


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: DOMESTIC INCIDENTS, PROTECTIVE ORDERS, AND SUBSTANTIAL RISK ORDERS		NUMBER: 602
	EFFECTIVE DATE: November 27, 2023	REVIEW: November 2027	
RESPONSIBLE ENTITY: MAJOR CRIMES BUREAU			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 11-27-23
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I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for Department investigations of domestic-based incidents and proper handling of protective and substantial risk orders.

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) that officers shall respond to all domestic-based incidents with both compassion for victims and acute awareness of officer safety concerns due to the unpredictable nature of these events. Domestic incidents are often highly unique in nature from many other calls for service due to their complexity, often predicated upon intimate or familial relationships between the involved parties. Officers shall arrest predominant physical aggressors whenever probable cause exists, provide access to medical treatment to any injured individual, and ensure all victims are provided access to assistance programs and information regarding services to which they are entitled.

III. DEFINITIONS

- A. **Cohabitation:** A living arrangement in which an unmarried couple lives together in a long-term relationship resembling a marriage. Co-habitation is determined by a totality of the circumstances test on a case-by-case basis and applies to both opposite and same-sex partners. Threshold factors of co-habitation include shared responsibilities for shelter, food, clothing, commingled assets, affection, aid for one another, and conjugal relationships.
- B. **Domestic Dispute:** Any contentious incident not involving a criminal offense involving a [family or household member](#).

- C. **Domestic Violence**: Any criminal offense involving the use of physical force involving a [family or household member](#).
- D. **Emergency Protective Orders**: In the context of a domestic dispute, orders issued via judge or magistrate, upon petition of a law enforcement officer or victim, where a victim has been subjected to acts of violence, force, or threat and the judge or magistrate finds there is probable danger of further such acts being committed by a respondent against the alleged victim, or where a petition or warrant has been issued for the respondent for an offense resulting from an act of violence, force, or threat.
- E. **Emergency Substantial Risk Order**: An order petitioned for by a police officer or Commonwealth Attorney and issued by a magistrate or judge temporarily preventing an individual from transporting, possessing, or purchasing a firearm when they pose a threat of injury to themselves or others, and requiring the subject of the order to surrender their firearms to law enforcement.
- F. **Ex Parte Hearing**: A legal hearing conducted by the court in which only the complaining party is able to give testimony.
- G. **Exigent Circumstances**: Those circumstances that permit an officer to conduct an otherwise permissible search, including entry into a home, without first obtaining a warrant. [Courts have recognized the following as factors relevant to a determination of exigent circumstances](#): (1) the degree of urgency involved and the time required to get a warrant; (2) the officers' reasonable belief that contraband is about to be removed or destroyed; (3) the possibility of danger to others, including police officers left to guard the site; (4) information that the possessors of the contraband are aware that the police may be on their trail; (5) whether the offense is serious, or involves violence; (6) whether officers reasonably believe the suspects are armed; (7) whether there is, at the time of entry, a clear showing of probable cause; (8) whether the officers have strong reason to believe the suspects are actually present in the premises; (9) the likelihood of escape if the suspects are not swiftly apprehended; and (10) the suspects' recent entry into the premises after hot pursuit.
- H. **Family Abuse**: Any act involving violence, force, or threat that results in bodily injury or places an individual in reasonable apprehension of death, sexual assault, or bodily injury **and** is committed by an individual against their family or household member. Acts include, but are not limited to, forceful detention, stalking, [criminal sexual assault](#), assault and battery, or malicious wounding.
- I. **Family or Household Member**: Members of an individual's family or household, to specifically include:

1. The following individuals do not have to reside in the same home:
 - a. Current or former spouses.
 - b. Parents or stepparents.
 - c. Children or stepchildren.
 - d. Sisters or half-sisters.
 - e. Brothers or half-brothers.
 - f. Grandparents.
 - g. Grandchildren.
 - h. Any individual who has a child in common with the person, regardless of whether the two resided together or were married at any time.
 2. Any individual cohabitating with the person, or, within the previous twelve (12) months, cohabitated with the person and any children of either that reside in the same home as that person.
 3. Mothers or Fathers-in-Law, Son or Daughters-in-Law, Brothers or Sisters-in-Law who reside in the same home.
- J. **Firearm**: Any handgun, shotgun, or rifle that will, is designed to, or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.
- K. **Handgun**: Any pistol, revolver, or other firearm originally designed, made, and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.
- L. **Lethality Assessment Program (LAP)**: An assessment protocol utilized by officers to promptly identify victims of dating or intimate partner violence who are at the highest risk of escalated death or violence at the hands of their abuser.
- M. **Petitioner**: The allegedly abused spouse or family/household member in a protective order.
- N. **Predominant Physical Aggressor**: The individual involved in a domestic violence incident which, based upon the totality of the circumstances, commits an act of family abuse, and poses the most serious, ongoing threat to another individual in a family or household member relationship. Predominant physical aggressors are not necessarily the initial aggressors in a specific domestic violence incident.

