SUBJECT: NUMBER: **HUMAN RELATIONS** 002 FAIRFAX COUNTY **POLICE DEPARTMENT** EFFECTIVE DATE: REVIEW: November 27, 2023 November 2027 **GENERAL ORDER** RESPONSIBLE ENTITY: COMMUNITY ENGAGEMENT AND EQUITY BUREAU CALEA: 1.2.3, 1.2.4, 1.2.9, 12.2.1, 26.1.1, 26.1.3, ☐ New Directive 74.3.1 ☐ Replaces: **ACCREDITATION STANDARDS** VLEPSC: ⊠ Revised: 11-27-23 ADM.02.02, ADM.02.05, ADM.03.01, ADM.09.01, PER.02.01, PER.02.02, PER.02.03, PER.09.01

I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures regarding employee interactions with other employees and all community members.

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) that its members treat both their fellow employees and all community members professionally and with respect at all times. This may include, but is not limited to, conversations, field contacts, investigative stops, frisks, protective searches which may extend beyond the person during any lawful stop, and all actions lawfully conducted in the performance of duty. FCPD employees are further expected to adhere to the fundamental principles of procedural justice whenever interacting with a member of the community by treating them with respect, listening to and answering their questions, and taking all reasonably appropriate measures to maintain and ultimately preserve the public trust. The Department is wholly committed to providing the highest level of service and treating all individuals with dignity and respect. In accordance with One Fairfax, as discussed in Chapter 16 of the Fairfax County Personnel Regulations, and as required by County policy, FCPD employees shall at all times provide equitable service and treatment to all community members and other employees regardless of their known or perceived age, race, color, sex, pregnancy, gender, gender identity, ethnicity, creed, religious preferences, sexual orientation, disability, immigration status, citizenship, national origin, political affiliation, union affiliation, marital status, or genetic information, except where otherwise required by state or federal law, in order to maintain community trust and promote the core tenets of community policing.

III. <u>DEFINITIONS</u>

- A. <u>Bias:</u> May occur consciously or unconsciously when the human brain processes information based on life experiences and may include stereotypes and attitudes that categorize people by age, gender, race, or other criteria in a way that favors or disfavors a person, place, thing, or occurrence.
- B. <u>Bias-Based Policing:</u> Occurs whenever an officer engages in a law enforcement activity based upon the basis of race, sex, gender, gender identity, sexual orientation, color, national origin, ethnicity, creed, religion, disability, or other personal characteristic(s). Officers may take into account the reported race or ethnicity, or other physical characteristics, of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity or characteristic to a particular unlawful incident(s).
- C. <u>Community Policing:</u> A law enforcement philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.
- D. <u>Discrimination:</u> The unfavorable treatment of persons or groups, or display or distribution of objects, pictures, photographs, illustrations, or other material, which degrades or reasonably offends a person based upon their personal characteristics, as defined herein.
- E. **Frisk:** The lawful "pat-down" of a person's outer clothing to detect a weapon.
- F. <u>Investigative Stop:</u> A temporary detention of a subject when the officer has reasonable, articulable suspicion criminal activity is occurring, has occurred, or about to occur.
- G. <u>Personal Characteristics:</u> Include a person's age, race, sex, pregnancy, gender, gender identity, sexual orientation, color, national origin, immigration status, ethnicity, creed, religion, or disability.
- H. <u>Probable Cause:</u> Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent person to believe-that:
 - 1. <u>To Arrest:</u> a crime is being or has been committed and that a particular person committed it.

- 2. <u>To Search:</u> evidence of a crime or contraband is in the place or on the person to be searched.
- I. <u>Procedural Justice:</u> The concept of fairness in a process that fundamentally strives to achieve effective dispute resolution, equitable resource allocation, the promotion of positive organizational change, and the fostering of cohesive relationships. Police officers engage in procedural justice by treating all people with respect, explaining their actions, and dutifully listening to individuals and answering their questions. Procedural justice strives to (1) be fair in process, (2) be transparent in actions, (3) provide opportunity for voice, and (4) be impartial in decision making.
- J. <u>Reasonable Suspicion:</u> Facts and circumstances which, taken together with rational inferences therefrom, would cause an officer to reasonably suspect that:
 - 1. To Stop: a person is, has been, or is about to be, involved in criminal activity.
 - 2. <u>To Frisk:</u> a person may be armed and constitute a danger to the officer or others.
 - 3. <u>To Frisk or Search Other Areas:</u> the area within immediate control and access of a person may contain weapons and that the person may use those weapons against the officer.
- K. <u>Voluntary Field Contact:</u> Public contacts typically initiated when officers approach a person to talk and/or ask them for identification and the person is legally free to leave at any time and does not have to converse with the officer nor comply with any officer requests.

