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| FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER | SUBJECT: HUMAN RELATIONS | | NUMBER: 002 |
| | EFFECTIVE DATE: July 9, 2021 | REVIEW: July, 2024 | |
| | TOPIC: PURPOSE AND POLICY | | |
| RESPONSIBLE ENTITY: Planning and Research Bureau | | <input checked="" type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: Reg. 201.13/14/15/16/22 & G.O 603.4 <input type="checkbox"/> Revised | |
| ACCREDITATION STANDARDS: | CALEA: 1.2.3, 1.2.4, 1.2.9, 12.2.1, 26.1.1, 26.1.3, 74.3.1 | | |
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I. PURPOSE

The purpose of this General Order is to establish guidelines regarding Department member’s interactions with others, including interactions with other Department and community members. These interactions include, but are not limited to, voluntary field contacts, investigative stops, frisks, and protective searches which extend beyond the person during a lawful investigative stop.

II. POLICY

It is the policy of the Department that when an employee engages in an interaction with any other person, the interaction will be consistent with the principles of procedural justice. Procedural justice requires Department members to ensure they are:

1. Being fair in process;
2. Being transparent in actions;
3. Providing opportunity for communication; and
4. Being impartial in decision making.

Members of the Department engage in procedural justice when they treat everyone with respect, explain the reason for the interaction, listen, and answer people’s questions, increasing police legitimacy.

Community members are more likely to obey the law when they believe that those enforcing it have the legitimate authority to tell them what to do. Community Policing is not about one specific unit, or interactions with certain population groups; all officers must embrace the concepts of Police Community Relations during interaction with ALL members of the community. The sense of

legitimacy increases the more people feel like they were treated with dignity and respect, were not singled out for mistreatment, and had an opportunity to express their voice in the event.

The Department is committed to providing the highest level of service to all persons and treating all persons with dignity and respect. In keeping with the principles outlined through [One Fairfax](#) and discussed in [Chapter 16 of the Fairfax County Personnel Regulations and the County Procedural Memorandum 39-06, Policy and Procedure on Discrimination, Harassment, and Retaliation](#), members of the Department will provide equitable service and treatment to all community members and other Department members regardless of known or perceived age, race, color, sex, pregnancy, gender, gender identity, ethnicity, creed, religious preferences, sexual orientation, disability, immigration status, citizenship, or national origin, except where otherwise required by state or federal law. This commitment to equity is designed to strengthen the trust provided from our community members and increase the effectiveness of community policing.

III. DEFINITIONS

- A. Community Policing: A 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.
- B. Voluntary Field Contact: When officers approach a person to talk and ask questions or ask a person for identification and the person is free to leave and has the right to refuse.
- C. Investigative Stop: Temporary detention of a subject when the officer has reasonable suspicion that criminal activity has occurred, is occurring, or is about to occur.
- D. Reasonable Suspicion:
 - 1. Reasonable Suspicion to Stop: Facts and circumstances which, taken together with rational inferences therefrom, would cause an officer to reasonably suspect that a person is, has been, or is about to be, involved in criminal activity;
 - 2. Reasonable Suspicion to Frisk: Facts and circumstances which, taken together with rational inferences therefrom, would cause an officer to reasonably suspect that a person may be armed and constitute a danger to the officer or other person; and

3. Reasonable Suspicion to **Frisk or Search Other Areas**: Facts and circumstances which, taken together with rational inferences therefrom, would cause an officer to reasonably suspect that the area within immediate control and access of a person may contain weapons and that the person may use those weapons against the officer.
- E. Frisk: The “pat-down” of a person’s outer clothing for a weapon.
- F. Probable Cause:
1. Probable cause to **Arrest**: 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;
 2. Probable cause to **Search**: Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent person to believe that evidence of a crime or contraband is in the place to be searched.
- G. Procedural Justice: The idea of fairness in the process that resolve disputes and allocate resources. It is a concept that, when embraced, promotes positive organizational change, and bolsters better relationships. Police officers engage in procedural justice when they treat people with respect, explain the reason for the encounter, listen, and answer people’s questions. Procedural justice speaks to four principles:
1. Being fair in process
 2. Being transparent in actions
 3. Providing opportunity for voice
 4. Being impartial in decision making
- H. Bias: A human trait the brain utilizes to process information based on life experiences. This process occurs consciously or unconsciously and may include stereotypes and attitudes that the brain uses to categorize people by age, gender, race, or other criteria in a way that favors or disfavors something or someone.
- I. Bias-Based Policing: When 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) protected under the law. 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).