O. **Probable Cause**: Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent person to believe that a crime is being, has been, or is about to be committed and that a particular person committed it or that evidence of a crime is in a particular place to be searched.

P. **Protective Order**: In the context of a domestic dispute, a court order issued on behalf of a family or household member prohibiting an alleged abuser from subsequent acts of violence and further may order that individual to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, or other requirements deemed necessary by the court pursuant to the Code of Virginia. The types of protective orders include:

- **Emergency Protective Orders (EPO)**: Valid for up to 72 hours.
- **Preliminary Protective Orders (PPO)**: Valid for up to 15 days.
- **Final Protective Orders (PO)**: Valid for up to two (2) years.
- **Foreign Protective Orders (FPO)**: Varies by jurisdiction.

Note: The length of time that a protective order is in effect is noted on the face of the order.

Q. **Respondent**: The individual named in a protective order as an allegedly abusive [family or household member](#).

R. **Substantial Risk Order**: An order issued by the Circuit Court that continues to restrict an individual from transporting, possessing, or purchasing a firearm for up to 180 days unless further extended by the court where they pose a threat of injury to themselves or others by their possession of or access to a firearm.

S. **Stalking**: Any individual who on one or more occasion directly engages in conduct directed at another person with the intent to place, or where they know such conduct would reasonably place that person in fear of, death, criminal sexual assault, or bodily injury to either them or their family or household member(s). Examples of stalking conduct includes, but is not limited to, (1) following a person to their home, work, and/or other locations, (2) parking outside of their home or office, (3) threatening notes or telephone calls, and/or (4) computer-based on-line threats.

IV. **INITIAL RESPONSES TO DOMESTIC INCIDENTS**

A. **Initial Response**: No less than two (2) officers should respond to any domestic-based call dispatched from the Department of Public Safety Communications (DPSC). Upon arrival, officers shall identify themselves to involved parties,

explain the basis for their response, and respectfully request entry into the residence as warranted. Officers may not reveal the name of the complainant if they are not an involved party that is physically present at the residence.

- B. **Entry Into a Residence:** Where request for entry is refused by any involved party, officers should respectfully explain the need to check on the welfare of any involved party potentially within the residence. Where access inside a residence is still refused, and officers can articulate that exigent circumstances exist, they should attempt to make safe and immediate entry into the residence. Where no exigency exists, and request for entry is denied by an on-scene individual with authority over the premises, officers may not enter into the residence.
- C. **Language Barriers:** Any involved individual who is unable to communicate in either written or spoken English shall be provided access to Department translation services as applicable, to include community victim assistance resources. Absent emergency circumstances, officers should avoid using the children of involved individuals for translation purposes.

V. DOMESTIC VIOLENCE INVESTIGATION PROCEDURES

- A. Officers who suspect that a crime has occurred involving a family or household member should interview all potential victim(s) in an area separate from any suspect, witness, or bystander. Officers should inquire from the victim as to previous domestic violence incidents, frequency and severity, injuries sustained, known access to weapons, and the current or previous existence of any protective orders.
- B. **Determining the Predominant Physical Aggressor:** In order to determine the predominant physical aggressor, officers should consider the following:
 1. The individual who initially became aggressive.
 2. Protection of the health and safety of all family and household members.
 3. Prior complaints of family abuse involving all family or household members.
 4. Relative severity of injuries inflicted upon persons involved in the incident.
 5. Any injuries that resulted from self-defense measures.
 6. Witness statements and any other observations.

Note: Where both or multiple involved individuals appear to have injuries and make counterclaims against each other, officers shall make all reasonable efforts to distinguish the predominant physical aggressor from any victim(s).