IV. COMMUNITY RELATIONS

A. <u>General Standards of Conduct:</u> Employees shall conduct themselves professionally at all times whenever representing the Department to include the use of respectful and courteous forms of address to all persons. While in the performance of their duties, or otherwise representing the Department, employees shall refrain from using offensive words and language and any exceptions shall be documented in an appropriate incident report and reviewed by first-line supervisors. At times it may be appropriate to use a raised voice to issue commands and gain compliance, however, epithets or terms that denigrate any particular gender, race, nationality, sexual orientation, ethnic, or religious

- group shall not be tolerated, except as necessary to quote another in an incident report or courtroom testimony.
- B. Acts of Provocation: During the course of their duties, officers may be subjected to obscene gestures, name calling, and/or harsh or rude language from community members; acts that are generally deemed protected by the First Amendment to the United States Constitution and thus cannot be used as the sole basis for criminal prosecution as officers are expected to exercise greater restraint in their responses to these behaviors than the average community member. Additionally, officers are strictly prohibited from intentionally provoking any individual for any reason, to specifically include as means of justification for using force against that person.
 - 1. Exceptions: The Code of Virginia permits officers to enforce the law against cursing and/or abusive language directed from community members towards other community members whenever reasonably calculated to inflict injury or directed to incite an immediate breach of the peace. Additionally, direct threats to officer safety that constitute "fighting words" are not constitutionally protected, nor is conduct, speech, or behavior clearly designed to disrupt or hinder officers in the lawful performance of their duties.
- C. <u>De-Escalation and Duty to Intervene</u>: As defined and outlined in <u>FCPD</u> <u>General Order 540 (Use of Force)</u>, officers are expected at all times to utilize deescalation strategies. Additionally, officers have a continual duty to intervene in situations where any officer is acting in clear violation of any applicable laws, Department policy, or ethical standards and immediately notify an on-duty supervisor or commander.
- D. <u>Complaints:</u> Complaints against officers shall be accepted by all employees and handled in accordance with <u>FCPD General Order 301 (Internal Investigations)</u>.

V. PROHIBITION ON DISCRIMINATIONARY CONDUCT

- A. <u>General Prohibition:</u> Employees are strictly prohibited from engaging in any deliberate form of discrimination, sexual harassment, racial profiling, bias-based policing, or any other form of discriminatory behavior, either by specific act or deliberate omission, against any community member or Department employee.
- B. <u>Use of Preferred Pronouns:</u> Employees shall never intentionally misuse any known person's name and/or stated or reasonably known preferred pronouns.

C. <u>Allegations of Discrimination:</u> Allegations of discrimination shall be promptly referred to the Department's Internal Affairs Bureau and thoroughly investigated in accordance with <u>FCPD General Order 301 (Internal Investigations)</u>.

VI. VOLUNTARY FIELD CONTACTS

- A. <u>Initiation of Field Contacts:</u> Field contacts may be initiated by officers whenever they seek to approach an individual to engage in voluntary conversation or to ask them for identification. Officers are permitted to freely engage in dialogue with community members, to include asking them questions, and the person's voluntary responses to those questions may be deemed admissible in any subsequent criminal prosecution as appropriate. Voluntary field contacts may be initiated in any place where an officer has a lawful right to be, and may include, but not be limited to, public property, areas intended for public use, places where an officer has been admitted via the consent of a person authorized to provide said access, and any other place where an officer has a legal right to be present at in performance of their duties. Officers should remain mindful that voluntary field contacts may potentially evolve into investigative stops whenever a person faced with the same set of circumstances would reasonably believe that they are not free to leave.
- B. <u>Conducting Field Contacts:</u> In conducting field contacts, officers should consider the following relevant factors which can impact whether a particular encounter between officer(s) and community member(s) is either consensual or constitutes a seizure under the <u>Fourth Amendment to the United States</u>

 Constitution:
 - 1. Any application of force for the purpose of holding or stopping a person.
 - 2. The display of any weapons in order to gain compliance.
 - 3. Moving a person from the initial site of contact to another location, absent articulable safety or security concerns, unless the person consents to moving.
 - 4. Officer body or vehicle positioning in a manner that restricts a person's freedom of movement and/or points of egress.
 - 5. The number of officers surrounding a person giving the reasonable impression that the person is not free to leave, absent articulable officer safety concerns.

