. Request the necessary officers for control of vehicular traffic and civilian by-standers.

c. Maintain direct communications with aircraft during landing phase and assist the crew by observing approach and relaying any necessary corrections by hand signal.

4. No ground personnel, police or others, shall approach the helicopter unless specifically directed by the pilot or flight officer. When directed to approach the helicopter, personnel shall do so only from the front of the aircraft. Under no circumstances should anyone approach the tail area, or cross from side to side under the tail boom of the aircraft. Personnel approaching the aircraft should continue to observe the pilot for any additional instructions which the pilot may convey.

5. Unless personnel are otherwise directed, the flight officer shall be responsible for opening and closing the aircraft doors.

B. Department of Public Safety Communications (DPSC)

Through mutual agreement, the DPSC will do the following:

1. Maintain up-to-date information on status of the helicopters.

2. Relay requests and appropriate information to the helicopter crew.

3. Limit transmissions on assigned frequency during critical phases of helicopter missions, except for the following:

- relay of landing zone information
- mission details
- update information
- actual landing phase
- when requested

4. Should a situation develop in which a helicopter may be needed, but has not specifically been requested, the Department of Public Safety

Communications will alert the flight crew. This notification includes, but is not limited to, incidents such as major crimes, serious accidents, pursuits, etc.

C. Helicopter Pilot

The helicopter pilot-in-command has sole responsibility for the safe operation of the helicopter at all times (as per Federal Aviation Regulations), including the ability to terminate a mission at any point. Should a pilot abort an assigned mission, the pilot will notify the Department of Public Safety Communications of the reason(s) for the termination. When a mission is aborted, the Department of Public Safety Communications shall notify the person or agency requesting the helicopter of the mission termination.

D. Helicopter Flight Officer

In addition to regular duties, the helicopter flight officer shall direct personnel in and around the helicopter while the helicopter is on the ground. Personnel shall not approach the helicopter unless directed to do so by the flight officer. During medevac operations, the flight officer shall direct patient loading/unloading and designate who shall assist.

V. OPERATIONAL PROCEDURES

A. Priorities

Missions shall be conducted in accordance with the following priorities. With limited exceptions, a mission of higher priority shall pre-empt any other mission.

Priority I: Medical emergencies in Fairfax County

Priority II: Police emergencies in Fairfax County

Priority III: Medical emergencies outside Fairfax County

Priority IV: Police emergencies outside Fairfax County

Priority V: Routine police missions in Fairfax County

Priority VI: Non-emergency missions outside Fairfax County

B. Response

1. All requests for helicopter support must be authorized by a supervisor, except as provided in Section III. A. 1. of this order. The request should be made through the Department of Public Safety Communications.

2. The police helicopter shall not be used to transport violent or mentally ill persons.

3. Helicopter noise is a factor which may limit non-essential nighttime operations in residential areas. Supervisors/officers should be aware of this restriction in requesting helicopter support.

4. The Department of Public Safety Communications shall notify the helicopter crew of the request for helicopter support and the crew will provide an estimated time of arrival to the scene.

5. If a landing is to be made, one or more police units shall establish a suitable landing zone and relay all available information and updates to the helicopter crew.

6. One police unit on the scene shall be responsible for maintaining and coordinating communications with the helicopter crew throughout the mission.

C. Landing Zones

Off airport/helipad landings can be the most hazardous aspect of any helicopter mission, especially into areas where the pilot is unfamiliar. The importance of proper selection of a landing zone cannot be over-emphasized.

1. Confined Area Sites

The following criteria shall serve as the minimum requirements for establishing a landing zone:

a. Size: 50 feet by 50 feet, completely clear of obstructions.

b. Surface: Hard surface -- concrete, asphalt, hard earth, grass, and must be free of all loose debris (gravel, trash, other material).

c. Slope: Any slope in the landing zone must be gradual and should never exceed 15 degrees.

d. Obstructions: Police officers establishing a landing zone must physically check a 200-yard approach and departure path. This flight path should be directly into the wind as much as possible. Approach and departure paths shall be checked for any obstructions which may be hazardous to flight. Obstructions that are clearly visible and obvious from the ground may be invisible from the air. The best example of this type of hazardous obstruction is utility wires. Ground units should always relay the presence of hazardous obstructions immediately to the helicopter crew.

e. Marking: Officers should mark the landing zone with a flare in each corner. If possible, the flares should be anchored to prevent them from being blown about by the helicopter. At night, vehicles can be used in conjunction with the flares to light the landing zone; use low beam headlights only. Emergency vehicles may have emergency lights in operation until it is obvious the helicopter has found the landing zone. Due to the flight crew utilizing night vision goggles, cruisers directly adjacent to the landing zone shall have their emergency lights turned off to avoid blinding the helicopter crew. Spotlights should never be directed at the helicopter. If it appears the helicopter crew is having difficulty locating the landing zone, a flashlight may be used to attract the helicopter crews' attention.

f. Scene Control: No person or vehicle shall be permitted within 50 feet of the helicopter unless specifically directed by a helicopter crew member.

2. School Property

The use of school property for a landing zone is prohibited unless:

a. The landing is necessary for a police, fire, or rescue emergency, or

b. Prior approval has been granted by the School Division Superintendent.

c. If an emergency landing on school property occurs, the flight officer shall notify the Department of Public Safety Communications. The Department of Public Safety Communications supervisor shall notify the Operations Support Bureau commander or Duty Officer and the Fairfax County School Security officer.

3. Parks, Parking Lots, Etc.

For non-emergency missions, helicopter pilots should be requested to land in such areas as large parks, the Fire Services Training Center, police range, and large parking lots. The minimum requirements specified in Section C. 1. also apply to these sites.

4. Hospital Helicopter Pads

The use of hospital helicopter pads should be restricted to medical-related missions.

D. Vehicle Pursuits

The helicopter can be a very valuable aid in pursuit situations. When requested, the helicopter can respond to an area quickly and provide aerial surveillance allowing pursuing officers to remain at a safe speed and distance. Radio communication during pursuits is important, as the

helicopter crew will provide updated information to coordinate the apprehension. Pursuits which begin on or involve interstate highways or the Virginia State Police may also be coordinated by the Virginia State Police.

When the helicopter enters the pursuit, other pursuing officers should reduce speed to safe conditions and remain in radio contact with the aircraft. The helicopter will continually report the location and direction of the pursued vehicle to enable patrol units to take appropriate action. During night pursuits, the aircraft will direct a searchlight at the fleeing vehicle whenever this can be done safely. A police supervisor in the affected district shall monitor all pursuits and provide supervisory guidance as appropriate.

E. Aircraft/Cruiser Communications

Any time patrol officers are communicating with the flight crew and are in visual contact with the aircraft, the officers shall use their vehicle "roof number" as opposed to "scout" or unit number. This procedure shall be followed in pursuits, crime scenes, accidents, and all other situations where the flight crew can visually observe and direct officers. The vehicle number should always be preceded by "cruiser," (i.e., "Cruiser 4395 to Fairfax 1"). The number on top of the vehicle is the EMTA vehicle number.

F. Coordination with Other Helicopter Units

In some cases, two or more jurisdictions' helicopters may be operational and in the air when a police incident occurs. In those situations, caution must be exercised in coordinating the response of multiple aircraft to the same geographic area. The crew of the aircraft nearest to the scene shall identify themselves and advise all other responding aircraft. Additional aircraft responding to the scene shall maintain a safe distance until directed to a specific mission by a crew member of the first aircraft.

Airborne command of a scene should correspond to ground command of the scene; (i.e., the Fairfax County police helicopter should provide primary support to Fairfax County police incidents). Similarly, the Virginia State Police helicopter should provide primary air support to Virginia State Police incidents. In exigent circumstances, such as high speed pursuits, the

transfer of airborne command shall be postponed until such time as the situation stabilizes and the transfer can be safely accomplished.

G. Administrative Use of the Helicopter

Any request for transport or service by a County agency or employee other than police or the Fire and Rescue Department must be approved by the County Executive's Office.

H. Release of Video Recordings

Legal control and management of video recordings are subject to the same standards as set forth in General Order 430.8, Section VIII and IX. Storage and release of all video recordings made by the flight crew must be approved by the Helicopter Division commander, or their designee.

VI. SPECIALIZED EQUIPMENT

A. FLIR - "Forward Looking Infrared"

This heat-sensing device operates within the infrared spectrum penetrating darkness, smoke, haze, dust and mist. An operator can see under conditions where there is little or no visibility. The most prevalent use of the system will be for vision during the hours of darkness. The FLIR differentiates between heat in objects; consequently, bodies, animals, automobiles that have recently been driven, and anything producing heat are detectable. Although the FLIR system will not detect images through dense trees, it can penetrate light foliage and other sparse material. The FLIR provides a picture on the TV screen in the cockpit, similar to a black and white TV. People can be located on top of roofs or on the ground in total darkness. A warm vehicle engine can be located in a large parking lot.

B. Rescue Equipment

The helicopters are equipped with two types of rescue devices. The first device, the “Cinch Collar,” can be used to lift a single individual. It is carried on the helicopter at all times. The second device is the "Billy Pugh" net.

This is a rope basket that will hold two individuals. It is not normally carried in the helicopter, but is readily available on request.

Both of the rescue devices can be used for water extraction or land applications, such as evacuation from a high-rise building. They are ordinarily used in situations where the helicopter cannot land. Whenever possible, landing zones should be used for the helicopter and the rescue devices utilized only under emergency circumstances. The two devices are deployed in a similar fashion by being extended below the helicopter on a rope. The rescued person is not pulled into the helicopter; rather, the person is moved to a safe location while still beneath the helicopter.

If it is expected that either rescue device will be needed, the helicopter crew should be notified as soon as possible.

VII. ACCESS TO HELICOPTERS BY OUTSIDE JURISDICTIONS

Fairfax County police helicopters are available to other jurisdictions and can be accessed per the mutual aid agreement. For example, if Arlington County has a bank robbery in progress, the helicopter may be deployed. As in all cases, the priority system set forth in Section IV, Paragraph A, will be followed.

A. Procedures

1. All operational requests for helicopter assistance from other jurisdictions shall be made via telephone or mutual aid radio, through the Department of Public Safety Communications.

2. The Department of Public Safety Communications will then notify the Helicopter Division commander during normal working hours. After 5:00 p.m. and weekends, the Duty Officer will be notified if the request is from an adjacent jurisdiction. For requests which are not from adjacent jurisdictions, the Helicopter Division commander shall be notified, and a decision regarding the mission will be made in concert with the Operations Support Bureau commander or designee.

3. When requests are received from adjacent jurisdictions, the Duty Officer shall confer with the on-duty flight crew. After an assessment of the situation, and contingent on the weather and availability of the aircraft, a decision will be made as to whether or not the request will be granted.

4. The outside jurisdiction shall be notified via telephone or mutual aid radio by the Department of Public Safety Communications regarding the status of their request.

5. After completion of a mission outside Fairfax County, the flight crew shall notify the appropriate commander through the Department of Public Safety Communications supervisor concerning their return to service.

6. All requests for administrative use of the aircraft outside Fairfax County must be approved by the Chief of Police.

B. Disaster Plans

1. Mutual Aid

   Assistance to other Northern Virginia jurisdictions will occur after proper notification from the requesting agency has been made. Use of the aircraft will depend on availability and the ability to accomplish the mission.

2. Council of Governments Disaster Plan

   If the aircraft is available and can accomplish the mission, the Council of Governments Disaster Plan shall be followed.

VIII. EMERGENCY EVACUATION REQUEST

A. Fairfax County police helicopters will be available for medical evacuations in Fairfax County and adjoining jurisdictions, (i.e., Arlington, Prince William and Loudoun Counties, the Cities of Alexandria, Fairfax and Falls Church, the Towns of Herndon and Vienna, and the portion of the Potomac River

that is contiguous to these jurisdictions). When medical control is notified of an emergency incident, illness, or emergency inter-hospital transport within the primary coverage area which requires the services of the Helicopter Division, the on-duty crew will be contacted by direct telephone line, or via the Department of Public Safety Communications. All medevac missions shall be requested through medical control. In the event the Department of Public Safety Communications is contacted directly, the Department of Public Safety Communications will notify medical control. In exigent circumstances, the helicopter crew will act in the best interest of the involved parties and notify medical control as soon as possible.

B. When medical control receives a request for a medical evacuation from a jurisdiction outside the primary coverage area, the decision to accept the mission will be made on a case-by-case basis by the Chief of Police, Deputy Chief of Police or a designee. After medical control has contacted the Helicopter Division with such a request, a crew member shall immediately contact the granting authority. The decision will be made after consultation with the flight crew concerning the following factors:

- Previous aircraft commitments
- Aircraft availability
- Weather conditions
- Condition of the patient
- Location of the requested mission

C. Requests for medical evacuations from jurisdictions outside of the primary coverage area will be monitored for number and type of missions. At no time shall any mission be accepted that is beyond the operational capabilities of the aircraft.

IX. RECORD KEEPING

The Helicopter Division will be responsible for providing monthly reports to the Chief of Police on the number of medical evacuations, arrests, searches, hours

flown, requests for service, assistance to other jurisdictions, etc. on a prescribed form.

X. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
13.01	01.10
14.01	01.08
	08.03

This general order becomes effective October 1, 2010 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: 8-1-95	DATE:	1-1-97

I. PURPOSE

This General Order is established to ensure effective utilization of the Police Marine Patrol Unit.

II. POLICY

The Fairfax County Police Marine Patrol Unit operates as a component of the Operations Support Bureau. It provides waterborne enforcement of State and County laws and public safety services. The services include investigating boating accidents, conducting searches for lost persons, assisting boaters in distress, and providing boater safety education to the general public. The Marine Patrol Unit supports other entities of the Police Department, in ways such as transporting and providing a diving platform for the Underwater Search and Recovery Unit.

III. OPERATIONAL PROCEDURES

A. The following persons can deploy the Marine Patrol Unit and its equipment within the County of Fairfax:

1. Chief of Police
2. Deputy Chiefs of Police
3. Operations Support Bureau Commander
4. Special Operations Division Commander
5. Marine Patrol Supervisor
6. Duty Officer

NOTE: All requests for administrative use of the Marine Patrol Unit and/or equipment shall be approved by the Operations Support Bureau commander.

B. The boat crew will consist of one boat captain and at least one crew member.

1. The boat captain is the officer assigned to operate the boat. The captain has final authority and responsibility for the overall safety of its operation. Only boat captains who are certified by the Fairfax County Police Department can be authorized to operate the police boat.

2. The boat crew member functions as an observer and safety officer.

IV. EQUIPMENT

A. The police boat is equipped with a marine VHF radio. This radio allows the police boat to communicate with the United States Coast Guard, other law enforcement agencies, and civilian boats and marinas.

B. Repairs to the boat and its specialized equipment shall only be performed by a boat captain who has been certified by the Police Department or an authorized repair facility.

V. ASSISTANCE TO OUTSIDE JURISDICTIONS

The Fairfax County Marine Patrol Unit will provide assistance to other jurisdictions. It can be invoked via mutual aid agreement.

A. All operational requests for marine assistance from other jurisdictions shall be made through the Fairfax County Public Safety Communications Center (PSCC).

B. PSCC will then notify the Operations Support Bureau commander during regular business hours, or the Staff Duty Officer after 5:00 p.m. and on weekends.

C. The commander notified shall confer with the on-duty/on-call crew. After an assessment of the situation and boating conditions, a decision will be made as to whether or not the request will be granted.

D. The outside jurisdiction shall then be notified by PSCC regarding the status of their request.

E. Upon completion of an assignment outside Fairfax County, the boat crew shall notify the PSCC supervisor.

VI. ACCREDITATION STANDARDS REFERENCE

CALEA
41.1.4

VLEPSC
OPR.
01.08

This General Order became effective May 1, 1990 and rescinded 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: BICYCLE PATROL	NUMBER: 530.4
CANCELS ORDER DATED: 1-1-97	ISSUE DATE: 7-1-98

I. PURPOSE

The use of bicycles by Fairfax County Police officers is recognized as a valuable addition to the various transportation and patrol methods currently in use. This General Order establishes the policies and procedures applicable to the use of police bicycles.

II. POLICY

It shall be the policy of the Fairfax County Police Department to implement the use of bicycles by officers whenever such methods will result in an improved level of service to the community. Police bicycles shall be operated in accordance with all applicable State laws, County ordinances, General Orders and bicycle patrol guidelines. Police bicycles are to be operated with due regard for the safety of the officer and the public. This policy is applicable to all officers operating police bicycles.

III. OPERATIONAL PROCEDURES

A. Officers assigned to bicycle units who have not completed an approved bicycle training program shall attend the next available Fairfax County Police bicycle training or similar program that is approved by the Criminal Justice Academy. Prior to the operation of a police bicycle, an Initial Assignment Bicycle Familiarization form shall be completed and the officer shall have a working knowledge of all applicable State laws, County ordinances and General Orders. Newly assigned officers shall be initially assigned to ride with an experienced bicycle officer, preferably a instructor. Officers not assigned to bicycle units shall not operate a police bicycle prior to completing an approved training program.

B. Police bicycles shall not be operated on any interstate highway. Police bicycles shall not be operated on any other highway where the speed limit is over 55 m.p.h., except to ride directly across such highway.

C. A minimum of two bicycle officers should be assigned for maximum safety and effectiveness during any routine patrol or other operation.

D. Helmets shall be worn at all times when the bicycle is in operation.

E. If police bicycles are left unattended in a public place, they shall be secured unless an emergency prevents it. In that case the bicycles should be secured as soon as possible.

F. Officers escorting prisoners shall walk the bicycles.

G. Vehicle accidents involving police bicycles shall be reported and investigated in accordance with General Order 501.1.

H. Damage to bicycles that occurs other than through motor vehicle accidents shall be reported to the immediate supervisor.

I. When bicycle officers ride at night, the headlamp and rear light shall be used in accordance with law.

IV. UNIFORMS

A. The bicycle uniform is a special duty uniform which shall be worn in accordance with General Order 320.1. It shall not be worn to court. It shall not be worn for off-duty employment or at ceremonial functions without the approval of the station commander or designee. Bicycle officers shall have a field uniform readily available in case reassignment is necessary.

B. It is recommended that the ballistic vest be worn at all times.

C. The station commander shall have the discretionary authority to allow the wearing of other approved uniform and equipment items as necessary to meet operational needs.

V. REPAIR/MAINTENANCE

A. The Chief Mechanic is responsible for maintaining the bicycle equipment beyond the daily maintenance level. These duties include, but are not limited to, the following:

1. Repair equipment within the means provided by the station.

2. Make recommendations to the supervisor for sending equipment out for repair.

3. Make recommendations for dead-lining equipment.

4. Maintain the service log. Officers, other than the Chief Mechanic, who make repairs on police bicycles shall make the appropriate entries in the service log.

B. Officers operating the bicycle shall be responsible for the daily maintenance of the bicycle and shall conduct a pre-tour and a post-tour inspection. Deficiencies shall be brought to the attention of the bicycle supervisor, chief mechanic, assistant station commander or station commander.

C. Police bicycles requiring maintenance and/or repairs beyond the capability of the Chief Mechanic may be taken to a private bicycle repair shop, utilizing procedures established by the Financial Resources Division. Maintenance and/or repairs that are covered under a warranty and/or service agreement should be taken to the designated repair shop.

VI. EQUIPMENT

A. The following equipment shall be carried on each police bicycle:

1. Traffic vest
2. First aid supplies

3. Lock (one per team) - handcuffs may be used instead
4. Flashlight
5. Departmental forms
6. Spare tube and tire changing tools

B. Bicycle patrol officers shall be familiar with the operation of all equipment used by the unit.

C. Officers shall only utilize those bicycles authorized by the Department. Officers shall not operate, remove or alter police bicycles or equipment without the approval of the bicycle supervisor or station commander.

D. During periods when police bicycles and equipment are not in use, they shall be placed in secured storage at the district station or other secure facility.

E. The use of the bicycle repair/supplies budget shall be in accordance with the procedures established by the Financial Resources Division.

VII. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
01.08

This General Order becomes effective July 1, 1998 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: TRAFFIC ENFORCEMENT OFFICERS	NUMBER:	530.5
CANCELS ORDER DATED: 4-1-98	DATE:	10-1-10

I. PURPOSE

This general order is issued to establish guidelines and procedures for the Traffic Enforcement Officers of the Fairfax County Police Department. The Traffic Enforcement Officers' mission is to enforce various traffic laws specifically related to parking violations within Fairfax County. In addition, Traffic Enforcement Officers also provide operational support to the Department as needed.

II. POLICY

All Traffic Enforcement Officers have the enforcement powers delineated to a Conservator of the Peace, as established under the Code of Virginia, 19.2-13, with limitations and responsibilities as established in this general order.

III. PROCEDURES

A. Duties and responsibilities are limited to the enforcement of laws and ordinances of the State of Virginia and the County of Fairfax as they pertain to parking violations, registration and inspections, and abandoned vehicles. Other duties may be assigned in accordance with the limitations of their authority, and with the approval of the commander of the Operations Support Bureau, Patrol Bureau commander, or their designee.

1. Enforcement of these statutes is restricted to the issuance of Notice of Parking Violation, PD 172. Excluding exigent circumstances, the issuance of the Uniform Traffic Summons or affecting any other form of arrest, including criminal arrests, is prohibited.

2. In those circumstances where a Traffic Enforcement Officer is required to make a physical arrest, a regular sworn officer should be requested as soon as possible to provide assistance. Personal safety should be the paramount consideration governing this decision.

3. All physical arrests will be reviewed by the Traffic Enforcement Officers' commander on a case-by-case basis to ascertain conformity to policy and guidelines.

B. The authority as a Conservator of the Peace shall be in effect only while in uniform and on assigned duty. The limits of jurisdiction and authority shall include all jurisdictions and boundaries in Fairfax County as described in Regulation 101 - Authority and Jurisdiction.

C. Traffic Enforcement Officers are issued uniforms which distinguish them from police officers. Uniforms, weapons, or any other equipment approved by the Chief of Police are authorized to be worn while on-duty. Authorized weapons will be carried only after completion of specific courses of training, conducted by the Criminal Justice Academy or approved authority.

D. Persons hired as Conservators of the Peace shall complete an approved course of study, as required by the Department of Criminal Justice Services (DCJS), prior to their appointment by the Fairfax County Circuit Court. Traffic Enforcement Officers shall annually complete mandatory in-service training, as required by DCJS, in cooperation with the Criminal Justice Academy.

E. Field Training for newly hired Traffic Enforcement Officers shall be conducted by members of the Traffic Enforcement Unit assigned to the Traffic Division.

F. All vehicles shall be operated in accordance with General Order 501.1-Operation of Police Vehicles. Pursuit driving and response driving as defined in General Order 501.1 are strictly prohibited. Use of the police cruiser to stop violators is also prohibited. In incidents of serious traffic violations, where immediate apprehension is appropriate, an attempt should be made to obtain the information necessary to obtain a warrant or the assignment of a sworn officer should be requested.

G Traffic Enforcement Officers normally will not respond to police-related complaints, services, or other activities other than those related to their duties and responsibilities as established in this general order. Traffic Enforcement Officers should politely explain to citizens the limitations of their authority and assist by requesting a sworn officer to respond.

H Traffic Enforcement Officers may be utilized for traffic control at incidents such as crash scenes, disabled vehicle calls, or other approved traffic control assignments.

I. Vehicle impoundments will be in accordance with General Order 520.4 - Impoundment or Seizure of Motor Vehicles. Vehicles that are parked on County and state roads in a state of deterioration with evidence of prolonged immobility should be targeted for impoundment. Vehicles parked in violation of law, (i.e., expired registration or inspection), should also be targeted for impoundment when there is evidence of previous parking tickets for violations which have not been resolved. Vehicles targeted for impoundment may be identified by the issuance of PD 43-Unattended Vehicle Check.

J. Vehicle impoundments may also occur when it is determined that a vehicle is in violation of Fairfax County Code 82-5-41 (Parking Scofflaw). No other violation is required to be issued. The impound form (PD 48) shall be marked to hold the vehicle and indicate that release shall be at the approval of the Department of Tax Administration. The tow truck operator shall be notified of the hold. The Department of Tax Administration shall also be notified that the vehicle has been impounded.

IV. RESPONSIBILITIES:

A. Traffic Enforcement Officers will be assigned organizationally within a patrol station or the Traffic Division.

B. Traffic Enforcement Officers will be under the direct supervision of a patrol supervisor or the Traffic Enforcement supervisor (if assigned to the Traffic Division).

The Traffic Enforcement supervisor or designated patrol supervisor shall be responsible for the overall operational and administrative supervision of the Traffic Enforcement Officer to include duty assignments, training, and internal investigations.

C. All applicable regulations and general orders shall govern the conduct of Traffic Enforcement Officers.

V. LAW ENFORCEMENT RELATED INJURIES

A. ON-DUTY INJURIES

Traffic Enforcement Officers who sustain a personal injury during their normal tour of duty shall report the circumstances orally to the appropriate supervisor, who shall investigate the circumstances surrounding the injury in accordance with applicable general orders.

B. OFF-DUTY INJURIES

All Traffic Enforcement Officers 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 in accordance with General Order 330, Reporting Personal Injuries.

VII. LEGAL REFERENCES:

Code of the County of Fairfax, Virginia 82-5-41

Code of Virginia 19.2-13

VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
07.01
07.04

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: TRAFFIC ENFORCEMENT OFFICERS	NUMBER:	530.5
CANCELS ORDER DATED: 4-1-98	DATE:	10-1-10

This general order becomes effective October 1, 2010 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: GANG INVESTIGATIONS UNIT	NUMBER:	530.6
CANCELS ORDER DATED: 7-1-99	DATE:	10-1-10

I. PURPOSE

Gang activity is very dynamic, often violent, and rarely confined to a particular neighborhood or patrol district. This criminal activity is highly mobile and routinely crosses jurisdictional boundaries. While individual police districts may have a localized gang problem, it is imperative that the Department's gang intelligence effort be centralized, represent all police districts, and be linked to neighboring jurisdictions to maximize the effectiveness of information sharing. This general order establishes the policies and responsibilities applicable to the Gang Investigations Unit.

II. POLICY

It shall be the policy of the Fairfax County Police Department to dedicate all necessary resources and methods to prevent gang-related crime through education, prevention, and intervention. The Gang Investigations Unit shall provide investigative and enforcement support to departmental entities associated with gang activity of any kind. The Gang Investigations Unit shall collect and maintain a central repository of regional and local gang intelligence for investigatory support. Located within the Patrol Bureau's Youth Services Division, the Gang Investigations Unit is a standing element of the Department and supports its overall community policing philosophy.

Using the identified links between various events as an investigative resource, the Gang Investigations Unit tracks and classifies gang-related activity in order to solve crimes, to establish the frequency and source of gang-related activity, and to measure the impact of gang activity on the community. Unless otherwise prescribed, gang information shall be routinely disseminated by the Unit to enhance officer safety and to provide a basis for devising patrol or investigative tactics.

III. DEFINITIONS

A. Gang: A gang is defined as a group of people who form an allegiance for a common purpose, who engage in criminal activity, and conform to one or more of the following traits:

1. share a common group name;

2. share common symbols, tattoos or graffiti;

3. share a common style of dress;

4. frequently congregate, or lay claim to, a geographic location; and,

5. associate together on a regular or continuous basis.

B. Gang Member: Gang membership may involve very different levels of commitment and participation. The type of commitment and participation needs to be delineated to establish a level of membership of each identified participant. A person will be identified as a gang member based on meeting any two of the following criteria listed below. If a person is to only meet one of the following criteria, the person will be identified as a "suspected gang member."

1. An individual admits membership to a group which meets the criteria of a gang.

2. A reliable informant identifies an individual as a gang member.

3. An informant of previously untested reliability identifies an individual as a gang member, and it is corroborated by independent information.

4. An individual resides in, or frequents a particular gang's area and adopts their style of dress, use of hand signs, symbols or tattoos, and/or associates with known gang members.

5. An individual has been arrested in the company of identified gang members for offenses which are consistent with gang activity.

C. Gang Associate: Even though an individual does not meet the above criteria, this individual shall be identified as a gang associate if strong indications imply that there may be a close relationship with a gang.

D. Gang Activity: A police incident will be preliminarily classified as "Gang Activity" (second event) if any of the following criteria are present:

1. When an officer reasonably suspects the incident is gang-related and the suspicion is based on the officer's experience and/or training, or if the suspects, victims or participants are identified as, or believed to be, gang members.

2. When a reliable informant identifies an incident as gang-related.

3. When an informant of untested reliability identifies an incident as gang-related and the connection is corroborated by other independent information.

4. Whenever an officer reasonably suspects that a serious incident may motivate a delinquent group to form a common alliance for self-protection, retaliation or any other motivation which propels them into the level of an emerging gang.

5. When any gang member or associate is charged with any criminal violation, regardless if the crime was gang motivated or not, a second event, "Gang Activity," shall be listed on the Incident Report.

IV. RESPONSIBILITIES

A. Gang Investigations Unit

1. The fundamental role of the Gang Investigations Unit is one of gathering and disseminating criminal gang information to patrol officers and all investigative entities. These functions require good communication and a close working relationship with all operational units of the Department. Additionally, the Gang Investigations Unit shall routinely target specific gang activity and conduct pro-active patrol and enforcement efforts. This unit shall accomplish this mission through the following activities:

   a. Review all gang-related case reports forwarded by Station Gang Coordinators.

   b. Case follow-up of selected reports from which gang intelligence might be gained through additional interviews and pursuance.

c. Provide direct assistance to any departmental entity requesting intelligence or other gang-related case support.

d. Provide appropriate and timely notification to station commanders of current district-level gang activity or intelligence regarding future gang activity.

e. Provide educational support in gang-related topics to the Department and gang awareness programs in the community.

f. Departmental liaison assignment of a Gang Investigations Unit detective with Immigration and Naturalization Service (INS) to assist with deportation of criminal illegal aliens.

g. Dissemination of monthly Gang Activity Summary, Officer Safety Bulletins, and other useful gang-related information.

h. Maintain call-out roster for DPSC of Gang Investigations Unit supervisor and detectives for after-hours response to gang activity as requested by patrol supervisors, Duty Officers, or Criminal Investigations Bureau personnel.

i. Respond to gang-related incidents and assist with interviews and on-scene investigation at the direction of the investigative authority.

j. In the event of a Gang Investigations Unit call-out for a case that will ultimately involve the Major Crimes Division either through immediate response or follow-up investigative responsibilities, the Gang Investigations Unit supervisor shall immediately contact the Major Crimes supervisor to advise them of the call-out. The Major Crimes supervisor shall determine if an immediate response by the Major Crimes Division is warranted.

k. Conduct formal case follow-up on any case TOT'd to the Gang Investigations Unit with the approval of the Gang Investigations Unit supervisor.

l. Regularly meet with police officials from other jurisdictions for the purpose of sharing gang intelligence and gang activity information.

m. Coordinate investigations, enforcement operations, and intelligence sharing with members of the Northern Virginia Regional Gang Task Force.

