


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: ARREST AND DETENTION FOR SHOPLIFTING		NUMBER: 605
	EFFECTIVE DATE: March 26, 2022	REVIEW: March 26, 2026	
RESPONSIBLE ENTITY: Patrol Bureau			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 602.1 <input type="checkbox"/> Revised:
ACCREDITATION STANDARDS:	CALEA <hr/> VLEPSC		

I. PURPOSE

The purpose of this General Order is to outline procedures for officers and describe the authority of individuals other than officers on shoplifting events.

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) to approach all incidents involving shoplifting in a professional manner and in strict accordance with Department training, policy, and within established legal principles. Officer and public safety concerns are of paramount importance during all encounters with community members, and officers shall exercise sound judgement, to include criminal justice diversion alternatives when appropriate, during all arrest incidents.

III. DEFINITIONS

- A. Arrest: Taking an individual into physical custody pursuant to a lawful purpose.
- B. Electronic Article Surveillance Device: An electronic device designed and operated for the purpose of detecting removal from the premises, or protected area within said premises, of any marked or tagged item of merchandise.
- 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.

IV. GENERAL AUTHORITY AND RESPONSIBILITIES

- A. Police Officers: Per the [Code of Virginia](#), officers may arrest for shoplifting offenses where the arrest is based upon probable cause provided via reasonable complaint of an individual who directly observed commission of the offense or if they personally witness the offense themselves.

1. **Adult Offenders:** Officers shall make custodial arrests of any adult for felony shoplifting offenses. Any adult arrested for a misdemeanor shoplifting offense shall be released upon a summons, unless summons release is not possible, in which case they shall be transported to the nearest available Magistrate.
 2. **Juvenile Offenders:** Any juvenile charged by an officer for a shoplifting offense committed in their presence, or upon the complaint of an individual who directly observed the offense, shall be processed in accordance with FCPD General Order [FCPD General Order 610](#), Juvenile Procedures. Detained juveniles shall eventually be released at the discretion of the detaining special conservator, registered security employee, or merchant and/or their agents or employees. Those individuals are responsible for contacting the juvenile's parent(s) and filing for petitions with the Juvenile and Domestic Relations Court. Officers shall assist in determining the juvenile's identity and advising the complainant as needed of the petition process. Where a juvenile's identity cannot be confirmed and/or no responsible individual can be located to assume custody over the juvenile, officers shall contact an intake officer to obtain further guidance, which may ultimately result in the juvenile being transported to the court for processing.
- B. **Merchants or their Employees or Agents:** Per the [Code of Virginia](#), merchants, their agents, or their employees may detain an individual suspected of shoplifting for a period of no more than one hour for the sole purpose of awaiting arrival of a law enforcement officer based upon probable cause that either the person committed [felony](#) or [misdemeanor](#) larceny or [concealment of merchandise](#).
1. **Officer Responsibilities:** Responding officers shall consider all facts and circumstances to determine if probable cause exists for the alleged offense.
 - a. Officers shall make custodial arrests of any individual for a felony offense, or, where the offense constitutes a misdemeanor, may release the individual on a summons in accordance with [FCPD General Order 601](#), Arrest Procedures.
 - b. Where the officer determines probable cause does not exist, the detaining individual shall be advised of their right to unilaterally seek a warrant from a Special Magistrate.
 - c. **Documentation:** The investigating officer shall complete all requisite Department forms, arrest documents as applicable, and document the event in an incident module in the current Records Management

System (RMS).

- C. **Registered Employees of a Private Security Business:** Per the [Code of Virginia](#), registered employees of a private security services business may arrest for offenses committed in either their presence or the presence of a merchant, or the merchant's agent or employee, where probable cause exists to believe an individual has either committed shoplifting or willful concealment of goods. Arrests are only valid on the premises of a location where the private security firm has contracted to protect.
1. **Officer Responsibilities:** All individuals arrested by registered employees of a private security business shall remain the responsibility of the arresting employee whenever the offense constitutes a misdemeanor. For felony offenses, officers shall provide transportation of the arrested individual to a Special Magistrate and ensure the registered employee of the private security business is listed as the complainant on any warrant(s) issued. Officers are further required to serve all warrants issued.
 2. **Documentation:** The investigating officer shall complete all requisite Department forms, arrest documents as applicable, document the event in the current RMS in an incident module, and, in the case of a juvenile offender, CCRE process in accordance with [FCPD General Order 610](#), Juvenile Procedures.
- D. **Special Conservators:** Special Conservators are commissioned by the Chief Judge of the Nineteenth Judicial Circuit and given full arrest power at their specific place of employment for all offenses. Special Police or Conservators that have arrest authority in other jurisdictions and no authority in Fairfax County shall be considered as non-sworn personnel.
1. **Officer Responsibilities:** Officers shall offer full assistance to any special conservator who has arrested an individual, to include transportation of the arrestee to a Special Magistrate. The Special Conservator shall appear as the complainant on any warrant issued.
 2. **Documentation:** The investigating officer shall complete all requisite Department forms, arrest documents as applicable, document the event in the current RMS in an incident module, and, in the case of a juvenile offender, CCRE process in accordance with [FCPD General Order 610](#), Juvenile Procedures.
- E. **Electronic Article Surveillance Devices:** Activation of an electronic surveillance device as the direct result of an individual either exiting the premises or area of a premise of a merchant shall constitute probable cause for the detention of that individual by the merchant, their agents or employees, provided that individual is detained in a reasonable manner and

only for such time as necessary to inquire into the circumstances surrounding activation.

V. PROCESSING EVIDENCE AND MAKING COURT APPEARANCES

- A. **Custody of Evidence:** Custody of evidence in shoplifting cases is primarily the responsibility of the special conservator, store employee, or registered security employee regardless of whether an officer makes a custodial arrest. This does not prevent officers from seizing evidence in shoplifting cases (ex: burglarious tools, cutting implements, booster bags) and storing them in accordance with [FCPD General Order 612](#), Property and Evidence.
- B. **Courtroom Appearances:** The Fairfax County General District Court will enter the officer as the complainant on shoplifting cases, thus arresting officers shall appear in court for prosecution of all shoplifting offenses and issue subpoenas for all witnesses, to include the loss prevention officer(s) and victims accordingly. Officers should advise detaining individuals of their responsibilities to appear in court, set court for their assigned criminal court dates, and secure all evidence relevant to prosecution.

VI. LEGAL REFERENCES

- A. [Va. Code Ann. § 9.1-146](#), Limitation on powers of registered armed security officers.
- B. [Va. Code Ann. § 18.2-95](#), Grand larceny defined; how punished.
- C. [Va. Code Ann. § 18.2-96](#), Petit larceny defined; how punished.
- D. [Va. Code Ann. § 18.2-103](#), Concealing or taking possession of merchandise.
- E. [Va. Code Ann. § 18.2-105.1](#), Detention of suspected shoplifter.
- F. [Va. Code Ann. § 19.2-81](#), Arrest without warrant authorized in certain cases.
- G. [Va. Code Ann. § 19.2-82](#), Procedure upon arrest without warrant.

This general order becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

A handwritten signature in black ink, appearing to read "Kevin J. ...", written over a horizontal line.

Chief of Police

APPROVED BY:

A handwritten signature in blue ink, appearing to read "John ...", written over a horizontal line.

County Executive