

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: COURT PROCEDURES		NUMBER: 511
	EFFECTIVE DATE: April 21, 2023	REVIEW: April, 2026	
RESPONSIBLE ENTITY: COURT LIAISON OFFICE			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input type="checkbox"/> Revised: 08-11-22
ACCREDITATION STANDARDS	CALEA: 42.1.6	VLEPSC: ADM. 14.01	

I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for all employees who may attend court proceedings pursuant to their duties.

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) that courtroom appearances are an integral part of police functions and both criminal and traffic enforcement measures. Employees who attend court and present themselves as members of the Department shall do so in a manner that positively reflects upon the Department and demonstrates proper respect to the authority of the court.

III. GENERAL PROCEDURES

- A. **General Conduct:** Employees who attend court shall conduct themselves professionally at all times and in a manner that creates a favorable impression upon both themselves and the Department. Professional decorum shall be displayed in all areas of the courthouse, to include hallways, cafeterias, business offices, parking lots, Commonwealth’s Attorney offices, and common areas. Officers shall not consume food or drink, nor chew gum during court sessions.
- B. **Criminal Arrests:** Officers shall allow for at least ten (10) working days between dates of criminal arrest and scheduled court dates.
- C. **Traffic Offenses:** Officers shall allow for at least four (4) weeks between dates of citations and scheduled court dates. Where officers do not provide this 4 week interval, their cases shall automatically be continued to a date that is determined at the court’s discretion. If the new date conflicts with the officer’s schedule, the officer shall submit a memorandum requesting a new date, endorsed by their commander, and submit it to the General District Court, Traffic Division, Docket

Supervisor. The memorandum shall articulate the reason for requesting a new date, and a copy shall be forwarded to their respective Patrol Bureau commander.

- D. **Juvenile Offenses:** Officers shall adhere to [FCPD General Order 610](#), Juvenile Procedures, for all court matters involving juveniles.
- E. **Subpoenas:** All employee subpoenas delivered to police facilities shall be delivered to the named employee in a timely manner and properly documented.
1. **Witness Subpoenas:** Investigating officers who require witness appearances in court in furtherance of their cases shall complete the Fairfax County General District Court “Request for Subpoena” form to ensure witnesses are notified of scheduled trial dates.
 - a. **Traffic Dates:** Witnesses to traffic dates shall not be subpoenaed for initial court dates. Where a defendant pleads not guilty at an initial date hearing, or requests a continuance to another court date, officers shall subpoena witnesses for the new court date as scheduled by the court.
 - b. **Criminal and Circuit Court Dates:** For criminal and circuit court dates whenever witnesses are required for testimony, officers shall file subpoena requests at least two (2) weeks prior to the scheduled date.
- F. **Discovery Orders:** In criminal cases where the Office of the Commonwealth’s Attorney has not entered an appearance, officers shall comply with all filed discovery orders and attend hearings, motions, or other essential court actions as required. This requirement shall include providing any defendant with the opportunity to view body-worn camera or in-car video footage prior to trial, as well as the redaction of personally identifiable information for any incident reports that are provided in discovery. Where officers are unclear as to what information may be redacted, they shall consult with a representative from the Office of the Commonwealth’s Attorney.
- G. **Criminal and Traffic Histories:** Officers shall obtain and make available upon request to judges, prosecutors, defense attorneys, and appropriate court personnel, copies of criminal histories and/or Department of Motor Vehicle (DMV) histories prior to their scheduled court dates either at Court Liaison or their assigned station/division.
- H. **Certified Court Cases:** Officers who require certified copies of previous court cases shall forward a copy of their summons or arrest warrant(s) and the Defendant’s DMV transcript in a timely manner to the Court Liaison office. Court

Liaison staff shall obtain certified copies and store them for officer use on all subsequent court dates.