2. The Gang Investigations Unit shall maintain a computerized gang intelligence system to track gang member contact region-wide. The Gang Investigations Unit supervisor shall serve as the administrator of this system and shall approve all entries and deletions, ensuring compliance with all state and federal regulations. Gang Investigations Unit detectives shall enter all known gang contacts including links with vehicles, weapons, locations, and known associates. Gang intelligence information from other participating jurisdictions shall also be made accessible through this system. Station-based Gang Coordinators shall assist with data entry by updating the computer information with gang contacts from their individual stations. Officers, investigators, and detectives may access this information through Station Gang Coordinators or by contacting the Gang Investigations Unit directly.

B. District Stations

1. District Station Commanders

Station commanders shall make every effort to ensure that station personnel work in close coordination with Gang Investigations Unit personnel. This shall include, but not be limited to:

a. Selection and appointment of a Station Gang Coordinator.

b. Review all reports, bulletins, and intelligence summaries of district gang activity.

c. Ensure that district gang intelligence is being properly

investigated, reported, and communicated for County-wide intelligence purposes.

d. Coordinate any station-level gang enforcement initiatives with the Gang Investigations Unit.

e. Communicate any gang-related concerns or needs to the Youth Services Division commander.

2. Patrol and Criminal Investigations Section (CIS) Supervisors

The patrol supervisor plays a critical role in the communication of gang intelligence information and the coordination of field investigative activities. These responsibilities include:

a. Review of all investigative reports for properly capturing gang activity as a reportable event.

b. Ensuring that gang-related information gathered by their officers is promptly delivered to the Station Gang Coordinator and forwarded to the Gang Investigations Unit.

c. Immediate notification to the Gang Investigations Unit (via DPSC supervisor) of a gang-related incident in which victims, suspects or witnesses are interviewed.

3. Station Gang Coordinators

The Station Gang Coordinator shall be selected and appointed by the district station commander. In addition to this officer's regular patrol assignment (ie. bike officer, patrol officer, SRO, etc.), the Station Gang Coordinator is the primary communications link between the district station and the Gang Investigations Unit. This position may also be combined with other station-based intelligence functions at the discretion of the station commander. The specific responsibilities for this officer include:

a. Review all available information on district gang activity from patrol officers, school resource officers, shopping center units,

Criminal Investigations Section detectives, and any other potential source of gang information.

b. Verify and forward information from field reports to the Gang Investigations Unit for inclusion in the regional database.

c. Assist station personnel and Gang Investigations Unit detectives with follow-up investigations on gang-related case reports whenever possible.

d. Make information pertaining to gang activity, gang members, suspected members, and their associates in the district available to all sworn personnel in a timely basis.

e. Attend all monthly gang coordinators meetings, or if excused, provide an alternate.

f. Provide training on identifying gang members and gang graffiti within their patrol district.

g. Provide educational seminars on gang activity to civic groups, schools, and businesses located in their district station areas.

C. Criminal Investigations Bureau (CIB)

1. Supervisors and detectives of the Criminal Investigations Bureau (CIB) shall communicate and work closely with the Gang Investigations Unit to investigate and apprehend criminal gang members and prepare the strongest possible case for court conviction. To this end, the following procedures shall be followed:

a. The Major Crimes supervisor shall inform the Gang Investigations Unit supervisor, as soon as reasonably possible, of cases involving gang-related suspects, victims, or activities. Likewise, the Gang Investigations Unit supervisor shall inform the appropriate Major Crimes supervisor, as soon as reasonably possible, of any involvement in criminal investigations which will likely result in CIB follow-up investigative responsibilities.

b. The Major Crimes supervisor shall, as soon as reasonably possible, notify the Gang Investigations Unit supervisor in the event of a CIB call-out for a crime that involves gang-related suspects, victims, or activities. The Gang Investigations Unit supervisor will determine if an immediate response by the Gang Investigations Unit is warranted.

c. CIB shall maintain command of crime scenes requiring the response of both Major Crimes and the Gang Investigations Unit. The Gang Investigations Unit supervisor shall report directly to the Major Crimes–supervisor who will coordinate investigative assignments. In the absence of the CIB supervisor, Gang Investigations Unit detectives shall coordinate all investigative proceedings with the lead CIB detective.

d. In the event of a complex criminal investigation such as a gang-related homicide, Gang Investigations Unit detective(s) may be assigned to the appropriate CIB section on a temporary basis to assist with the case. The Gang Investigations Unit detective(s) working in this capacity shall work under the supervision of the Major Crimes supervisor and serve as a liaison with the Gang Investigations Unit.

V. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
11.01	04.01
14.01	
20.01	
21.01	

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: GANG INVESTIGATIONS UNIT	NUMBER:	530.6
CANCELS ORDER DATED: 7-1-99	DATE:	10-1-10

This general order becomes effective October 1, 2010 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: CRIME ANALYSIS UNIT	NUMBER:	530.7
CANCELS ORDER DATED: 10-1-08	DATE:	1-1-09

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, 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, 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

Assigned to and located in the Patrol Bureau, Division I, the Crime Analysis Program Manager functions under the general direction of the Commander, Patrol Bureau, Division I. 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. Crime Analysts

Each crime analyst 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. DUTIES AND RESPONSIBILITIES

A. Crime Analysis Unit

Under the direction of the Crime Analysis Program Manager and the respective CIB or OSB Bureau 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. Assigned to the Patrol Bureau and under the general supervision of the Patrol Bureau Commander, Division I, the Crime Analysis Program Manager shall:

1. Develop, coordinate and review data gathering and dissemination procedures to ensure accurate and consistent entry into, and the maintenance, manipulation and retrieval of information from the crime analysis 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 data files and other output documents.

5. Conduct needs assessments as necessary within the crime analysis program to develop training on existing and emerging procedures and practices to ensure the efficiency and effectiveness of the crime analysis function.

6. Utilize the Department's Geographic Information System (GIS) to plot areas of criminal activity County-wide and train the crime analysts in the use of the system.

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

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

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

10. 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.

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

12. 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.

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

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 subsystems of the Police Records Management System (PRMS) including, but not limited to, Arrests, Warrants, Crashes, Investigation Management, Juvenile Contact, and Case History, and of the Computer Aided Dispatch (CAD) System including event, unit and premise history queries.

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

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

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

5. Enter into the Department's automated crime analysis databases pertinent data from field investigation reports and other documents filed by officers and detectives in assigned area of responsibility.

6. Respond to requests for information from assigned commanders, station, or division personnel by writing programs and/or conducting queries to extract specific data from various systems 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 to assigned commanders opportunities for proactive law enforcement.

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. 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.

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

14. 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 police concern.

15. Identify opportunities for pro-active traffic law enforcement and crash reduction activities. Participate in the planning of such operations.

16. 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 Police Department's relational database to insure 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 analyst it appears that a possible threat to Departmental personnel or the County is imminent.

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

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

9. 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 analyst is responsible for providing traffic analysis to the commanders and personnel of their assigned location that is outside the normal capabilities and responsibilities of the Patrol crime analyst, 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 subsystems of the Police Records Management System (PRMS) including, but not limited to: Arrests, Crashes, Case History, Computer Aided Dispatch, Investigative Management, Warnings, and Warrants.

2. Acquire a working knowledge of the various other Departmental and outside data systems including, but not limited to: Field Contact Cards, Mugshot database, Gang database, SAMinfo, and LEADS.

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 police concern.

4. Identify opportunities for pro-active traffic law enforcement and crash reduction activities. Participate in the planning of such operations.

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

6. 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.

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

8. 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.

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

VI. ACCREDITATION STANDARDS REFERENCE

VLEPSC
ADM.
11.01

This General Order becomes effective January 1, 2009 and rescinds all previous General Orders pertaining to this subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: TRAFFIC ENFORCEMENT OFFICERS	NUMBER:	530.8
CANCELS ORDER DATED:	DATE:	4-1-00

As of October 1, 2010, General Order 530.8 has been rescinded. To avoid duplication, pertinent information from GO 530.8 has been added to General Order 530.5, Traffic Enforcement Officers.

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: AUXILIARY POLICE	NUMBER: 530.9
CANCELS ORDER DATED: 4-1-05	ISSUE DATE: 7-1-08

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 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 Operations Support Bureau. However, Auxiliary officers 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 auxiliary officers will be determined by the Chief of Police or his designee. Auxiliary officers may exercise police authority only when on duty.

III. QUALIFICATIONS

Auxiliary officers will be assigned a status of Level I, Level II, Level lII, Level IV, or "Leave of Absence", (LOA). The status will delineate the range of activities an auxiliary officer is permitted to undertake. Auxiliary officers shall be aware of their status and conduct themselves accordingly. If at any time an auxiliary officer 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 any auxiliary officer under their supervision, and that the duties assigned to that auxiliary officer 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. Leave of Absence, (LOA) - Only existing auxiliary officers 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. Auxiliary Officers in this status will turn in their Police ID and badges, but they may keep their building pass.

   Auxiliary police officers may request a leave of absence by memorandum through their commander to the Operations Support Bureau 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 their 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 Operations Support Bureau Commander. Auxiliary officers may be assigned to “LOA” status for up to one year; after that time their status will be reevaluated.

3. Level II - Officers assigned to this level perform primarily administrative, logistics, training, crime prevention, and public support duties. APOs assigned to Level II may perform operational support duties at the discretion of their Commander.

4. Level III - Auxiliary officers assigned to this level, 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.

5. Level IV – A Level III Auxiliary Officer who has demonstrated the ability, may be eligible for Level IV status. Level IV APOs perform all tasks associated with Level III Auxiliary officers. In addition, they may perform solo patrol functions that are described in detail in Sections III, G, H, and I of this general order.

6. All Auxiliary officers must meet the same age requirements as those

for employed police officers. Auxiliaries 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 Auxiliary Police program. These requirements are identified in the auxiliary applicant medical form. The applicant medical form can be obtained from the Auxiliary Coordinator and shall by signed by the personal physician. The results of the physical will be filed yearly with the Auxiliary Coordinator in conjunction with the Auxiliary Officer's birth date.

7. Medical Temporary Restricted Duty - Auxiliary officers 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 auxiliary officers in good standing that for reasons beyond their control (e.g., hospitalization, etc.) can no longer perform certain assignments. Auxiliary officers assigned to restricted duty will be prohibited from exercising police powers and will not be allowed to drive a marked cruiser.

   An auxiliary officer on restricted duty status must provide a physician's evaluation that specifies activities they are able to perform. Auxiliary officers 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.

   Auxiliary officers 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 the auxiliary officer 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. 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.

5. If the Division Commander returns a favorable recommendation, the APO's request will be forwarded to the Operations Support Bureau Commander for final review. The names of APOs chosen for the Level IV program will be forwarded to the Auxiliary Coordinator who will coordinate the required training with the Fairfax County Criminal Justice Academy.

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

7. Auxiliary officers 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.

D. Administrative support duties that may be performed by all auxiliary police officers 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, microfilming, 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. Auxiliary officers 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 at the following locations:

a. accident scenes;

b. school crossings;

c. special school activities;

d. special events;

e. other locations/functions as directed by competent authority.

3. Fulfill guard responsibilities in hospitals where persons under lawful detention are receiving treatment.

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

5. Provide physical plant security for police property and police structures.

6. Secure crime scenes.

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

F. APOs assigned to LOA and Level II, at the discretion of the Operations Support Bureau 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 III APO's, who have received the additional training and have been granted the authority to function as Level IV Auxiliary Officers, are eligible to handle the following:

1. 10-99 motor vehicle crashes

2. Destruction of property (report only)

3. Police service complaints

4. Larceny (report only)

5. Traffic control

6. Disabled vehicles

7. Abandoned vehicles

8. Traffic hazards

9. Parking complaints

10. Lost/found property cases

11. Vehicle tampering (report only)

12. Stolen vehicle (report only)

13. Radar surveys

H. Level IV APOs may self dispatch, or be dispatched as back-up units to the following events:

1. All cases listed in Section G

2. All motor vehicle crashes

3. Civil cases

4. Soliciting complaint cases

5. Juvenile runaways and missing juvenile reports, consistent with General Order 602.2, Arrest and Detention of Juveniles, Section IX.9.D.2.

I. Level IV APOs may self dispatch as back-up 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.

J. 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 Auxiliary Coordinator via their station Lead Auxiliary Officer. The PD 132 will be submitted during the first week of each month. The Lead Auxiliary Officer will submit the station report to the Auxiliary Coordinator (or designee) and the Station Commander by the 10th of each month. The Auxiliary 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. Auxiliary police officers 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 Auxiliary Police Officer.

2. Must be a Fairfax County resident.

3. Be in good standing (as determined by the Auxiliary 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 Auxiliary Police Officer 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 Auxiliary Police Officer will be considered on-duty when:

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

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

   c. The auxiliary officer 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. Auxiliary officers 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 Auxiliary Police Officers will be trained in the proper care and handling of both the Department handgun and shotgun. Auxiliary officers may perform routine duties such as, but not limited to, weapons cleaning, and duties such as operating County vehicles equipped with shotguns.

   Auxiliary officers 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 auxiliary officer.

   3. Under the most exigent circumstances, in

accordance with General Order 540.1, Use of Force, the APO must have articulable grounds and believes the use of the shotgun is necessary for self-defense.

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

C. Level IV Auxiliary officers who are currently qualified in accordance with Department standards may utilize the Conducted Energy Device (C.E.D.) under the following circumstances:

1. APOs must satisfactorily complete Department certification training prior to carrying or using the C.E.D.

2. Only Department issued C.E.D. Holsters shall be carried while on-duty by the Auxiliary.

3. Command authorization is required to carry and use the C.E.D. 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, (C), Non-Deadly Use of Force.

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

VI. TRAINING

A. Auxiliary recruits must complete the required minimum training period prior to

being sworn or allowed to perform any operational duties. Administrative duties authorized by the Auxiliary Coordinator may be performed prior to completion of training requirements. Auxiliary 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 auxiliary officers will complete the prescribed field training. All auxiliary officers will complete a minimum of 40 hours of formal 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. Auxiliary officers who wish to pursue alternative training must coordinate with the Auxiliary Coordinator. Level III and IV Auxiliary Officers must complete the following annual training:

1. Firearm's qualification (including both the shotgun and handgun)

2. Pepper spray

3. Baton/ASP certification

4. CPR certification

5. Legal

6. C.E.D. (Conducted Energy Device), if required to maintain certification

B. Level III APOs, not meeting Level III training requirements, will have their status changed to Level II status until the next available training is complete.

C. During their initial training period, auxiliary recruits may accompany patrol officers as civilian ride-along participants. The auxiliary recruits will perform no official duties while participating in the ride-along.

D. Level III auxiliary officers 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 by auxiliary officers will be subject to the following conditions:

A. Physical Arrest

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

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

B. Uniform Summons

Level III and Level IV auxiliary officers may issue a uniform summons only when accompanied by an employed officer on a specific assignment. For example, if an employed officer and an auxiliary officer are working a road check, the auxiliary officer may write a summons using their own assigned EIN. Auxiliary officers will not issue a uniform summons when not accompanied by an employed officer.

C. Parking Tickets

Unaccompanied Level III and Level IV auxiliary officers may issue parking tickets as directed by a Station Commander at designated locations.

VIII. VEHICLE OPERATION

A. Auxiliary officers may operate County owned vehicles only if they are on duty and they have completed the Vehicle Familiarization Course conducted by the Fairfax County Criminal Justice Academy.

B. All auxiliary officers may operate marked or unmarked police vehicles.

C. Level II auxiliary officers 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 Division or Station Commander.

D. Auxiliary officers will not use any vehicle to pursue other vehicles or drive in an emergency manner.

E. Auxiliary police officers shall not conduct traffic stops unless accompanied by an employed officer.

IX. UNIFORMS

A. Auxiliary police officers are issued a dark blue uniform that distinguishes them from employed officers. However, for special assignments such as Marine or Bike Patrol, the OSB Commander may authorize an approved alternate uniform.

B. An auxiliary officer'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 auxiliary police officer's badge and service cap brass will be annotated "Auxiliary."

2. Auxiliary uniform patches will be annotated "Auxiliary Police Fairfax County Virginia," instead of "Police Fairfax County."

3. Auxiliary officers 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. The Auxiliary Coordinator and the Station or Division Lead Auxiliary Officers are authorized to wear the gold badge and framed patches on their uniform shirts and jacket as well as brass name tag and FCPD collar pins.

5. Auxiliary officers within the Chaplain program are authorized to wear the following with their Auxiliary uniform: a “Chaplain” rocker above the Auxiliary uniform patch on the uniform shirt/jacket, Chaplain collar bar insignia’s, and Chaplain name plate. This will allow Department personnel and the community to identify Chaplains while wearing the Auxiliary uniform.

C. Auxiliary officers are eligible for departmental awards in accordance with this General Order. Auxiliary officers 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.

D. The wearing of the formal duty uniform shall be restricted to ceremonial events, 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 auxiliary officers will be in public contact, they shall wear the issued auxiliary polo shirt.

X. RESPONSIBILITIES

A. The Auxiliary Police Program is under the administrative control of the Operations Support Bureau. However, auxiliary officers 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 auxiliary officers will be determined by the Chief of Police, or his designee. The OSB Commander, or his designee, maintains the personnel, background, and training records of all APOs.

B. There is no formal rank structure within the Auxiliary Police Unit. However, each District Station or Division Commander with a complement of auxiliary police officers will appoint a Lead Auxiliary Police Officer to coordinate the day to day activities of auxiliary officers at that station/division. The Lead Auxiliary Police Officer acts on behalf of the Station/Division Commander. The Lead Auxiliary Police Officer will wear distinctive gold badge and shoulder patches to identify their position. All auxiliary officers are subordinate to paid officers. Commanders and supervisors may temporarily designate specific auxiliary officers to plan, coordinate, and execute an operational, training, or administrative activity and they may be delegated the authority to give direction to other auxiliary officers involved in the same assignment.

C. The OSB Commander, or his designee, will designate an Auxiliary Coordinator. This position may be filled by an auxiliary officer or an employed officer. The Auxiliary Coordinator will administer the program at the direction of the OSB Commander, which includes assisting auxiliary officers with equipment and uniform replacements, monitoring the duty hour requirements for all auxiliary officers, and notification to the OSB Commander to initiate personnel actions as appropriate. The Auxiliary Coordinator in coordination with the OSB Commander may assign auxiliary officers 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 Auxiliary Coordinator oversees the recruitment and training of auxiliary officers. The Auxiliary Coordinator meets regularly with District Station Lead Auxiliary Officers to discuss issues of mutual interest.

D. During the training session, and until graduation and assignment, auxiliary police applicants are under the operating control of the Criminal Justice Academy and administrative control of the OSB Commander. The Operations Support Bureau Commander, or his designee, will be responsible for determining the initial assignment location and any subsequent transfers of auxiliary officers.

E. The Auxiliary 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 Auxiliary Officer.

1. If a Station Commander cannot adequately staff a given event with the auxiliary officers assigned to the station, a request for Auxiliary Police Assistance (PD 133), will be forwarded to the Auxiliary Coordinator as far in advance of the event as possible.

2. Once the request is received, the Auxiliary Coordinator will attempt to fill the request by soliciting volunteers from the master roster. Once an auxiliary officer 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 Auxiliary Officer or Auxiliary Coordinator will advise the affected commanders when an auxiliary officer has been temporarily assigned elsewhere for an event.

3. The Auxiliary Coordinator will fill requests for auxiliary police assistance according to the date received. Exceptions to this policy can be authorized by the OSB Commander.

F. All Auxiliary officers, who are in good standing as determined by the Auxiliary Coordinator, will receive a uniform cleaning allowance. Each July the Auxiliary Coordinator will submit the names and EIN of those auxiliary officers who qualify for the uniform cleaning allowance. To qualify, an auxiliary officer 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.

G. Division Commanders and equivalent civilian supervisors will be responsible for the completion of an annual performance evaluation for each auxiliary police officer assigned to their division. This evaluation may be the basis for a qualification for specific duties, additional training to address identified deficiencies in performance, and/or reassignment to another level of auxiliary status. The Auxiliary Standard Operating Procedures Manual will prescribe the evaluation process. The Auxiliary Coordinator will send evaluation forms to Station and Division Commanders on an annual basis. Station and Division Commanders will return the completed evaluation forms to the Operations Support Bureau.

XI. REPORTING INJURIES

A. On Duty Injuries

1. Auxiliary officers 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 Auxiliary Coordinator and the Operations Support Bureau Commander. A determination of light duty, leave of absence, or return to duty will be made by the Operations Support Bureau Commander.

4. Auxiliary police officers are not covered under the "Worker's Compensation Act." Therefore, the form entitled Employer's First Report of Accident is not required. Auxiliary officers are covered under a group accident policy administered by a private agency. The Auxiliary 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 auxiliary officers 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 auxiliary officer sustains an illness or is injured off-duty, to the extent that the auxiliary officer is unable to fulfill their monthly duty requirement or will be unavailable for emergency call-out, the Auxiliary Coordinator will be notified by memorandum. A

determination of light duty, leave of absence, or return to duty will be made by the Operations Support Bureau Commander.

2. The Auxiliary Coordinator will be notified within 48 hours of the injury/illness, or as soon as the auxiliary officer is capable of doing so.

XII. EMERGENCY CALL OUT

A. All auxiliary officers will provide their home and work telephone numbers to the Auxiliary Coordinator.

B. The Auxiliary 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 DPSC by the Traffic Division Commander.

C. Station Lead Auxiliary Officers may at the direction of an employed supervisor initiate a call out for those APOs assigned to their district station. The Auxiliary Coordinator may at the direction of an employed 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 auxiliary police officers of the Fairfax County Police Department. Nothing contained in this section will prohibit the informal counseling of an auxiliary police officer 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 auxiliary officers are as detailed below, rather than General Orders 310.1, Oral Reprimand/Verbal Counseling and 310.2, Disciplinary Actions and Appeals. Specifically, auxiliary officers 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 auxiliary officer 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 Auxiliary Program - To be administered only upon review of the investigation by the Chief of Police.

D. Disciplinary Authority

Bureau, division, station, and equivalent civilian supervisors may impose disciplinary action in accordance with the following guidelines:

1. Oral Reprimand

2. Written Reprimand

The authority to impose disciplinary action may not be delegated; however, during an absence of the Commander, the Assistant Commander may impose disciplinary action. 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) Auxiliary officers 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 auxiliary officer'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 case file.

2. Written Reprimand

a. When a bureau, division, civilian supervisor of equivalent grade or station commander has determined that an offense is of such a nature that a record should be placed in an auxiliary officer'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 auxiliary officer 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 auxiliary officer's permanent personnel file;

3) A statement of previous offenses in those cases where the letter is considered a continuation of constructive discipline;

4) A statement that similar occurrences could result in more severe disciplinary action.

b. The auxiliary officer 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 Operations Support Bureau 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 auxiliary police officers. Upon finding the charge sustained, the Operations Support Bureau 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 OSB Commander will meet with and advise the accused auxiliary police officer 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 Auxiliary Coordinator will place copies of all correspondence in the auxiliary officer's permanent file. The accused auxiliary police officer 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. Auxiliary officers 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 auxiliary officer 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. Auxiliary officers are not authorized to release any criminal history information or Virginia Crime Information Network (VCIN) information to anyone outside the Police Department.

XV. PERSONNEL RECORDS

The Operations Support Bureau Commander will maintain the permanent personnel records of all auxiliary police officers. Commanders and equivalent civilian supervisors should ensure that copies of all relevant correspondence are sent to the Operations Support Bureau 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

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: AUXILIARY POLICE	NUMBER: 530.9
CANCELS ORDER DATED: 4-1-05	ISSUE DATE: 7-1-08

This General Order becomes effective July 1, 2008 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: LANGUAGE SKILLS SUPPORT UNIT	NUMBER:	530.10
CANCELS ORDER DATED:	DATE:	10-1-04

I. PURPOSE

This General Order is issued to establish guidelines and procedures for the Language Skills Support Unit (LSSU) of the Fairfax County Police Department. The unit's mission is to provide support to all entities of the department investigating a serious crime that requires translation, interpretation, or communication assistance in a language other than English.

II. POLICY

The Language Skills Support Unit operates as a decentralized non-standing unit under the authority of the Commander of the Criminal Investigations Bureau. The LSSU is responsible for providing enforcement and investigative support, assistance and mediation to all entities of the department dealing with persons of limited English proficiency which require translation, interpretation and communication assistance in major crimes cases. The LSSU augments the department's community policing efforts by delivering more efficient service, better understanding of community cultural barriers, and enhances criminal case closure and prosecution.

III. DEFINITIONS

Assigned Commanders: Commanders within the Department who direct the day-to-day activities of the assigned LSSU detective.

Language Skills Support Unit Supervisor: The designated first-line supervisor who administers the overall direction and activities of the LSSU.

Language Skills Support Unit Detective: A sworn police officer who has successfully demonstrated the skill and ability to translate and interpret in a qualified foreign language.

Call-Out List: A roster maintained by the unit supervisor who will coordinate the deployment of LSSU detectives.

Qualified Foreign Language: Those foreign languages identified as most frequently utilized by persons of limited English proficiency necessitating police service. Such languages include, but are not limited to:

- Spanish
- Korean
- Vietnamese
- Arabic
- Sign Language

IV. PROCEDURES

The Language Skills Support Unit will be assigned organizationally within the Major Crimes Division, Criminal Investigations Bureau. The unit shall be comprised of sworn officers who possess a qualified foreign language skill with the ability to translate and interpret at an established proficiency level.

LSSU detectives will be under the guidance of the unit supervisor as it pertains to the overall operational oversight and administrative supervision of the unit to include assignments, training, and investigation coordination. Administrative control, general supervision, and the direction of the day-to-day activities of LSSU detectives are the responsibility of the permanent duty station commanders. Occasionally it may be necessary for a LSSU detective to be temporarily assigned to work with the entity responsible for an investigation. In these cases, the LSSU supervisor shall seek approval for the temporary assignment through the appropriate division or station commander.

A. Call Outs

The LSSU supervisor will ensure that sufficient qualified detectives are kept on a rotating call out schedule 24 hours a day – 365 days a year which will be provided to the on-call CIB supervisor and the Public Safety Communications Center supervisor.

While the LSSU detective is on call, a take home vehicle will be provided by the assigned commander for efficient response to scenes.

A LSSU detective may be called out when deemed necessary by the on scene supervisor and authorized by the proper command staff authority. All call out requests shall be made through the Public Safety Communications Center. At a minimum, a LSSU detective shall be called out when a language barrier exists, which causes hindrance to an investigation in the following types of cases:

- Homicide
- Abduction
- Suicide
- Fatal or Serious Injury Accidents
- Malicious Wounding
- Rape
- Sexual Assault
- Hostage/Barricade
- Stolen Auto with Apprehension
- Robbery with Apprehension
- High Risk Warrant Service

In cases where the preliminary officer makes an arrest and the LSSU detective will likely be required for court, the arresting officer shall make this fact known so field notes taken by the LSSU detective are kept on file and appropriate supplements submitted for court purposes.

B. Telephone Assistance

Officers encountering a language barrier during the preliminary investigation of a major crime may request telephone assistance from the on-call LSSU detective, providing no person at the scene, or other bi-lingual officer is

available to assist. This telephone assistance enables the on-scene supervisor to determine if a call out is necessary. For obvious reasons a sign language detective will not provide telephone service but is available for call out.

C. Outside Jurisdiction Requests

All call out requests for a LSSU detective by an outside jurisdiction shall first be authorized by the CIB Commander or the Staff Duty Officer.

1. All requests for assistance from outside jurisdictions shall be made through the Public Safety Communications Center.

2. PSCC will notify the Major Crimes Division Commander during regular working hours or the Staff Duty Officer after 5:00 p.m. and on weekends.

3. The outside jurisdiction shall be notified via telephone or mutual aid radio by PSCC regarding the status of their request.

V. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
01.08

This General Order becomes effective October 1, 2004 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: VOLUNTEER TRAFFIC CONTROL PROGRAM	NUMBER:	530.11
CANCELS ORDER DATED:	DATE:	1-1-05

I. PURPOSE

This General Order establishes the policies and procedures applicable to the Fairfax County Police Volunteer Traffic Control Program (VTC). The VTC mission is to provide traffic control at specific sites and events to include emergencies, disasters, and evacuations by utilizing a deputized force of non-salaried volunteers.

II. POLICY

The VTC program is established under the authority of the Code of Virginia, Section 46.2-1310 and Chapter 13-1-13 of the Code of the County of Fairfax and is operated in accordance with these codes. The Volunteer Traffic Control Program is administered by the applicable Station or Division Commander in which the volunteers are assigned. The selection, appointment, and tenure of VTC personnel will be determined by the Chief of Police. These General Orders will apply to VTC personnel.

III. PROCEDURE

A. There is no rank structure in the VTC Program

B. To be eligible, VTC personnel must be at least 18 years of age, be in good physical health, and successfully complete a police background check and an interview with a police supervisor and / or a District Station Commander. There is no maximum age limit for this program provided the individual is physically fit to perform traffic control duties. Volunteers must also successfully complete instruction in traffic direction and point control at the Fairfax County Criminal Justice Academy.

C. When performing traffic control duties, standards of good grooming and appearance shall be maintained. VTC personnel shall maintain a professional appearance while engaged in traffic control duties. T-shirts, blue jeans, shorts, tennis shoes, and open toe shoes shall not be worn while engaged in a traffic control assignment. VTC personnel shall wear the issued hat and vest while directing traffic, however, a station commander may waive the hat requirement to accommodate specific needs of individual VTC members (example: religious, medical, etc.).