- 6. The use by an officer of coercive or reasonably interpreted intimidating language.
- 7. Retention of a person's property or identification for investigatory purposes.
- C. <u>Right to Refuse:</u> Officers who initiate voluntary contacts with individuals shall, whenever asked, advise that person they have a right to refuse to consent to a search or frisk, to answer any questions, or accompany officers to a different location and advise the person on why they were contacted.
- D. <u>Use of Mobile Automated Fingerprint Identification Systems:</u> The use of Mobile Automated Fingerprint Identification System (AFIS) Query devices to potentially identify a person during voluntary field contacts shall require officers to obtain consent from the person except in those instances when voluntary consent is not possible such as where a person is incapacitated, deceased, or otherwise deemed to be at risk.

VII. INVESTIGATIVE STOPS, FRISKS, AND SEARCHES BEYOND THE PERSON

- A. <u>Temporary Detentions:</u> Temporary detentions by FCPD officers <u>constitute</u> <u>seizures</u> under the <u>Fourth Amendment to the United States Constitution</u>. Officers are permitted to temporarily detain an individual whenever reasonable, articulable suspicion exists to believe that the person has committed a crime, is committing a crime, or is about to commit a crime.
- B. <u>Frisks:</u> Officers who reasonably suspect that a person may be armed and constitute a danger to the officer or any other person, or who reasonably suspect that a person is unlawfully carrying a concealed weapon in violation of the <u>Code of Virginia</u>, may conduct a limited pat-down search of that person's outer clothing.
- C. <u>Investigative Stops:</u> When conducting investigative stops, officers should consider the following factors in order to establish grounds for lawfully detaining an individual:
 - 1. The officer's knowledge of a person's prior criminal history.
 - 2. The person's appearance, which may fit the description of a wanted notice or match the description provided in a lookout for a known offense.
 - 3. The person's behavior, including furtive movements or conduct, unusual behavior such as staggering, or appearing to need prompt medical attention.

4. The area and time of day, such as a person being observed in a public area having a history of recurring crime during the same time period as the stop.

<u>Note:</u> The use of hearsay information by officers is permitted to establish a lawful basis for conducting investigative stops and is dependent upon both the content of information possessed by officers and its degree of reliability. Officers <u>must</u> corroborate some of the information provided by persons or from anonymous tips when developing reasonable suspicion to conduct an investigative stop.

- D. <u>Searches Beyond the Person:</u> Officers are permitted in certain circumstances where probable cause has not been developed to conduct protective searches of persons <u>whenever there exists reasonable</u>, <u>articulable suspicion to believe that the person is armed and dangerous</u>, to include areas within that person's reach where a weapon may be found. In order to conduct these searches, the following elements shall be present:
 - 1. An lawful police encounter has been established.
 - 2. Reasonable, articulable suspicion to believe that the person may be able to gain immediate control of a weapon that could be used against the officer or another individual.
 - 3. The search is limited to areas in which a weapon could be placed or hidden.
 - 4. The search is limited to an area which would ensure that there are no weapons within the person's immediate reach.
- E. <u>Periods of Detention:</u> Where officers determine that legal justification (ex: reasonable suspicion, probable cause) for an investigative stop ceases to exist, all detained individuals shall be immediately informed they are free to leave. Where investigative efforts reveal legal grounds to detain a person(s) still exist, officers may continue detention periods for reasonable periods of time.
- F. <u>Use of Force During Investigative Stops:</u> Officers may use levels of force and/or guiding that are objectively reasonable given the circumstances, such as moderate pressure to stop, turn, or steer subjects as necessary during investigative stops. Officers who use force in furtherance of an investigative stop shall articulate in an incident report why their actions were reasonable under the circumstances. Additionally, the following actions may be used whenever reasonably necessary to lawfully stop an individual:

- 1. Blocking a suspect vehicle with a police cruiser.
- 2. Pointing a firearm or other Department approved force option while issuing commands at a suspect to protect an officer or any other person.
- 3. Ordering a suspect to lie on the ground.
- 4. Ordering a suspect or other occupant out of a vehicle.
- 5. Handcuffing a suspect for an officer's protection.
- G. <u>Plain Smell Marijuana:</u> Pursuant to the <u>Code of Virginia</u>, officers are prohibited from stopping, searching, or seizing any person, place, or thing solely on the basis of the odor of marijuana and no evidence discovered or obtained in such a manner, including evidence discovered or obtained with the person's consent, will be admissible in any trial, hearing, or other proceeding. No search warrant may be issued solely on the basis of odor of marijuana.