- C. **Arrests:** When probable cause exists, officers shall arrest either (1) the predominant physical aggressor in a domestic violence incident, or (2) individual violating an active protective order, absent a clear and compelling reason(s) not to arrest (ex: self-defense determination). Officers should inform both the arrestee and any victim(s) that prosecution is determined by the Office of the Commonwealth Attorney and is not up to the victim's discretion.
- D. **Criminal Diversion:** Individuals engaged in a mental health crisis who commit acts of domestic violence or protective order violations who are eligible for criminal diversion may be diverted in accordance with [FCPD General Order 609, Emotionally Distressed Persons](#).
- E. **Fleeing Offenders:** Where probable cause is developed for the arrest of an individual who has left the scene prior to the officer's arrival, the officer shall promptly respond to the nearest Magistrate in order to obtain an arrest warrant unless special circumstances exist requiring an alternative course of action.
- F. **Associated Crimes:** Officers should also factor into their investigation other crimes that could have been committed, to include but not be limited to, (1) [unlawfully preventing a 9-1-1 call](#), (2) [strangulation](#), (3) [abduction](#), and/or (4) [malicious wounding](#). Where probable cause is established or will likely be established for felony offenses of this nature, the on-call Domestic Violence Detectives shall be consulted prior to obtaining any warrants.
- G. **Collection of Evidence:** Where a criminal violation occurs, arresting officers shall collect and preserve any physical evidence necessary to support successful prosecution. This may include collection of the following items:
1. Evidence substantiating any victim(s) injuries (ex: items used as weapons, torn clothing) and evidence recording the crime scene. Specifically, officers shall seize any weapon(s) used or threatened to be used in the commission of a domestic violence incident and hold it as evidence.
 2. Photographs of visible injuries, in accordance with FCPD [Standard Operating Procedure \(SOP\) 04-018](#). All photographs shall be uploaded into the current Records Management System (RMS) and attached to the incident report.
 3. A victim's [Statement of Incident Form](#) to document the event and injuries.
- H. **Victim Anonymity:** Officers documenting domestic violence incidents should ask any victim(s) if they wish to remain anonymous for purposes of Freedom of Information Act (FOIA) requests and indicate their decision in the narrative of

their incident reports. For TOT cases that do not indicate this preference, assigned detectives shall inquire and indicate in a supplement the victim(s) desire to remain anonymous or not.

- I. **Involved Children:** Any involved child witness or victim to the incident, or where officers note signs of child trauma or healing of what appears to be a wound incurred as a result of abuse, shall be documented and reported in accordance with [FCPD General Order 608](#), Assistance to Abused or Neglected Children.
- J. **Involved Law Enforcement Officers:** Where any involved individual to a domestic incident involves a law enforcement officer of either the FCPD or another agency, investigating officers shall notify their first-line supervisor who will contact the Police Liaison Commander (PLC) and acting Duty Officer who are responsible for notifying the involved officer's agency. For involved FCPD officers, responding first-line supervisors shall assume investigation in accordance with [FCPD General Order 301](#), Internal Investigations. If probable cause exists to arrest the officer, the first-line supervisor shall make the arrest and notify the PLC, Duty Officer, and arrested officer's appropriate commander as well as document the event in an incident report in the current RMS.

VI. ARREST PROCEDURES

- A. **Officer Responsibilities:** For domestic violence arrest cases, officers shall be responsible for the following:
 - 1. Officers shall petition for an Emergency Protective Order (EPO) whenever an individual is arrested for domestic assault and brought before the Magistrate. If the arrestee is a juvenile, an EPO petition is not required. Where probable cause for arrest does not exist, officers may still petition for an EPO where they believe there is the future possibility of domestic violence.
 - 2. Officers shall obtain all arresting documents from a Magistrate in domestic violence incidents and shall never require a victim to obtain their own warrant.
 - 3. Victims should be advised that the arrestee is not likely to be in custody for an extended period of time, and they may elect to leave the residence temporarily for their own safety if they choose. Victims should also be advised of the listed expiration date on the EPO and informed of their right to seek a Preliminary Protective Order (PPO) from the Juvenile and Domestic Relations District Court.

4. Officers shall ensure subpoenas are issued for any victim(s) or witness to a domestic violence incident and inform involved parties on scene of the potential legal consequences for failure to appear in response to a subpoena.

- B. **Non-Custodial Arrest Situations or Non-Arrest Circumstances:** Where an investigation reveals a criminal offense that does not permit custodial arrest, officers may issue a summons if permitted by law. In those cases where custodial arrests are not made, or if the officer cannot determine probable cause exists for obtaining an arrest warrant, they shall explain to the victim(s) why an arrest is not being made or reason(s) why a warrant is not being sought. Officers shall further advise victims of the involved procedures for obtaining a warrant and/or protective order (if they disagree with the officer's conclusion), encourage any victim(s) to contact domestic violence assistance resources as needed, and never become involved in the disposition of personal property.
- C. **Mutual Combatants:** Where an officer determines through the course of the investigation that the involved parties were mutual combatants and probable cause does not exist to conclude that one party was the predominant physical aggressor, no arrest should be made. In these instances, officers shall notify their supervisor and advise them of their findings prior to departing the scene.
- D. **Special Circumstances:** Where an officer determines through the course of their investigation that domestic assault and/or violation of a protective order has occurred, but that special circumstances exist that would preclude custodial arrest or response to a Magistrate to seek a warrant, they shall consult with their first-line supervisor for concurrence prior to departing the scene. These special circumstances may not be predicated upon a victim's refusal to press charges or assurances from the offender that the violence will stop, but rather specifically pertain to the following special circumstances:
 1. Mental Health Crisis (see FCPD [General Order 609](#))
 2. Juvenile Diversion (see FCPD [General Order 610](#))
 3. Known contributing medical conditions. (ex: Alzheimer's, Dementia, etc.)