IV. COMMUNITY RELATIONS

- A. Employees shall conduct themselves professionally at all times when representing the Department. They shall use respectful, courteous forms of address to all persons. While in the performance of their duties, or while otherwise representing the Department, officers shall refrain from using offensive words and language. Any exceptions shall be documented in an appropriate report and carefully reviewed. At times it may be appropriate to use raised voices to issue commands and to gain compliance, however, epithets or terms that tend to denigrate any particular gender, race, nationality, sexual orientation, ethnic or religious group will not be tolerated, except when necessary, to quote another person in reports or in testimony.
- B. During the course of their normal duties, police officers are sometimes subjected to obscene gestures, name calling, or harsh or rude language from community members. Generally, these types of communications are protected by the [First Amendment](#) and cannot be used as the sole basis for criminal prosecution. This does not imply that officers cannot arrest a person under the provisions of [Va. Code Ann. §18.2-416](#), Punishment for using abusive language to another. The Supreme Court defined “fighting words” as those words which “by their very utterance, inflict injury or tend to incite an immediate breach of the peace”. Federal and State Court decisions reveal four generally accepted principles that can assist officers in deciding whether to arrest for speech directed to them. (See [Wilson v. Kittoe](#), 229 F. Supp. 2d 520 (W.D. Va. 2002) and [Chaplinsky v. New Hampshire](#), 315 U.S. 568 (1942))
- Direct threats to officer safety generally constitute “fighting words” and are not constitutionally protected.
 - Conduct or behavior which clearly disrupts or hinders officers in the performance of duty is not constitutionally protected, even if that conduct includes speech.
 - Obscene gestures, name calling, harsh or rude language not directed at officers or any other person, generally is protected speech under the [First Amendment](#) and does not, standing alone, constitute a crime.
 - The Supreme Court has determined that a properly trained officer may reasonably be expected to ‘exercise a higher degree of restraint’ than the average citizen, and thus be less likely to respond belligerently to ‘fighting words’.

- C. When possible, Department members shall use de-escalation strategies as outlined in [General Order 540.2](#), De-Escalation.
- D. Additionally, as outlined in [General Order 540.3](#), Duty to Intervene, officers have the duty to intervene in situations where an officer is acting in violation of laws, orders, policies, or ethical conduct and immediately notify an on-duty supervisor or commander.

V. UNLAWFUL DISCRIMINATION PROHIBITED

Unlawful discrimination is the unfavorable treatment of persons or groups based on personal characteristics such as age, race, sex, pregnancy, gender, gender identity, sexual orientation, color, national origin, ethnicity, creed, religion, or disability. Racial discrimination, sexual harassment, racial profiling, bias-based policing, or any other form of unlawful discrimination, either by a specific act or omission, by or against any employee, is unlawful and will not be tolerated.

Allegations of unlawful discrimination shall be thoroughly investigated. Unlawful discrimination is a violation and must be addressed if the allegation is sustained. In all cases of racial discrimination, racial profiling, bias-based policing, or any other form of unlawful discrimination or violation of the Regulations of this Department, the reviewing authority is responsible for determining the appropriate violation of policy and the necessary corrective action in light of all the facts and circumstances.

The display or distribution of objects, pictures, photographs, graphic illustrations, or other material which degrades or offends individuals on the basis of their age, race, sex, pregnancy, gender, gender identity, sexual orientation, color, national origin, ethnicity, creed, religion, or disability, is prohibited.

VI. VOLUNTARY FIELD CONTACTS

A. Initiating Voluntary Field Contacts

1. Field contacts may be initiated when an officer wants to approach someone to talk or to ask a person for identification.
2. Officers do not violate an individual's [Fourth Amendment](#) rights if they merely approach a person and ask if that person is willing to answer some questions, or if they put questions to a person who is willing to listen. An individual's voluntary answers to such questions may be offered in evidence in a criminal prosecution.

3. The key to keeping a voluntary field contact from becoming an investigative stop is that a reasonable person in the same encounter would believe that they do not have to answer any questions and may leave at any time.
4. Voluntary field contacts may be initiated any place where an officer has a legitimate right to be and generally include:
 - a. County owned or controlled property normally open to members of the public.
 - b. Areas intended for public use or normally exposed to public view.
 - c. Places to which an officer has been admitted with the consent of a person empowered to give such consent.
 - d. Places where circumstances require immediate law enforcement presence to protect life or property.
 - e. Areas where an officer may be admitted pursuant to a lawful arrest or search warrant.
 - f. Any other areas in which an officer may effect a warrantless arrest.

