


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: RELIEF OF DUTY		NUMBER: 302
	EFFECTIVE DATE: June 17, 2024	REVIEW: June 2027	
RESPONSIBLE ENTITY: INTERNAL AFFAIRS BUREAU			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 06-17-24
ACCREDITATION STANDARDS:	CALEA 26.3.7	VLEPSC	

I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures to be followed whenever a Department member is required to be relieved of duty.

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) that any Department employee may be relieved of duty in circumstances where permitting them to remain in an active duty status may be potentially detrimental to the interests of Fairfax County or harmful to the employee, their fellow co-workers, or the public.

III. DEFINITIONS

- A. **Administrative Leave:** A paid leave status as defined in Fairfax County [Personnel Regulation 10.36](#). Administrative leave will be used to support employees when necessary and in compliance with Fairfax County [Personnel Regulation 10.36](#) and Article 65 of the [Collective Bargaining Agreement](#).
- B. **Police-Affiliated Critical Incident:** Any sudden, powerful, and often traumatic event in which a person suffers a serious injury or death during their contact with an officer and the officer's actions may be subject to criminal liability or a criminal investigation. This can include, but is not limited to, the deployment of deadly force, less-lethal force, Precision Immobilization Technique, vehicle pursuits, cruiser crashes, in-custody deaths or any other intentional or unintentional action that results in serious injury or death of a person.
- C. **Relief From Duty:** An administrative action, whereby a Department employee's authority is suspended and they are temporarily relieved from performing the duties of their position.

IV. GENERAL PROCEDURES

- A. **Supervisors**: Any sworn supervisor may immediately relieve from duty any sworn employee of subordinate rank, irrespective of the organizational assignment of either employee. Civilian supervisors shall have the same relief authority with respect to sworn subordinates under their command.
- B. **Internal Affairs Bureau (IAB)**: Whenever necessary in the course of an administrative investigation, sworn personnel assigned to the IAB are authorized to relieve any employee from duty, regardless of rank.
- C. **Civilian Employees**: Civilian employees may be relieved of duty in accordance with the provisions of [Chapter 16 of the Fairfax County Personnel Regulations](#). The appeal procedure for non-sworn personnel is outlined in [FCPD General Order 311](#) (Grievances) as governed by [Chapter 17 of the Fairfax County Personnel Regulations](#).
- D. **Police Affiliated Critical Incidents (PACI)**: Whenever any Department employee is involved in a PACI, determinations pertaining to their duty status shall be in accordance with [FCPD Standard Operating Procedure \(SOP\) 12-045](#) (Investigation of Deadly Force Deployment and Police Affiliated Critical Incidents).
- E. **Health and Wellness Division (HWD)**: Any Department employee that has been relieved of duty shall be offered HWD assistance. Where accepted by the employee, and if the employee is being investigated criminally, the HWD Director or assisting staff member(s) shall be notified that the relieved employee is the subject of a criminal investigation.
- F. **Required Documentation**: Relieving supervisors shall complete:
1. A Notice of Administrative Investigation memorandum providing a summary of the incident, to include the date and time of relief and alleged violation which resulted in the relief of duty. A separate notification memorandum shall be submitted through the chain of command to the Chief of Police by the following calendar day.
 2. Either a [Sworn Relief of Duty Memorandum](#) (for sworn employees) or a [Non-Sworn Relief of Duty Memorandum](#) (for non-sworn employees) at the time they are relieved of duty. The memorandum shall serve as notification of relief and the nature of the investigation. The memorandum shall also list all Department equipment removed from the relieved

employee and serve as a receipt. Copies of the memorandum shall be forwarded to the appropriate division or station commander(s) and IAB.

- G. **Relief of Duty Hearing:** A relief of duty hearing shall be conducted by the appropriate bureau commander within three (3) business days of the relief of duty. Both the relieved employee and the relieving supervisor shall attend the relief of duty hearing. The relieved employee and the Chief of Police shall be notified of the bureau commander's findings and actions taken within 48 hours of completion of the relief of duty hearing. This inquiry shall not be substituted for any hearing provided to an employee under [FCPD General Order 310](#) (Discipline and Appeals), or [FCPD General Order 311](#) (Grievances). Relief of duty hearings are not required when relief is imposed as a form of disciplinary action.
- H. **Administrative Leave:** Administrative leave for the purpose of any administrative investigation into alleged act(s) of misconduct by an employee that may result in formal disciplinary actions and/or where the retention of a Department employee on full duty status may be detrimental to the interests of the County or harmful to the employee, their fellow employees, or the public shall not exceed ten (10) business days without prior approval of the County Executive. A memorandum shall be submitted to the Human Resources Director by the Chief of Police or their designee outlining the details of the administrative leave. In lieu of the use of administrative leave, the Chief of Police or their designee may temporarily assign the employee to other duties, however, if the employee is not temporarily assigned to other duties, administrative leave shall be provided while the employee is temporarily relieved of their usual duties.
- I. **Alternative Work Status:** Where an employee is reassigned or placed on restricted duty, modified restricted duty, or administrative leave due to an investigation, the Department shall endeavor to provide the employee with an update when their administrative investigation closes and at each step during the review process. Should an alternative work status exceed 180 days, the Department shall provide a detailed written explanation of the reason for the extended time frame along with a projected time frame the alternative work status or investigation will continue.
- J. **Department Notifications:** The Chief of Police or their designee may make internal or external notifications at their discretion regarding the relief of any FCPD employee of duty.

V. LEGAL REFERENCES

- A. [Va. Code Ann. § 9.1-505](#): Immediate suspension.
- B. [Va. Code Ann. § 9.1-507](#): Chapter accords minimum rights.
- C. [Garrity vs New Jersey, 385 U.S. 493 \(1967\)](#)
- D. [Giglio vs. United States, 405 U.S. 150 \(1972\)](#)

General Order 302 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:



Chief of Police

APPROVED BY:



County Executive