VII. LETHALITY ASSESSMENT PROGRAM

- A. The goal of the Lethality Assessment Program (LAP) is to prevent domestic-related homicides, serious injuries, and recidivism of assault by encouraging victims to utilize the support services of domestic violence programs. The Department maintains ongoing partnerships with multiple community service providers, including the [Fairfax County Office for Women & Domestic and Sexual Violence Services](#), who is responsible for answering the LAP telephone line.

- B. The LAP screening process shall be utilized by any officer who (1) makes an arrest or obtains a warrant for any intimate (cohabiting or otherwise) partner for domestic violence, or (2) makes an arrest or obtains a warrant where the parties either currently or have previously dated and/or been in an intimate partner relationship and violence or allegations of stalking has occurred. A LAP assessment may always be used regardless of an arrest or lack of warrants where an officer believes a victim would benefit from additional resources.
- C. LAP screening should not be used for non-intimate partner or juvenile victims.
- D. Victims are screened in as “**high danger**” and thus, trigger LAP protocol referral, when they (1) answer “yes” to any of questions #1-3 on the LAP form, (2) answer “yes” to a minimum of four of questions #4-11, or (3) respond “yes” to the question “Is there anything else that worries you about your safety?” Officers may also self-initiate referrals where they reasonably believe a victim is in a potentially lethal situation based upon their training and experience.
- E. LAP lines may only be used by officers; thus, officers shall only utilize their department-issued cell phone to make LAP referrals, and never use the victim’s phone, nor provide the LAP phone number to the victim.
- F. During the call, officers will provide LAP advocates with their name, assignment, date, case number, offender and victim names, and which LAP form questions were answered “yes” to prior to the victim speaking with the LAP advocate.
- G. Officers should ensure victims have complete privacy in their discussion with LAP advocates, provided the scene is secure. Officers should also utilize language line as necessary and avoid using third parties, to include other officers, as interpreters.
- H. Where a victim screens in for LAP referral but refuses to speak with a LAP advocate, officers shall still call the LAP line and document the victim’s refusal in their incident report.
- I. LAP forms shall be scanned and attached to the incident report in the current RMS prior to the conclusion of the officer’s shift. Where secondary officers conduct the LAP referral process, that officer must write a supplement with the details of the LAP screen. LAP forms that have been scanned successfully into an incident report may be shredded. Where the LAP form cannot be scanned, the officer shall forward the form to the appropriate Domestic Violence Detective.

- J. If Major Crimes Bureau (MCB) Detectives or a Victims Services Division (VSD) Specialist assumes or assists with the investigation, LAP assessment shall be conducted by the lead detective or VSD specialist and the investigating officer does not need to conduct the LAP assessment.
- K. Any officer who contacts the [Artemis House](#) shelter pursuant to a case shall advise personnel there if the LAP screening process has been conducted.

VIII. ASSISTANCE TO VICTIMS, WITNESSES, AND DEPENDENTS

- A. Regardless of whether an arrest is made, responding officers shall not depart the scene of an incident until it appears to be under control and the reasonable likelihood of further violence has been eliminated. Officers may assist in providing security for departing parties to gather necessities for short-term absences from the home, such as clothing, medication, and documents.
- B. **VSD Card:** Any person identified as either a victim or witness of a crime, or designated as the petitioner on a protective order, shall be provided with a VSD trifold brochure that contains information on both county shelter resources and domestic violence services within the county, regardless of whether or not an arrest is made. Parents or legal guardians of any juvenile crime victim, or the spouse, parent, or legal guardian of any crime victim deemed to be mentally incapacitated, must also be provided with a brochure. Officers shall document providing the brochure, or any other information or services provided to victims or witnesses, in their incident report or supplement in the current RMS.
- C. Where it becomes necessary for a victim to temporarily leave their residence, officers shall offer assistance in locating lodging with family, friends, or shelters. VSD shall be contacted via the PLC where a victim requires temporary housing services such as a domestic violence shelter or hotel.
- D. Upon a victim's request, officers shall provide or help arrange to provide transportation to emergency housing or a medical facility. The address of this location shall not be included on any incident report or supplement; however, the victim's location must be provided to VSD and the Domestic Violence Detective.
- E. Officers shall advise any victim that a summary of the incident report regarding the domestic violence event can be obtained through the Records Division of the Resource Management Bureau approximately ten (10) days after the date of the incident. The request must be made in person and the victim must provide proper identification or, if not feasible, provide authorization for another individual to retrieve the report via power of attorney.