B. Conducting Voluntary Field Contacts

Whether a field contact is voluntary depends upon all of the facts and circumstances of the encounter. Officers conducting voluntary field contacts shall consider the following factors that are relevant in determining whether a particular encounter between police and community members is consensual, or constitutes a [Fourth Amendment](#) seizure:

1. Physical Contact - The slightest application of physical force for the purpose of stopping or holding a person is likely to constitute a seizure.
2. Display of Weapons - The display of weapons is inherently coercive and is generally interpreted by community members as compelling compliance. Thus, displaying any weapon or threatening their use will, in most cases, transform the voluntary field contact into an investigative stop.
3. Advising a Person, They Have the Right to Refuse - Officers initiating a voluntary contact should, if asked, advise a person they have a right to refuse to consent to a search or frisk, or to answer questions, or to accompany officers to a different location. This helps keep the contact voluntary. During a contact officers must remember the four principles of procedural justice. When appropriate, officers shall advise a person why they have been contacted.

4. Movement from the Initial Site of the Contact - Officers should avoid moving from the initial site of the contact to another location unless there are articulable safety or security reasons, or unless the individual consents to moving to the secondary location. If the officer moves from the initial contact location, officers should document that the person had a choice to leave and voluntarily agreed to the movement.
5. Interfere with Freedom of Movement - The manner in which officers position themselves or their vehicles and the extent to which they block a person's pathway or freedom of movement may communicate to the community member that they are not free to leave. Officers should position themselves in a manner to allow a path of egress for the community member.
6. Number of Officers - A number of officers surrounding a person may lead them to believe they are not free to leave. Thus, where officer safety is not jeopardized, an encounter is more likely to be deemed consensual if the backup officers stay in the background.
7. Demeanor and Appearance - An officer's use of coercive or intimidating language may be interpreted by a person as compelling compliance. Requests for a consent to frisk or search should be conveyed in a manner that the person has a choice, and that compliance is not required.
8. Retention of Personal Property - Although officers may request to examine a person's identification and ask questions about any discrepancies, such property should be promptly returned. Retention of identification may transform the contact into an investigatory detention, for which the officer must have reasonable articulable suspicion, due to the fact that the individual has a limited ability to leave the scene while their identification is in the officer's possession.
9. Mobile Automated Fingerprint Identification System (AFIS) Query – Mobile AFIS devices perform rapid queries of automated fingerprint files accessible through the Northern Virginia Regional Identification System (NOVARIS) and may be a useful tool in verifying the identity of a person. Consent shall be obtained from a person prior to conducting a mobile AFIS query during a voluntary field contact except in instances when voluntary consent is not possible such as an incapacitated, deceased, or otherwise at-risk person.

VII. INVESTIGATIVE STOP, FRISK, AND SEARCH BEYOND THE PERSON

A law enforcement officer may temporarily detain a person if the officer has reasonable suspicion that the person has committed a crime, is committing a crime, or is about to commit a crime. A law enforcement officer may frisk a person who is temporarily detained if the officer reasonably suspects that a person is illegally carrying a concealed weapon in violation of [Va. Code Ann. § 18.2-308](#). The United States Supreme Court ruled in the 1968 case of

[Terry v. Ohio](#), 392, U.S. 1 (1968), that a temporary detention is a seizure under the [Fourth Amendment](#). The Court recognized that police officers must be able to take action to address criminal behavior even when probable cause to arrest does not exist.

The Virginia Supreme Court supported the necessity of an investigative stop in a 1977 case, [Simmons v. Commonwealth](#), 231 S. E. 2d, 218 (Va. 1977), when it stated:

"The [Fourth Amendment](#) does not require police officers who lack the precise level of information necessary for probable cause to arrest to simply shrug their shoulders and allow a crime to occur or a criminal to escape. On the contrary, [Terry](#) recognizes that it may be the essence of good police work to adopt an intermediate response. A brief stop of a suspicious individual in order to determine identity or to maintain the status quo momentarily while obtaining more information may be reasonable in light of the facts."