- I. **Carrying of Firearms:** Officers may carry firearms into any court within Fairfax County in accordance with the orders of the Chief Judge of the Fairfax County Circuit Court. Orders to this effect may be subject to change at any time, and notices shall be posted in conspicuous locations in Court Liaison.
- J. **Interpreters:** Officers who place either traffic or criminal charges and determine that a defendant or witness requires a foreign or sign language interpreter may notify the Pretrial Services Office (703-246-3045) two (2) weeks prior to all scheduled court dates to ensure an interpreter is available.
- K. **Court Attire:** Employees who attend court shall wear either the uniform of the day or appropriate business attire as outlined in FCPD [SOP 04-002](#), Police Uniforms, Personal Equipment, and Civilian Clothing.
- L. **Registering of Attendance:** Employees who attend court pursuant to their duties shall sign in and out prior to departing the courthouse at the Court Liaison office using their employee scan cards or the provided written ledger.
- M. **Parking:** Employees shall only park their vehicles in marked spaces in the designated employee parking garage near the courthouse and in accordance with all County parking regulations and ordinances. Privately owned vehicles driven by officers shall never be parked in “Police Vehicle Only” parking spaces.
- N. **Supervisor Monitoring:** First-line supervisors shall monitor and document, through personal observation, their non-supervisory subordinate’s courtroom performances every twelve (12) months and at more frequent intervals as necessary where performance deficiencies are observed.
- O. **Separating Employees:** Employees shall directly contact the Court Liaison Supervisor and ensure all traffic and criminal cases have been resolved prior to their separation date. Arrangements shall be made via the separating employee’s supervisor and Court Liaison Supervisor in consultation with the Office of the Commonwealth’s Attorney to designate another employee who will appear in court for any outstanding traffic and/or criminal cases in which the separating employee is unable to appear. Active criminal investigations with pending court dates shall be reassigned to another employee in consultation with, and at the direction of their direct supervisor in accordance with [SOP 22-065](#).

IV. EXCULPATORY EVIDENCE

- A. Exculpatory evidence is any evidence, to include verbal statements, that is favorable to the defendant in a criminal trial that exonerates or tends to exonerate the defendant of guilt. Officers and prosecutors are required to fully disclose exculpatory evidence whenever known to the defendant or their legal counsel, even where they are not specifically requested to do so as a matter of constitutional due process.
- B. The obligation to disclose exculpatory evidence applies to both current and post-conviction criminal investigations. Officers and detectives who become aware of previously unknown or unrecognized exculpatory evidence that suggests a defendant's innocence shall immediately notify the Office of the Commonwealth's Attorney of the evidence and document this disclosure promptly in a supplement to the appropriate incident report in the Department's current Records Management System.
- C. **Post-Conviction Exculpatory Evidence:** Officers and detectives who become aware of potentially omitted exculpatory evidence for post-conviction investigations shall notify their immediate supervisor, who shall subsequently notify through their respective chain of command the Department's Judicial Services Division commander so that the evidence may be reviewed and vetted by both the appropriate FCPD investigative entity and the Office of the Commonwealth's Attorney. The disclosure of this evidence and reporting shall be documented in a supplement to the original incident report in the Department's current Records Management System in a timely manner. Post-conviction investigations where there is a claim of potentially omitted exculpatory evidence from the original investigation shall not be conducted any member of the investigative team from the original investigation.

V. PRELIMINARY HEARINGS

- A. For all felony charges, a preliminary court date shall be set by the court during initial arraignment proceedings. Arresting officers shall contact the Clerk of the Criminal Court after the arraignment date in order to determine the preliminary hearing date. The preliminary hearing date shall be relayed to any complainant (if not the arresting officer), victims, and witnesses in a timely manner.

VI. CONTINUANCES

- A. Officers do not have the authority to grant continuances to individuals for criminal or traffic cases. Parties to a case who request a continuance outside of a courtroom appearance shall be referred to the appropriate clerk of court's office.

B. **Officer Illness:** In the case of illness or emergency, officers may request that their cases be continued by notifying all of the following:

1. Court Liaison
2. The appropriate Clerk of Court
3. Both the daywork and immediate supervisor working that day.

C. **Officer-Requested Continuances (General District Traffic and Criminal Court):** Officers who request a continuance from the General District Traffic and/or Criminal Court shall complete and forward the following documents to the Clerk of Court:

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

- a. A Request for Court Continuance (PD Form 198) for the affected court date.
- b. A Notice of Court Continuance (PD Form 16) addressed to each defendant.
- c. Copies of all witness subpoenas.

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

- a. Requesting officers shall 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
- b. Where the continuance request is denied, the requesting officer shall notify their immediate supervisor.
- c. If the continuance request is granted by the Clerk, the requesting officer shall submit the above documents and notify all defendants, witnesses, and victims of the granted continuance. Attempts to notify shall be documented in the current Records Management System (RMS) incident report.