IX. DOMESTIC ESCORT PROCEDURES

- A. Officers may provide domestic escort services to any victim who departed their primary residence as the result of a domestic incident and needs to retrieve personal property. All requests for police domestic escorts shall necessitate officers obtaining the victim's full information, to include a callback number.
- B. **VSD Responsibilities:** The PLC shall notify the on-call VSD Specialist of the domestic escort request who will then contact the victim. The VSD Specialist shall evaluate the request, based upon the victim's need for items, availability of other options, and threat of possible danger at the location. If the VSD Specialist determines the request to be unwarranted, they shall notify the VSD Director.
1. Where the VSD Specialist determines a domestic escort is necessary, they shall advise the victim of a neutral location to meet assisting officers and notify the on-duty supervisor where the escort is to occur. If, after speaking to the victim, the officer believes the escort request is unreasonable, they shall consult with their supervisor for guidance. If the supervisor concurs, they shall inform the victim and notify the VSD Specialist. Where a VSD Specialist is unavailable, the supervisor shall contact the victim and conduct the review.
 2. A minimum of two (2) officers shall conduct domestic escorts in order to maintain the peace and allow the victim(s) to retrieve their property.
 - a. Officers should advise the victim prior to arrival that only those necessities (clothing, medication, necessary documents) necessary for a short-term absence are to be retrieved at that time. Officers may not assist in removal of any property from the residence and not engage in property ownership disputes between individuals. Where a dispute arises, the item shall remain at the residence and ownership resolved at a later time.
 - b. Officers shall not assist victims with gaining entry to the residence. Where the residence is secured and the victim does not have a key, the officer will advise the victim to return later with a key. Furthermore, officers may not force entry where another individual is present at the location and refuses to grant the victim access, nor may the officer allow the victim to force entry into the residence.
- C. **Documentation:** The primary officer on a domestic escort service shall complete an incident report documenting the event in the current RMS or attach a supplement to the original incident as applicable. The report should include the reason(s) for the escort, method of entry into the residence, any observed

property removed, and presence of any other individual at the location. The report shall be forwarded to the district station VSD Specialist upon completion.

X. DOCUMENTATION OF DOMESTIC INCIDENTS

- A. **Officer Documentation:** Regardless of whether an arrest is made, officers shall file a written incident report in the current RMS detailing their investigation of a domestic incident. The report shall include any arrests made, evidence to believe that abuse occurred, and any special circumstances that existed to support an alternative course of action other than custodial arrest. Domestic violence cases may not be closed exceptionally-victim refused to cooperate.
- B. Reports shall be written in accordance with the [Fairfax County Police Department Report Writing Manual](#). Officers shall clearly articulate their investigative actions and classify the event according to all facts known at the time of the report. Supervisors shall ensure the reports are accurate, detailed, and forwarded to the station VSD Specialist and Domestic Violence Detective.
- C. The presence of any juvenile family or household members, even where they did not directly witness the event, shall be documented in the narrative. Names, ages, and schools attended should be included if available. For involved juveniles, the report shall be forwarded to Child Protective Service (CPS) electronically at DFSCPSPoliceReports@fairfaxcounty.gov, and the appropriate School Resource Officer (SRO), if applicable.
- D. Reviewing supervisors shall ensure that VSD, CPS, SROs, or other relevant prevention and assistance entities are appropriately notified for domestic incidents. Certified copies of prior convictions shall be obtained by officers to aid in prosecution of the case and further ensure the Office of the Commonwealth Attorney is notified and provided with evidence of any prior domestic violence history. Domestic Violence Detectives shall review these investigations to ensure all appropriate investigative steps have been taken and will document their efforts in a supplement to the original incident report.

XI. PROTECTIVE ORDERS

- A. **Emergency Protective Orders:** Officers shall petition, through a magistrate or judge, for an EPO (1) whenever probable cause exists to believe an assault occurred between family or household members or (2) there are reasonable grounds to believe there is danger of assault or harm being inflicted against an individual in the future regardless of whether an arrest is made, or warrant is issued. This includes instances where officers make domestic violence arrests

and are later denied warrants by a presiding Magistrate. Where the arrestee is a juvenile, petitions for an EPO are not required.