D. VTC personnel will be issued an identification card that identifies the holder as being deputized to direct traffic pursuant to Virginia Code 46.2-1310 and as authorized by Chapter 13-1-13 of the Fairfax County Code. The card will be carried while performing their duties.

E. There is no minimum number of service hours required for VTC personnel.

IV. RESPONSIBILITIES

A. VTC personnel are under the administrative and operational control of the District Station commander, or their designee, in which their traffic assignment is located.

B. VTC have the authority to direct traffic only. They do not have arrest powers or the authority to detain motorists. VTC personnel do not have the authority to speak for the department in response to questions from the media.

C. VTC personnel will only direct traffic in a residential area where the posted speed limit does not exceed 35 miles per hour and the travel lanes are determined to be of a manageable size which does not jeopardize safety. This restriction may be waived by a Staff Duty Officer, Bureau Commander, or District Station Commander.

D. Station Commanders shall maintain a list of all VTC personnel assigned to direct traffic in their district. This list will serve as a resource when volunteers are needed for special events such as road races, parades, community events, emergencies and disasters.

E. The Police Department will issue VTC personnel a hat, vest, flashlight, and whistle. Trousers, shirts, and jackets shall remain the responsibility of the individual or sponsoring organization.

V. DISCIPLINARY PROCEDURES

A. The execution of disciplinary procedures against VTC personnel, to include performance counseling, is the primary responsibility of the District Station Commander or designee, to which the volunteer is assigned.

B. Poor duty performance, conduct which reflects unfavorably upon the Police Department, and/or repeated safety violations are all grounds for termination from the VTC program and shall be documented by a first line supervisor. The Station Commander shall have the sole authority to remove an individual from the program. Termination from the program shall be reported via memorandum to the Chief of Police and shall include a brief synopsis and basis for the termination.

C. The District Station shall maintain discipline/complaint files for each volunteer in the program who is assigned to their station.

VI. PERSONNEL RECORDS

The personnel records for VTC personnel shall be maintained by the District Station to which they are assigned.

VII. DUTY RELATED INJURIES

A. VTC personnel who sustain personal injuries while conducting traffic control duties will report the circumstances orally to an on duty police supervisor immediately. Should an injury require emergency treatment or hospitalization, a Medical Status Report form shall be submitted to the attending physician by the on-duty supervisor responsible for investigating the injury.

B. In all cases, a supervisor will investigate the circumstances of the injury and submit a report of findings. The injured volunteer, after reviewing and concurring with the findings, shall initial the report. It shall than be directed to the Chief of Police via the appropriate commander.

C. The VTC personnel are not covered under the "Worker's Compensation Act." Therefore, the form entitled "Employer's First Report of Accident is not required. VTC personnel are covered under a group accident policy administered by a private agency. Station commanders will maintain the current insurance policy information and will furnish such information upon request to hospital personnel.

D. The District Station Commander or designee will file all claims on behalf of the VTC person injured on duty. The investigating supervisor will submit a copy of the investigation report to the Station Commander within 24 hours to facilitate the timely filing of the claim.

III. LEGAL REFERENCE

Code of Virginia, Section 46.2-1310
Code of Fairfax County, Section 13-1-13

This General Order becomes effective January 1, 2005 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: CRIME PREVENTION UNIT	NUMBER: 530.12
CANCELS ORDER DATED:	ISSUE DATE: 4-1-11

I. PURPOSE

This general order will establish guidelines, procedures, roles and responsibilities and define the supervisory levels and lines of authority for the Crime Prevention Unit and its delivery of services to the community and the Department. It will also establish reporting procedures and responsibilities for the Crime Prevention Unit and the Department.

II. DEFINITIONS

Crime Prevention: Crime prevention is the anticipation, recognition, and appraisal of crime risks and the education and action which will remove or reduce such risks.

Crime Prevention Unit: A decentralized unit comprised of officers assigned to district stations who have received specialized training in the removal and reduction of crime risks. Although a decentralized unit, its officers often work together depending on the assignment.

Crime Prevention Coordinator: The designated supervisor assigned to the Youth Services Division, who administers the overall mission and activity of the Crime Prevention Unit.

Crime Prevention Officer: An officer who, operating out of a district station, has received specialized training in the application of crime prevention strategies and techniques to meet community and departmental needs.

Crime Prevention Specialist: An officer who has met the requirements under *Code of Virginia* §§ 9.1-161 and 9.1-162 which establish the responsibilities of the crime prevention specialist, to include approval from the chief of police.

Crime Prevention Through Environmental Design (CPTED): CPTED is a concept that requires the crime prevention officer to work with planners, engineers, landscape designers, landscape architects, arborists, end users/owners, public development agencies and others in an effort to create safer designs in new and existing developments. This exercise identifies and helps minimize existing environmental hazards surrounding a building or space which creates the opportunity for crime.

III. DUTIES AND RESPONSIBILITITES

A. Crime Prevention Unit

The fundamental role of the Crime Prevention Unit is gathering and disseminating criminal and traffic related information to the Department and the community. This requires excellent communication skills and close working relationships with all entities of the Department. Crime prevention officers prepare and deliver presentations on a variety of law enforcement topics to a wide range of business, educational and residential community groups. Officers shall develop and present educational programs and materials relating to crime prevention and current crime trends.

At the direction of the crime prevention coordinator, the following activities and programs shall be the responsibility of the unit's members:

1. Neighborhood Watch, Business Watch and Park Watch.

2. Work with the Public Information Office for material editing and to disseminate such materials through media as needed.

3. Cellular phone recycling - a program that provides additional funding for crime prevention training and outreach efforts.

4. Security surveys (CPTED).
   - Business surveys
   - Home surveys
   - Community surveys
   - Preconstruction plan reviews

5. Public speaking and education on crime and traffic concerns.
   - DWI, bicycle, aggressive driving, pedestrian smart trailer, variable message boards, stealth pads
   - Personal safety, home security, business security, identity fraud, stranger danger, gangs

6. Plan and/or execute community events.

7. Develop and execute new programs at the direction of the crime prevention coordinator.

8. Support crime prevention organizations.

9. Receive training to achieve state certification as a crime prevention specialist; recertification should be completed every three years.

10. Assist with development and training of new crime prevention officers.

11. Attend scheduled crime prevention officer meetings and workgroups.

12. Write, edit, maintain and revise departmental crime prevention brochures, handouts and newsletters.

The Crime Prevention Unit also maintains computerized records of scheduled meetings, Neighborhood Watch participants, Neighborhood Watch mapping and National Night Out registrants. The unit, working in cooperation with the grant coordinator, also applies for and manages grant funding for programs, outreach efforts and operational needs.

B. Crime Prevention Officers

In addition to their responsibilities as part of the Crime Prevention Unit, crime prevention officers shall, at the direction of their district commander, assist in station-level investigative, patrol and enforcement efforts to ensure that the law enforcement needs of the community are met. Crime prevention officers serve as a liaison between the Department and the community.

Each station has a unique set of demographics and their needs are met through a variety of activities to include:

a. Working on projects specific to the demographics of the assigned district station in coordination with station command.

b. Conducting and/or assisting with car seat inspections.

c. Scheduling and coordinating auxiliary officers, volunteers and interns assigned to the crime prevention officer.

d. Maintaining station inventory of crime prevention material.

e. Attending business and residential community meetings.

f. Making roll call presentations.

g. Coordinating PSA assignments.

h. Attending Citizens' Advisory Committee (CAC) meetings.

i. Maintaining community contacts.

j. Provide emergency preparedness strategies for critical infrastructure within each district station.

IV. ORGANIZATION AND LINES OF AUTHORITY

The Crime Prevention Unit operates as a team under the direction of the unit's coordinator and as a decentralized unit under the organizational control of Patrol Bureau commanders to which the officers are assigned.

Although the unit is decentralized among district stations, overall program oversight, training, and technical supervision of all crime prevention officers are provided by the Youth Services Division. Each district station commander is, nevertheless, responsible for the day-to-day oversight of the assigned crime prevention officer to ensure that district stations' needs are met. District station commanders, together with the crime prevention coordinator, are responsible for the administrative control, general supervision, evaluation, discipline and direction of day-to-day activities of the crime prevention officer of each district station.

The crime prevention coordinator assigned to the Youth Services Division shall coordinate with each district station commander to ensure the duties of crime prevention officers are performed in a timely and acceptable manner. They shall provide for any training requirements identified and ensure any departmental or station-level support is provided when needed. Station commanders shall work cooperatively with the Youth Services Division commander to resolve any scheduling conflicts that may arise.

V. TRAINING

The following is a guideline of mandatory training to ensure continuity in the deliverance of services and maintenance of records for the Department. This training will give crime prevention officers the necessary knowledge needed to fulfill the mission and properly perform their duties.

A. Crime Prevention Unit

- Basic crime prevention
- Field training with senior crime prevention officer
- Neighborhood Watch program (recruitment, set-up, records

maintenance, sign allocation, training)
- Public speaking
- Brochure and newsletter formatting
- Event planning

B. Crime Prevention Specialist

- Security surveys (recruitment, presentation, utilization of forms, records maintenance)
- CPTED
- Locks/alarms certification
- Lighting certification

Training may be combined for any of the above listed training topics. The training is to be administered by a certified crime prevention specialist or an expert in the listed field. All training for the position of crime prevention officer shall be completed in a time frame relative to the availability of training. Crime prevention officers shall meet the requirements necessary to be a crime prevention specialist in a timely manner.

After initial training requirements are met, personnel shall participate in refresher courses organized through the unit. The Fairfax County Criminal Justice Academy and Youth Services Division shall maintain records of all training provided to the unit.

VI. LEGAL REFERENCE

Code of Virginia
§ 9.1-161
§ 9.1-162

VII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.
21.01
21.02

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: CRIME PREVENTION UNIT	NUMBER: 530.12
CANCELS ORDER DATED:	ISSUE DATE: 4-1-11

This general order becomes effective April 1, 2011 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: USE OF FORCE	NUMBER: 540.1
CANCELS ORDER DATED: 11-18-08	ISSUE DATE: 8-1-09

I. PURPOSE

The purpose of this policy is to establish guidelines and reporting requirements for the use of force by members of the Fairfax County Police Department.

II. POLICY

It is the policy of the Fairfax County Police Department that force is used only to the extent reasonably necessary to defend oneself or another, to control a person during an investigative detention or mental detention, and to effect arrest. In all situations, medical assistance shall be provided to any person who is obviously injured, alleges an injury, or requests medical assistance.

III. DEFINITIONS

A. Use of Force: Any physical contact above the level of a "guiding" or "escort" hold between an officer and another person, or the use of lethal or non-lethal weapons, which further the officer's intent to establish or maintain control or custody or to defend themselves or another person.

B. Reasonable Use of Force: The use of any force – deadly or not – in the course of an arrest, investigatory stop, or other seizure that is "reasonable" in light of the facts and circumstances confronting the officer, without regard to the officer's underlying intent or motivations.

C. Deadly Force: Any level of force that is likely to cause death or serious injury.

D. Less-Lethal Force: Force which may result in death or serious injury. When properly used, less-lethal weapons significantly reduce the probability of such outcomes.

E. Non-Deadly Force: Force which is not intended to cause death or serious injury. The use of any instrument or technique to deploy non-deadly force may constitute deadly force depending on the totality of circumstances.

F. Excessive Force: Any force which is determined not reasonably necessary.

G. Vehicle Incident: A police vehicle is used to immobilize or make contact with another vehicle, object, or person as a direct result of the intentional actions of the operating officer. The Precision Immobilization Technique shall not be considered a vehicle incident for investigation and documentation purposes.

H. Precision Immobilization Technique (PIT): The intentional act of using a police vehicle to physically force a fleeing vehicle from a course of travel in order to stop it. The Precision Immobilization Technique is a specific, technical maneuver that requires advanced practical training prior to use.

I. Institutional Integrity: The condition whereby order is maintained in a detention facility. The use of force instruments or techniques may be used in a detention facility to prevent the following:

- Violations of law.
- Threatened assault to others.
- Attempted or threatened suicide.
- Failure of prisoners to respond to lawful commands to do any acts which are necessary for safety concerns of the facility.

J. Medical Treatment: Any action taken by Emergency Medical Service (EMS), Department Personnel approved by the Office of the Medical Director (OMD), or medical facility personnel to physically mend an injury (e.g., dress a wound, stitches, etc.) resulting from the use of force or accidental injury. Routine decontamination does not constitute medical treatment. Medical treatment for a pre-existing injury or condition shall be documented in a PD42, unless the use of force further compounds the pre-existing injury or condition.

K. Serious Injury: An injury which creates a substantial risk of death, disfigurement, prolonged hospitalization, impairment of the functions of any bodily organ or limb, or any injury that medical personnel deem to be potentially life threatening.

IV. Regulations

A. Deadly Force

Deadly force shall not be used unless it is reasonably necessary. It shall be the officer's belief based on the totality of circumstances known to the officer at the time that imminent threat of death or serious injury to any person exists and that all other methods of force to control the subject(s) would be or have already proven to be ineffective. Any use of deadly force which is not reasonably necessary in view of the circumstances confronting the officer is prohibited.

In any situation where an officer is otherwise acting lawfully, the use of deadly force is justified in the defense of the officer's life or other person's life. Also, the use of deadly force is justified in protecting the officer or public from serious injury.

Deadly force shall not be employed to apprehend a fleeing misdemeanant. Deadly force may be used to apprehend a fleeing felon if: all other means to effect an arrest have been exhausted, the officer has probable cause to believe that the suspect committed a heinous crime, and the felon's escape poses a threat of serious injury or death to the officer or to others.

When effecting any lawful arrest, conducting an investigative detention, or while taking a mentally disturbed person into custody, only the amount of force which is reasonably necessary to ensure safe custody or overcome resistance to arrest or detention is justified. If during the course of a lawful arrest or custodial situation officers are met with resistance to the extent that the officer reasonably believes that death or serious injury will occur to any person the use of deadly force to overcome such resistance is justified.

Firearms:

a. Only ammunition and firearms issued or authorized by the Fairfax County Police Department shall be used on-duty or carried in an off-duty capacity. This does not apply to lawful firearms related off-duty activities (e.g., hunting or recreational shooting).

b. If feasible, when using a firearm for the purpose of deadly force, officers shall give the verbal warning, **"Police, don't move!"** prior to using deadly force**. The pointing of a firearm in response to the actions of a subject to establish control and gain compliance shall be considered non-deadly use of force.**

c. Officers shall not fire warning shots under any circumstances.

d. Discharging a firearm at a moving vehicle and/or its occupants is prohibited unless the circumstances would authorize the use of deadly force. Officers on foot shall not intentionally place themselves in the path of an oncoming vehicle where the use of deadly force would likely be the probable outcome. When confronted by an oncoming vehicle, officers shall attempt to move out of its path, if possible, rather than discharging a firearm at the vehicle or its occupants.

e. Discharging a firearm from a moving vehicle shall be prohibited unless it is necessary in the immediate defense of the life of the officer or another person.

f. Officers shall exercise caution at all times and in any place when handling or displaying firearms. Except for official purposes (e.g., training, securing, cleaning, etc.) firearms shall not be handled or displayed. Firearms, whether loaded or unloaded, shall not be aimed at any person except as necessary in the line of duty.

g. Officers shall not leave Department issued or other approved firearms unsecured. This shall apply to on-duty and off-duty situations.

h. When an officer is otherwise justified in using deadly force, the officer shall not use deadly force recklessly or in such a manner that injury or death to an innocent bystander is likely.

i. Employees shall immediately inform their supervisor if they discharge a firearm in the following circumstances:

- Intentionally discharge a firearm on-duty or off-duty. This does not apply to authorized training exercises or lawful firearms related off-duty activities (e.g., hunting or recreational shooting).

- Accidentally discharge a firearm on-duty or off-duty. This does not apply to authorized training exercises.

These circumstances shall be immediately reported by the supervisor to the employees' respective commander or to the Duty Officer.

B. <u>Reporting the Use of Deadly Force and Investigation of Injuries</u>

1. Officers who use deadly force shall immediately inform an on-duty supervisor or DPSC of the incident. The responding supervisor shall notify the employee's commander or the Duty Officer of the deadly force incident.

2. Accidental firearm discharges, not resulting in death or injury to any person, that occur on- or off-duty and not during an approved training exercise, will usually be investigated by an on-duty supervisor. If a person is endangered by the accidental discharge, the on-duty supervisor shall notify the Internal Affairs Bureau Commander who will make a determination on the investigating authority. The investigating supervisor shall document the findings in an

administrative investigation.

3. Accidental firearm discharges, not resulting in death or injury to any person, that occur during approved training exercises, will be investigated at the direction of the bureau commander who is responsible for the entity conducting the approved training exercise.

4. All intentional and all accidental firearm discharges that result in injury or death and occur in Fairfax County will be investigated by the Major Crimes Division in coordination with the Internal Affairs Bureau or at the direction of the Chief of Police by an agency outside the Department. All intentional and all accidental firearm discharges that result in injury or death and occur outside of Fairfax County will be investigated by the Internal Affairs Bureau in cooperation with the appropriate jurisdiction.

5. Any officer who uses force that results in serious injury or death to any person, or who intentionally discharges a firearm other than a firearm loaded with less-lethal munitions, or who accidentally discharges a firearm that results in injury, shall be placed on administrative leave in accordance with General Order 301, X. Internal Investigations, by a designee of the Internal Affairs Bureau.

6. Crimes associated with the incident will be investigated by the entity normally charged with that responsibility, unless the Chief, Deputy Chief, Commander of the Internal Affairs Bureau, or Commander of the Criminal Investigations Bureau determines a different response is appropriate. The officer shall not be responsible for the investigation and subsequent arrest of the perpetrator; unless immediate action by the officer is necessary.

7. The need to obtain comprehensive statements from all involved officers and witnesses is paramount. As soon as practical and following an initial review of all available information, the officer(s) who deployed deadly force or was directly involved with the deployment will be interviewed by a Major Crimes Division detective. **Internal Affairs Bureau staff shall not be present during these interviews.**

    a. Officers are normally required to answer questions regarding their duties, but they are not compelled to answer questions put forth by Major Crime's detectives since their actions could constitute a violation of the law. Refusal to answer questions will not result in disciplinary action; however, all answers given must comply with Regulation 201.21, Truthfulness.

b. A separate statement from the officer(s) directly involved will be taken by the Internal Affairs Bureau detective following the completion of the criminal investigation.

c. To expedite the information gathering process, members of the Major Crimes Division, the Internal Affairs Bureau or other entities deemed appropriate by the Major Crimes Division Commander may assist in the interviews of any officers who did not use deadly force and witnessed the incident under investigation.

8. The officers involved should maintain custody of their equipment, (e.g., their weapon, holster and gun belt). This equipment shall be removed from the officers by the Crime Scene Section at the direction of a Major Crimes detective on their arrival. However, should there be a concern for public safety or the officers' inability to maintain custody due to injury or emotional state, a responding supervisor should take possession of the officers' equipment. The supervisor shall not tamper with the weapon, except to make it safe by de-cocking or engaging any safety mechanism. The supervisor shall turn the equipment over to the Crime Scene Section and then document in a supplement the condition of the weapon and any action taken.

C. <u>Deadly Force Against Animals</u>

1. Officers may use deadly force to destroy a non-domesticated injured animal or any suspected rabid animal. Deadly force may be used against any animal that is attacking or threatening to attack when it is reasonably necessary to defend oneself or another person against the threat of serious physical injury.

2. When possible, force should be used progressively by officers to protect themselves or a third party from an attacking animal. Alternatives to deadly force may include striking instruments, Oleoresin Capsicum, Conducted Energy Devices, physical barriers, or catch poles. Non-deadly force strategies should be developed to establish control over domesticated animals when planning operations.

3. In any situation where an officer is otherwise justified in using deadly force against an animal, the officer shall not use deadly force recklessly or in any place or under any circumstances where injury or death to any person is likely. Officers who discharge a firearm toward an animal shall immediately inform their supervisor of the incident.

4. Prior to destroying an injured domesticated animal, an Animal Control Officer shall be notified. The Animal Control Officer will make the determination of responding or at least providing guidance. Arrangements should be made to transport the injured animal to a veterinary facility for treatment. Field euthanasia of a domesticated animal should only be performed by an Animal Control Officer or veterinarian. A reasonable effort to contact the animal's owner and obtain consent must be made.

5. If destruction of a domestic or non-domestic animal is necessary, the officer shall advise the supervisor of his intentions. The officer shall then clear the area of spectators and use the utmost caution to destroy the animal.

D. Reporting the Use of Deadly Force Against Animals

1. The use of deadly force against a non-domesticated animal (e.g., attacking, suspected rabid, or injured) or an injured domesticated animal, that does not result in death or injury to any person and regardless of the animal's death or injury, shall be documented in a Field Investigation Report. A copy of the report shall be forwarded to the Internal Affairs Bureau through the appropriate commander.

2. **The use of deadly force against any attacking domesticated animal that results in an animal's wounding or death shall be investigated by the Internal Affairs Bureau**. The use of deadly force against any domesticated animal that does not result in death or injury to any person and does not result in an animal's wounding or death, shall be administratively investigated by a first line supervisor. A copy of the administrative investigation shall be forwarded to the Internal Affairs Bureau through the appropriate commander.

E. Less-Lethal Force

1. Extended Range Kinetic Energy Impact Projectile

   a. Only kinetic energy impact projectiles issued by the Fairfax County Police Department shall be used by officers who are trained and certified by the Fairfax County Criminal Justice Academy to use the Kinetic Energy device.

   b. Kinetic energy impact projectiles are designed to provide a less-lethal alternative when the use of deadly force is not immediately necessary. However, the use of kinetic energy impact projectiles may not always be appropriate and should not be considered if not readily available and a delay in action would be detrimental to the situation.

c. Kinetic energy impact projectiles may be used to resolve potentially violent situations, thereby reducing the likelihood of serious injury or death to oneself or to other persons. Kinetic energy impact projectiles will only be used when the following conditions exist:

- There is a reasonable belief it is unsafe for officers to approach.
- Immediate action is necessary or circumstances (e.g., flammable liquids, etc.) preclude the use of a CED.
- The subject has an immediate ability to utilize force that is likely to cause death or serious injury.

d. Instances where the use or availability of a kinetic energy impact projectile may be effective would include, but are not limited to:

- A subject who is armed with a weapon other than a firearm.
- A violent subject who is under the influence of drugs or alcohol.
- A subject who is threatening serious injury to himself and is armed with a weapon that makes it unsafe for the officers to approach.

e. Requests for a kinetic energy projectile operator may be made by any police officer or supervisor through the DPSC. The use of the kinetic energy impact projectile will be at the discretion of the operator once on the scene.

f. It shall be the responsibility of the operator to visually and physically inspect the shotgun and munitions to insure that only the appropriate projectiles are used for deployment. Whenever practical, a second officer will inspect the shotgun to assure the weapon is unloaded of shotgun ammunition prior to loading the kinetic energy impact projectiles.

g. All perimeter units within the immediate area shall be advised, either by radio or direct verbal contact, that kinetic energy impact projectiles may be deployed and again once they have been used.

h. Kinetic energy impact projectiles should be used from behind cover or at a safe distance from the target. A cover officer shall be in position to engage the subject with deadly force if necessary.

i. When circumstances permit, operators should aim for the subject's shoulders, arms, abdomen, or thighs. Intentional impact to the head, neck, or chest shall be avoided unless deadly force is intended.

j. The subject shall be taken to a medical facility for examination after having been impacted with a kinetic energy impact projectile.

F. Reporting the Use of Less-Lethal Force and Investigation of Injuries

1. Officers who use less-lethal force shall immediately inform an on-duty supervisor or DPSC of the use of force incident. The notified supervisor or DPSC shall notify the employee's commander or the Duty Officer of the less-lethal force incident.

2. All less-lethal force incidents will be investigated by the Internal Affairs Bureau. The Major Crimes Division will share joint investigative responsibilities for those less-lethal force incidents that result in serious injury or death.

3. Any officer who uses less-lethal force which results in serious injury or death to a person shall be placed on administrative leave by a designee of the Internal Affairs Bureau and in accordance with General Order 301, X. Internal Investigations.

4. The involved officer's weapon used in the less-lethal force incident will be taken into custody by the first non-involved supervisor once the scene is stabilized. The supervisor taking custody of the items is responsible for the preservation of all equipment and will personally deliver items to a member of the Crime Scene Section. **Weapons involved will not be opened, unloaded or tampered with in any manner, except to render it safe for handling by engaging any safety mechanism.**

G. Non-Deadly Use of Force

Instances where the use of non-deadly force may be effective would include, but not be limited to:

- Effecting an investigative stop or arrest.

- Preventing escape from lawful custody.
- Defending oneself or another person from injury or assault.
- Establishing custody for a temporary detention order.
- Restoring institutional integrity in a detention facility.

Officers may use the force reasonably necessary (e.g., moderate pressure to stop, turn, or guide a subject) to conduct an investigative stop without converting the stop into an arrest. Increased levels of force may be used if it is reasonable under the circumstances. See General Order 540.2, V. Investigative Stop, Frisk and Search Beyond the Person, for detailed procedures regarding investigative stops.

Voluntary field contacts may be utilized by an officer who wants to speak to someone or obtain a person's identification. Officers may not use any force to conduct a voluntary field contact. See General Order 540.2, IV. Voluntary Field Contacts, for detailed procedures regarding voluntary stops.

When possible, only that level of non-deadly force reasonably necessary (e.g., physical control techniques, pointing a firearm, striking with a baton or other instrument, discharging OC, a CED, PepperBall System, or utilizing a vehicle to intercept another vehicle, etc.) to establish control and gain compliance shall be used in response to opposing force. Officers shall escalate or de-escalate their use of force in direct response to the opposing person's actions.

Officers who use non-deadly force on persons exhibiting symptoms of mental health crisis or drug intoxication should give particular consideration that these persons may be experiencing or are at an increased risk of developing excited delirium. Excited delirium should be strongly suspected in subjects who exhibit extreme paranoia, bizarre physical symptoms (profuse sweating, foaming at the mouth, seizures, shaking, inability to breath, etc.), violent resistance to arrest, little or no reaction to pain, unbelievable strength, and/or extreme aggression toward objects (particularly glass). Excited delirium is a potentially fatal acute medical illness which may lead to "Custody Death Syndrome." Subjects who are exhibiting signs or symptoms of excited delirium shall be evaluated at a medical facility.

Handcuffed persons resisting arrest or assaulting officers present a unique use of force decision. Officers may use only that amount of force reasonably necessary to ensure safe custody or to overcome the person's resistance to a lawful arrest. Striking instruments, OC, and the CED shall not be used on a handcuffed person unless the person continues to pose a threat to the officer, to others, to the person

himself and/or all other force alternatives have been ineffective or deemed unacceptable for the situation.

Non-deadly strategies may also be used against an animal that is attacking or threatening to attack a person or another animal. Instruments of non-deadly force (e.g. striking instruments, chemical agents, or CED) are intended to reduce the likelihood of serious injury or death to the animal and to provide a more humane and less traumatic conclusion to the incident.

1. Baton (Striking Instruments)

   a. Batons shall be issued or approved in accordance with SOP 04-002 Police Uniforms, Personal Equipment and Civilian Clothing.

   b. The baton may be used to strike the subject in designated target areas of the body (e.g., torso, legs, and arms). Whenever possible, intentional strikes to the subject's head, kidneys or groin shall be avoided.

   c. The baton may be used as a lever to induce sufficient pressure to cause the subject to cease aggressive action. Utilization of the baton, flashlight, or other instrument in a manner constituting a choke hold is prohibited except when deadly force is justified.

   d. The baton may be used to block strikes or attempted strikes initiated by the subject and directed at an officer or other person.

   e. Due to the dangers associated with an accidental discharge, using a firearm as a striking instrument shall be avoided except as a last resort.

2. Oleoresin Capsicum (OC)

   a. Only those Oleoresin Capsicum dispensers issued by the Fairfax County Police Department shall be used by Department employees.

   b. When possible, OC should be directed at the subject's face and ideally not at the eyes when closer than three feet. This is due to the potential risk of injury and damage to the eyes from the pressure of the propellant.

   c. Officers may use OC to resolve potentially violent situations thereby reducing the likelihood of injury to oneself or to other persons. Instances where OC may be effective would include, but are not limited to:

- When it is reasonably necessary to accomplish or overcome resistance to a lawful arrest.
- Prevent escape from custody.
- Defend against assault.
- Establish custody of a mentally disturbed person.
- Restore institutional integrity in a detention facility.

d. Prior to utilizing OC, officers should consider the totality of the circumstances and give particular consideration to its use on persons who are at risk for adverse reaction to OC. This may include persons:

- Who are known to be or who appear morbidly obese.
- Who are known to have respiratory ailments (e.g., bronchitis, asthma, emphysema, etc.).

Persons who have been exposed to OC and who are morbidly obese or have complaints or symptoms of respiratory ailments shall be decontaminated by EMS personnel. This will allow EMS personnel to assess the subject for any adverse reaction to OC product.

e. Officers are responsible for decontaminating subjects in their custody who have been exposed to OC. Persons inadvertently exposed to OC will be provided with medical attention, on request. Officers may choose to decontaminate subjects themselves or request EMS personnel to assist with the decontamination. Decontamination should be administered with water poured over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.

f. Officers shall ensure that persons exposed to OC, especially those who are very obese or who have respiratory ailments, are restrained or transported in a manner which does not constrict their body position since these persons have a greater risk for positional asphyxiation.