D. **Officer- Requested Continuances (Juvenile and Domestic Relations Traffic and Criminal Court):**

1. **Traffic requests made five (5) or more days in advance of the court date:** Officers shall contact the Clerk's office to request a continuance. If granted, the requesting officer shall notify all involved parties to the case of the continuance.
2. **Criminal and Traffic cases where the request is made less than five (5) days in advance of the court date:** Officers shall contact the appropriate Clerk of Court to request the continuance and complete the Motion of Continuance Form at the Clerk's office before 1200 hours the day the officer wishes to have the motion heard. An Assistant Commonwealth's Attorney should present the motion to the judge at 1500 hours the following day, and the requesting officer shall be responsible for contacting the appropriate Clerk of Court to determine if the continuance motion was granted. Where the motion is granted, the requesting officer shall notify all involved parties to the case of the continuance.

E. **Officer-Requested Continuances (Circuit Court):** Officers shall contact the Office of the Commonwealth's Attorney to initiate all Circuit Court continuance requests.

VII. ADULT CRIMINAL AND TRAFFIC COURT

- A. **Court Dockets:** On the day of traffic court, officers shall be provided with a copy of their traffic docket by Court Liaison personnel listing their cases for that date. Master copies of criminal court dockets shall be posted in a conspicuous location within the Court Liaison office. The docket should include both cases where prepayment was made and open cases. Officers shall review these dockets and notify the clerk (and provide a photocopy of the summons if applicable) of any case that has been omitted from the docket prior to court convening for the day.
- B. **Court and Case Requirements:** All officers shall ensure they are available in their assigned courtroom on-time and ready to testify prior to the commencement of court proceedings or promptly advise Court Liaison if they will be late. Officers who have Driving While Intoxicated (DWI), Driving Under the Influence of Drugs (DUID), or any other traffic or criminal cases where a defendant is represented by legal counsel shall confer with the assigned Assistant Commonwealth's Attorney in a timely manner during or before court commences.
- C. **Calibration Sheets:** Officers who utilize calibration sheets shall ensure they are returned to Court Liaison before departing the courthouse. LIDAR Baseline Measurement Certificates shall be promptly returned to Court Liaison before departing the courthouse, and RADAR accuracy certificates shall promptly be returned to the appropriate district station.

VIII. JUVENILE COURT

- A. **Court Dates:** Officers do not set court dates for juvenile arrests except for those traffic and alcohol offenses where the offender was released on a summons. Where a juvenile is released to a parent or guardian, the court date shall be set by the Juvenile Court once a petition is secured. Juveniles who are detained while court is in session shall be transported directly to the court for an immediate hearing. Juveniles detained while court is not in session shall have their cases heard on the next day court convenes.
- B. The Juvenile Clerk of Court will amend the times in which some cases falling under their purview will be heard, thus, officers and all involved parties to cases held in the Juvenile and Domestic Relations Court are required to appear at least one hour prior to the scheduled court time (excluding traffic cases) in order to assist the assigned Assistant Commonwealth's Attorney in case preparation.

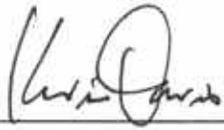
IX. GRAND JURY

- A. The Office of the Commonwealth's Attorney prepares all indictments that are to be presented to a Grand Jury. As such, officers are responsible for the following:
1. **Alternative Presenters:** Where an officer of record for a preliminary hearing is unable to present case information to the Grand Jury, that officer shall notify the Administrative Assistant to the Office of the Commonwealth's Attorney as to the name of the alternative officer who will be presenting the case to the Grand Jury no later than five (5) days prior to the scheduled Grand Jury date.
 - a. Under extenuating circumstances where less than five (5) working days exist before the scheduled Grand Jury date, the officer may notify their immediate supervisor and the Court Liaison office. The notified supervisor shall then notify the Office of the Commonwealth's Attorney of the alternate presenter.
 2. **Midnight and Evening Officers:** Officers who work midnight shifts on the day the Grand Jury convenes may request through the Administrative Assistant to have their cases heard as early as possible during the morning session. Officers who work evening shifts may similarly request to have their cases heard during afternoon Grand Jury sessions.

General Order 511 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

APPROVED BY:



Chief of Police



County Executive