1. Officers may request EPOs either by phone or in-person, whereas alleged victims must appear in person before a Magistrate to request an EPO. Where two parties do not meet the definition of a family or household member, alleged victims may also seek protective orders on their behalf.
2. Officers shall assist in transportation of any allegedly abused person upon their request to appear before a magistrate in an effort to obtain an EPO.
3. Officers may petition for EPO extension on behalf of mentally or physically incapacitated victims.
4. Officers shall ensure obtained EPOs are entered into the current RMS by either the Warrant Desk or a station level Police Citizen Aide (PCA) and notification is made to the Teletype Section at DPSC. EPOs accompanied by a warrant are not separated from the warrant until they expire.
5. Officers may attempt to secure EPOs via telephone in cases where the suspect has fled the scene and probable cause exists to believe family abuse has occurred with the danger of future abuse against a family or household member. Prior to contacting the Magistrate, officers shall complete [State Form DC-626, Emergency Protective Order – Family Abuse](#) and list the allegedly abused person or crime victim as the petitioner on the form. Any EPO obtained by telephone should be returned to the issuing magistrate.
6. **Service of EPOs:** Service must be made upon the respondent in-person in order for the EPO to go into effect. After service, a copy of the completed EPO shall be faxed to the Teletype Section and officers shall make contact to confirm receipt of the served EPO for VCIN entry. Officers shall further ensure the EPO is entered into the Location of Interest (LOI) file and set a retention date to ensure the entry remains on file until the EPO expires.
 - a. Where a serving officer is unable to serve the EPO on the respondent prior to the conclusion of their shift, the officer shall forward the EPO to the relieving shift supervisor and attach a scanned copy of the EPO into their report. Service attempts shall be continued by oncoming supervisors until the respondent is served or the EPO expires.
 - b. Any served or expired EPO shall be returned to the Magistrate's office and noted in the current RMS Warrant Module.

- c. Petitioner service of an EPO by an officer may either be done in-person or by posting the EPO at their home address.
- B. **Preliminary Protective Orders:** Preliminary Protective Orders (PPO) are issued by a judge upon request of an alleged victim where they have been subjected to an act of violence, force, or threat, or a petition or warrant has been issued for the arrest of the suspect for any criminal offense resulting from the commission of an act of violence, force, or threat. Alleged victims must appear before a judge in-person to request a PPO.
 - 1. PPOs are issued by the Juvenile and Domestic Relations Court in cases where a family or household member has been assaulted and is likely to be assaulted again. Officers shall inform domestic violence victims of the procedures for obtaining a PPO or PO, which are valid upon being personally served on the respondent for fifteen (15) days or until the date of the next scheduled hearing at the issuance of the PPO.
- C. **Final Protective Orders:** Final Protective Orders (PO) are issued by a judge following a hearing in which both the petitioner and respondent are present. POs prohibit acts of violence, force, threat, or criminal offenses that may result in injury to person or property and may also prohibit contact by the respondent with the petitioner or their family and household members, as well as grant other conditions the court deems necessary to prevent future criminal acts. POs are valid for any time period up to a maximum of two (2) years and can be rescinded prior to the expiration date upon motion of either the petitioner or respondent.
- D. **Foreign Protective Orders:** Foreign Protective Orders (FPO) are judgements, orders, or decrees (can be temporary or permanent), issued by an out-of-state court of appropriate jurisdiction, for purposes of preventing violence or threatening acts of harassment against or contact/communication with, or physical proximity to another individual. FPOs are accorded full faith and credit, do not require registration in the Commonwealth of Virginia, and shall be enforced by officers as if they were issued in Virginia.
- E. **Firearms:** Officers should inform respondents that purchase or transportation of a firearm when they are under an EPO or PPO is prohibited, and that if they are the respondent in a Final PO issued in a case of family abuse, they may not purchase, possess, or transport a firearm, and finally, that they are required to surrender any concealed weapons permit to the court for the duration of any protective order that they are subjected to. Firearm turnovers can be coordinated through the Fairfax County Sheriff's Office (703-246-3227 or 703-246-4406).