3. <u>Conducted Energy Device (CED)</u>

a. Only those Conducted Energy Devices issued by the Fairfax County

Police Department shall be used by officers who are trained by the Fairfax County Criminal Justice Academy to use those CEDs.

b. The CED is designed to offer the police officer an alternative to physical force in many situations. However, use of the CED is not always appropriate and should not be considered if not readily available and delay in action could be detrimental to the situation.

c. Requests for a CED and operator may be made by any police officer or supervisor through the Department of Public Safety Communications.

d. A CED may be used to resolve potentially violent situations when an officer reasonably believes any of the following conditions exist:

- Deadly force does not appear to be immediately necessary.
- Attempts to gain compliance by verbal commands or physical control are likely to be ineffective or have been ineffective in the situation.
- There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the person.

e. Instances where the use or availability of a CED (with the probes or in drive stun mode) may be effective would include, but are not limited to:

- Subjects who have made <u>active movements</u> to avoid physical control.
- Service of Mental Detention Orders on persons believed to be violent.
- Apprehension of subjects armed with weapons other than firearms.
- Preplanned warrant service with potentially violent subjects.
- Apprehension of violent persons under the influence of drugs/alcohol.
- Detention of persons threatening suicide or injury to themselves.

f. Prior to utilizing the CED, officers should consider the totality of the circumstances and the surrounding environment (e.g., persons standing in water, on a ledge, building, or bridge) which may place some individuals at risk of secondary injuries when incapacitated by the CED. Officers must have an elevated level of justification prior to using the

CED on:

- Children.
- Elderly persons.
- Females known to be pregnant.
- Persons who are known to be at a higher risk for serious injury.

g. In circumstance where subjects have been exposed to combustible vapors or flammable liquids, the CED should not be utilized unless there are no other alternatives immediately available.

h. Officers who have received CED training may remove CED probes embedded in a subject's clothing or skin. **Officers shall not remove probes if the subject objects or the probes are embedded in the subject's face, spine, genitals, buttocks, or in a woman's breast.** In these instances, the subject shall be transported to a medical facility for CED probe removal.

i. Officers shall ensure that persons exposed to the CED are restrained and transported in a manner which does not constrict their body position as this may contribute to positional asphyxiation.

4. <u>PepperBall System</u>

a. Only those PepperBall Systems issued by the Fairfax County Police Department shall be used by officers who are trained by the Fairfax County Criminal Justice Academy to use the PepperBall System.

b. The PepperBall System is designed to provide an alternative to physical force. However, the use of the PepperBall System may not always be appropriate and should not be considered if not readily available and a delay in action could be detrimental to the situation.

c. Requests for the PepperBall System and operator may be made by any police officer or supervisor through the Department of Public Safety Communications.

d. The use of the PepperBall System will be at the discretion of the system operator once on the scene.

e. The PepperBall System may be used to resolve potentially violent situations thereby reducing the likelihood of serious injury or death to persons. The PepperBall System may be used when an officer reasonably believes any of the following conditions exist:

- Deadly force does not appear to be immediately necessary.
- Attempts to gain compliance by verbal commands or physical control are likely to be ineffective or have been ineffective in the situation.
- There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the person.

f. Instances where the use or availability of the PepperBall System may be effective would include, but are not limited to:

- Subjects who have made <u>active movements</u> to avoid physical control.
- Service of Mental Detention Orders on persons believed to be violent.
- Apprehension of subjects armed with weapons other than firearms.
- Preplanned warrant service with potentially violent subjects.
- Apprehension of violent persons under the influence of drugs/alcohol.
- Detention of persons threatening suicide or injury to themselves.
- Riot control or an unlawful assembly.
- Restoring institutional integrity in a detention facility.

g. The PepperBall System shall not be used on the following individuals, except in circumstances were the safety of the officer or public outweighs the potential risk to the suspect:

- Children.
- Elderly persons.
- Persons with known respiratory ailments.
- Persons with known heart related ailments.
- Females known to be pregnant.

h. When practical and prior to deploying the PepperBall System, officers should attempt to use verbal commands to gain compliance. When deploying the PepperBall System, one officer shall be dedicated to the PepperBall gun and a second officer should be on scene to take control of the subject.

i. When circumstances permit, operators should aim at the subject's torso or center of mass. Intentional impact to the head, neck, spine, groin, and breast area of females should be avoided unless deadly force is intended.

j. Officers are responsible for decontaminating subjects in their custody who have been exposed to the PAVA powder. Persons inadvertently hit with a projectile fired from a PepperBall System or affected by the PAVA powder shall also be provided proper medical attention as required or on request. Officers may choose to decontaminate subjects themselves or request EMS personnel assist with the decontamination. Decontamination should be administered with water poured over the bridge of the nose so that it floods both eyes. Particular care should be given to persons wearing contact lenses.

k. Persons who have been exposed to the PepperBall PAVA powder and who are morbidly obese or have complaints or symptoms of respiratory ailments (e.g., bronchitis, asthma, emphysema, etc.) shall be decontaminated by EMS personnel. This will allow EMS personnel to assess the subject for any adverse reaction to the PAVA powder.

l. Officers shall ensure that persons exposed to PAVA powder, especially

those who are very obese or who have respiratory ailments, are restrained or transported in a manner which does not constrict their body position since these persons have a greater risk for positional asphyxiation.

5. Vehicle Incident

Due to the potential dangers associated with vehicle collisions, the use of police vehicles to immobilize or make intentional contact with another vehicle, object, or person should be avoided except in the following circumstances:

a. Tactical Vehicular Intercepts (TVI) conducted under the command of the OCN or TAC and utilized in accordance with the training and procedures established for these specialized units. OCN or TAC supervisors will have command authority to investigate tactical intercepts.

b. Vehicle maneuvers used to box-in or trap a vehicle (e.g., rolling roadblocks, pinning suspect vehicle in place, etc.), and slow its rate of speed so as to affect a safe forced stop. Such maneuvers may be conducted to minimize the risk of injury or damage to property when it is likely to terminate an incident, which if permitted to continue, would place others at risk of injury or death.

c. Stationary roadblocks used to block or immobilize another vehicle may be authorized by a supervisor and must take into account the risk of injury or death to any person. Stationary roadblocks are regulated by General Order 501.1, Operation of Police Vehicles.

6. Precision Immobilization Technique (PIT)

a. When a fleeing vehicle must be stopped immediately to safeguard life, only officers who have been trained and certified by the Fairfax County Criminal Justice Academy may utilize the Precision Immobilization Technique.

b. The decision to utilize the Precision Immobilization Technique must take into account the safety of bystanders, and the risk of serious injury to the occupant(s) of the fleeing vehicle and to the involved police officer(s).

c. The use of the PIT shall be investigated as an administrative investigation by the Internal Affairs Bureau with the assistance of the Crash Reconstruction Unit, and it shall be documented in accordance

with General Order 540.1 Section IV., H. Reporting the Non-Deadly Use of Force and Investigation of Injuries.

H. Reporting the Non-Deadly Use of Force and Investigation of Injuries

1. Officers who use non-deadly force shall immediately inform their on-duty supervisor of the use of force incident. Unless circumstances exist which prohibit the notified supervisor from responding, the supervisor shall respond to the scene of any use of force incident where injury results, or a vehicle, CED, or PepperBall System is utilized. The notified supervisor shall review the circumstances surrounding the use of force incident and notify the Duty Officer or appropriate commander of the occurrence of:

   a. Any non-deadly use of force, accidental injury, or any other situation resulting in serious injury or death to any person.

   b. Any medical treatment provided by EMS, Department personnel approved by OMD, or medical facility resulting from the non-deadly use of force, accidental injury, or any other situation resulting in medical treatment to any person.

   c. Any use of the Precision Immobilization Technique (PIT).

2. The Duty Officer or the appropriate commander will determine if an injury is to be designated a serious injury. This determination will be based, in part, on information from medical personnel. At the earliest opportunity, the Duty Officer or commander will notify the appropriate bureau commanders of all injuries designated serious.

3. The on-duty supervisor shall ensure that the use of all non-deadly force is documented on a Field Investigation Report. Self-inflicted and/or accidental injuries and all non-deadly force that **involves the complaint of injury or medical treatment** shall be documented on a Supplementary Investigation Report (PD-42SF) and investigated as follows:

   a. Serious injury or death to any person resulting from the use of non-deadly force, self-inflicted and/or accidental injury, or any other situation:

      - Investigative Authority: The Major Crimes Division and the Internal Affairs Bureau.

      - Investigative Format: CIB Criminal Investigation and Internal Affairs

Bureau Administrative Investigation.

- Documentation Review: The commander of the Internal Affairs Bureau shall review the administrative investigation and forward the investigation to the appropriate bureau commander.

b. Medical treatment for non-serious injuries, provided by medical facility personnel resulting from the use of non-deadly force, self-inflicted and/or accidental injury, or any other situation to any person:

- Investigative Authority: The on-duty supervisor.

- Investigative Format: Administrative investigation and a Supplementary Investigation Report (PD-42SF) detailing the incident, type of force used, extent of injuries, and type of medical treatment provided.

- Documentation Review: The on-duty supervisor shall review all investigation reports and forward copies of the incident reports and administrative investigation to the division commander for approval and forwarding to the appropriate bureau commander and to the Internal Affairs Commander.

c. Medical treatment for non-serious injuries provided by EMS personnel, Department personnel approved by OMD, or **refusal of treatment** by any person who has obvious non-serious injuries or alleges a non-serious injury resulting from the use of non-deadly force, self-inflicted and/or accidental injury, or any other situation:

- Investigative Authority: The on-duty supervisor or above.

- Investigative Format: Supplementary Investigation Report (PD-42SF) detailing the incident, type of force used, extent of injuries observed or the complaint of injuries, and the fact that medical treatment was administered or refused by the injured person.

- Documentation Review: The on-duty supervisor shall review all investigation reports and forward copies to the division commander for approval and subsequent forwarding to the appropriate bureau commander and to the Internal Affairs Bureau Commander.

4. The on-duty supervisor shall ensure that the use of all non-deadly force that **does not involve the complaint of injury or medical treatment** shall be documented and investigated as follows:

   a. Use of Non-deadly force which involves striking a person, discharging a chemical agent or CED, or utilizing a vehicle to contact a vehicle or person:

      - Investigative Authority: The on-duty supervisor or above.

      - Investigative Format: Supplementary Investigation Report (PD-42SF) detailing the incident, the type of force used, the fact that no injuries were observed or the fact that no complaint of injuries were made.

      - Documentation Review: The on-duty supervisor shall review all investigation reports and forward a copy to the division commander for approval and subsequent forwarding to the appropriate Bureau Commander and to the Internal Affairs Bureau Commander.

   b. Use of Non-deadly force which involves pointing a firearm in response to the actions of a subject, physical control techniques to establish control and gain compliance, or vehicle incident techniques that do not involve contact with a person or object:

      - Investigative Authority: The on-duty supervisor or above.

      - Investigative Format: Field Investigation Report (PD-42), completed by the involved officer, detailing the incident, the type of force used, the fact that no injuries were observed or the fact that no complaint of injuries were made.

      - Documentation Review: The on-duty supervisor shall review all investigation reports and forward a copy to the division commander for concurrence and subsequent forwarding to the appropriate bureau commander and to the Internal Affairs Bureau Commander.

V. Use of Force Reporting by Type of Force Employed and Injury / Treatment

TYPE OF FORCE

	Officer Document PD-42B	Supervisor Document PD-42SF	Supervisor Administrative Investigation	CIB Criminal Investigation	IAB Administrative Investigation	CRU	Notifications: Duty Officer/ Commander
Deadly Force	**Yes**	**Yes (IAB)**	**No**	**Yes**	**Yes**	**No**	**Yes**
Striking, Kicking, Hitting, OC	**Yes**	**Yes**	**No**	**No**	**No**	**No**	**No**
Use of CED* PepperBall*	**Yes**	**Yes**	**No**	**No**	**No**	**No**	**Yes**
Less-Lethal	**Yes**	**Yes (IAB)**	**No**	**No**	**Yes**	**No**	**Yes**
Ripp Hobble	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**
Take to Ground	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**
Handcuffing Minor Force Used	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**
Pointing Firearm	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**
Pressure Points	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**
PIT	**Yes**	**Yes (IAB)**	**No**	**No**	**Yes**	**Yes**	**Yes**
Vehicle Incident: **- Contact** **- No Contact**	 **Yes** **Yes**	 **Yes** **No**	 **Yes** **No**	 **No** **No**	 **No** **No**	 **No** **No**	 **Yes** **No**
Destruction of Attacking Domestic Animal	**Yes**	**No**	**No**	**No**	**Yes**	**No**	**Yes**
Destruction of Non-Domestic Animal	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**

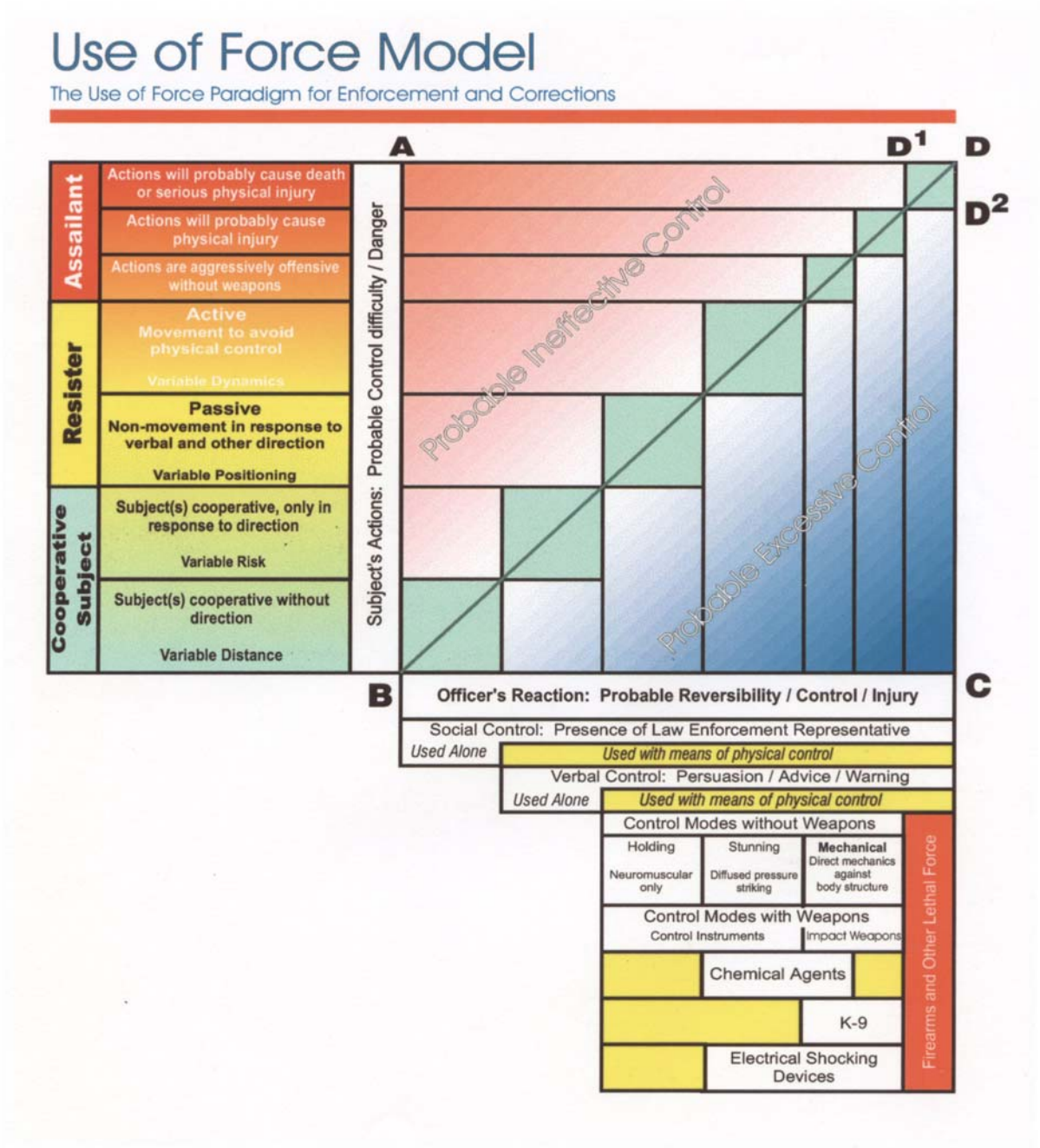
* CED and PepperBall – Complete required forms in addition to PD-42SF

* Info copy of all reports involving use of force shall be sent to the Internal Affairs Bureau

INJURY

Injury / Treatment	Officer Document PD-42B	Supervisor Document PD-42SF	Supervisor Administrative Investigation	CIB Criminal Investigation	IAB Administrative Investigation	Notifications: Duty Officer / Commander
Non-serious / **EMS, approved Department personnel (e.g., OMD approved medics) or Refused treatment**	**Yes**	**Yes**	**No**	**No**	**No**	**Yes**
Non-serious / **Medical facility**	**Yes**	**Yes**	**Yes**	**No**	**No**	**Yes**
Serious Injury or Death	**Yes**	**Yes (IAB)**	**No**	**Yes**	**Yes**	**Yes**

VI. USE OF FORCE MODEL



* Electronic Shocking Device is analogous to CED.

VII. TRAINING

All sworn officers shall receive training and demonstrate proficiency in the use of all authorized weapons before carrying them. The Director of the Criminal Justice Academy shall maintain an authorized list of weapons approved by the Chief of Police to be used for deadly and non-lethal force. Officers shall qualify with all issued firearms on an annual basis to comply with the mandates established by the Virginia Department of Criminal Justice Services. Additionally, all officers shall undergo refresher training and qualification (if applicable) at least biennially for any authorized weapons other than firearms.

VIII. LEGAL REFERENCE

1. The U. S. Supreme Court 1989 case of Graham v. Connor defined the "Objective Reasonableness Standard." The "reasonableness" of a particular use of force must be judged from the "objective" standard of a "reasonable" officer on the scene, and it must take into allowance the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.
2. The U. S. Supreme Court in the 1985 case of Tennessee v. Garner defined the deadly use force to prevent escape of a fleeing felon.
3. Code of Virginia, Section 37.1-67.1, permits officers to lawfully go to or be sent beyond the territorial limits of the county, city, or town in which they serve to any point in the Commonwealth for the purpose of executing any order for temporary detention.
4. Code of Virginia, Section 18.2-312, permits the lawful use of tear gas or other gases by police officers or other peace officers in the proper performance of their duties, or by any person or persons in the protection of person, life or property.

IX. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM		OPR
05.01	18.02	01.10
05.02	18.03	06.01
05.03	18.04	06.02
06.01	18.05	
18.01	18.06	

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: USE OF FORCE	NUMBER: 540.1
CANCELS ORDER DATED: 11-18-08	ISSUE DATE: 8-1-09

This General Order becomes effective August 1, 2009 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: POLICE CITIZEN CONTACT		NUMBER:	540.2
CANCELS ORDER DATED: 7-1-02		DATE:	1-1-05

I. PURPOSE

The purpose of this General Order is to establish guidelines regarding voluntary field contacts, investigative stops, frisks and protective searches which extend beyond the person during a lawful investigative stop. Guidelines are also provided for the investigative stopping of vehicles and road check procedures.

II. POLICY

It is the policy of the Fairfax County Police Department to conduct voluntary field contacts, investigative stops, frisks and searches necessary to accomplish lawful objectives and only to the extent reasonably necessary. Documentation of these contacts shall be initiated and maintained for the purposes of suspect, witness, or victim identification, intelligence gathering, crime prevention and crime analysis.

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.

When conducting traffic stops, officers shall, during their initial contact or at the earliest practical time, advise the operator why they have been stopped.

During the course of their normal duties, police officers are sometimes subjected to obscene gestures, name calling, or harsh or rude language from citizens. Generally, these types of communications are protected by the First Amendment and cannot be used as the sole basis for criminal prosecution. This does not imply that officers cannot arrest a person under the provisions of Curse and Abuse, 18.2-416 of the Code of Virginia. The Supreme Court defined "fighting words" as "...those words which-by their very utterance inflict injury or tend to incite an immediate breach of the peace." Federal and State court decisions reveal four generally accepted principles that can assist officers in deciding whether to arrest for speech directed to them.

- Direct threats to officer safety generally constitute "fighting words" and <u>are not</u> constitutionally protected.

- Speech which clearly disrupts or hinders officers in the performance of duty <u>is not</u> constitutionally protected.

- Obscene gestures, name calling, harsh or rude language not directed at officers or any other person, generally is protected speech under the First Amendment and <u>does not</u>, standing alone, constitute a crime.

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- The Supreme Court has determined that professional law enforcement officers are expected to exercise greater restraint in their response to "fighting words" than the average citizen.

III. <u>DEFINITIONS</u>

A. <u>Voluntary Field Contact</u>: When officers approach a person to talk and ask questions or ask a person for identification.

B. <u>Investigative Stop</u>: Temporary detention of a subject when the officer has reasonable suspicion that criminal activity has occurred, is occurring, or is about to occur.

C. <u>Reasonable Suspicion</u>: Facts and circumstances which, taken together with rational inferences therefrom, would cause an officer to reasonably suspect that a person:

1. (To "stop") ... is, has been, or is about to be, involved in criminal activity;

2. (To "frisk") ... may be armed and constitute a danger to the officer or other person; and

3. (To "frisk" or "search" other areas) ... the area within immediate control and access of a person which may contain weapons and that the person may use those weapons against the officer.

D. 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.

E. Frisk: The "pat-down" of a person's outer clothing for a weapon.

IV. VOLUNTARY FIELD CONTACTS

A. Initiating Voluntary Field Contacts

1. Field contacts may be initiated when an officer wants to approach someone to talk or to ask a person for identification.

2. Officers do not violate an individual's Fourth Amendment rights if they merely approach a person and ask if that person is willing to answer some questions, or if they put questions to a person who is willing to listen. An individual's voluntary answers to such questions may be offered in evidence in a criminal prosecution.

3. The key to keeping a voluntary field contact from becoming an investigatory stop is that the person does not have to answer any questions and may leave at any time.

4. Voluntary field contacts may be initiated any place where an officer has a legitimate right to be and generally include:

a. County owned or controlled property normally open to members of the public.

b. Areas intended for public use or normally exposed to public view.

c. Places to which an officer has been admitted with the consent of the person empowered to give such consent.

d. Places where circumstances require immediate law enforcement presence to protect life or property.

e. Areas where an officer may be admitted pursuant to a lawful arrest or search warrant.

f. Any other areas in which an officer may effect a warrantless arrest.

B. Conducting Voluntary Field Contacts

Officers conducting voluntary field contacts shall consider the following factors that are relevant in determining whether a particular encounter between police and citizens is consensual or a Fourth Amendment seizure:

1. Physical Contact - The slightest application of physical force for the purpose of stopping or holding a person is likely to constitute a seizure. Officers shall not use force until they have established reasonable suspicion to justify an investigative stop.

2. Display of Weapons - The display of weapons is inherently coercive and is generally interpreted by citizens as compelling compliance. Thus, pointing firearms or threatening their use will, in most cases, transform the voluntary field contact into an investigative stop.

3. Advising Citizens They Have The Right To Refuse - Officers should advise citizens they have a right to refuse to consent to a search or frisk, or to answer questions, or accompany officers to a different location. This helps keep the contact voluntary. When appropriate, officers shall advise citizens why they have been stopped.

4. Movement From The Initial Site of the Contact - Officers should avoid moving from the initial site of the contact to another location unless there are articulable safety or security reasons. If the officer moves from the initial contact location, officers should document that the citizen had a choice to leave and voluntarily agreed to the movement.

5. Interfere With Freedom of Movement - The manner in which officers position themselves or their vehicles and the extent to which they block a citizen's pathway or freedom of movement may communicate to the citizen that they are not free to leave. Officers should position themselves in a manner to allow a path of egress for the citizen.

6. Number of Officers - A number of officers surrounding a citizen may communicate that the citizen is not free to leave. Thus, where officer safety is not jeopardized, an encounter is more likely to be deemed consensual if the backup officers stay in the background.

7. Demeanor and Appearance - An officer's use of coercive or intimidating language may be interpreted by a citizen as compelling compliance. Requests for a consent to frisk or search should be conveyed in a manner that the citizen has a choice and that compliance is not required.

8. Retention of Personal Property - Although officers may request to examine a person's identification and ask questions about any discrepancies, such property should be promptly returned. Prolonged retention of identification may transform the contact into a stop.

V. INVESTIGATIVE STOP, FRISK AND SEARCH BEYOND THE PERSON

A law enforcement officer may temporarily detain a person in a public place if reasonable suspicion exists that a crime has been committed, is being committed, or is about to be committed; or the officer reasonably suspects that a person is illegally carrying a concealed weapon in violation of Code of Virginia 18.2-308 of the Virginia Code. The United States Supreme Court ruled in the 1968 case of Terry v. Ohio, 392, U. S. 1, that a temporary detention is a seizure under the Fourth Amendment. The Court recognized that police officers must be able to take action when probable cause to arrest does not exist.

The Virginia Supreme Court supported the necessity of an investigative stop in a 1977 case, Simmons v. Commonwealth, 231 S. E. 2D, 218, when it stated:

> "The Fourth Amendment does not require police officers who lack the precise level of information necessary for probable cause to arrest to simply shrug their shoulders and allow a crime to occur or a criminal to escape. On the contrary, Terry recognizes that it may be the essence of good police work to adopt an intermediate response. A brief stop of a suspicious individual in order to determine identity or to maintain the status quo momentarily while obtaining more information may be reasonable in light of the facts."

A. Investigative Stop - The temporary detention of a subject when the officer has reasonable suspicion that criminal activity has occurred, is occurring, or is about to occur.

The courts have ruled that the following factors may be considered in building a foundation to stop a person:

1. The officer has valid knowledge that a person has a prior felony record.

2. A person fits the description of a wanted notice.

3. A person has exhibited furtive conduct such as attempting to conceal an object from the officer's view, or reaching under the seat of a car.

4. The appearance of a person is similar to description given in a lookout for a known offense.

5. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.

6. The area and time of day, such as a person observed in a public area which has a history of recurring crime during the same time period as the time of the stop.

7. Hearsay information is acceptable. The use of hearsay information is dependent upon both the content of information possessed by

officers and its degree of reliability. Officers must corroborate some of the information provided by citizens or from anonymous tips when developing reasonable suspicion to conduct an investigative stop.

B. Frisk - If an officer reasonably believes that a person may be armed and constitutes a danger to the officer or other person, the officer may conduct a limited search of the person's outer clothing. The courts have held that, in the case where the subject was wearing a heavy overcoat, the officer was proper in having the subject remove the coat so that the subject may be patted down.

C. Search Beyond The Person - The United States Supreme Court held in Michigan v. Long, (1983) that although Terry V. Ohio involved the stop and subsequent pat-down search for weapons of a person suspected of criminal activity, it did not restrict the protective search to the person of the detained suspect. The Court recognized that protection of police and others can justify protective searches when there exists reasonable suspicion that the suspect poses a danger. Thus, an officer can search an area within the person's reach where a weapon may be found. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:

1. A lawful investigative stop of a person or vehicle.

2. Reasonable suspicion that the suspect poses a danger, as defined by the Court in Michigan v. Long:

   "... specific and articulable facts, which taken together with the rational inferences from those facts, reasonably warrant the officer to believe that the suspect is dangerous and the suspect may gain immediate control of weapons."

3. The search must be limited to those areas in which a weapon may be placed or hidden.

4. The search must be limited to an area which would ensure that there are not weapons within the subject's immediate grasp.

The Court added in Michigan v. Long that although the subject was under the control of two officers during the investigative stop, it did not render unreasonable a belief that the subject could injure them.

D. Period of Detention - Courts have generally held that the period of detention is a brief intrusion upon a person's movement. Once the detaining officer determines that the basis for reasonable suspicion no longer exists, the person detained should be immediately released.

Reasonable suspicion should be reinforced with diligent, active investigation. Should the investigation reveal additional information which strengthens reasonable suspicion, the detention period may be continued. If probable cause does not develop in a reasonable time period, the officer should immediately release the person.

E. Use of Force in Investigative Stops - Generally, officers may use the force reasonably necessary, such as moderate pressure to stop, turn or guide a subject during an investigative stop. Courts have permitted the following types of force in stopping a person, when the force was reasonable on the basis of the circumstances in each case:

1. Blocking a suspect's vehicle with a police cruiser.

2. Pointing the service weapon at a suspect for the officer's protection.

3. Making the suspect lie on the ground.

4. Ordering a suspect or other occupant out of a vehicle.

5. Handcuffing a suspect for the officer's protection.

In the five examples above, the courts have considered the reasonableness of the officer's actions under confrontational situations. All deal with officer safety issues. Officers using force in an investigative stop for officer safety reasons must be prepared to articulate why their actions were reasonable under the circumstances.

VI. RECORDING THE VOLUNTARY FIELD CONTACT, INVESTIGATIVE STOPS, FRISK AND MAINTENANCE OF RECORDS

Information obtained as a result of conducting a field contact or investigative stop can be fully utilized only if the information is sufficiently recorded and available for analysis through the Department's crime analysis system. The availability of this information allows greater efficiency in crime analysis and criminal investigation and also serves to ensure the proper exercise of law enforcement authority, as well as enhancing an officer's ability to reconstruct, at a later time, events surrounding the field contact or investigative stop.

A. Field Contact Card

The Fairfax County Police Department Field Contact Card shall be the primary document for recording voluntary field contacts, investigative stops and frisk incidents which do not result in a preliminary investigation report. The card, when utilized, shall be completed in accordance with instructions provided in the departmental Report Writing Manual and in compliance with the following:

1. Officers conducting a voluntary field contact shall record pertinent data and complete a field contact card.

2. Officers conducting an investigative stop which does not result in a preliminary investigation report shall record pertinent data and complete a Field Contact Card.

3. Incidents resulting in an arrest may be documented on a field contact card, in addition to other required arrest and report forms.

4. Officers shall initiate a preliminary investigative report, in lieu of a field contact card, whenever force is used to conduct an investigative stop of a person.

B. Review and Maintenance of Field Contact Cards Files.

1. Completed field contact cards shall be submitted for supervisory review at the end of each tour of duty.

2. Supervisors shall review and monitor the use of field contact cards and ensure completed cards are forwarded to the Crime Analyst or appropriate entity.

3. Station/division commanders shall ensure that all field contact cards are centrally collected and maintained within their respective district or organizational element and that access to such files be restricted to authorized personnel for direct law enforcement purposes.

4. The Station/Division Crime Analyst (or other official entity) shall be responsible for the entry, update, deletion and purge of field contact card data. Maintenance of the crime analysis system shall be in compliance with the Crime Analysis Procedural Manual.

5. Field contact cards shall be minimally maintained for two years from the date of completion and may be maintained for additional time periods when there is a determined or perceived need.

X. LEGAL REFERENCES

Code of Virginia

1. 19.2-82

XI. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
02.02	04.03
02.03	07.01
02.04	07.04
02.05	07.05
25.01	07.11

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: POLICE CITIZEN CONTACT		NUMBER:	540.2
CANCELS ORDER DATED: 7-1-02		DATE:	1-1-05

This General Order becomes effective January 1, 2005 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: 1-1-03	ISSUE DATE 1-1-05

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 Uniform Traffic Summons. In cases where no summons is issued, officers shall use the Departmental Warning Ticket to formally warn the violator and to document their enforcement efforts.