A. Investigative Stop - The temporary detention of a subject when the officer has reasonable suspicion that criminal activity has occurred, is occurring, or is about to occur.

The courts have ruled that the following factors may be considered in building a foundation to stop a person:

1. The officer has valid knowledge that a person has a prior felony record.
2. A person fits the description of a wanted notice.
3. A person has exhibited furtive conduct as defined by the courts.
4. The appearance of a person is similar to the description given in a lookout for a known offense.
5. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
6. The area and time of day, such as a person observed in a public area which has a history of recurring crime during the same time period as the time of the stop.
7. Hearsay information is acceptable. The use of hearsay information is dependent upon both the content of information possessed by officers and its degree of reliability. Officers must corroborate some of the information provided by persons or from anonymous tips when developing reasonable suspicion to conduct an investigative stop.

- B. Frisk - If an officer reasonably suspects that a person may be armed and constitutes a danger to the officer or other person, the officer may conduct a limited search of the person's outer clothing.
- C. Search Beyond The Person - The United States Supreme Court held in [Michigan v. Long](#), 463 U.S. 1032 (1983), that although [Terry v. Ohio](#) involved the stop and subsequent pat-down search for weapons of a person suspected of criminal activity, it did not restrict the protective search to the person of the detained suspect. The Court recognized that protection of police and others can justify protective searches when there exists reasonable suspicion that the suspect poses a danger. Thus, an officer can search an area within the person's reach where a weapon may be found. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:
1. An otherwise lawful police encounter.

2. Reasonable suspicion that the suspect poses a danger, as defined by the court in [Michigan v. Long](#):

"specific and articulable facts, which taken together with the rational inferences from those facts, reasonably warrant the officer to believe that the suspect is dangerous, and the suspect may gain immediate control of weapons."

3. The search must be limited to those areas in which a weapon may be placed or hidden.
4. The search must be limited to an area which would ensure that there are not weapons within the subject's immediate grasp.

The Court added in [Michigan v. Long](#) that although the subject was under the control of two officers during the investigative stop, it did not render unreasonable a belief that the subject could injure them.

- D. Period of Detention - Courts have generally held that the period of detention is a brief intrusion upon a person's movement. If the detaining officer determines that the basis for reasonable suspicion no longer exists, the person detained should be immediately released.

Reasonable suspicion should be reinforced with diligent, active investigation. Should the investigation reveal additional information which strengthens reasonable suspicion, the detention period may be continued. If probable cause does not develop in a reasonable time period, the officer shall release the person without unnecessary delay.

- E. Use of Force in Investigative Stops - Generally, officers may use the force reasonably necessary, such as moderate pressure to stop, turn or guide a subject during an investigative stop. Courts have permitted the following types of force in stopping a person, when the force was reasonable on the basis of the circumstances in each case:
1. Blocking a suspect's vehicle with a police cruiser.
 2. Pointing the service weapon at a suspect for the officer's protection.
 3. Making the suspect lie on the ground.
 4. Ordering a suspect or other occupant out of a vehicle.
 5. Handcuffing a suspect for the officer's protection.

The five examples above are not exhaustive but are circumstances under which the courts have considered the reasonableness of the officer's actions in confrontational situations. Officers using force in an investigative stop for officer safety reasons must be prepared to articulate why their actions were reasonable under the circumstances.

- F. As a reminder, pursuant to [Va. Code Ann. § 18.2-250.1](#), no officer may lawfully stop, search, or seize any person, place, or thing solely on the basis of the odor of marijuana and no evidence discovered or obtained, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

VIII. DOCUMENTING VOLUNTARY FIELD CONTACTS, INVESTIGATIVE STOPS, FRISKS, AND MAINTENANCE OF RECORDS

Information obtained as a result of conducting a voluntary field contact or investigative stop can be fully utilized only if the information is properly entered and available for analysis through the Department's record management system. The availability of this information allows greater efficiency in crime analysis and criminal investigation, and also serves to ensure the proper exercise of law enforcement authority, as well as enhancing an officer's ability to reconstruct, at a later time, events surrounding the field contact or investigative stop.