- F. **Violations of Family/Household Protective Orders:** Officers shall treat all protective orders, to include FPOs, as enforceable so long as they contain (1) both parties' names, (2) are signed by judicial officer, (3) are not expired, and (4) the terms of the order are clear.
1. Only a respondent listed on a protective order can be charged with violating that order.
 2. Officers may not arrest respondents for violating protective orders where the respondent has not been served with the order. In these instances, officers shall attempt to serve the respondent with the order immediately.
 3. Officers may use copies of original orders for service purposes. Where a copy is not available, officers may enforce the order's terms and conditions upon credible statement that the order has been granted and served. Officers are recommended to obtain a signed victim's statement when relying upon such an assertion.
 4. FPOs are not required to be filed or registered in Fairfax County. Where an individual wishes to have their order registered, they shall be directed to the Juvenile and Domestic Relations Court during normal business hours.
 5. Where a complainant or victim cannot produce either the original or copy version of a protective order, the officer should take the following steps:
 - a. Verify existence of the order by communicating with either the appropriate court or law enforcement personnel in the issuing state or jurisdiction.
 - b. Request DPSC Teletype Section confirm the protective order through VCIN and the NCIC Protection Order file.
 - c. Confirm through use of alternative protection order registries. Statewide registry information is available from the National Center on Protection Orders and Full Faith and Credit (730-312-7922).
 6. Officers may temporarily rely on assertions made by a protected party that a valid order remains in effect, however, efforts to confirm the existence of the protective order should be undertaken, and where existence cannot be confirmed, officers shall not make arrests for protective order violations.
- G. Where an officer determines a protective order has not been served on an accused person present at a call for service, the officer should:

1. Serve the protective order on the accused person.
2. Prepare and submit confirmation of service to the Juvenile and Domestic Relations Court and affected sheriff's office for entry into VCIN.
3. Notify the issuing authority that the accused person received both notice and a copy of the protective order.
4. Complete a report in the current RMS documenting the incident and provide copies of the report to VSD and the station Domestic Violence Detective.

H. **Tracking Service or Attempted Service of Protective Orders:** Wherever an officer is requested to assist with service of an EPO, PPO, PO, or FPO, any efforts towards service shall be documented in the current RMS under the appropriate event type or as a supplement to the original. This does not apply to "Attempt to Locate" requests from other agencies unless service is made.

XII. EMERGENCY SUBSTANTIAL RISK ORDERS

- A. **Issuance of an Emergency Substantial Risk Order:** Where an officer has probable cause to believe that an individual poses a substantial risk of personal injury to themselves or others in the near future, by possessing or acquiring a firearm, the officer shall seek an Emergency Substantial Risk Order (ESRO).
1. ESROs may be entered by any court or a Magistrate and are issued ex parte. The individual who is the subject of the ESRO must be given the opportunity to voluntarily relinquish their firearm(s) to the officer.
 2. Where the individual refuses, or if the officer has probable cause to believe the person has not relinquished all firearms in their possession, the officer may obtain a search warrant for the person's firearms.
- B. **Service of an Emergency Substantial Risk Order:** Where an ESRO is issued in Fairfax County, the issuing authority or petitioning officer shall hand deliver the order to the Warrant Desk which will then fax a copy of the ESRO to the DPSC Teletype Section for entry into VCIN. If a Fairfax County police officer is not the individual delivering the order to the Warrant Desk, DPSC will send a unit from the district station that services the address where the ESRO will be served.
1. Prior to serving an ESRO, the officer shall consult with their first-line supervisor to determine the safest method of service. If that cannot be determined, the supervisor shall consult with the Duty Officer for guidance.

2. A copy of the ESRO, petition, and supporting affidavit shall be provided to the served individual along with notice of their right to a hearing in Circuit Court and their right to be represented by counsel at the hearing.
 3. Officers shall advise served individuals that they are prohibited from purchasing, possessing, or transporting firearms while the order is in effect, and they must voluntarily relinquish any firearms within their custody to the Police Department. Officers should further advise the served individual that they cannot transfer their weapons to any other individual while the order is in effect.
 4. The subject of the ESRO shall be provided with a written receipt with their name printed on it that contains a record of the manufacturer, model, condition, and serial number of each firearm surrendered to the Department.
 5. Individuals who are the subject of an ESRO that possess a concealed carry weapons permit are required to turn that permit over to the Circuit Court.
 6. The serving law enforcement agency shall return the served order to the circuit court, accompanied by a written inventory of all firearms relinquished.
 7. ESRO information shall be entered into VCIN by Teletype via personal delivery or fax (703-631-2687) by serving officers.
 8. The Department's Organized Crime and Intelligence Bureau's Threat Assessment and Management (TAM) Unit shall be immediately notified and consulted with by the acting Duty Officer for all ESRO cases.
- C. **Other Jurisdiction Substantial Risk Orders:** All requests from other law enforcement agencies for assistance with service of substantial risk orders shall be coordinated through the acting Duty Officer.
- D. **Storage of Relinquished Firearms:** Relinquished firearms by an individual shall be secured, packaged, and stored in accordance with FCPD General Order 612, Property and Evidence, unless transferred to another individual or returned, as outlined below in Section D. **Seizure of ammunition and any magazines associated with the relinquished firearms is not required.**
- E. **Transfer of Firearms:** The court may order that any firearm seized by an officer be transferred to another individual or returned to the served individual. Where such an order is entered, the firearms shall be transferred or returned within five business (5) days of receipt of the order.