E. In circumstances where a vehicle stop is made due to suspicion of criminal activity, the officer shall document such information on the Department Field Contact Card when no arrest is made. If an arrest is made, the arrest shall be documented in a Field Investigative Report. 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 on the Department Field Contact Card or on a preliminary investigation 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 a Department Field Contact Card or a Field Investigation 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 a Department Field Contact Card or a Field Investigation Report.

   c. When a consent search is requested and granted and property/contraband is discovered, the search and property disposition shall be recorded in a Field Investigation Report. The event classification "Vehicle Search" shall be written on the Field Investigation 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 Field Investigation 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. ROAD CHECKS

It is the policy of the Fairfax County Police Department that road checks 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; 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.

Procedures

A. Supervisor Responsibilities

1. First-line supervisors will prepare a list of traffic checkpoint sites in their assigned area and submit the list to their respective station/division commander for approval. Sites will be added and deleted from the approved list as deemed necessary upon recommendation of the first-line supervisor and approval of the station/division commander.

   All checkpoint sites will be selected using the following criteria:

   a. Site locations should be located throughout the station/division

area to ensure an unbiased sampling of motorists.

b. Sites should have adequate visibility to provide safety to approaching motorists and officers conducting the checkpoint.

c. Sites should have adequate space available to park the police vehicles and allow motorists to be pulled out of the traffic flow.

d. Sites should be designated and approved for a specific time frame. Factors for consideration would be lighting conditions and traffic volume.

2. The first-line supervisor is responsible for officer assignment at an approved checkpoint. Normally, one or two officers will be assigned; however, if warranted, a third officer may be assigned. This will be determined by the volume of traffic and the screening procedure.

3. The supervisor shall establish the criteria for stopping and checking vehicles passing through the checkpoint; e.g., every third, every fifth vehicle, etc. Screening procedures may be varied, upon supervisory approval, during the course of the checkpoint depending on the number of officers available and the amount of traffic.

4. A supervisor shall periodically monitor checkpoints to ensure that the operation is in accordance with General Orders.

B. Officer Responsibilities

1. Officers shall not conduct stationary checkpoint stops 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 with supervisory approval.

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.

VII. SOBRIETY CHECKPOINTS

The U.S. Supreme Court decision in Michigan State Police v. Sitz upheld the constitutionality of sobriety checkpoints, if they are established according to certain guidelines.
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.

A. All sobriety checkpoint sites will be selected using the following criteria:

1. Site location will be based on frequency of alcohol-related crash experience and/or historical DWI arrest data.

2. 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.

3. 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.

4. 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.

5. 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.

B. An operations plan will be developed for each specific sobriety checkpoint site. The plan will be reviewed and approved by the OSB Commander before implementation. The plan should address the following points:

1. Statistical data supporting the selection of the checkpoint site.

2. Date, hours of operation, and location of each checkpoint.

3. Contingency plans for each checkpoint which shall include:

a. An alternate location for use in the event safety considerations prevent checkpoint operations at the intended location. Safety considerations may include circumstances such as extremely heavy traffic due to some unforeseen event or a major accident at or near the checkpoint location.

b. Procedures for screening alternate vehicles if traffic volume prevents the screening of all vehicles (i.e., every third, fifth, or tenth vehicle). The average screening time per vehicle and the number of checkpoint personnel available will determine the appropriate alternate procedures for checking vehicles. Screening procedures may be varied during the checkpoint to match traffic flow. For example, during peak hours, checkpoint personnel may screen only one in ten vehicles, then one in five as traffic flow reduces, and end by screening all vehicles during light traffic. Another method may be to screen all vehicles until there is substantial traffic backup at which time all stopped vehicles would be released in order to prevent the checkpoint from becoming unduly hazardous. The method for determining when to change screening procedures, who will make the decisions and the procedures, will be listed in detail in the operations plan and shall not be deviated from by participating personnel. Vehicles <u>will not</u> be stopped on a discretionary

basis. All vehicles regardless of type shall be checked. This includes commercial vehicles such as buses and large trucks.

4. The number of officers to be assigned to the checkpoint.

5. A diagram of each checkpoint location, depicting the roadway, placement of traffic control devices, and secondary testing locations for administering field sobriety tests.

6. List of equipment required for conducting the checkpoint.

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 sobriety checkpoints.

2. Designate assignments and respective duties.

3. Disseminate educational material to be distributed at the checkpoint.

4. Review field sobriety testing and Alco-Sensor operating procedures.

5. Review indicators for identifying impaired drivers.

D. For the purpose of public information and education, the Department will announce to the media the approximate time frame within which checkpoints will be conducted.

1. The Department will 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. The following guidelines shall be adhered to when conducting a 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. One member of the team will be designated as the traffic control officer. The traffic control officer is responsible for maintenance of the traffic control devices and directing traffic into 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 <u>will not</u> 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 operations plan, briefing notes/lesson plan, and evaluation report shall be forwarded to the Chief of Police through the Commander of

report shall be forwarded to the Chief of Police through the Commander of the Traffic Division.

VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
02.02	04.03
02.03	07.01
02.04	07.04
02.05	07.05
25.01	07.11

This General Order becomes effective January 1, 2005 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

600 ENFORCEMENT ISSUES

601 Arrest Procedures - General
- 601.1 Misdemeanor Arrest/Summons Release
- 601.3 Arrests at Certain Facilities
- 601.4 Domestic Violence Policy
- 601.5 Service, Investigation and Arrests at County Public School Facilities
- 601.6 Arrest of Adult Students Attending Public Schools in the Commonwealth of Virginia

602 Arrest, Detention - Specific
- 602.1 Arrest and Detention for Shoplifting
- 602.2 Arrest and Detention of Juveniles
- 602.3 Hospital Guard Details

603 Police - Citizen Contacts
- 603.2 Assistance to Abused or Neglected Children
- 603.3 Mental Disturbance Cases

610 Property and Evidence
- 610.1 Custody of Property
- 610.2 Custody of Controlled Substances
- 610.3 Search Warrant Procedures

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: ARREST PROCEDURES		NUMBER:	601
CANCELS ORDER DATED:	1-1-05	DATE:	4-1-05

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.

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 Police 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 on the Warrant Control Form.

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.

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.

B. Warrant Control Procedures

1. The Warrant Control Form (PD 93) shall be completed for each warrant which cannot be served immediately. The PD 93 serves only to monitor the existence and status of the warrant. It in no way affects the case record.

   The Field Investigation Report (PD 42) and Supplemental Report (PD 42S) are required, independent of the PD 93, to report an offense, to change a classification or to change the status of a case.

2. All information required on the Warrant Control Form shall be completed when known. The control number shall be obtained by contacting the Warrant Desk. If the warrant is the result of an investigation to which a case number has been assigned, that case number shall be entered on the form in the "Case Number" section.

3. The original Warrant Control Form (Part I) shall be attached to the warrant. The yellow copy (Part II) shall be forwarded to the Warrant Control Desk.

4. Separate card files shall be maintained at each station for active and inactive warrants.

5. The warrant card (Part III) shall be completed on each warrant to which a control number is assigned.

6. The card will be filed alphabetically in the active warrant file by the defendant's last name.

7. 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.

8. Officers assigned warrants for service shall enter remarks as to what action was taken on Part I of the Warrant Control Form.

9. It is the responsibility of the officer attempting to serve a warrant to ensure that the warrant is valid and properly executed. See Section 19.2-72 of the Code of Virginia.

10. Warrants which are served:

    a. 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.

    b. The arresting officer shall notify the PSCC Teletype Section as soon as possible after service of any warrant which is in NCIC/VCIN. PSCC notification is to be done via administrative message. PSCC will then be responsible for deletion of the warrant from the NCIC/VCIN file.

    c. The arresting officer shall notify the Warrant Control Desk by telephone as soon as possible after serving the warrant.

    d. The Warrant Control Desk shall advise the officer who obtained the warrant that it has been served by another officer via automated notification.

11. Warrants which cannot be served or must be routed to another location shall be returned to the Warrant Desk. Part I of the Warrant Control Form shall be completed detailing the necessity for return. A

specific location shall be established in each station for warrants awaiting return to the Warrant Desk, and all officers must be aware of this location in the event an inquiry is received concerning such a warrant.

12. Prior to securing a warrant charging failure to appear, the officer shall wait ten days. After the ten day period, the officer shall determine through the Office of Clerk of the Court that no late collateral was accepted or that the charge was disposed of in any other manner by the court.

    NOTE: Pursuant to Section 19.2-258.1 (effective July 1, 1978), no Fail to Appear warrants shall be issued for traffic infractions.

13. The Adult Fugitive Section 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.

14. 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.

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 a Field Investigation 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 special magistrate. If not, the arrest process must

terminate at the time when probable cause ceases to exist.

VI. CONTACTS WITH DEAF OR HEARING IMPAIRED PERSONS

Certified sign language interpreters must be used whenever a custodial interview or preplanned arrest contact with a deaf or hearing impaired person is to be held. Routine and emergency patrol contacts, even if they result in an arrest, do not require a certified sign language interpreter; anyone proficient in sign language can be used. The guideline is: whenever there is time to obtain a certified interpreter and the statement of the deaf or hearing impaired person may be used in a court of law, in any manner, a certified interpreter must be obtained. These requirements are reiterated in Fairfax County Procedural Memorandum Number 126.

VII. 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 field investigation 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. Upon Detention - 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.

VIII. TRANSPORTING PRISONERS

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.

A. All persons will be searched for weapons, evidence or contraband prior to being transported in any police vehicle. In extenuating circumstances, prisoners may be taken from the immediate scene of arrest prior to being searched.

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

C. 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.

IX. 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, Custody of Property, 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.

1. New Issue Number – When a new contributor's number is issued, 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 – FBI Final Disposition 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 Police 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 Police School Liaison Commander shall establish the necessary internal procedures to make

notification of the appropriate school division superintendent and document such notification in a supplementary 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 Public Safety Communications Center 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 Field Investigation Report for physical arrests.

In all cases where a custodial arrest occurs, the arresting officer shall document the circumstances of the arrest in a Field Investigation Report or Supplementary Investigation 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 a field investigative report and fax a copy of the report to the Technical Services 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 Technical Services Bureau.

X. 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 arose 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 202-895-3521

Department of State - Status of Driver Licenses (0900-1700 Monday - Friday) 202-895-3521

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 PSCC 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 PSCC 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 an 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. CAD system General Reference files listing the consular/embassy phone numbers and mandatory notification countries have been developed. To access the files from any CAD terminal or any MCT, officers must type GR S/ and the first four letters of the country of origin (i.e. "GR S/GERM" for a foreign national from Germany). Those countries that require notification of arrest or detention regardless of the national's wishes are identified as "Mandatory Notification" in the CAD General Reference files.

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 Field Investigation Report. Notification regarding the death of any foreign national shall be documented in the Field Investigation Report or Supplementary Investigation 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 service center for law enforcement inquiries and assistance. The law enforcement telephone number is 802-872-6020.

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. 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).

3. Notification to the US Immigrations and Custom Enforcement (US-ICE) shall be made under the following circumstances:

a. Receipt of a confirmation message from NCIC indicating that a detained or arrested subject is wanted and subject to arrest for a preexisting US-ICE detainer.

b. The arrest of an alien for involvement in terrorist or subversive activities.

c. The arrest of any person involved in fraudulent activity aimed at assisting undocumented aliens to enter the United States.

d. The arrest or involvement of an alien in possession of a firearm.

e. The arrest or involvement of an alien in organized crime; to include gambling, prostitution, narcotics distribution.

f. The arrest of an alien where the arrest is related to membership and participation in a criminal street gang.

g. The arrest of an alien for a felony offense.

4. Notification to the U.S. Immigration and Custom Enforcement (US-ICE) shall be made via the US-ICE 24-hour, 7-day-a-week Law Enforcement Service Center (LESC) for law enforcement inquiries and assistance. The law enforcement telephone number is 802-872-6020.

The name, address, D.O.B., nationality, charge, court date, subject's present location, and a brief description of the case should be supplied to the US-ICE.

Subsequent follow up as to any immigration proceedings is the responsibility of US-ICE.

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.

Service/Liaison Office	Telephone
U. S. Army Provost Marshal's Office Fort Myer, VA 22211-5050	703-696-3525 or 3526
Ft Belvoir Military Police (Ft Belvoir Personnel Only)	703-806-3104
U. S. Air Force	202-767-5000

Chief of Security Police
Bolling Air Force Base
Washington, D. C. 20332-5000

U. S. Marine Corps 703-614-2200
Provost Marshal
Henderson Hall

Arlington, VA 22214-5000U. S. Navy 202-433-2193
Chief, Master-at-Arms
Anacostia, Building 87
Washington, D. C. 20374-0922

United States Coast Guard 703-313-5400
Command Officer of the Day or 5412
7323 Telegraph Road
Alexandria, VA 22315

2. This notification pertains to cases where the person is taken into physical custody and not released on a summons. The report is to be made irrespective of the arrestee's rank, residence, or current duty station.

E. Off-Duty Incidents

It is the policy of this 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.

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 Virginia State Code 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 Public Safety Communications Center as soon as possible. The Public Safety Communications Center 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. A Field Investigation 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 PD 42 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. 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 Special 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.

XI. LEGAL REFERENCES

A. United States Constitution, Article 1, Section 8.

B. Code of Virginia

1. 19.2-72
2. 19.2-81

3. 19.2-390

XII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.	
02.02	08.01	09.01
02.03	08.02	
02.04	08.03	
02.05	08.04	
25.08	08.05	
25.10	08.06	

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: ARREST PROCEDURES		NUMBER:	601
CANCELS ORDER DATED:	1-1-05	DATE:	4-1-05

This General Order becomes effective April 1, 2005 and rescinds all previous General Orders 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 fire fighting 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

Section 41-7-2, Cruelty to animals, a misdemeanor

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT:	MISDEMEANOR ARRESTS/SUMMONS RELEASE	NUMBER:	601.1
CANCELS ORDER DATED:	1-1-08	DATE:	7-1-08

I. MISDEMEANORS OTHER THAN TRAFFIC OFFENSES

A. Code of Virginia 19.2-74

§ 19.2-74. Issuance and service of summons in place of warrant in misdemeanor case; issuance of summons by special policemen and conservators of the peace.

A. 1. Whenever any person is detained by or is in the custody of an arresting officer for any violation committed in such officer's presence which offense is a violation of any county, city or town ordinance or of any provision of this Code punishable as a Class 1 or Class 2 misdemeanor or any other misdemeanor for which he may receive a jail sentence, except as otherwise provided in Title 46.2, or § 18.2-266, or an arrest on a warrant charging an offense for which a summons may be issued, and when specifically authorized by the judicial officer issuing the warrant, the arresting officer shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving by such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody. However, if any such person shall fail or refuse to discontinue the unlawful act, the officer may proceed according to the provisions of § 19.2-82.

Anything in this section to the contrary notwithstanding, if any person is believed by the arresting officer to be likely to disregard a summons issued under the provisions of this subsection, or if any person is reasonably believed by the arresting officer to be likely to cause harm to himself or to any other person, a magistrate or other issuing authority having jurisdiction shall proceed according to the provisions of § 19.2-82.

2. Whenever any person is detained by or is in the custody of an arresting officer for a violation of any county, city, or town ordinance or of any provision of this Code, punishable as a Class 3 or Class 4 misdemeanor or any other misdemeanor for which he cannot receive a jail sentence, except as otherwise provided in Title 46.2, or to the offense of public drunkenness as defined in § 18.2-388, the arresting officer shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving of such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody. However, if any such person shall fail or refuse to discontinue the unlawful act, the officer may proceed according to the provisions of § 19.2-82.

3. Any person so summoned shall not be held in custody after the issuance of such summons for the purpose of complying with the requirements of Chapter 23 (§ 19.2-387 et seq.) of this title. Reports to the Central Criminal Records Exchange concerning such persons shall be made after a disposition of guilt is entered as provided for in § 19.2-390.

Any person refusing to give such written promise to appear under the provisions of this section shall be taken immediately by the arresting or other police officer before a magistrate or other issuing authority having jurisdiction, who shall proceed according to provisions of § 19.2-82.

Any person who willfully violates his written promise to appear, given in accordance

with this section, shall be treated in accordance with the provisions of § 19.2-128, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.

Any person charged with committing any violation of § 18.2-407 may be arrested and immediately brought before a magistrate who shall proceed as provided in § 19.2-82.

B. Special policemen of the counties as provided in § 15.1-144, special policemen or conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of this title and special policemen appointed by authority of a city's charter may issue summonses pursuant to this section, if such officers are in uniform, or displaying a badge of office. On application, the chief law-enforcement officer of the county or city shall supply each officer with a supply of summons forms, for which such officer shall account pursuant to regulation of such chief law-enforcement officer.

C. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388

B. Criteria for Release on Summons

1. Class 1 and 2 Misdemeanors

Legally, one of two conditions must exist before the arresting officer may bring the person arrested before a Special Magistrate:

a. The arresting officer believes that the person is likely to disregard the summons.

This belief should be based on one or more of the following facts:

1) The person has no community ties, such as transient, unemployed, etc.

NOTE: Military non-residents who have a local address and/or are stationed in the metropolitan area on military orders are not to be considered transients.

2) Inability to furnish proper identification.

3) The person attempts to escape or resists arrest.

4) The person cannot understand the conditions of the summons requiring future appearance in court.

5) The person makes a statement which indicates an intent to disregard the summons or refuses to sign the summons.

6) The arresting officer has knowledge of the person's prior history of failing to appear in court.

7) A warrant check discloses the existence of an outstanding warrant on file for the arrestee.

b. The arresting officer believes that the person is likely to harm himself or another person if released on a summons. This belief should be based on one or more of the following facts:

1) The person is apparently under the influence of a drug, including alcohol.

2) The person exhibits violent or irrational behavior before, during, or after the arrest.

3) The person's statements or behavior indicate a likelihood that they will continue the offense or commit another offense if released immediately on a summons. Taking the person before the magistrate will allow a "cooling off" period for all parties involved.

2. Class 3 and 4 Misdemeanors and misdemeanors for which there is no jail sentence:

a. An individual may be arrested and taken before a magistrate for these offenses only if one or more of the following conditions exist.

1) Refusal to furnish name and address.

2) Refusal to sign the summons.

3) A violation of 18.2-407 of the Virginia Code, Remain at the Scene of a Riot, After Being Told to Disperse.

4) A violation of 18.2-388 of the Virginia Code, Profane Swearing and Drunkenness in Public.

5) Refusal to discontinue the unlawful act.

6) A violation of 18.2-266.1 of the Virginia Code, Operate a Motor Vehicle After Illegally Consuming Alcohol Under Age 21.

C. Special Procedures in Warrant Cases (Applicable Only to Misdemeanor Warrants)

1. In serving an arrest warrant for a misdemeanor offense the arresting officer may be confronted with a situation in which the person to be arrested should not be taken into custody. Examples of such cases are those in which the person to be arrested has small children which cannot be left unattended or where the person appears to the officer to be ill.

2. In such circumstances the arresting officer's immediate supervisor will contact a Special Magistrate and request authority to serve the warrant as a summons.

3. If possible, the Special Magistrate who issued the warrant shall be contacted. If that magistrate is not available any Special Magistrate may be contacted.

4. If the Special Magistrate grants approval to serve the warrant as a summons, the arresting officer shall give the defendant a copy of the warrant and complete a summons form. In lieu of the defendant's signature the officer will write in the signature block, "Summons/Warrant, authority (name of Special Magistrate)."

5. As soon as possible after serving the warrant the officer shall return the executed original of the warrant to the Special Magistrate who authorized its service as a summons.

6. The summons shall be completed and processed in accordance with departmental procedures.

7. Other misdemeanor warrants which are issued for service as a summons shall be handled as follows:

   a. The serving officer shall give the defendant a copy and execute the original to indicate service.

   b. A summons form shall be completed. In addition to the offense charged the officer shall write in the offense portion of the summons form, "Warrant: Complainant - (Name)."

   c. The original of the warrant, along with the court copy of the summons and a completed Warrant Control Form, if applicable, shall be forwarded to the Warrant Desk for transmittal to court. The remaining portion of the summons is processed in accordance with departmental procedures.

   d. If the defendant refuses to sign the summons, the defendant should be taken before the nearest magistrate for further disposition. In the circumstances of serving a "summons only warrant" on a corporation, the individual accepting service shall not be required to sign the summons.

8. If the time involved in forwarding the warrant to the Warrant Desk will not ensure that the warrant will reach the court prior to the court date, the serving officer shall make arrangements to transmit the warrant to the Violations Bureau in Fairfax as soon as possible. If a control number was assigned to the warrant, the serving officer shall contact the Warrant Desk and forward the completed Warrant Control Form to the Warrant Desk through normal channels.

D. CCRE Requirements

1. Persons arrested and to be released on a summons shall not be held in custody after the issuance of the summons for the purpose of completing the CCRE reports.

2. In cases where a person is arrested for CCRE reportable offense and is released on a summons, the CCRE processing shall be completed by the Sheriff's Department after the disposition of guilt is entered in court. This applies when a misdemeanant is released in the field on a written summons. It does not apply to felony arrests or arrests on a warrant in which the person is brought before a Special Magistrate and subsequently released on bond or other form of pretrial release.

3. All CCRE forms must be sent to Central Records as a package. This includes occasions when fingerprint cards are left at the jail for a prisoner to be processed prior to release; all other CCRE forms must also be left.

4. In all CCRE reportable cases where an arrested person is not released in the field but is taken before a Special Magistrate, the arresting officer shall be responsible for completion of the CCRE reports prior to appearing before the Special Magistrate.

5. If the charge is amended to an offense which is not CCRE reportable, nol-prossed, dismissed, or the person is found not guilty, no report to the CCRE shall be made.

6. Porelon pads will not be used for fingerprinting prisoners. Porelon pads may only be used for processing citizen walk-in requests, children's fingerprinting programs, and other non-police related uses.

E. Service of Magistrate's Summons

1. Magistrate's Summonses will be processed the same as a warrant and according to the provisions set forth in General Order 601, IV. B, Warrant Control Procedures.

NOTE: It is important that magisterial summonses not be entered into the Virginia Criminal Information Network (VCIN). This becomes problematic when officers are conducting traffic stops and discover that the subject has been entered into VCIN and therefore will not have access to the summons on which to serve. Section 19.2-76 Code of Virginia, states that a warrant or capias shall be executed by the arrest of the accused and a summons shall be executed by delivering a copy to the accused personally.

There are provisions in Section 19.2-81 Code of Virginia, for arrest without a warrant for subjects apprehended outside the jurisdiction of the original offense. However, there is no provision for the subject to be detained until a magisterial summons can be retrieved from the entering agency and executed on the subject. There are no provisions in VCIN for entering magisterial summonses into the wanted files, thus an agency and its officers can incur liability in the event of an unlawful detention.

2. The officer serving the summons shall deliver a copy to the person named as the defendant and execute the original to indicate service.

3. The officer serving the summons shall at no time take the subject into custody based solely on the Magistrate's Summons charge(s) or to effect the summons services.

4. A Virginia Uniform Summons will be completed, returnable to the Traffic Division or Criminal Division of the General District Court, dependent upon the offense charged. When completing the summons, the officer shall write in "Magistrate's Summons" along with the charge in the offense charged.

   NO SIGNATURE IS NECESSARY ON A VIRGINIA UNIFORM SUMMONS IN THE CASE OF A SERVICE OF A MAGISTRATE'S SUMMONS.

5. The officer serving a parking summons from another jurisdiction shall not complete a Virginia Uniform Summons but shall comply with the other provisions of this subsection.

II. TRAFFIC OFFENSES

A. Code of Virginia; 46.2-936, 46.2-937, 46.2-940

§ 46.2-936. Arrest for misdemeanor; release on summons and promise to appear; right to demand hearing immediately or within twenty-four hours; issuance of warrant on request of officer for violations of §§ 46.2-301 and 46.2-302; refusal to promise to appear; violations.

Whenever any person is detained by or in the custody of an arresting officer, including an arrest on a warrant, for a violation of any provision of this title punishable as a misdemeanor, the arresting officer shall, except as otherwise provided in § 46.2-940, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Such time shall be at least five days after such arrest unless the person arrested demands an earlier hearing. Such person shall, if he so desires, have a right to an immediate hearing, or a hearing within twenty-four hours at a convenient hour, before a court having jurisdiction under this title within the county, city, or town wherein such offense was committed. Upon the giving by such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody.

Notwithstanding the foregoing provisions of this section, if prior general approval has been granted by order of the general district court for the use of this section in cases involving violations of §§ 46.2-301 and 46.2-302, the arresting officer may take the person before the appropriate judicial officer of the county or city in which the violation occurred and make oath as to the offense and request issuance of a warrant. If a warrant is issued, the judicial officer shall proceed in accordance with the provisions of Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2.

Notwithstanding any other provision of this section, in cases involving a violation of § 46.2-341.24 or § 46.2-341.31, the arresting officer shall take the person before a magistrate as provided in §§ 46.2-341.26:2 and 46.2-341.26:3. The magistrate may issue either a summons or a warrant as he shall deem proper.

Any person refusing to give such written promise to appear under the provisions of this section shall be taken immediately by the arresting officer before a magistrate or other issuing officer having jurisdiction who shall proceed according to the provisions of § 46.2-940.

Any person who willfully violates his written promise to appear, given in accordance with this section, shall be treated in accordance with the provisions of § 46.2-938.

Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in

a court of competent jurisdiction. This section shall not be construed to limit the removal of a law-enforcement officer for other misconduct in office.

1. While 46.2-936 permits general district courts to grant arresting officers prior approval to take persons before a magistrate in cases involving 46.2-301 and 46.2-302, the Chief Judge of the Nineteenth Judicial General District Court (Fairfax County) does not grant officers this general approval. The Chief Judge does not grant prior approval, unless an officer feels release by summons is not sufficient to insure an individual's appearance in court on the established hearing date.

2. Persons arrested for driving on a suspended license with or without notice (i.e. Suspended or Revoked DWI related) shall be released on a summons if they meet the criteria for release according to 19.2-74. See Section I, Subsection B (Criteria for Release on a Summons) of this General Order for additional guidance.

3. A significant number of DUI and traffic-related offenses from Titles 18.2 and 46.2 of the Code of Virginia have been adopted "by reference" into the County Code Section 82-1-6. For prosecution purposes, the State Code section and the County Code section adopted under 82-1-6 are identical. It is the Department's policy that officers, when citing one of these offenses, **shall** cite the County code under Section 82-1-6.

§ 46.2-937. Traffic infractions treated as misdemeanors for arrest purposes.
For purposes of arrest, traffic infractions shall be treated as misdemeanors. Except as otherwise provided by this title, the authority and duties of arresting officers shall be the same for traffic infractions as for misdemeanors.

§ 46.2-940. When arresting officer shall take person before issuing authority.
If any person is: (i) believed by the arresting officer to have committed a felony; (ii) believed by the arresting officer to be likely to disregard a summons issued under § 46.2-936; or (iii) refuses to give a written promise to appear under the provisions of § 46.2-936 or § 46.2-945; the arresting officer shall promptly take him before a magistrate or other issuing authority having jurisdiction and proceed in accordance with the provisions of § 19.2-82. The magistrate or other authority may issue either a summons or warrant as he shall determine proper.

4. Note that persons arrested for a violation of the Motor Vehicle Code, including but not limited to an arrest on a warrant and Speed to

Elude, shall be released on a summons except as provided in 46.2-940.

5. Officers who violate this provision shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction.

B. Arrest of Non-Resident for Traffic Offenses

1. Non-Resident Violator Compacts are currently in effect between Virginia and a number of other states. Whenever states are added or deleted from these compacts, the addition or deletion will be announced by memorandum.

2. These compacts are provided for in 46.2-944 through 46.2-946.

§ 46.2-944. Definitions. - As used in this article:

"Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

"Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

"Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

"Party jurisdiction" means any jurisdiction which by its laws or by written agreement with the Commonwealth extends to residents of Virginia substantially the rights and privileges provided by this article.

"Court" means a court of law or traffic tribunal.

"Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

"Terms of the citation" means those options expressly stated upon the citation.

"Compliance" means the motorist must appear for a hearing and/or pay court fines and costs.

"Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

"Collateral" or "bond" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

"Personal recognizance" means a signed agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

"Motorist" means a driver of a motor vehicle operating in a party jurisdiction

other than the home jurisdiction.

"Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic violation.

§ 46.2-945. Issuance of citation to motorist; party jurisdiction; police officer to report noncompliance with citation.

A. When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who is a resident of or holds a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in subsection C of this section, require such motorist to post collateral or bond to secure appearance for trial, but shall accept such motorist's written promise that he will comply with the terms of such citation; provided, however, the motorist shall have the right upon his request to post collateral or bond in a manner provided by law and, in such case, the provisions of this article shall not apply.

B. In the absence of the motorist's written promise, the officer shall proceed according to the provisions of § 46.2-940.

C. No motorist shall be entitled to receive a citation under the terms of subsection A of this section nor shall any police officer issue such citation under the same in the event the offense for which the citation is issued shall be one of the following: (i) an offense for which the issuance of a citation in lieu of a hearing or the posting of collateral or bond is prohibited by the laws of this Commonwealth; or (ii) an offense, the conviction of or the forfeiture of collateral for which requires the revocation of the motorist's license.

D. Upon the failure of any motorist to comply with the terms of a traffic citation, the police officer or the appropriate official shall report this fact to the Department of Motor Vehicles. Such report shall clearly identify the motorist; describe the violation, specifying the section of the statute, code or ordinance violated; shall indicate the location of the offense, give description of vehicle involved, and show the registration or license number of the vehicle. Such report shall be signed by the police officer or appropriate official.

§ 46.2-946. Department to transmit officer's report to party jurisdiction; suspension of resident's license for noncompliance with citation issued by party jurisdiction.

Upon receipt of the report as described in § 46.2-945, the Department of Motor Vehicles shall transmit a certified copy of such report to the official in charge of the issuance of driver's licenses in the home jurisdiction in which the motorist resides or by which he is licensed.