A. Field Contact Module

The current Records Management System (RMS) Field Contact Module shall be the primary method for recording voluntary contacts, investigative stops, and frisk incidents which do not result in an incident report. The Field Contact Module shall be completed in accordance with instructions provided in the Department's Report Writing Manual, and in compliance with the following:

1. Officers conducting a voluntary field contact shall record pertinent data and complete the Field Contact Module.
 - With voluntary contacts, only the information voluntarily provided is required for documentation in the Field Contact Module.
2. Officers conducting an investigative stop which does not result in an incident report shall record pertinent data and complete the Field Contact Module.
 - Absent probable cause that the person is committing a crime or driving a motor vehicle that is subject to a traffic stop, officers cannot require a person to provide identification.
3. Officers shall initiate an incident report, in lieu of the Field Contact Module, whenever force is used to conduct an investigative stop of a person.

B. Review of Field Contact Records

1. Field contacts shall be entered into the current RMS by the end of each tour of duty. All field contact records shall be approved by a supervisor.

IX. AID AND ASSISTANCE TO COMMUNITY MEMBERS

While on duty, employees shall aid and/or assist those within the County whenever such aid or assistance appears to be called for and is not in conflict with the general principles of law enforcement or in violation of legal statutes or departmental rules and Regulations.

Officers shall provide general and emergency assistance to highway users to include, but not limited to:

- General information and directions.
- Jump starting of vehicles.
- Arranging for towing, gasoline delivery or mechanical help.
- Arranging for a locksmith or another party with keys to unlock vehicles. Officers shall not use any type of lockout tool to unlock vehicles.
- When appropriate, arranging for or providing transportation within the County (transports out of the County must be approved by a supervisor).

When rendering assistance, officers should remain on the scene until help has been requested, hazardous situations are neutralized, DPSC directs the officer to leave for an assignment, or at the direction of a supervisor. Additionally, the officer is required to render all possible assistance to those who wish to make any report in accordance with established policies and procedures of the Department.

X. IDENTIFICATION OF LAW ENFORCEMENT OFFICERS

Officers shall identify themselves by wearing an approved police uniform with badge or by displaying the official badge and/or identification card before taking police action.

Upon the request of a community member, officers shall provide their name and badge number. If requested, any other involved officer's name and badge number will also be provided, if known. Any complaint involving an officer shall be immediately referred to the most available supervisor. When appropriate, a supervisor shall be dispatched to the location of the complainant. If a supervisor is not immediately available, the employee receiving the complaint shall, whenever possible, provide the complainant with a Community Member Complaint Form (PD28) and if necessary, provide assistance to complete the form. The employee receiving the complaint shall forward the complaint to a supervisor as soon as possible. For further guidance on complaints see [General Order 301](#), Internal Investigations.

All on-duty sworn employees shall carry their Department issued police credentials or identification card with them at all times, whether in a uniform or non-uniform position. The Department issued identification card, 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. Officers who are working off-duty employment shall adhere to the requirements of this Order. 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.

XI. EMPLOYEE RELATIONS

Consistent with how employees of the Department are expected to perform during community interactions, employees shall also conduct themselves professionally at all times during interpersonal interactions with other Department employees. Employees shall use respectful and courteous communication while performing their duties and interacting with other employees.

- A. Each employee, regardless of rank, is responsible for promoting an image of professionalism at all times and is expected to adhere to the rules, Regulations and policies of the County of Fairfax and this Department.
- B. Each employee shall treat individuals, including subordinates, fellow employees, and management, with respect, courtesy, and tact. Employees are to conduct themselves in a manner that promotes teamwork and cooperation.

- C. Employees with supervisory authority shall not abuse their authority by actions such as: favoritism, harassment, discrimination, retaliation, or other mistreatment of employees. Supervisors and field training instructors are prohibited from having a sexual or other inappropriate personal relationship with any employee under their direct chain of command or control that would undermine the effectiveness of the supervisor or FTI towards the employee.
- D. Department members are reminded that de-escalation principles as outlined in [General Order 540.2](#), De-Escalation, may apply in the workplace. These include communication, tact, empathy, using instinct, and providing personal space. These strategies should be used with the ultimate goal of achieving a positive outcome.
- E. Additionally, as outlined in [General Order 540.3](#), Duty to Intervene, officers have the duty to intervene in situations where an officer is acting in violation of laws, orders, policies, or ethical conduct and immediately notify an on-duty supervisor or commander.