VIII. PROHIBITION ON BIAS-BASED POLICING

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

Officers shall not consider physical characteristics in initiating voluntary contacts or establishing either reasonable suspicion or probable cause. Officers may take into account the reported race or ethnicity, or other physical characteristics, of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity or characteristic to a particular unlawful incident(s). Race/ethnicity shall never be used as the sole basis for probable cause or reasonable suspicion, and except as provided above, shall not be considered in making law enforcement decisions to follow, stop, frisk, or detain any person, unless there is a clear and articulable reason for the contact.

Alleged violations of this subsection shall be thoroughly investigated by the FCPD Internal Affairs Bureau. For all allegations of racial discrimination, racial profiling, bias-based policing, or any other form of unlawful discrimination, the reviewing

authority shall be responsible for determining the appropriate violation of policy and the necessary corrective action in light of all the facts and circumstances.

IX. DOCUMENTATION

- A. <u>General Procedures:</u> Officers shall properly enter all information obtained from a voluntary field contact or investigative stop in the Department's current records management system either in an incident report or field contact module as required based upon the circumstances of the event.
- B. <u>Field Contact Module:</u> For voluntary contacts, investigative stops, and/or frisk events that do not require an incident report, officers shall utilize the field contact module to record the event in accordance with the Department's Report Writing Manual. Officers who conduct investigative stops or frisks that involve the use of force shall complete an incident report in lieu of the Field Contact Module. All Field contacts shall be entered into the current RMS by the conclusion of each tour of duty and reviewed and approved by a first line supervisor.

X. AID AND ASSISTANCE TO COMMUNITY MEMBERS

On-duty officers shall provide aid and/or assist community members within the jurisdictional confines of Fairfax County whenever reasonable under the circumstances. Officers shall provide general and emergency assistance to motorists to include, but not be limited to, general information and directions, jump starting vehicles, arranging for towing, gasoline delivery, or mechanical assistance, arranging for locksmiths or other parties with keys to unlock vehicles (officers are prohibited from using any type of lockout tool to unlock a vehicle), and as appropriate, arranging for or directly providing transportation within Fairfax County (transports outside of Fairfax County require supervisor authorization). Whenever providing assistance, officers should remain on scene until help has been requested, hazardous circumstances have been mitigated or neutralized, the officer is directed to another call for service, or when directed by a supervisor or commander.

XI. PROVIDING LAW ENFORCEMENT IDENTIFICATION

While on duty, officers shall identify themselves by wearing approved police uniforms displaying a Department badge of authority or by displaying their issued badge and issued law enforcement credentials before taking any police actions. Upon the request of any community member, uniformed officers shall provide their name and the names of any other involved officer as well as their badge number or employee identification number and Department-issued business cards as available.

All on-duty sworn employees shall carry their Department issued police credentials or identification card with them at all times, whether in uniformed, non-uniformed, or off-duty employment capacities. Department-issued identification cards, or facility pass may be carried in lieu of the police credentials. When identification is requested for verification purposes, officers shall willingly display their Department issued credentials or identification card for review.

Note: This requirement may be temporarily suspended by commanders of officers who are working sensitive undercover assignments where the carrying of police credentials or an identification card would jeopardize the safety of the officer or the nature of the investigation.