Upon receipt from the issuing jurisdiction of a certification of noncompliance with a citation by a motorist holding a driver's license issued by this Commonwealth, the Commissioner of the Department of Motor Vehicles forthwith shall suspend such motorist's driver's license. The order of suspension shall indicate the reason for the order, and shall notify the motorist that his license shall remain suspended until he has furnished evidence satisfactory to the Commissioner that he has fully complied with the terms of the citation which was the basis for the suspension order.

The licensing authority of the issuing jurisdiction may suspend the privilege of a motorist for whom a report has been transmitted.

It shall be the duty of the Commissioner of Motor Vehicles to ascertain and remain informed as to which jurisdictions are party jurisdictions hereunder and, accordingly, to maintain a current listing of such jurisdictions, which listing he shall from time to time cause to be disseminated among the appropriate departments, divisions, bureaus and agencies of this Commonwealth, the principal executive officers of the several counties, cities and towns of this Commonwealth and the licensing authorities in all other jurisdictions which are, have been, or claim to be a party jurisdiction pursuant hereto.

Consistent with the terms of the applicable Nonresident Violator Compact, the home jurisdiction shall take no action regarding any report transmitted by the issuing jurisdiction, which is transmitted more than six months after the date on which the traffic citation was issued.

Consistent with the terms of the applicable Nonresident Violator Compact, the home jurisdiction shall take no action regarding any report on any violation where the date of issuance of the citation predates the entry into the compact for the two party jurisdictions affected.

3. Note that Paragraph (c) under 46.2-945 specifies that no person shall be entitled to receive a citation in the event the offense is in one of two categories.

   a. An offense for which the issuance of a citation in lieu of a hearing or the posting of collateral or bond is prohibited by the laws of this State. Refer to 46.2-940.

   b. An offense, the conviction of or the forfeiture of collateral for which requires the revocation of the motorist's license. The following offenses are those which require revocation upon conviction.

      1) DWI.

      2) Voluntary or Involuntary Manslaughter.

      3) Conviction of a felony involving the motor vehicle laws or involving the use of a motor vehicle.

      4) Failure to stop at the scene of an accident involving death or injury.

5) Intentionally and willfully stopping, blocking, or damaging any vehicle upon the highways.

6) Racing on highway.

7) Perjury or make false affidavit to Division of Motor Vehicles concerning registration of motor vehicles or their operation on the highways, or make false statement to the Division of Motor Vehicles on any applications for an operator's or chauffeur's license.

8) Driving while license, permit, or privilege to drive is suspended or revoked.

4. Upon the failure of a non-resident to appear in court, the officer shall proceed in accordance with Paragraph (d) of 46.2-945. Form DI 437 (revised) shall be completed by the officer and the appropriate copies sent to the DMV so that action can be taken in conjunction with the reciprocating state to suspend the license of the violator for non-compliance with the citation issued in Virginia.

5. A supply of Form DI 437 Virginia Non-Resident Violator Compact: Notice of Failure to Comply with Citation; shall be maintained at the district stations. The officer who issued the citation will complete the form prior to leaving the station. The original and pink copies are forwarded to DMV, the blue copy is not needed by the Record Room, but may be retained by the station if so desired, and the green copy is retained by the officer.

6. A traffic violator licensed by a state which does not have a reciprocal agreement with Virginia will be allowed to follow the arresting officer to the nearest Special Magistrate, except in cases where physical custody is necessary. The motor vehicle will be towed for safekeeping unless another licensed driver is present and the violator can lawfully, knowingly, and intelligently entrust the motor vehicle to such person who is willing to assume such responsibility.

C. Instructions for Accident Cases Involving Traffic Infraction Charges

1. Officers should <u>not</u> issue subpoenas at the scene of an accident to any witnesses if the defendant is being charged with a prepayable offense.

2. Officers should give any driver involved in an accident, where summonses are being issued for prepayable offenses, a copy of the form provided by the Fairfax County General District Court entitled, "Information on Prepayable Offenses and Requesting Trials in Accident Cases." This form has been revised to include a statement advising the defendant involved in an accident that, if he plans to appear for trial and plead not guilty, the appropriate block should be checked and the form mailed to the Clerk's Office within seven days of receiving the summons from the officer. This statement further advises the defendant that if the request for trial is received, the case will be continued and the officer will subpoena witnesses for the next court date. A continuance notice will be mailed to the defendant at the addresses listed on the summons to notify him of the new court date.

3. If the form requesting a trial is received from the defendant prior to the court date, the case will be automatically continued. The continued date will be noted on the court docket for the original date and this will provide notice to the officer that witnesses will be required for the subsequent date.

4. On the original court date, if the defendant has not sent in the form requesting a trial and does not appear, he may be tried in his absence based on the officer's testimony and evidence.

5. The defendant may also appear and plead guilty and the case may be tried and concluded.

6. If the defendant appears in person on the original court date and pleads not guilty, the case will be continued so that the officer may subpoena any witnesses that are essential to the prosecution's case.

7. Once continued, the officer must complete district court form DC-325, Request for Witness Subpoena, and submit it to the court for issuance of witness subpoenas. The officer should include phone numbers for all witnesses listed on the request.

8. The Clerk's Office will prepare and issue the witness subpoenas.

9. After the case is continued, it is still possible for the defendant to prepay the charge and avoid coming to court. While this may be a rare occurrence, officers should be aware that if a payment is received, the Clerk's Office will attempt to notify either the witness or officer by phone. For this reason, it is important that officers include telephone numbers of witnesses on the "Request for Witness Subpoena" form.

III. REQUESTS FOR IMMEDIATE TRIAL

A. Section 46.2-936 of the Code of Virginia and 82-1-31 of the Fairfax County Code allow a person accused of most traffic infractions or misdemeanors the right to an immediate trial or a trial within 24 hours. This has been interpreted by our District Court to mean that the accused has the right to an immediate trial during the court's regular business hours, if a judge, courtroom, and the officer are available. If not, the trial is set for the next date court is in session. This process is handled by the Clerk of the District Court.

1. Responsibility for dealing with these requests rests with the Clerk of the Court. They are not the responsibility of the officer.

2. The exercise of this right rests entirely with the accused.

3. The exercise of this right follows the issuance of the summons or the arrest process. It is not part of that process.

4. The court date officers set on their summons should not reflect this request.

5. There is no such right for persons accused of any felony or of any traffic charges under any title or chapter other than 46.2 or 82, respectively. In addition, all DWI charges under the County Code are excluded.

B. When issuing a summons to an accused who requests such a trial, the officer shall advise the accused of their right to such a trial and the process for exercising it. The officer will inform the accused of the requirement to sign the summons and the consequences of refusing. If the accused chooses to sign the summons, the officer must release the subject. The officer should advise the accused to do the following:

1. If court is in session (i.e., regular business hours) report to the Office of the Clerk of the District Court and make a request for trial; or,

2. If court is not in session, report to the Clerk of the District Court the next day court is in session and make the request.

3. a. The issuing officers may, at their discretion, accommodate the request for immediate trial by scheduling the court date for the next available date, provided that the summons is delivered to the Clerk of the General District Court's Traffic Division no later than 09:00 of the scheduled date. The court would prefer, if possible, 24 hours advance receipt of the summons.

   b. Officers will document the request for immediate trial in their field notes on the back of their copy of the summons.

C. In either case, the officer will return to service and will take no further action, unless summoned by the court for the trial.

D. If the accused refuses to sign the summons, or a custodial arrest is effected for other reasons, the officer should treat it the same as any other such arrest. This means that the officer will take the accused before the nearest magistrate.

1. If the accused demands immediate trial and if the court is in session (i.e., regular business hours), the accused will be directed to report to the Office of the Clerk of the District Court and make the request for trial upon release from custody or at the arraignment, if not released.

2. If the accused demands immediate trial and if the court is not in session, the accused will be directed to report to the Clerk of the District Court the next day court is in session and make the re-quest.

IV. ACCREDITATION STANDARDS REFERENCE

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This General Order becomes effective July 1, 2008 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: ARREST/POLICE CONTACTS AT CERTAIN FACILITIES	NUMBER:	601.3
CANCELS ORDER DATED: 1-1-02	DATE:	7-1-04

I. POLICY

The judicious exercise of discretion is important in all matters of law enforcement, but especially so in cases of arrest where the clientele or location involved are of a particularly sensitive nature. It is, therefore, the policy of the Department to exercise an even greater degree of restraint than is ordinarily applied when seeking the arrest of persons within certain facilities within Fairfax County.

The adoption of special procedures in this area of operation does not modify the policy discussed in General Order 601, Arrest Procedures, under Paragraph IV, Warrants.

II. PROCEDURES

A. Special Facilities within Fairfax County

The County of Fairfax has an interest in administering and coordinating certain programs designed to promote the welfare of County residents. Many of these programs are of a special nature, primarily because of the type of clientele being served. It is essential that the County avoid creating the impression that these locations offer easy access to persons who are of interest to the Police Department, such as persons named in arrest warrants, suspects, or persons to be interviewed concerning criminal investigations. To avoid this potential stigma, police initiated contacts with persons who are participating in or employed by such programs shall take place, whenever possible, outside the physical environment of the program. The purpose of this approach is to minimize the incidence of disruption of training and to avoid undue embarrassment to the persons involved.

The following guidelines shall be used in situations involving any treatment, counseling, or rehabilitation facility, or privately operated shelters/facilities on County property. These include, but are not limited to, community centers sponsored by the County, substance abuse programs, mental health centers, and group homes.

1. Whenever possible, the service of warrants and summonses, the interviewing of suspects or witnesses, and other similar police

initiated contacts shall be accomplished by arranging to meet the subject of the contact at an appropriate location other than the training or treatment facility.

2. If the approach outlined above is unsuccessful, and it is apparent that it may be necessary to make the contact or arrest at the facility, the officer shall telephone the director or supervisor of the facility so that arrangements can be made to bring the person sought into the director's office or other designated area.

3. In cases where information suggests that the subject is dangerous or is likely to flee if arrest is sought, the officer concerned shall consult with the officer's supervisor who will assess the situation and determine a course of action which presents the least potential risk to the public and the police.

4. This policy does not restrict an officer from entering any such facility when in close pursuit of a person who has committed a crime, and the officer has reason to believe that any delay in the arrest of the suspect will tend to jeopardize the safety of the public.

5. The following are privately operated shelters/facilities on County property and as such, all residents shall enjoy the same privacy as any other citizen in their home would:

   Embry Rucker Community Shelter (Reston)
   11975 Bowman Towne Drive
   Reston, Virginia 20190
   703-437-1975
   703-481-1406 (fax)

   Mondloch House (Richmond Highway)
   3514 Lockheed Boulevard
   Alexandria, Virginia 22306
   703-768-3400
   703-768-3405 (fax)

Shelter House (Falls Church)
3080 Patrick Henry Drive
Falls Church, Virginia 22044
703-536-2155
703-536-8263 (fax)

Bailey's Crossroads Community Shelter
3525 Moncure Avenue
Bailey's Crossroads, Virginia 22041
703-820-7621
703-671-0441 (fax)

Eleanor U. Kennedy Shelter (Richmond Highway)
9155 Richmond Highway
Ft. Belvoir, Virginia 22060
703-799-0200
703-799-8127 (fax)

This expectation of privacy necessitates that all constitutional requirements related to the Fourth Amendment are met, similar to dealing with a private residence.

B. Fairfax Hospital

The following procedures shall be adhered to should it become necessary to attempt to arrest any person within the hospital or interview a patient.

1. Prior to serving a warrant or making a planned arrest within the hospital, the officer intending to arrest shall first contact the Security Supervisor either in person, or by telephone at 698-3180. If contact cannot be made by either means, the hospital telephone operator shall be contacted who will in turn locate the Security Supervisor. This requirement does not apply in emergency situations or circumstances which dictate the need for immediate arrest.

2. Interviews or interrogations involving patients.

a. Emergency Room - Secure permission from the emergency room physician on duty at the time.

b. Other areas of the hospital - Check first with the Office of Safety and Security at 698-3180. Clearance for the interview or interrogation will be sought from the patient's physician through the Nursing Supervisor.

c. Permission to interview or interrogate a patient will be denied if the physician feels that it will be detrimental to the patient's health.

3. Psychiatric Unit

Officers and detectives needing to conduct routine law enforcement functions in the Psychiatric Unit shall secure their weapons in the gun lockers in the Office of Safety and Security. Officers will retain the ammunition in their possession. When responding to calls for service on the Psychiatric Unit, officers shall retain custody of their weapons.

III. ACCREDITATION STANDARDS REFERENCE

VLEPSC
ADM.
02.04
02.05

This General Order became effective July 1, 2004 and rescinded 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: DOMESTIC VIOLENCE POLICY	NUMBER:	601.4
CANCELS ORDER DATED: 7-1-07	DATE:	11-1-10

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.

III. DEFINITIONS

Respondent: The person named in a protective order as an allegedly abusive spouse or family/household member.

Person: The allegedly abusive spouse or family/household member.

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.

Domestic Dispute: Any incident, not involving a violent criminal offense, in which the parties involved appear to have a covered relationship.

Domestic Violence: 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 restrains 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 <u>shall</u> 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 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.

3. 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.

4. 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.

5. 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.

6. 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. 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.

3. 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.

4. 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 <u>in person</u>, 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 5:00 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. A supplement shall be filed 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. A Fairfax County Police Department 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.

VII. LEGAL REFERENCES

A. Code of Virginia

16.1-228	18.2-51.2
16.1-253	18.2-57.2
16.1-253.1	18.2-60.3
16.1-253.2	19.2-81
16.1-253.4	19.2-81.3
16.1-279.1	19.2-152.8
18.2-51	19.2-152.9
18.2-52	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

VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.		OPR.	
02.02	23.03	02.01	12.02
23.01	23.04	02.03	13.01
23.02		12.01	

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: DOMESTIC VIOLENCE POLICY	NUMBER:	601.4
CANCELS ORDER DATED: 7-1-07	DATE:	11-1-10

This General Order becomes effective on November 1, 2010, 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: SERVICE, INVESTIGATIONS AND ARRESTS AT COUNTY PUBLIC SCHOOL FACILITIES	NUMBER:	601.5
CANCELS ORDER DATED: 1-1-97	DATE:	1-1-06

I. PURPOSE

The purpose of this directive is to establish guidelines to be followed by the Fairfax County Police Department regarding police response to events or situations occurring within the public school system. These procedures are intended to provide for a coordinated and effective response in preventing and addressing school disruptions and to promote an effective exchange of information and cooperation between these two agencies.

II. POLICY

This policy is set forth recognizing the impact certain events at schools present to the students, the community and the Police Department. The policy of the Fairfax County Police Department is to protect students, faculty and property, and allow for the normal continuance of the educational process. The prevention of disruptions to the school environment is considered a priority in all police responses.

III. DEFINITIONS

Controlled Substance: Any substance unlawful to possess on school grounds to include alcohol, illegal drugs and imitation controlled substances as defined in School Regulations.

Weapon: Any device capable of inflicting injury or as defined in State Code Section 18.2-308 or School Regulations.

Principal: The chief administrator of a school or their designee.

School Official: The principal, sub-school principals, school administrators and others authorized to act on behalf of the principal.

School Resource Officer: A Police Officer assigned to a school on a full or part-time basis, whose activities are governed by a Memorandum of Understanding between the Chief of Police and the Superintendent of Schools.

Traumatic incident: Any event which by its nature can have a significant psychological or emotional impact on the students, faculty or community.

Serious incident: Any criminal incident or breach of the peace which requires a police response.

Cluster Assistant Superintendent: The school administrator responsible for administrative oversight and management of a group of Fairfax County Public Schools within a specific geographic area.

IV. PROCEDURES

A. Upon arrival at the school, the officer shall contact the school official responsible for requesting police assistance and determine the need for additional or specialized assistance. To minimize disruption to the school, units determined not to be necessary will return to service as soon as possible.

B. Should the school principal determine that partial or total evacuation is necessary, the officer(s) shall provide whatever assistance is required and ensure notification is made to the district station commander and the Police Public Information Office.

C. Any officer responding to a school on a complaint involving a controlled substance shall first determine if the case can result in criminal prosecution. If no prosecution will occur, the controlled substance will be collected for destruction and disposed of according to General Orders. If prosecution will occur, the officer will determine that probable cause exists, determine the evidentiary chain of custody and process the controlled substance accordingly. The investigating officer will be responsible for seeking petitions or warrants, filing lab sheets with the appropriate court, requesting subpoenas and notifying the school officials of the laboratory results.

A School Resource Officer who collects a controlled substance may initially store the evidence in the locked storage compartment provided by the school. The SRO shall not store controlled substances at the school beyond the end of the day it was collected. Evidence shall be taken to a Department

facility and stored according to General Order 610.2, Custody of Controlled Substances.

D. Any officer responding to a school on a complaint involving a weapon shall first determine if the case can result in criminal prosecution. If no prosecution will occur, the weapon will be collected for destruction and disposed of according to General Orders. If prosecution will occur, the officer will determine that probable cause exists, determine the evidentiary chain of custody and process the weapon accordingly. The investigating officer will be responsible for seeking petitions or warrants and requesting subpoenas.

A School Resource Officer who collects a weapon or any other evidence to be used in a criminal prosecution may initially store the evidence in the locked storage compartment provided by the school. The SRO shall not store weapons or other evidence at the school beyond the end of the day it was collected. Evidence shall be taken to a Department facility and stored according to General Order 610.1, Custody of Property.

E. Virginia State Code Section 63.2-1518 provides that a police officer may talk with any child suspected of being abused or neglected or to any of their siblings without the consent of and outside the presence of the parent, legal guardian or school personnel.

F. Should it become necessary for police to question a student in school or on school grounds, the officer shall first notify a school official. A reasonable effort shall be made to secure permission from a parent or legal guardian prior to questioning (unless exempted, pursuant to Virginia State Code Section 63.2-1518).

This section does not pertain to School Resource Officers as they are granted a special dual status as a police officer and as an extension of the school staff by a Memorandum of Understanding between the Chief of Police and the Superintendent of Schools. This special status permits a greater direct access to students by School Resource Officers by virtue of their position. The School Resource Officers shall continue to notify a parent or person acting as a parent in situations requiring physical custody arrests as outlined in General Order 602.2, Arrest and Detention of Juveniles.

G. The school official shall provide a location where interviews may be conducted without embarrassment to the student. School officials may be present during interviews unless the case involves reported child abuse or neglect. School officials may be present during interviews involving reported child abuse if their presence is determined by the police to be of assistance or necessary to further the interview or minimize impact on the child.

H. Unless otherwise dictated by public safety or investigative needs, every effort should be made to serve petitions and warrants on students and school employees after school hours. A school official shall be notified as soon as practical of any arrest effected during school hours or on school grounds.

I. Any traumatic incident which comes to the attention of the Police Department and may impact the school shall require the officer to notify the principal as soon as practical. This may include the violent death of a student, an event requiring a significant police response near the school or an event which would affect the safety or welfare of the school. Notice shall be provided for all such incidents, including those that occur after school hours or during school breaks.

The School Liaison Commander (SLC) shall also be notified as soon as practical of traumatic incidents. The SLC will assist in ensuring appropriate notifications are made to the school division. The SLC will also help to secure cooperation in obtaining resources and assistance from the school division for the Department.

J. The School Board has established certain guidelines by which they will release information on students. These guidelines are established to ensure compliance with US Code Title 20, Section 1232g, known as the Family Educational Rights and Privacy Act (FERPA). The conditions set forth in FERPA are more restrictive than state law and therefore supersede VA Code Section 22.1-287(A)(5), which grants law enforcement access to student information "in the course of his duties."

"Directory information" may be released without parental consent unless the parent has indicated in writing to the school that such information is not to be released. School Regulations regarding the information items that are

designated as "directory information" is subject to change. FCPS will release information according to the current version of the applicable School Regulation. Directory information may include:

1. The student's name, including nickname(s)
2. Participation in officially recognized activities and sports
3. Height and weight, if a member of an athletic team
4. Birthdate
5. Attendance Record
6. Awards and honors received
7. School and grade
8. Photographs and other images
9. Name of parent/guardian/individual with whom student lives
10. Student gender, primary or home language
11. Address and phone number

Information about students may be released to police officials without permission or consent in connection with an emergency, if the knowledge of such information is necessary to protect the health and safety of a student or other person.

When student information is necessary to further a police investigation and it is not available as "directory information" and the circumstances cited above are not met, then a search warrant will be required. In addition to normal distribution guidelines, copies of the search warrant and affidavit shall be faxed to the School Liaison Commander at 703-658-3796 and to the FCPS Office of Program Support Services at 703-385-8134.

K. If a District Station Commander or school principal feels that special police enforcement measures need to be taken on school premises such as undercover drug or alcohol enforcement, the Patrol Bureau Commander shall first approve such measures.

L. The officer shall notify the Department's Public Information Office of any event which occurs on school grounds and which requires police intervention of such a nature or scale as to result in media or citizen inquiries.

M. Criminal incidents occurring on school property and/or such incidents involving students traveling between school and home may result in both a police department criminal investigation and a school division administrative investigation. Generally, conflicts between these investigations will only arise if the administrative questioning of individuals involved in or witnessing such incidents is undertaken by the school division, prior to the completion of questioning pursuant to a criminal investigation. Should circumstances arise in which the conduct of an administrative investigation by the school division should be delayed pending completion of a criminal investigation, the following steps shall be taken:

1. The station or division commander responsible for the criminal investigation shall contact the Cluster Assistant superintendent responsible for the particular school involved. Cluster Assistant superintendents can be contacted at any time through school security.

2. The general nature of the criminal investigation shall be discussed with the Cluster Assistant superintendent. Based on information provided by the station or division commander the administrative investigation may be deferred for a mutually agreed upon period of time.

3. If contact cannot be made with the Cluster Assistant superintendent or agreement can not be reached on the deferral of the administrative investigation, the station or division commander shall immediately notify the appropriate bureau commander.

4. Upon receipt of such notification, the bureau commander shall seek immediate resolution of the issues with appropriate school division

administrators including school division. The SLC should be considered as a resource to resolving such conflicts.

5. When a school defers an administrative investigation to cooperate with a criminal investigation, the Department will reciprocate by having the proper personnel attend requisite school hearings to testify and/or present evidence as needed. Conflicts arising regarding what testimony and/or evidence from the criminal case is being requested by the school should be resolved between the station/division commander and school division counsel.

V. LEGAL REFERENCE

Code of the United States

1. Title 20, Section 1232g

Code of Virginia

1. 19.2-81
2. 63.2-1518

VI. ACCREDITATION STANDARDS REFERENCE

VLEPSC
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04.01
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12.06

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: SERVICE, INVESTIGATIONS AND ARRESTS AT COUNTY PUBLIC SCHOOL FACILITIES	NUMBER:	601.5
CANCELS ORDER DATED: 1-1-97	DATE:	1-1-06

This General Order became effective January 1, 2006 and rescinded 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 OF ADULT STUDENTS ATTENDING PUBLIC SCHOOLS IN THE COMMONWEALTH OF VIRGINIA	NUMBER:	601.6
CANCELS ORDER DATED:		ISSUE DATE:	1-1-05

I. PURPOSE

The purpose of this directive is to establish guidelines to be followed by the Fairfax County Police Department regarding the arrest of adults who are students of public schools in the Commonwealth of Virginia. These procedures are intended to establish statutory reporting requirements related to § 19.2-83.1 that was enacted into law effective July 1, 2004.

II. POLICY

This policy is set forth recognizing that certain crimes are committed on or off school grounds may have an adverse impact on the safe operation of schools and communities. The policy of the Fairfax County Police Department is to protect students, faculty and property, and this reporting requirement will allow school administrators to further assess potential risks to students, faculty, and facilities.

III. PROCEDURES

A. Upon the arrest of an individual who is 18 years old or older and the arrestee attends a public school in the Commonwealth of Virginia, the arresting officer shall fax a copy of AFIS-Search Results form (obtained from ADC) and associated reports to 703-354-8775 by the end of their shift. The following crimes are reportable under this provision:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§18.2-299 et seq.), or 7 (§ 18.2-308) et seq.) of Chapter 7 of Title 18.2;

2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;

4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

9. Robbery pursuant to § 18.2-58;

10. Prohibited criminal street gang activity pursuant to § 18.2-46.2; or

11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

B. Upon receipt of this information, the Police School Liaison Commander shall coordinate the timely release of this information with the respective School Superintendent and SRO.

IV. LEGAL REFERENCE

Code of Virginia, § 19.2-83.1

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT:	ARREST OF ADULT STUDENTS ATTENDING PUBLIC SCHOOLS IN THE COMMONWEALTH OF VIRGINIA	NUMBER:	601.6
CANCELS ORDER DATED:		ISSUE DATE:	1-1-05

This General Order becomes effective January 1, 2005 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: ARREST AND DETENTION FOR SHOPLIFTING	NUMBER:	602.1
CANCELS ORDER DATED: 10-1-02	DATE:	7-1-10

I. PURPOSE

The purpose of this general order is to identify the responsibilities of officers for events involving shoplifting, to describe the authority of persons other than officers in such cases, and to establish procedures for officers called to shoplifting scenes.

II. AUTHORITY OF POLICE OFFICERS AND OTHER PERSONS TO ARREST AND DETAIN

A. Police Officers

The authority of police officers to make arrests for shoplifting is contained in Section 19.2-81, Code of Virginia. Arrests without warrants may be affected for misdemeanors involving shoplifting in violation of Sections 18.2-103, Code of Virginia, when the arrest is based on probable cause on a reasonable complaint of a person who observed the commission of the offense.

B. Merchants, or Their Employees or Agents

Under Section 8.01-226.9, Code of Virginia, merchants, or their agents or employees who cause the arrest of any person for shoplifting are provided an exemption from civil liability. Section 18.2-105.1, Code of Virginia, authorizes merchants or their agents or employees to detain a person suspected of shoplifting for a period not to exceed one hour based on probable cause that the person committed larceny, or concealed merchandise. The purpose of the detention is to hold the person until the arrival of a police officer.

C. Registered Employee of a Private Security Services Business

The powers of arrest for a registered employee of a private security services business is controlled by Section 9.1-146, Code of Virginia. Such employees may arrest for offenses committed in their presence or in the presence of a merchant, their agent or employee, if probable cause exists to believe that the person arrested had shoplifted or committed willful concealment of goods. This arrest is valid only on the premises at a

location which the private security services firm has contracted to protect.

D. Special Conservators

Special conservators are commissioned by the Chief Judge of the Nineteenth Judicial Circuit. Special conservators are given full arrest power at their specific place of employment for all offenses.

E. Electronic Article Surveillance Devices

The activation of an electronic article surveillance device as a result of a person exiting the premises or an area within the premises of a merchant where an electronic article surveillance device is located, shall constitute probable cause for the detention of such person by such merchants, their agents or employees, provided such person is detained only in a reasonable manner and only for such time as is necessary for an inquiry into the circumstances surrounding the activation of the device, and provided that clear and visible notice is posted at each exit and location within the premises where such a device is located indicating the presence of an anti-shoplifting or inventory control device. For purposes of this section, "electronic article surveillance device" means an electronic device designed and operated for the purpose of detecting the removal from the premises, or a protected area within such premises, of specially marked or tagged merchandise.

III. RESPONSIBILITIES OF POLICE OFFICERS FOR ARREST AND DETENTION BY OTHER PERSONS

A. Detention by Merchants, Their Agents or Employees

Complaints involving the detention of a shoplifting suspect by non-sworn merchants, their agents or employees require the following:

1. The officer must consider the facts and circumstances presented and determine whether probable cause exists to arrest the person detained for the alleged offense.

2. If probable cause exists, the officer shall affect an arrest in felony cases or release on a summons in misdemeanor cases in accordance with General Order 601.1, Misdemeanor Arrests/Release on Summons. If the officer concludes that probable cause does not exist, the person who detained the suspect shall be advised of their right to seek a warrant from a special magistrate.

3. In cases where an arrest is made and the detainee is not released on a summons, the person observing the offense shall accompany the officer in order to provide evidence for probable cause.

4. The person observing the offense shall appear as the complainant on the warrant issued.

5. The assigned officer shall complete all Department forms, arrest documents, and shall process for CCRE in cases of juvenile arrest, pursuant to General Order 602.2, Arrest and Detention of Juveniles.

B. Arrests by Registered Employees of Private Security Firms

Arrests of persons by registered employees of private security firms shall be the complete responsibility of such employees when the offense involves only a misdemeanor.

For felonies, with probable cause established, the responding officer shall be responsible for the following:

1. Transportation to a special magistrate.

2. Completion of all Department reports, forms, CCRE forms, and service of the warrant.

3. The registered employee of a private security firm shall be the complainant on the warrant issued.

C. Arrests by Special Conservators

When an officer responding to a shoplifting complaint finds that a suspect has been arrested by a special conservator, the officer shall offer full assistance. The responding officer is responsible for the following:

1. Transportation to a special magistrate.

2. Completion of all Department reports, forms, and CCRE forms as needed.

3. The special conservator shall appear as the complainant in the warrant issued. This assures that the court docket will reflect the person who is actually the source of action against the defendant.

   NOTE: Special police or conservators that have arrest authority in another jurisdiction and no authority in Fairfax County shall be considered as non-sworn personnel.

IV. IMMEDIATE RELEASE FROM CUSTODY WITH A SUMMONS

Police officers that affect an arrest of an adult for a shoplifting related offense shall release on summons as appropriate in accordance with General Order 601.1, Misdemeanor Arrest/Release on Summons, unless the offense was a felony. Persons arrested for all felonies and misdemeanors where summons release is not possible shall be transported to the nearest available special magistrate in accordance with Section 19.2-82, Code of Virginia.

V. ARREST AND DETENTION OF JUVENILES

Juveniles detained or arrested by special conservators, merchants, their agents or employers, or registered security employees for shoplifting shall be released at their discretion. These persons are responsible for contacting parents and filing petitions with the Juvenile and Domestic Relations Court. Officers shall assist in determining identity and advising the complainant of the petition process. Juveniles arrested by police officers for shoplifting offenses committed in their presence, or

based on probable cause on reasonable complaint of a merchant, or their employees, or agents who observed the alleged offense, shall be processed in accordance with General Order 602.2. In circumstances where a juvenile's identity cannot be determined, or no responsible person can be found who will assume custody, the assigned officer shall contact an Intake Officer of the Juvenile Court. Intake Officers will not make a determination over the telephone if a detention order will be issued for the juvenile; they will provide guidance and assist the officer with identifying an appropriate course of action. If the officer is still unable to locate a person to take custody, or on recommendation of the Intake Officer based on the circumstances, the officer shall transport the juvenile, accompanied by the complainant, to the court for disposal.