- F. **Return of Firearms:** Firearms may be returnable to the individual named in an ESRO or SRO under the following circumstances:
1. Individuals may request the return of their firearms once the ESRO/SRO has expired. The requesting individual shall provide the Property and Evidence Section with a written request for the firearm, along with a copy of the original receipt provided by the Department to that individual, and either a court order for return or proof the order is no longer in effect. The firearm(s) shall be returned within five (5) business days of receipt of the request.
 2. The court may enter an order dissolving the ESRO or SRO. The firearms shall be returned within 5 business days of receipt of the order.
 3. Prior to return, a NCIC/VCIN check of the Risk Order Registry shall be conducted to confirm the individual is no longer subject to an ESRO/SRO and not otherwise prohibited by law from possessing a firearm.
- G. **Disposal:** Any firearm taken into custody pursuant to an ESRO/SRO may be disposed of in accordance with the Code of Virginia, if the individual from whom the firearm was taken provides written authorization for such disposal to the Department or the firearm remains in the possession of the Department more than 120 days after the individual is no longer subject to an ESRO/SRO and they have not submitted a request in writing for return of the firearm.

XIII. LEGAL REFERENCES

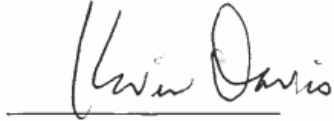
1. [Va. Code Ann. § 9.1-1300](#) Domestic violence policies and procedures for law enforcement agencies in the Commonwealth.
2. [Va. Code Ann. § 15.2-1721](#) Disposal of unclaimed firearms or other weapons in possession of sheriff or police.
3. [Va. Code Ann. § 16.1-228](#) Definitions.
4. [Va. Code Ann. § 16.1-253](#) Preliminary Protective Order.
5. [Va. Code Ann. § 16.1-253.1](#) Preliminary Protective Orders in cases of family abuse; confidentiality.
6. [Va. Code Ann. § 16.1-253.2](#) Violation of provisions of protective orders; penalty.
7. [Va. Code Ann. § 16.1-253.4](#) Emergency Protective Orders authorized in certain cases; penalty.

8. [Va. Code Ann. § 16.1-279.1](#) Protective order in cases of family abuse.
9. [Va. Code Ann. § 18.2-51](#) Shooting, stabbing, etc., with intent to maim, kill, etc.
10. [Va. Code Ann. § 18.2-51.2](#) Aggravated malicious wounding; penalty.
11. [Va. Code Ann. § 18.2-52](#) Malicious bodily injury by means of any caustic substance or agent or use of any explosive or fire.
12. [Va. Code Ann. § 18.2-57.2](#) Assault and battery against a family or household member; penalty.
13. [Va. Code Ann. § 18.2-60.3](#) Stalking; penalty.
14. [Va. Code Ann. § 18.2-60.4](#) Violation of protective orders; penalty.
15. [Va. Code Ann. § 18.2-308.1:4](#) Purchase or transportation of firearm by persons subject to protective orders; penalties.
16. [Va. Code Ann. § 18.2-324.2](#) Use of unmanned aircraft (drones) for certain purposes; Respondent of a PO can't use drone to follow or contact.
17. [Va. Code Ann. § 19.2-11.01](#) Crime victim and witness rights.
18. [Va. Code Ann. § 19.2-81](#) Arrest without warrant authorized in certain cases.
19. [Va. Code Ann. § 19.2-81.3](#) Arrest without a warrant authorized in cases of assault and battery against a family or household member and stalking and for violations of protective orders; procedure, etc.
20. [Va. Code Ann. § 19.2-152.8](#) Emergency Protective Orders authorized.
21. [Va. Code Ann. § 19.2-152.9](#) Preliminary Protective Orders.
22. [Va. Code Ann. § 19.2-152.10](#) Protective order.
23. [Va. Code Ann. § 19.2-152.13](#) Emergency Substantial Risk Order
24. [Va. Code Ann. § 19.2-152.14](#) Substantial Risk Order
25. [Va. Code Ann. § 19.2-152.16](#) False statement to law-enforcement officer, etc.; penalty.

26. The full faith and credit provision of the [Federal Violence Against Women Act \(VAWA\)](#), 18 U.S.C., Sections 2265 – 2266.
27. [Georgia v Randolph](#), 547 U.S. 103 (2006).

General Order 602 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subjects.

ISSUED BY:

Handwritten signature of Kevin Davis in cursive script, written over a horizontal line.

Chief of Police

APPROVED BY:

Handwritten signature of the County Executive in cursive script, written over a horizontal line.

County Executive