XII. EMPLOYEE RELATIONS

- A. <u>Employee Conduct:</u> Department employees shall conduct themselves professionally at all times during interpersonal interactions with other Department employees, using respectful and courteous forms of communication in the performance of their duties and in all workplace environments. All employees shall treat individuals, including subordinates, fellow employees, and management, with respect, courtesy, and tact. Employees shall conduct themselves in a manner that ultimately seeks to promote teamwork, cooperation, and positive agency morale. All employees, regardless of position or rank, are responsible for promoting an image of professionalism at all times and expected to adhere to the regulations and policies of both Fairfax County and the FCPD.
- B. <u>Supervisor and Commander Conduct:</u> Employees with supervisory authority shall not abuse their authority through improper actions such as: favoritism, harassment, discrimination, retaliation, or other mistreatment of employees. Employees with supervisory authority, including field training instructors, are strictly prohibited from having sexual or other inappropriate personal relationships with any employee under their direct chain of command or control that would undermine their role and effectiveness towards the employee.
- C. <u>De-Escalation and Duty to Intervene</u>: As defined and outlined in <u>FCPD</u> <u>General Order 540 (Use of Force)</u>, officers are expected at all times to utilize deescalation strategies. Additionally, officers have a continual duty to intervene in situations where any employee is acting in clear violation of any applicable laws, Department policy, or standards of ethical conduct and immediately notify an onduty supervisor or commander.

XIII. EMPLOYEE DISCRIMINATION AND RETALIATION

- A. Prohibition on Discrimination: Discrimination on the basis of race, color, sex, religion, national origin, age and disability is specifically prohibited by law. Discriminatory conduct may also violate County policy, and this General Order even where it does not rise to a violation of the law. Workplace discrimination may also undermine the integrity of employee relationships, lower employee morale, or interfere with the efficiency and/or effectiveness of Department operations and shall not be tolerated. Commanders and supervisors have the responsibility to take all reasonable steps to prevent Department employees from being subjected to or participating in discrimination, including harassment and retaliation, or actions which could reasonably be perceived as discrimination, harassment, or retaliation.
- B. **Prohibited Acts:** Prohibited acts of discrimination may include, but not be limited to, the following:
 - 1. **Verbal conduct**, whether oral or written (including electronic communications), including the use of innuendos, disparaging comments, slurs, or jokes which degrade or offend a person or group on the basis of one or more of their personal characteristics and/or,
 - 2. **Non-verbal conduct**, including physical conduct and the in-person or electronic display or distribution of objects, pictures, photographs, graphic illustrations, or other material which degrades or offends a person or group on the basis of one or more of their personal characteristics.
- C. <u>Acts of Retaliation</u>: Retaliation against any employee for opposing discrimination, lodging a discrimination complaint or participating in an investigation is unlawful and is strictly prohibited. Retaliatory conduct that is not unlawful may still violate County policy and this General Order. No employee shall retaliate, or encourage others to engage in retaliation, against any person acting in good faith who:
 - 1. Opposes any conduct prohibited by this policy.
 - 2. Complies or encourages others to comply with this policy.
 - 3. Lodges a complaint verbally or in writing concerning a violation of this policy.

- 4. Testifies, assists, or participates in any investigation or hearing resulting from a complaint under this policy; or
- 5. Exercises any right conferred under this policy.
- D. <u>Duty to Report:</u> Suspected cases of discrimination, harassment, retaliation, other violation(s) of the regulations or policies of this Department, or any employee who reasonably believes either that they have been the victim of discrimination (including harassment or retaliation), or that they may have witnessed such conduct, shall report the suspected violation to a supervisor, commander, the Internal Affairs Bureau, the Administrative Support Bureau's Human Resources Division, the Office of Human Rights and Equity Programs, or to attention of the Chief of Police so appropriate corrective action can be taken.
- E. <u>Commander and Supervisor Responsibilities:</u> Any commander or supervisor who observes conduct that could reasonably be perceived to be discrimination (including harassment or retaliation), or who receives a report from an employee who believes they were either the victim or witness of discrimination (including harassment or retaliation), shall take immediate corrective action and without unnecessary delay report the violation consistent with <u>FCPD General Order 301</u> (Internal Investigations) and <u>County policy</u>.

XIV. <u>SEX HARASSMENT</u>

- A. <u>Prohibition on Sex Harassment:</u> Sex harassment is a form of discrimination and violates <u>Federal law</u>. Sex harassment may undermine the integrity of employee relationships, lower employee morale, or interfere with the efficiency and/or effectiveness of Department operations. Sex harassment includes harassment that is sexual in nature and non-sexual gender harassment, both of which constitute violations of this General Order and shall not be tolerated. Employees are reminded that harassing conduct can violate County policy and this General Order without rising to the level of unlawful harassment.
- B. **Sex Harassment (Gender) Examples:** Sex harassment based upon a person's gender may include conduct non-sexual in nature and may include the following:
 - 1. Jokes about gender-specific traits.
 - 2. Gender stereotyping, such as talking about what jobs or life activities are or are not appropriate for men or women, to also include purposeful gender-based exclusion from work related activities, trainings, or events.