VI. CUSTODY OF EVIDENCE AND COURT APPEARANCE

A. The custody of evidence relating to shoplifting offenses shall remain the responsibility of the special conservator, store employee, or registered security employee, regardless of whether a police officer makes an arrest. The police officer shall explain the responsibility and custody of evidence to the complainant.

B. Police officers assigned to shoplifting complaints shall not appear in court for the prosecution of such offenses unless:

1. The officer observed the offense, or has other information essential to the prosecution; or,

2. The Office of the Commonwealth's Attorney requests the officer's presence in court.

The police officer shall advise the complainant of his responsibility for appearing in court.

VII. LEGAL REFERENCE

Code of Virginia

8.01-266.9
9.1-146
18.2-103
18.2-105.1
19.2-81
19.2-82

VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

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This general order becomes effective July 1, 2010 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 AND DETENTION OF JUVENILES	NUMBER:	602.2
CANCELS ORDER DATED: 7-1-02	DATE:	10-1-03

I. POLICIES

A. Arrest and Custody

1. To protect the community against delinquent acts and to reduce the incidence of such acts, it shall be the policy of the Police Department to identify, apprehend, arrest and seek to convict all juveniles charged with acts which, if committed by an adult, would be a crime under the laws of the United States, the Commonwealth of Virginia, or the ordinances of the County of Fairfax.

2. a. Recognizing that diversion from the criminal justice system may be in the best interests of the community and some juveniles, it shall be the policy of the Police Department to seek to limit the use of arrest powers against juveniles who have committed acts which are otherwise lawful, but are designated as offenses if committed by a juvenile.

   b. Arrests of juveniles alleged to be status offenders shall occur when probable cause has been established that a juvenile is a runaway; or that during the night hours a juvenile is without adult supervision and there is a clear and substantial danger to the child's welfare; or a detention order is known to be on file.

B. Release

To prevent the unnecessary detention of juveniles, it shall be the policy of the Police Department to make all reasonable efforts to release juveniles to a parent or a person acting as a parent who is available, able, and willing to take custody.

C. Detention

Officers shall seek to detain juveniles when:

1. A parent or person acting as a parent is unavailable to take custody; or

2. A parent or person acting as a parent is available but is unwilling to take custody; or

3. The release of the juvenile would constitute an unreasonable danger to the person or property of others; or

4. The release would present a clear and substantial threat of serious harm to a juvenile's life or health; or

5. The officer has cause to believe that a juvenile in custody will not appear in court as scheduled.

D. Notification to Parents

1. To encourage and support the use of parental authority, it shall be the policy of the Police Department to notify the parent or person acting as a parent, of the specific act or acts, other than a traffic violation, which brings a juvenile into police custody.

2. Such notification shall be made by telephone or in person, at the discretion of the arresting officer, and as soon as reasonably possible after the juvenile is taken into custody.

II. DEFINITIONS

Child, Juvenile, Minor: A person who is less than eighteen years of age.

Child in Need of Services or Supervision: A juvenile who is subject to compulsory school attendance but is habitually absent without justification; a juvenile who remains away from or who habitually deserts or abandons the family; and a juvenile who commits an act which is unlawful only if committed by a juvenile. These acts are more commonly known as status offenses.

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.

III. IMMEDIATE CUSTODY

A. Juveniles who have committed delinquent acts may be taken into immediate custody when any one or more of the following conditions are present:

1. In the presence of the arresting officer, a juvenile commits an act which would be a misdemeanor if committed by an adult under federal, state or local law and ordinances, and the officer believes that such is necessary for the protection of the public interest.

2. When a juvenile has committed one of the following misdemeanor offenses and, although the offense was not committed in the presence of the officer who makes the arrest, the arrest is based on probable cause on reasonable complaint of a person who observed the alleged offense:

   a. Shoplifting in violation of Section 18.2-103

   b. Assault and Battery

   c. Carrying a weapon on school property in violation of Section 18.2-308.1

3. When there is probable cause to believe that a juvenile has committed an offense which would be a felony if committed by an adult.

4. On the authority of a detention order or warrant known to be on file in this or a foreign jurisdiction.

B. A juvenile who has committed no criminal offense may be taken into immediate custody under the following conditions:

1. There is a detention order known to be on file in this or a foreign jurisdiction; or

2. Probable cause exists that a juvenile has run away from home; or

3. Probable cause exists that a juvenile is without adult supervision at night, and under such circumstances that it is reasonably concluded that there is a clear and substantial danger to the juvenile's welfare; or

4. The juvenile agrees, voluntarily without the threat or use of coercion or force of any kind, to accompany an officer to a police facility. This action shall be for the limited purpose of seeking to return a child to the home or otherwise provide for proper care and supervision; or

5. When a child is believed to be in need of inpatient treatment for mental illness as provided in Section 16.1-340.

6. When a child is believed to be truant from a public school or alternative education program as provided in Section 22.1-266.

C. Juveniles who are escapees from jail, detention home, or other institution in which they were placed by order of Juvenile Court or other agency may be taken into immediate custody when:

1. There is a detention order or warrant known to be on file in this or a foreign jurisdiction.

2. An officer has probable cause to believe that a juvenile has escaped or run away from jail, detention home, residential child care facility or home in which placed by court, Department of Family Services, or a licensed child welfare agency.

IV. RELEASE OF JUVENILES IN CUSTODY

Several courses of action are open to officers when deciding whether to release a juvenile in police custody. Three factors determine which of the available courses of action may be used. The factors are: the basis upon which the juvenile was taken into custody; whether the Juvenile Court is open or closed; and whether there is a parent or person acting as a parent who is willing to take custody and provide care for the juvenile. The courses of action are listed below. They shall be used in accordance with the policy set forth in paragraph I.B. of this General Order.

A. Release when custody is under authority of a warrant/detention order.

1. When court is in session and/or when Juvenile Intake is open:

   a. Juveniles, who are arrested at the request of the court on a detention order or capias, should be transported to Juvenile Intake.

   b. An oral or written statement of the reasons for taking the juvenile into custody should be given to parent or other person acting with parental authority. In cases where notice is not given prior to transporting to the Juvenile Intake, the intake officer should contact the parent or legal guardian.

   c. Once the child's physical placement is decided, the police officer should ensure that the intake process is completed and/or the detainee served with a copy of the detention order or capias. The officer should inform the intake officer whether the parent or custodian was notified of the juvenile's arrest.

2. When court is not in session and Juvenile Intake is closed:

   a. Take the juvenile to the Juvenile Detention Center located on Page Avenue in the most expeditious manner. Personnel are on duty authorized to take custody of the juvenile.

   b. An oral or written statement of the reasons for taking the juvenile into custody should be given to parent or other person acting with parental authority. The police officer should inform the Intake officer on duty whether the parent or legal guardian was notified of the juvenile's arrest.

B. Release when custody is taken based on an offense committed in the officer's presence or on probable cause:

1. When court is in session and/or when Juvenile Intake is open:

   a. Release the juvenile to parent or person acting as a parent who is available and willing to provide supervision and care and issue oral counsel and warning as appropriate; or

b. Release the juvenile to parent or person acting as a parent upon their promise to bring the juvenile before the court when requested; or

c. Transport the juvenile to Juvenile Intake in the most expeditious manner possible. The police officer shall give to the intake officer a written statement of the reasons for taking the juvenile into custody. In such cases, the police officer shall be responsible for providing oral notice of the action taken at in-take to the juvenile's parent or person acting as a parent. The basis for any release will be established by the judge or intake officer.

2. When court is not in session and Juvenile Intake is closed:

a. Release the juvenile to parent or person acting as a parent who is available and willing to provide supervision and care and issue oral counsel and warning as appropriate; or

b. Release the juvenile to parent or person acting as a parent upon their promise to bring the juvenile before the court when requested; or

c. Transport the juvenile in the most expeditious manner to the Juvenile Detention Center located on Page Avenue. Follow the intake officer's direction for the release or placement of the juvenile.

C. Release when custody is taken based on probable cause that a juvenile has escaped from jail, detention home, residential child care facility or home in which placed by court, Department of Family Services or licensed child or welfare agency.

1. Whether Juvenile Intake is open or closed, the juvenile may be returned and released to the facility from which the juvenile escaped or fled.

2. When Juvenile Intake is open and the juvenile is not released, the juvenile shall be taken to Juvenile Intake. The intake officer will determine where the juvenile will be placed.

3. When Juvenile Intake is not open and the juvenile is not released, the juvenile shall be taken to the Juvenile Detention Center located on Page Avenue. The on-duty counselor will determine where the juvenile will be held or placed.

D. Release when custody occurs because probable cause exists that a juvenile is a runaway, or to protect the juvenile's welfare (Section 16.1-246G):

If Juvenile Intake is open, an intake officer shall be notified of the action taken. If Juvenile Intake is closed, the police officer shall notify the on-duty counselor at the Juvenile Detention Center located on Page Avenue. The intake officer or counselor shall determine if a petition or detention order should be filed. If a detention order is authorized, the juvenile shall be placed in shelter care for no longer than twenty-four hours. If no petition or detention order is filed, the police officer shall as soon as practicable:

1. Return the juvenile home; or

2. Release the juvenile to a parent, guardian, legal custodian or other person acting in the parents' place; or

3. Release the juvenile.

E. Release when custody occurs because a child is believed to be in need of inpatient treatment for mental illness:

The officer shall follow procedures pursuant to General Order 603.3, Mental Disturbance Cases.

F. Release when custody occurs because a child is believed to be truant from a public school or alternative education program:

The officer may deliver the child to the appropriate public school, alternative education program, truancy center or truancy center personnel.

G. In all cases the officer shall notify the parent or legal guardian by telephone or in person, as soon as possible, that the juvenile was in police custody. School officials are not considered legal guardians for the purposes of this General Order.

V. DETENTION OF JUVENILES

While it is the policy of the Police Department to avoid, whenever possible, the detention of juveniles, there are occasions when, to protect the community, detention should occur. This paragraph sets forth the circumstances in which officers shall seek the detention of a juvenile in custody from an intake officer of the Juvenile Court, if Juvenile Intake is open; or from a counselor at the Juvenile Detention Center, if Juvenile Intake is closed.

A. An arresting officer shall seek to detain a juvenile whenever:

1. No parent or person acting as a parent is available to take custody.

2. A parent or a person acting as a parent is available, but any one or more of the following conditions exist:

a. The parent or person acting as a parent is unwilling to take custody; or

b. The juvenile has no community ties; or

c. The juvenile is unable to furnish proper identification or otherwise inform the arresting officer of identity; or

d. The juvenile resists an arrest or attempts to escape custody after an arrest; or

e. The arresting officer has knowledge of the juvenile's prior history of failing to appear in court or fleeing to avoid prosecution; or

f. The arresting officer believes the juvenile is likely to harm himself or another person. The belief should be based on one or more of these facts:

(1) The juvenile is apparently under the influence of a drug, including alcohol.

(2) The juvenile exhibits violent or irrational behavior before, during, or after the arrest.

(3) Statements from the juvenile indicate a likelihood that the juvenile will continue the offense which brought the juvenile into custody, or will commit another offense if released.

VI. FINGERPRINTS AND PHOTOGRAPHS

A. Fingerprints and photographs shall be taken and filed for any juvenile who is taken into custody and charged with a delinquent act which would be reportable to the CCRE if committed by an adult.

When a juvenile is taken into custody, a CCRE, FBI Final Disposition Report and one FBI fingerprint card shall be completed. An OCA/FCN number shall be obtained for the juvenile and entered on these documents in the appropriate blocks. When a juvenile is released to his parents or other responsible adult acting in place of the parent, 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. The original page one of the CCRE (white copy) and the FBI fingerprint card (one only) shall be sent to NOVARIS. The arresting officer shall retain the second page of the CCRE (buff/yellow copy), the third page (the CCRE fingerprint card) and FBI Final Disposition Report (green), and give it to the intake officer when obtaining a petition. 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 and the FBI Final Disposition Report should then be sent to NOVARIS for destruction.

B. Fingerprints and photographs may not be taken under any other circumstances except that an officer may seek a Juvenile Court order requiring a juvenile to submit to the taking of either or both.

C. Nothing in Section VI shall prevent officers from using for investigative purposes photographs obtained from persons in the community. The release of juvenile fingerprints to other law enforcement agencies shall only occur when a valid court order exists and they are to be used for law enforcement purposes.

VII. REPORTING REQUIREMENTS IN IMMEDIATE CUSTODY CASES

A. Juveniles voluntarily in custody.

An officer with a juvenile voluntarily in custody shall complete a field investigation 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. Juveniles released after issuance of oral counsel and warning.

1. The arresting officer shall, by telephone or in person, seek to notify the parent of the juvenile and shall complete a summons and field investigation report. In the "Describe Charge" section of the summons, officers shall note "released with oral warning." The field investigation report shall contain: all information concerning the case, including complete details relating to the facts that led the officer to conclude that this form of release was appropriate.

2. Cases involving a closure by the custody of a juvenile who is released after issuance of oral counsel and warning shall be closed by exceptional means.

3. In all cases the officer shall notify the parent or legal guardian by telephone or in person, as soon as possible, that the juvenile was in police custody. School officials are not considered legal guardians for the purposes of this General Order.

C. Juveniles released after receiving a promise to appear in court at a future date.

A field investigation report and a CCRE or Summons form shall be completed. The field investigation report shall contain:

1. Complete information concerning the case, including a concise statement indicating the arresting officer's intent to secure petitions.

2. The arresting officer shall seek a petition in all cases in which the child is released on a promise to appear in court. The petition shall be sought no later than ten calendar days after the release from custody. Officers shall make every effort to obtain the names and locations of both parents or legal guardians prior to responding to Juvenile Intake to secure a petition. The Affidavit/Certification form stating that the officer has attempted to obtain information about both parents or legal guardians of the juvenile named in the petition shall be signed by the arresting officer. The Juvenile Intake officer will consider an address not "reasonable ascertainable" if both the juvenile and the known parent or guardian cannot provide the other parent's address.

3. A supplemental investigation report shall be completed as soon as practical after the arresting officer appears before an intake officer for a petition. The supplement shall contain information concerning the issuance or refusal by the intake officer of the petition, the charge placed on the petition (if granted) and the court date.

4. First-line supervisors shall review all investigative reports on juveniles taken into custody, to assure adherence to the policies and procedures of this order. First-line supervisors shall maintain a suspense file to ensure that petitions are obtained and supplemental reports are submitted by investigating officers within the required time periods.

D. An officer with a juvenile in custody for being a runaway as stated in Section IV, paragraph D of this Order shall complete a field investigation report, containing all appropriate information.

VIII. JUVENILE ARRESTS - RECORDING

A. Other than associated field or accident investigation reports, the CCRE or Summons form will be used to document the arrest of a juvenile.

B. The CCRE or Summons form is to be completed irrespective of whether the juvenile is placed in a detention facility, brought immediately before the Juvenile Court, or released to parental custody.

C. The CCRE form is used when a juvenile is taken into custody and fingerprinted for an offense which would be reportable to the CCRE if committed by an adult. The arresting officer shall ensure that the buff copy and fingerprint card of the CCRE form along with the FBI Final Disposition Report (green) are filed with the Intake Department of the Juvenile and Domestic Relations Court at the time the petition is obtained.

D. The Summons form is used in all cases where a juvenile is not fingerprinted. It is not used to order the appearance of the juvenile before the court. Its purpose is to record the fact of arrest for internal departmental use. If the arresting officer intends to bring the juvenile before the court, a petition must be filed with the Intake Department of the Juvenile and Domestic Relations Court. When releasing a juvenile to parental custody, a parent or person acting as a parent should sign the summons form. If the parent or person acting as a parent refuses to sign, the word "refused" shall be entered in the signature block. The parent's refusal to sign the summons is not grounds to arrest the parent.

E. The CCRE and Summons form are used to record the names of juveniles who are taken into custody for committing an offense or pursuant to a detention order. It shall not be used to record the names of juveniles who are taken into custody for their own protection; this includes child abuse, neglect, abandonment, or when a juvenile is without adult supervision at night, and under circumstances which present a clear and substantial danger to the child's welfare. Child abuse, neglect, or abandonment are proper classifications for an investigation report. The proper classification for juveniles taken into custody for lack of supervision at night with a clear and substantial danger to their welfare shall be "child in need of services." This will eliminate the possibility of creating an arrest record for a juvenile in the Police Records Management Information System for these types of cases.

The investigation report is adequate for recording the details of protective custody incidents.

F. In completing the CCRE or Summons form, the specific offense for which the juvenile was taken into custody shall be recorded regardless of the age of the juvenile.

IX. PETITIONS AND WARRANTS

A. Felonies

1. A petition shall be sought in all cases in which a juvenile is taken into custody for an act which, if committed by an adult, would be a felony; except under those circumstances provided herein when a warrant shall be sought.

2. A warrant shall be sought in cases in which a juvenile is in custody for an act that would be a felony, and any of the following conditions exist:

   a. The Juvenile Court is closed and the arresting officer believes the juvenile should be detained. The warrant should be sought from a magistrate.

   b. The intake officer of the Juvenile Court refuses to issue a petition sought for a felony. In such cases, the arresting officer shall immediately appeal the refusal to a magistrate; provided, after hearing the intake officer's reasons for refusing to issue a petition, the arresting officer continues to believe the charge initially sought should be made. 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.

c. A refusal shall have occurred when any of the following findings or decisions have been made by an intake officer:

(1) That probable cause does not exist.

(2) That issuance of a petition would not be in the best interest of the family or juvenile.

(3) That the matter may be effectively dealt with by an agency other than the court.

(4) That a petition should be issued for a lesser charge than the charge sought by the arresting officer.

B. Other crimes

1. A petition may be sought or a warning may be issued in all other cases in which a juvenile is taken into custody for an act which, if committed by an adult, would be a Class 1, 2, 3, or 4 misdemeanor.

An officer seeking petitions in cases involving Class 1 misdemeanors is afforded the same "right to appeal," as in felony cases. The officer <u>may</u> choose to appeal the intake officer's decision of refusing to grant a petition <u>if the officer feels prosecution is in the best interest of the case</u>. If the officer decides to proceed with the appeal process, the same procedures and standards outlined in subsection "A" will apply.

2. If probable cause is established, the decision to either seek a petition or to warn the juvenile and advise a parent of the act shall be made by the arresting officer. Use of the warning is prohibited, however, if any of the following conditions apply:

a. The complainant or victim are committed to proceeding with a prosecution; or

b. The juvenile is known to have been once before warned in the preceding year for an act which, if committed by an adult, would be a crime; or

c. The juvenile is known to have been once before arrested in the preceding year for an act which, if committed by an adult, would be a crime.

C. Traffic and other violations

Juveniles arrested for traffic violations shall be processed under the provisions of General Order 601.1, paragraph II. A. Summonses issued by an officer are sufficient and no petition is needed for violations of game and fish laws, and any ordinances establishing curfew violations.

When an officer makes an arrest of a juvenile for any alcohol related offense, and the juvenile is released to the custody of a parent/legal guardian pending the initial court date, the officer releasing a juvenile to the custody of a parent/legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent/legal guardian to appear before the court with the juvenile. The court date shall be set in accordance with current available court dates as prescribed by the Juvenile Court. In the event the parent/legal guardian refuses to sign, the officer will note the date, time and "parent refused to sign" on the summons. If the parent/legal guardian is not available, a petition shall be obtained.

D. Status offenses

1. Section 16.1-228, Code of Virginia, recognizes certain acts which may lead to a Juvenile Court finding that a juvenile is a "child in need of supervision." These acts, known more commonly as status offenses or acts which are offenses only when committed by a juvenile, are as follows:

   a. Habitual absence from school by a juvenile who is subject to compulsory school attendance. (Truant)

   b. Habitual desertion or abandonment of the family. (Runaway)

2. Limits on the authority of police officers to take custody of alleged status offenders, established by Sections 16.1-246B and G are set forth in paragraph III.B. of this Order. Reports shall be classified as

"missing juveniles" regardless of the reason for the juvenile's disappearance and shall be investigated as follows:

a. Preliminary reports for missing juveniles shall be forwarded to CIB for follow-up.

b. A Virginia Missing Children Information Clearinghouse Report, PD Form 135J, shall be completed by the officer and signed by the complainant. The form shall be forwarded to CIB with the preliminary report.

c. Broadcast a local lookout for the missing juvenile. Requests for NCIC/VCIN entries shall be made by the officer conducting the preliminary investigation. If NCIC/VCIN entry is not possible before the report is forwarded for follow-up, it shall be noted in the report.

d. If the missing juvenile is 12 years of age or younger, "endangered" by referring to PD Form 195 (New 5/96), the Endangered Runaway Checklist, or for any other reason the officer feels is significant, the officer will immediately notify his supervisor and brief the supervisor on the case.

e. 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 PSCC.

f. During the conference with the station commander or staff duty officer, a decision should be made as to what resources beyond patrol (except the usual: K-9 and Helicopter) should be utilized and if CIB should be requested to respond. If CIB is not called out, the Child Services Unit supervisor, or on call CIB supervisor, if after hours, should be notified.

g. Cases identified as "endangered" shall be transmitted by FAX to the CIB Juvenile Section immediately upon completion of the report and not be deleted by using interoffice courier.

h. Officers who apprehend juveniles who are on file by the Department as runaways shall notify the Public Safety Communications Center, Computer Section, of the apprehension(s).

E. Abused or neglected juveniles

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).

X. TRANSPORTING JUVENILES

A. No juvenile who is known or believed to be under fifteen years of age shall be transported or conveyed in a police patrol wagon, without supervisory approval.

B. In situations involving mass arrest, juveniles may be transported in a police patrol wagon, with a supervisor's approval.

C. No juvenile shall be transported with adults suspected of or charged with criminal acts.

XI. DESTRUCTION AND RETENTION OF FINGERPRINT CARDS AND PHOTOGRAPHS

A. Destruction of fingerprint cards and photographs shall be the responsibility of NOVARIS and Crime Scene Section and shall be in accordance with Code of Virginia Section 16.1-299. It shall occur:

1. Within 60 days of the taking when no petition is filed against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law.

2. Within six months of the date of disposition when a juvenile is found not guilty by Juvenile Court or Circuit Court, or is found guilty of an offense which is not reportable to the CCRE if committed by an adult.

B. 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.

C. Maintenance of files

1. Fingerprints and photographs of juveniles shall be separately and securely maintained. 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 Section 16.1-301.

2. Commanders shall monitor the file containing fingerprints and photographs of juveniles to ensure their security and shall oversee the destruction of fingerprints and photographs as directed by the Chief of Police.

XII. LEGAL REFERENCES

Code of Virginia

1.	16.1-228	4.	16.1-299	7.	22.1-266
2.	16.1-246	5.	16.1-301		
3.	16.1-247	6.	16.1-340		

This General Order becomes effective October 1, 2003 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: HOSPITAL GUARD DETAILS	NUMBER:	602.3
CANCELS ORDER DATED: 7-1-99	DATE:	7-1-10

I. PURPOSE

This order establishes policies and procedures for officers assigned to guard details at hospital facilities. Conflicts regarding the application shall be resolved in a manner which provides the greatest level of security for the officer and hospital staff without contradicting legal or judicial authority.

II. POLICY

It is the policy of this directive to address situations in which the person(s) being guarded are:

a. Being detained under a court order mandating a police guard; or

b. Are under arrest for violation of State, County or other applicable law.

Additional procedures applicable to mental disturbance cases are described in General Order 603.3.

III. OPERATIONAL PROCEDURES

A. Background Information File

An informational file shall be established for each patient under police guard. Responsibility for establishing this file shall rest with the officer who initially assumes responsibility for the prisoner at the hospital. The following information shall be contained in this file:

1. Copy of any preliminary investigation directly related to the detention.

2. Any Department case records or other information which would provide relevant background information on the subject.

3. Information regarding the prisoner's health (especially communicable illnesses or mental condition) which is known to the Department.

4. Copies of all legal documents (warrants, detention orders, committal forms, etc.) which provide legal authority to detain the subject.

5. If a preliminary investigation has not been conducted, the first officer assigned to the guard detail shall prepare an I/LEADS Incident Report which details the facts surrounding the detention and any available background on the prisoner.

6. The background file shall contain a Hospital Guard Duty Log, PD Form 192. This log sheet shall be used by all hospital guards to note the following:

   a. Time assignment was assumed.

   b. Patient's condition.

   c. Significant incidents during guard period.

   d. Time relieved from the assignment.

7. When the need for a guard assignment no longer exists, the basis for discontinuing the assignment shall be noted on the log sheet. The entire background file shall be forwarded to the commander of the local district station from which the guard assignment originated. In the absence of exigent circumstances, the file may be forwarded via County courier as soon as possible following termination of the assignment.

8. The disposition of all arrest and court documents shall be dictated by existing regulations and laws. Copies of these documents shall be made and included in the background file.

B. Supervisory Responsibilities

The day shift supervisor shall review the Department background file of any patient being guarded at a medical facility within their respective district. The supervisor shall, on a daily basis, verify the legal authority and necessity for the guard detail to be continued. The supervisor shall ensure that all necessary information is contained within the file and that appropriate measures to ensure the security of the prisoner, and the safety of the officer and hospital personnel have been taken. The supervisor shall include the fact of their daily review in the log sheet. Further, the supervisor shall ensure that any necessary orders or changes to previously issued orders are entered on the log sheet.

C. Standing Orders

Personnel assigned to guard details shall comply with the following standing orders, unless specifically modified or exempted by supervisory or command authority. Any exception to these orders shall be made in writing on the individual log sheet and signed by the issuing authority.

1. All criminal prisoners shall be restrained with either a single set of handcuffs or properly applied "four-point" restraints. The restraints may be removed to permit specific medical treatment. If the prisoner has shown <u>any</u> aggressiveness, either before or during the period they were taken into custody, a minimum of two officers shall be present when a restraining device is removed. Deviations from this order may only occur in the event of a medical emergency requiring immediate treatment. In that event, the guarding officer shall make an effort to obtain assistance from hospital security personnel.

2. If an officer is guarding a mental patient and for reasons of personal safety feels that physical restraints are necessary for the patient, due to the individual's conduct, the officer should contact the Administrative Nursing Supervisor. The Administrative Nursing Supervisor should be requested to observe the patient's actions or conduct and to ensure that the appropriate physician is contacted, if restraints are required. Nothing in this section shall preclude officers from restraining individuals without prior approval in an emergency situation.

3. Regardless of whether a patient is being restrained, officers guarding prisoners shall accompany hospital staff whenever medical treatment is administered. Particular attention should be given to procedures involving potential weapons (i.e., scissors, syringes, etc.).

4. When a new guard assumes responsibility for the detail, a careful search of the patient, bed and all areas within the patient's reach shall be conducted for potential weapons. This search should be performed in the presence of a hospital staff member, if possible. In the event an opposite sex search is necessary, a staff member, of the same sex as the patient, shall be present. The fact that this search was conducted shall be noted on the log sheet.

5. Prior to service of a meal, all utensils, <u>with the exception of a spoon</u>, shall be removed from the prisoner's tray. The spoon shall be accounted for by the guard at the time that the meal tray is removed from the room.

6. Prisoners shall not be permitted visitors without supervisory approval, and only one visitor shall be admitted at a time. If visitors are permitted by supervisory and medical authority, all such visitors shall be searched. If a search is not consented to by the visitor, they shall be denied contact with the prisoner. Full identification shall be obtained on all visitors. Identification information shall be noted on the log sheet.

7. Prisoners shall be permitted reasonable telephone calls, generally not to exceed three per shift. All telephone calls shall be logged. The officer shall remain present during all telephone calls, <u>with the exception of telephone calls between the prisoner and their attorney of record</u>.

8. It shall be the responsibility of the officer to immediately notify their supervisor or command officer whenever a hospital guard detail is terminated.

IV. ACCREDITATION STANDARDS REFERENCE

VLEPSC
OPR.
08.02
08.03
08.04
08.05
08.06
09.01

This general order becomes effective July 1, 2010 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: 1-1-97		DATE:	7-1-05

I. 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, functions as the focus for all activity related to investigating child abuse or neglect and their protection from further harm. Prompt beneficial assistance to children in jeopardy will be the purpose of this General Order.

II. PUBLIC SAFETY COMMUNICATIONS CENTER PROCEDURE

Reports of alleged child abuse or neglect received by the Public Safety Communications Center shall be screened to determine if a patrol officer should be dispatched or the matter should be referred to the Department of Family Services, Child Protective Services.

1. 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 or a child is abandoned.

2. In circumstances involving no imminent danger or abandonment to a child, Public Safety Communications Center 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 Child Protective Services and they shall determine the proper course of action. During the hours 0800 - 1600, Monday through Friday, contact Child Protective Services at 324-7400. During other hours the toll free number for receiving reports statewide shall be used and can be obtained through the PSCC supervisor. Personnel on duty at the central registry shall contact Child Protective Services.

3. A request to the Public Safety Communications Center by a Child Protective Services 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.

III. 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:

1. Suspected child abuse or neglect where there is no imminent danger to the child shall be reported directly to the Child Protective Services at 324-7400 or indirectly by calling the statewide toll free number.

2. 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 Section 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 Child Protective Services 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 Child Protective Services worker to comply with the court ordered criteria for removal of a child, if custody is necessary.

3. Criteria for immediate removal and custody of a child from a home.

   a. The child has an imminent threat to life or health to the extent that a delay would likely result in severe or irremediable injury.

   b. There is no alternative less drastic than removal which would adequately protect the child's life or health pending an advisory hearing.

   c. 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.

4. If an officer must take immediate custody of a child, the officer shall immediately contact the Child Protective Services worker.

   The patrol officer shall remain at the scene until the Child Protective Services worker arrives and shall remain to assist the Child Protective Services worker as long as necessary to ensure that the investigation proceeds without interference.

5. A copy of the investigation report in child abuse or neglect cases shall be forwarded to the Department of Family Services (CPS) and the Criminal Investigations Bureau.

6. Contact Child Protective Services if a parent or guardian is arrested and a child is without proper supervision and care.

IV. CRIMINAL INVESTIGATIONS BUREAU RESPONSIBILITIES

A. Child abuse or neglect.

   The Criminal Investigations Bureau 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.

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.

V. 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. Domestic conflict that is confined to the parents and no abuse or neglect is directed to the child.