- Using derogatory names towards a person or making disparaging remarks for associating with a person of the same or opposite sex.
- 4. Intentional misuse of a transgender employee's new name and pronoun.
- C. <u>Sex Harassment (Sexual) Examples:</u> Sex harassment that is sexual in nature consists of unwelcome sexual advances, requests for sexual favors, and other verbal and physical contact when:
 - 1. Submission to such conduct is made a term or condition of an individual's employment, or
 - 2. Submission to or rejection of such conduct forms the basis of an employment decision affecting the individual, or
 - 3. Such conduct has the purpose or effect of interfering with work performance or creates an objectively intimidating, hostile, or offensive work environment.

Examples may include (but are not limited to):

- a. Sexual propositioning.
- b. Sexual innuendo.
- c. Sexually explicit language, comments, or stories shared in-person or through e-mail, text, or online.
- d. Sexually oriented "kidding" or "teasing."
- e. Jokes about gender-specific traits.
- f. Foul or obscene language or gestures.
- g. Display of foul or obscene printed or visual material in-person or online, including through County-owned or personal devices.
- h. Physical contact, such as patting, pinching, or intentionally brushing against a person's body.

Note: Sex harassment does **not** refer to occasional compliments or touching of a socially acceptable nature (ex: handshake) that is not unwelcome.

- D. Reporting: Any Department member who believes that they are being harassed due to unwelcomed physical contact or comments, and if comfortable doing so, should make clear to the offending person that such behavior is unwelcome, offensive, and request that it stop immediately. Employees who believe either that they have been the victim of discrimination (including harassment or retaliation), or that they may have witnessed such conduct, are strongly encouraged to report the violation to a supervisor, commander, the Internal Affairs Bureau, the Administrative Support Bureau's Human Resources Division, the Office of Human Rights and Equity Programs, or to the attention of the Chief of Police so that appropriate corrective action can be taken.
- E. <u>Commander and Supervisor Responsibilities:</u> Commanders and supervisors shall take all reasonable steps to prevent Department employees from participating in or being subjected to acts of discrimination, including harassment and retaliation, or actions which could reasonably be perceived as discrimination, harassment, or retaliation. Any supervisor or commander who observes conduct that could reasonably be perceived to be discrimination (including harassment or retaliation), or who is informed by an employee they were either the victim or witness of discrimination, harassment, or retaliation shall take immediate corrective action and without unnecessary delay report the violation consistent with FCPD General Order 301 (Internal Investigations) and County policy.

XV. RESOURCES

Information and advice regarding discrimination, to include sex harassment and retaliation may be obtained by any employee by contacting:

- The FCPD Internal Affairs Bureau.
- The Employee Relations Division in the Department of Human Resources,
- The Office of Human Rights and Equity Programs or,
- County Procedural Memorandum 39-06, Policy and Procedure on Discrimination, Harassment, and Retaliation.

XVI. LEGAL REFERENCES

- A. First Amendment of the US Constitution -- Religion and Expression.
- B. Fourth Amendment of the US Constitution -- Search and Seizure.

- C. Va. Code Ann. § 4.1-1302, Search without warrant; odor of marijuana.
- D. Va. Code Ann. § 18.2-308: Carrying concealed weapons; exceptions; penalty.
- E. <u>Va. Code Ann. § 18.2-416</u>: Punishment for using abusive language to another.
- F. Terry v. Ohio 392, U.S. 1 (1968).
- G. Michigan vs. Long, 463 U.S. 1032 (1983).
- H. Chaplinsky v. New Hampshire, 315 U.S. 568 (1942).
- I. Grutzmacher v. Howard Cty., 851 F.3d 332, 342–43 (4th Cir. 2017)
- J. Simmons v. Commonwealth: 231 S. E. 2D, 218 (Va. 1977)
- K. Wilson v. Kittoe, 229 F. Supp. 2d 520 (W.D. Va. 2002)
- L. Title VII of the Civil Rights Act of 1964.
- M. Age Discrimination in Employment Act of 1967.
- N. The Americans with Disabilities Act of 2008.
- O. <u>Fairfax County Procedural Memorandum 39-06, Policy and Procedure on</u> Discrimination, Harassment, and Retaliation

General Order 002 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

APPROVED BY:

Chief of Police