C. Conflict arising between a parent and child, with no indication of abuse.

D. Delinquency.

E. Truancy, unless due to parental neglect.

VI. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
14.01	04.01

This General Order became effective July 1, 2005 and rescinded 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: MENTAL DISTURBANCE CASES	NUMBER:	603.3
CANCELS ORDER DATED: 10-1-00	DATE:	10-1-06

I. POLICY

Police encounters with persons displaying symptoms of 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 mental cases will be attempted whenever possible. Ideally, contacts with mentally disturbed persons 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 mental disturbance calls 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

The Code of Virginia, Section 37.1-67.01, sets forth the procedures to be followed regarding the involuntary detention of mentally disturbed persons. An amendment to this section in 1996 provides procedures in which a person who, a law enforcement officer has PROBABLE CAUSE to believe is mentally ill and is in need of EMERGENCY evaluation, can be taken into custody without judicial authorization.

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 disturbed person 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

1. If no emergency exists, a relative or any responsible person may petition a judge of the Fairfax County General District Court to order the detention and a hearing for a person who is believed to be in need of mental health treatment. This procedure applies during hours when the court is in session.

2. During hours when the court is not in session, persons may seek the issuance of a mental detention order from the magistrate on duty at the ADC, Mt. Vernon, or Mason District Stations.

3. Police officers should refrain from initiating involuntary admissions unless there is no relative or other responsible person available and/or the suspect mentally ill person appears to be dangerous to self or others.

C. Mobile Crisis Unit

1. The Woodburn Center operates a Mobile Crisis Unit during the hours of 1500 to 2400 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 mental

health problems where counseling is of potential benefit. Assistance may be provided by telephone consultation or by response to the scene where appropriate.

3. If the person 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 person 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 560-0224.

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. 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 Admissions Initiated by Police Officers

1. If an officer comes into contact with a subject that the officer has PROBABLE CAUSE to believe is in need of emergency psychiatric care, the officer may take that person into custody for the purposes of obtaining an emergency psychiatric evaluation. This probable cause must be based on the following guidelines:

   - That this person presents a danger to self or others as evidenced by recent acts or threats; or

   - That this person is experiencing a serious deterioration in ability to care for self as evidenced by delusions (false and unrealistic beliefs), hallucinations (hearing voices, seeing things that are not there), or by a significant impairment in functioning (i.e., fluid intake, nutrition, self-protection, or self control). The need for immediate evaluation must be critical and obvious to the officer.

2. If an officer believes that probable cause exists to take custody of a person under these circumstances, the officer shall observe the following procedure:

   a. The patient 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 patient shall be transported to an authorized hospital for such an evaluation.

   b. Transport the person 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, 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 481-4100
0800-2100 Monday-Thursday and 0800-1700 Friday
Closed Holidays
Use Woodburn Center when closed.

Mount Vernon Center for Community Mental Health
8119 Holland Rd.; Alexandria 360-6910
0800-2200 Monday-Friday including holidays;
Use Mount Vernon Hospital when closed.

c. Such evaluations shall be conducted immediately. A person can be detained for a period not to exceed four hours. During that four hour period, an officer must remain at the facility with the person until a temporary detention order is issued, or until the person is released.

d. When a temporary detention order is obtained, the officer shall deliver that person to the facility indicated on the detention order.

e. If a temporary detention order is denied, the officer shall offer to return the person to the location where custody occurred.

f. When a detention order 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 person should be used as the petitioner, whenever possible.

E. Jail Diversion

1. Individuals who are suffering from mental illness and who have committed a non-violent misdemeanor offense may be referred to the Jail Diversion program at the Woodburn Center in lieu of arrest.

Persons 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 subject may be taken to the Woodburn Center under voluntary or involuntary circumstances.

2. Officers who encounter an individual 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. Persons 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 person voluntarily agrees to diversion, the officer shall transport them to the Woodburn Center. Individuals 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. A person 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. A person who is transported to Woodburn Center under involuntary means shall not be permitted to leave the facility until the evaluation is completed.

6. Persons 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 four-hour time period permitted for emergency detentions. During the four-hour period, an officer must remain at the facility with the person until a temporary detention order is issued, the person is released, or the person voluntarily agrees to enter the diversion program.

F. Custody and Transportation of Mentally Disturbed Persons

1. Proper restraining devices will be used, if necessary, to prevent injury to the individual 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. Persons 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 mentally disturbed persons. Extremely violent persons 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. Persons taken into 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.

4. Persons 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 Department. Until placement is determined, the arresting officer is responsible for custody of the escapee.

5. If an officer is guarding a mental patient at a Fairfax hospital and for reasons of personal safety feels that physical restraints are necessary for the patient, due to the individual's conduct, the officer should contact the Administrative Nursing supervisor. The Administrative Nursing supervisor should be requested to observe the patient's actions or conduct and to contact the appropriate physician, if restraints are required. Nothing in this section shall preclude officers from restraining individuals without prior approval in an emergency situation.

6. 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.

7. Officers of this Department shall wear their service weapons at all times while guarding mental patients at any hospital facility.

    a. If an officer is assigned to guard a patient at a Psychiatric Unit at any hospital, the officer shall contact the Administrative Nursing supervisor to request that the patient 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 patient 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 a patient on this unit, weapons shall be worn.

8. The officer transporting the detainee 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 a mentally disturbed person is en route.

G. Hearings Following Involuntary Detention

1. The officer executing the detention order is not required to attend the hearing unless 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 preliminary hearing will be held within 24 hours of detention, normally at 0830 hours on the morning following detention. If the officer is the petitioner, the officer must be present at the preliminary hearing. The detainee may waive any right to a final hearing and agree to voluntary admission during the preliminary hearing.

3. A final 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.

H. Service of Mental 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.

3. 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.

4. 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 patients presented for admission if the detention order is not properly executed.

5. Persons 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 person to the Northern Virginia Mental Health Institute for detention.

I. Reporting Procedures

1. A complete investigation 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 investigation report shall be submitted by the assigned officer for all cases involving Jail Diversion. The space provided for Event 1 on the Field Investigation Report shall be used to record the criminal event found at the location of an occurrence. If the person is referred, either through voluntary or involuntary means, to the Jail Diversion Program, then Event 2 on the Field Investigation Report shall have the classification, "Jail Diversion."

IV. LEGAL REFERENCE

Code of Virginia, Section 37.1-67.01.

V. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
02.04	09.01
02.05	
14.03	

This General Order becomes effective October 1, 2006 and rescinds all previous General Orders 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: 10-1-07	DATE:	1-1-09

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 in the Property Section, uniform procedures for the storage and disposition of evidence and other property shall be utilized.

II. 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. District Station Lock-Up Procedures

All property, other than evidence or contraband, removed from a prisoner who is to be detained in a district station lock-up, shall be listed on PD Form 171, Receipt of Cash and Property, and stored in the location specified by the district station commander.

1. The prisoner's property shall be returned upon release. The prisoner shall acknowledge receipt by signature on the PD Form 171.

2. If the prisoner is transferred to another facility, their personal property shall be transferred at the same time. An official at the receiving facility shall be requested to sign the PD Form 171 for the prisoner's property.

B. 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.

C. 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.

III. 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 sixty (60) days of the date of the Department's possession.

   Property seized or otherwise taken possession of by the Department, which is necessary to any court action, must be claimed by the rightful owner within sixty (60) days from the date of the final disposition of court proceedings.

2. If the rightful owner does not claim such property within the sixty (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 ten (10) days of the expiration of the initial sixty (60) day period. The finder's failure to claim property within the ten (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 County Code, 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.

B. Responsibilities of Submitting Personnel

1. All property which is seized or comes into the possession of Department personnel, shall be properly packaged and the item(s) shall be marked with the appropriate case number. Additionally, a bar code label shall be securely attached to the package. A Field Investigation Report shall be completed describing the circumstances under which the property came into police possession.

a. All property will be appropriately and securely packaged in accordance with established procedures prior to submission into the property system. These procedures are provided in the FCPD Evidence Packaging Guide.

(1) All potentially dangerous articles shall be rendered safe. Firearms shall be unloaded, and secured in an approved weapons box. Open-bladed knives will have exposed edges covered.

(2) Large items not suitable for packing in containers will be appropriately identified with a bar code label on a securely attached bulk item tag.

(3) Property opened for any reason must be resealed before submission to the Property Section for safekeeping.

b. Each item or group of like items will be sequentially numbered when entering property into the Property and Evidence Management System. A bar code label will be attached to the exterior of the package of each item or group of like items.

c. Currency

(1) 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 envelope. This includes currency removed from arrested persons. If the currency is such an amount that it will not fit into a currency envelope, then it may be packaged in a box.

(2) The separate and sealed individual package of currency will list the exact contents, including the breakdown of denominations, and the grand total of the currency. This information will be recorded on the exterior of the currency envelope, using a computer generated currency label. This label shall be signed by the counting officer and a verifying officer.

(3) 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:

a) At the first reasonable opportunity, the employee responsible for the custody of the currency shall count the currency by separating it into each denomination.

b) The total amount of each denomination should be added to determine a grand total.

c) 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.

d) After confirming the amount, the money will be placed in a separate sealed currency envelope and the exact currency count recorded on the exterior of the currency envelope, using a computer generated currency label.

d. Prior to the end of the collecting officer's shift, the property will be entered into the property management data base. It shall then be transported directly to the Property Section, secured in a pre-designated evidence location at the respective district station or division, or released to the owner. If the property room is closed, officers must use the temporary evidence lockers outside the main Property and Evidence Section entrance to securely store evidence until retrieval by an evidence technician. Any property which is released to the owner must be recorded by obtaining the owner's signature. Deviation from requirements in this subsection must be approved by a command staff officer.

e. Officers/detectives who have been designated by the Department as supplemental crime scene technicians, or detectives assigned to CIS, may temporarily retain evidence at a station for the intent of further processing or retrieving additional information from the evidence. The collecting officer will enter the retained item(s) into the Property and Evidence Management System and show an initial storage location as "Held for Processing" at the respective officer's assigned station (i.e., Held for Processing Station 4). The item(s) will initially be stored at the station in a location designated for such evidence. When processing has been completed, the processing officer/CIS detective will update the storage location of the item to the respective station property room, at which time it will be transported through normal means.

Evidence retained for either stated purpose shall not be held at the station more than 14 days beyond its date of collection.

f. 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 Property and Evidence Management System. 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.

g. Virginia Department of Motor Vehicles (VDMV) temporary and permanent license plates and VDMV operators' licenses.

(1) VDMV license plates shall be placed in a secure evidence locker at the station property room or delivered directly to the Property and Evidence Section. Each license plate shall have a bar code 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 III of this Order. VDMV does not accept these items.

(2) 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 may utilize any of the following methods in handling this type of VDMV property:

a) The licenses may be placed in the secured tag box if commanders ensure this box is checked on a daily basis to ensure the licenses are transported to VDMV within the mandatory 24-hour requirement; or

b) The licenses may be placed in a separate tray which is checked on a daily basis and the licenses transported within the 24-hour requirement; or

c) These licenses may be mailed directly to DMV.

2. Ownership

a. Personnel submitting property which may be claimed shall make a determined effort to locate the rightful owners of property without known ownership. This includes an NCIC check when appropriate. Personnel 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.

b. An Owner Notification Letter shall be sent by an Evidence Technician to the owner/finder of all releasable property. This letter shall be sent when property is received into the Property and Evidence Section as releasable or when the disposition of property is changed to releasable.

3. It is the responsibility of the current case officer/detective 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 is assigned to a detective, it is that detective's responsibility to update

the case officer information in the Property and Evidence Management System.

C. Responsibilities of Property Section Personnel

1. Property Section employees will not accept any property which is not appropriately packaged in a container according to established guidelines.

2. The Property Section will maintain a sufficient supply of materials for sealing and resealing containers presented for storage.

3. The Property Section will conduct a regularly scheduled property and evidence collection from the district stations' property rooms.

4. The Property Section will conduct annual audits of the district stations' property rooms in coordination with the station commanders.

IX. ACCREDITATION STANDARDS REFERENCE

VLEPSC
ADM.
16.01
16.02
16.03
16.04

This General Order becomes effective January 1, 2009 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: 4-1-06	DATE:	10-1-07

I. POLICY

The Department shall make every possible effort to safeguard controlled substances or paraphernalia whether seized for evidence or held for release or destruction. Department members shall be held to the highest degree of accountability and shall act in accordance with this General Order.

II. TERMINOLOGY

Material: As used in this General Order, material is synonymous with any controlled substance, marijuana or paraphernalia as defined by the Drug Control Act of Virginia.

III. MATERIAL SEIZED FOR EVIDENCE AND HAND CARRIED FOR LABORATORY ANALYSIS

Only material which is to be introduced as evidence at trial shall be forwarded for laboratory analysis. Material which is not expected to be physically introduced as evidence at trial shall be transported to the Property Section for storage. Material shall not be destroyed prior to any criminal proceeding.

A. One copy of the preliminary report with supplements, and either one copy of the CCRE form or summons form shall be forwarded to CIB, Organized Crime and Narcotics Division.

B. An arresting officer may hand carry material to the laboratory in any circumstance, at their discretion. The following shall be hand carried:

1. Material which is too large to fit inside the Department approved narcotics envelope.

2. Material which is fragile.

3. Material with sharp edges or points.

4. Material weighing more than forty-six (46) ounces.

C. Material which is hand carried shall be placed inside a Department approved narcotics envelope (if too large, package suitably in a Department approved evidence packaging box).

1. The outside of the Department approved narcotics envelope shall be completed. The Department approved narcotics envelope shall be completely sealed and items such as bongs shall have all holes closed with tape.

2. Freshly cut or living plants shall not be placed in a plastic bag prior to being put into the Department approved narcotics envelope unless seized or found in such bag.

3. If doubt exists concerning packaging requirements for materials, contact an available drug chemist at the Northern Virginia Forensic Laboratory, telephone 703-764-4600.

D. A Request for Laboratory Examination (Form DCLS FS002) shall be completed as indicated in Section III of the Report Writing Manual. The form shall be submitted to a chemist at the laboratory.

E. A bar code label shall be completed by using the Property and Evidence Management System, and affixed to the exterior of the narcotics packaging.

F. Officers shall transport material to the Northern Virginia Forensic Laboratory, 9797 Braddock Road, Fairfax Station, Virginia, between 0815 hours and 1700 hours, Monday through Friday. Upon arrival, the officer shall request that a chemist be summoned to the reception area. The chemist shall sign for the material transferred to the chemist's control. The officer shall retain a copy of the Request for Laboratory Examination for record. The officer should discuss the case with the chemist in order to assist in analysis of the material and also determine an estimated date for completion of the analysis.

G. Following analysis, the seizing officer shall receive by mail three copies of a Certificate of Analysis. At least once each month, the FCPD Narcotics Processing Officer (as outlined in SOP 07-030) will visit the laboratory and pick up any analyzed evidence. NOTE: In the event the evidence is required for court and a monthly pickup is not scheduled prior to the court

date, it shall be the obligation of the seizing officer to ensure the evidence is retrieved from the laboratory, transported to the Property Section and made available for any court proceeding.

H. The Narcotics Processing Officer will be responsible for updating the status of the narcotics which he transported from the lab to the Property and Evidence Section.

I. The officer shall file a copy of the Certificate of Analysis no less than seven (7) days prior to the assigned court date.

J. When material is no longer required as evidence for court, the officer shall return the material and copy of the Property Record to the Property Section. The word "destroy" shall be marked on the material and the copy. The Property Section personnel shall receive the material and obtain court authorization for destruction.

IV. MATERIAL SEIZED FOR EVIDENCE AND MAILED FOR LABORATORY ANALYSIS

Only material which is to be introduced as evidence at trial shall be forwarded for laboratory analysis. Material which is not expected to be physically introduced as evidence at trial shall be transported to the Property Section for storage. Material shall not be destroyed prior to any criminal proceeding.

A. Material may be transmitted by registered mail (return receipt requested) in all circumstances which do not require hand carrying.

B. Material which weighs eleven (11) ounces or less shall be placed inside a Department approved narcotics envelope. The Department approved narcotics envelope and the Request for Laboratory Examination shall be placed inside the brown envelope provided.

If the material weighs more than eleven (11) ounces and not more than forty-six (46) ounces, place the material inside a Department approved narcotics envelope; complete the Department approved narcotics envelope and Request for Laboratory Examination and place both items inside a box provided.

C. All seams shall be sealed with the self-adhering tape provided. The pre-addressed labels shall be affixed to the outside of the envelope or box.

D. A bar code label shall be completed by using the Property and Evidence Management System, and affixed to the exterior of the narcotics packaging. This shall be completed prior to submitting the package to the DFS Lab.

E. One copy of the preliminary report with supplements, and either one copy of the CCRE form or summons form shall be forwarded to CIB, Organized Crime and Narcotics Division.

F. The funds for mailing shall be obtained from the appropriate district or division commander or designee.

G. The packaged material shall be transported to the nearest post office. The package shall be sent by registered mail. The return receipt shall be addressed to return to the sending officer at the duty station. The material shall not be insured and "no value" will be placed on the package. The post office personnel do not process this form of mail differently from any other registered mail, nor will the sending officer receive preferential treatment as a postal patron.

H. The sending officer shall retain a copy of the receipt received at mailing and also the return receipt when received later.

I. The sending officer shall provide a copy of the receipt received at mailing, and any unused funds to the appropriate district or station commander, or designee.

J. Following analysis, the sending officer shall receive by mail three copies of a Certificate of Analysis.

K. The laboratory shall return the material to the Property Section by: registered mail, laboratory personnel, or by requesting Property Section personnel to transport.

L. The sending officer shall file a copy of the Certificate of Analysis no less than seven (7) days prior to the assigned court date.

M. The Property Section shall update the status of the narcotics in the Property and Evidence Management System.

N. When material is no longer required as evidence for court, the officer shall return the material to the Property Section. The word "destroy" shall be marked on the material. The Property Section personnel shall receive the material and obtain court authorization for destruction.

V. MATERIAL RECEIVED FOR DESTRUCTION ONLY

Material which is not evidence and therefore, not requiring laboratory analysis, shall be disposed of as follows:

A. The reporting officer shall secure the material in a Department approved narcotics envelope, complete information on exterior portion, and clearly mark the envelope with the word "destroy."

B. The narcotics shall be entered into the Property and Evidence Management System with the status of “destruction.” A bar code label displaying this status shall be printed and affixed to the exterior of the narcotics package.

C. The packaged narcotics shall be placed in the area secured for material storage.

D. The Property Section shall transport the material and assure recording and destruction.

VI. MATERIAL DESIGNATED FOR RELEASE (PRESCRIPTION DRUGS)

Prescription medications that are held in police custody as found property or for temporary safeguarding shall be handled in accordance with General Order 610.1, Custody of Property, and may be released under the conditions identified below.

Upon receipt of the material, a reasonable effort should be made to visually inspect the container to ensure its 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 their appearance.

A. Releasable prescription medications must be packaged in their original pharmacy-issued container, including the prescription label identifying the pharmacy, patient, medication, dosage, date prescribed and prescribing doctor.

B. The material is to be released only to the adult patient prescribed the medication and then only upon satisfactory proof of identification with valid photo ID. The claimant, if other than the patient, may receive the material only if he/she can establish legal custody or guardianship of the patient (i.e., child or other family member).

VII. NARCOTICS DESTRUCTION AUDIT

A detective from the Internal Affairs Bureau shall accompany Property and Evidence Section staff during narcotic burns to audit the process and ensure compliance with accreditation standards and best business practices.

VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC
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16.04

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: CUSTODY OF CONTROLLED SUBSTANCES	NUMBER:	610.2
CANCELS ORDER DATED: 4-1-06	DATE:	10-1-07

This General Order becomes effective October 1, 2007 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: SEARCH WARRANT PROCEDURES	NUMBER:	610.3
CANCELS ORDER DATED: 7-1-04	DATE:	7-1-10

I. PURPOSE

The purpose of this general order is to detail responsibilities, procedures, and considerations in the execution of search warrants. The described approach of executing a search warrant is intended to result in a fruitful search which withstands the rigors of court, as well as to uphold the rights of citizens.

II. RESPONSIBILITIES

The detective/officer with responsibility for the case involving a search warrant shall be the lead detective/officer. The lead detective/officer shall have responsibility for the execution of the warrant, under the review and control of a first line supervisor. The lead detective/officer shall:

A. Ensure the accuracy of the warrant.

B. Complete a risk assessment and submit such to his supervisor and commander for review. A determination of resources needed to execute the search warrant will be made by the commander. If SWAT is deemed appropriate, coordination shall be done by the commander of the requesting entity to the commander of the Special Operations Division.

C. Conduct the briefing prior to the execution.

D. Ensure proper recording of all pertinent facts during the execution.

E. Comply with all legal requirements related to search warrants.

III. PRELIMINARY CONSIDERATIONS

A. Search Warrant Preparation

The following factors shall be recognized in the preparation of search warrants:

1. The search warrant must state the CRIME for which the search warrant is being obtained.

2. The issuing magistrate shall retain the original copy of the affidavit at the time of issuance.

3. A copy of the search warrant, with a copy of the affidavit attached, shall be served on the appropriate person located at the search site. In the absence of persons at the site, a copy of the warrant and affidavit shall be placed in view at the site unless the search warrant is sealed by order of the court.

B. Verification of Search Warrant

The lead detective/officer or the detective/officer preparing the search warrant shall personally observe the site of the search before a warrant is obtained, and have it verified by the controlling supervisor when practical. All reasonable measures shall be taken to establish the ownership, occupancy, and interior and exterior description of the search site.

C. Promptness in Execution

Warrants should be served within 15 days after being obtained. Prompt execution will decrease the possibility that the target of the search will be aware of the warrant's existence and will prevent the warrant from becoming stale due to passage of time and possible loss of probable cause. There may be an exception if circumstances indicate that a reasonable delay in serving the warrant is appropriate.

D. Presence of Uniformed Officer

Search teams shall include at least one uniformed officer in all instances.

E. Notifications

First line supervisors shall make the following notifications:

1. Requests for assistance from SWAT will be made to the bureau commander of the supervisor coordinating the search. SWAT will be requested, when circumstances are such, that their special expertise is required to make a safe entry of the target location.

2. The appropriate district station commander, when on-duty, the Duty Officer, appropriate patrol bureau supervisor, and PLC shall be advised of every search warrant that will be executed. Requests for assistance from uniformed officers shall be made during this contact.

3. The supervisor of the Criminal Investigations Section in the affected district will be advised, whenever possible, of the warrant.

   The supervisor may assign a detective from the Criminal Investigations Section to accompany the search team as an observer.

4. The DPSC supervisor shall be contacted and advised of all pending search warrant executions. It shall be requested that the supervisor coordinate with DPSC personnel to ensure a clear channel during the warrant execution until the search site is secured.

5. The commander of the Helicopter Division or designated officer shall be notified of the location of the execution site of all search warrants. If it is deemed appropriate by a division commander, supervisor, or SWAT supervisor, the Helicopter Division will be requested to have a helicopter airborne during the execution of the warrant.

IV. BRIEFING

The lead supervisor or lead detective/officer shall conduct a briefing prior to execution with all members of the search team present. The following factors shall be presented at the briefing:

A. Review of site characteristics.

B. Description of potential occupants and any associated dangers they may pose.

C. Description of items sought at the search site and any indication of their possible locations.

D. Assignment of responsibilities for members of the search team.

E. Review of facts of the case.

V. CONDUCT IMMEDIATELY PRIOR TO ENTRY

A. Evaluation of Search Site

The first line supervisor and lead detective/officer shall take reasonable precautions to make certain that the premises listed in the warrant are the premises sought to be searched, and that the premises about to be entered are the premises listed on the warrant. The lead detective/officer should be alert for any change in circumstances that negates the reason for the search.

If the first line supervisor and/or lead detective/officer are not certain that the premises to be entered are the same as those listed in the warrant, or that the reason for the search no longer exists, no entry shall be made.

B. Recording

A member of the search team shall record the entire execution of a search warrant, beginning with a statement of time before approaching the search site and continuing until the search team has left the search site. The record shall reflect the identity of all members of the search team, occupants of the search site, items seized, and any other pertinent information related to the warrant execution.

C. Positioning Search Team

The search team shall position itself as circumstances dictate. Special Operations Division SWAT supervisory personnel will coordinate positioning of all team members when the SWAT is involved in the execution of the warrant.

1. Exits from the premises are to be covered, where possible, at the diagonal corners of buildings.

2. The uniformed officer, when practical, should be the most visible member of the search team at the time of entry.

3. If the SWAT is involved, no member of the search team (detectives, supervisors, etc.) shall enter the dwelling until they are authorized to do so by the SWAT supervisor.

4. Members of the search team with responsibility for the areas of the site farthest from the entrance shall enter first, followed by members with responsibility for areas nearer the entrance.

D. Announcement of Authority and Purpose

The lead detective/officer, a member of SWAT or a uniformed officer shall notify persons inside the search site of the team's presence, and shall announce, in a voice loud enough to be heard inside the search site, that they are the Fairfax County Police and they have a warrant to search the premises and they demand admission to the premises at once (also see Section VI, ENTRY).

The announcement of authority and purpose is NOT REQUIRED whenever there is probable cause to believe that such announcement will cause jeopardy to the search teams or others, or the items listed in the warrant could be destroyed if an announcement is made. When such information is known at the time the affidavit supporting the warrant is drafted, the information shall be entered as part of the affidavit. The only factors that will contribute to probable cause to believe that safety is endangered or destruction is imminent, if an announcement is made, are:

1. Firm indication that an occupant of the premises is armed and dangerous, or

2. Specific information that an occupant has a history of violence involving threats or attacks on any individual, or

3. Specific knowledge that an occupant would intend to frustrate searches by destroying seizable items following an announcement of authority and purpose,

4. Specific knowledge that some occupants would be endangered by other occupants if announcement of authority and purpose is made.

When information, as indicated above, is developed at the time of entry, immediate entry is justified for reasons of safety and security.

E. Delay Following Announcement

1. If items listed on the warrant are readily disposable, the search team shall delay entry for at least 20 seconds following the announcement, unless:

   a. They are admitted to the site by an occupant; or

   b. There is substantial indication that there is a willful delay in responding to the announcement.

2. If the items listed on the warrant are not readily disposable, the search team shall delay entry for at least 60 seconds following the announcement, unless conditions exist as above.

VI. ENTRY

Whenever possible, premises shall be entered in a courteous and non-destructive manner. No force shall be initiated unless resistance is made by a person in the premises, or factors identified in Section V, D, are present.

A. Forceless Entry

The knock and announce requirement previously discussed applies to all entries accomplished by force. Use of force includes the opening of a closed door, entry through an open door, or the use of a pass key to gain entry. Entry without force does not require a knock and announce. Examples of forceless entry include:

1. Entering by invitation; or

2. Entering by ruse or trick.

B. Firearms

The use of firearms and non-lethal weapons shall be in accordance with General Order 540.1, Use of Force.

C. Vacant Search Sites

Entry into a vacant search site is permissible only if one or more of the following circumstances exist:

1. The occupants will not be returning to the premises for an extended period of time, if at all;

2. The investigation would be hampered if the premises are not immediately searched; or

3. Executing the warrant at another time would cause substantial inconvenience and improperly waste staff time.

Whenever entry into a vacant site is undertaken, the search team should seek entry with a key when available. A copy of the search warrant, with affidavit attached, shall be placed in view at the site unless sealed by order of the court.

D. Immediate Examination of Search Site

The search site shall be secured. Each room of the premises shall be immediately examined for persons that may interfere with the warrant's execution.

VII. PERSONS WITHIN THE PREMISES

Persons within the premises shall be treated with as much restraint and courtesy as possible under the circumstances.

A. Permissible Search of Persons

Mere presence at a search site is not a factor which gives sufficient reason to search a person within the premises. In order for the search to be valid, the detective/officer must articulate facts or circumstances within the search warrant affidavit which provide probable cause to support the action taken. The affidavit must identify the persons to be searched by name and the basis for such search or the search warrant includes all persons found on said premises.

B. Arrests

Probable cause to arrest a person at the search site may arise during the execution of a search warrant. In that event, a search incidental to that arrest and independent of the warrant may be conducted.

C. Permissible Frisk of Persons

Any person within the premises at the time the warrant is executed or any person that voluntarily enters the premises after the search has commenced may be frisked, if the detective/officer reasonably suspects that such person has a concealed weapon or dangerous instrument. Mere presence at the search site is not a sufficient reason to frisk a person within the premises. In order for the frisk to be proper, the detective/officer must be able to articulate facts or circumstances which provide reasonable suspicion to support the action taken. Nothing in this section should be construed as limiting the initial entry team personnel from frisking those persons already present to ensure their own safety and the safety of others present.

D. Restricting Movement of Persons

Restrictions may be placed on the movement of any person at the search site. This restriction is essential to prevent interference with the search and to safeguard the search team and other persons involved. The restriction shall be limited to the time needed to ensure security. Persons not under arrest shall be permitted free movement as soon as practical after no security interest is in jeopardy.

VIII. SEIZURE OF ITEMS INADVERTENTLY FOUND

If contraband items are found, but not listed in the search warrant, they may be seized when the item could logically be seen within the scope of the warrant, in an area controlled by the search warrant.

IX. ACTION, AFTER SEARCH

A. Protecting Damaged Property

If damage occurs during entry, a supervisor at the scene shall evaluate the need to ensure the protection of the search site until repairs can be made. If it is in the Department's best interests, the supervisor shall assign personnel for protection of the property until the person in control of the property is able to ensure security.

B. Warrant Return

The lead detective/officer shall return the warrant to the issuing authority as soon as practical, within the 72 hours required by statute. A copy of the list of items seized shall be sworn to under oath, and such fact shall be stated in the inventory sheet before return to the court. If nothing is seized, a statement to that effect shall be filed with the Clerk of Circuit Court of the jurisdiction where it was seized within 72 hours.

C. Return of Non-Contraband Items

Whenever non-contraband items seized during the execution of a warrant are no longer needed for prosecution, they may be returned to the proper person, with authority of the Commonwealth's Attorney.

X. ACCREDITATION STANDARDS REFERENCE

VLEPSC
ADM.
02.02

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: SEARCH WARRANT PROCEDURES	NUMBER:	610.3
CANCELS ORDER DATED: 7-1-04	DATE:	7-1-10

This general order becomes effective July 1, 2010 and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

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