XII. DISCRIMINATION AND RETALIATION – EMPLOYEES

- A. Discrimination on the basis of race, color, sex, religion, national origin, age and disability is specifically prohibited by law in accordance with, [Title VII of the Civil Rights Act of 1964](#), as amended, [Age Discrimination in Employment Act of 1967](#) as amended, and [The Americans with Disabilities Act of 2008](#), as amended. Discriminatory conduct may also violate [County Procedural Memorandum 39-06, Policy and Procedure on Discrimination, Harassment, and Retaliation](#), and this General Order even though it does not rise to a violation of the law. Protected characteristics under Procedural Memorandum 39-06 and this policy are listed in Section II, Policy Statement above.
- B. Discrimination as defined by law, County policy or this General Order may occur through:
 - 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 the identifying characteristics listed in Section II, Policy Statement; 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 the identifying characteristics listed in Section II, Policy Statement.
- C. Discrimination by employees in the workplace is strictly prohibited. Such misconduct may undermine the integrity of employee relationships, lower

employee morale, or interfere with the efficiency and/or effectiveness of Department operations.

- D. Retaliation against any employee for opposing discrimination, lodging a discrimination complaint or participating in an investigation is unlawful and is strictly prohibited. In addition, 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:
- Opposes any conduct prohibited by this policy;
 - Complies or encourages others to comply with this policy;
 - Lodges a complaint verbally or in writing concerning any violation of this policy
 - Testifies, assists, or participates in any investigation or hearing resulting from a complaint under this policy; or
 - Exercises any right conferred under this policy
- E. In all cases of discrimination, harassment or retaliation, or other violation(s) of the Regulations of this Department, the reviewing authority is responsible for determining the appropriate violation of policy and the necessary corrective action in light of all the facts and circumstances.
- F. An employee who believes either that they have been the victim of discrimination (including harassment or retaliation), or that they may have witnessed such conduct, is 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 the Chief of Police so that appropriate corrective action can be taken.
- G. 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.
- H. A supervisor or commander 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 [General Order 301](#), Internal Investigations and [County Procedural Memorandum 39-06, Policy and Procedure on Discrimination, Harassment, and Retaliation](#).

XIII. SEX HARASSMENT

Sex harassment is a form of sex discrimination and therefore is a violation of [Title VII of the Civil Rights Act of 1964](#), as amended. Like other forms of unlawful discrimination, it 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 are a violation of this General Order and will not be tolerated. Department members are reminded, harassing conduct can violate County policy and this General Order without rising to the level of unlawful harassment.

A. Sex harassment based on a person's gender includes conduct that is not sexual in nature. Examples of non-sexual sex harassment include (but are not limited to):

- Jokes about gender-specific traits
- Gender stereotyping, such as talking about what jobs or life activities are or are not appropriate for men or women
- Calling women or men derogatory names
- Gender-based exclusion from work related activities, trainings, or events
- Disparaging remarks for associating with a person of the same or opposite sex
- Intentional misuse of a transgender employee's new name and pronoun

B. 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 such 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 of such conduct include (but are not limited to):

- Sexual propositioning
- Sexual innuendo
- Sexually explicit language, comments, or stories shared in-person or through e-mail, text, or online
- Sexually oriented “kidding” or “teasing”
- Jokes about gender-specific traits
- Foul or obscene language or gestures
- Display of foul or obscene printed or visual material in-person or online, including through County-owned or personal devices
- Physical contact, such as patting, pinching, or brushing against another’s body

Sex harassment does not refer to occasional compliments or touching of a socially acceptable nature which is not unwelcome.

- C. If a Department member believes they are being harassed due to unwelcomed physical contact or comments, and they are comfortable doing so, it is recommended that the Department member make clear to the offending person that such behavior is unwelcome and offensive and request that it stop.
- D. An employee who believes either that they have been the victim of discrimination (including harassment or retaliation), or that they may have witnessed such conduct, is 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 the Chief of Police so that appropriate corrective action can be taken.
- E. 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.
- F. A supervisor or commander 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 [General Order 301](#), Internal Investigations and [County Procedural Memorandum 39-06, Policy and Procedure on Discrimination, Harassment, and Retaliation](#).

XIV. RESOURCES

Information and advice about discrimination, including sex harassment and retaliation, may be obtained by contacting:

- 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](#)

XV. BIAS-BASED POLICING PROHIBITED

Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the [Fourth Amendment of the U.S. Constitution](#). Officers must be able to articulate specific facts and circumstances that support reasonable 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 can never be used as the sole basis for probable cause or reasonable suspicion.

Except as provided above, race/ethnicity shall not be considered in making law enforcement decisions to follow, stop, frisk, or detain, unless there is a clear and articulable reason for the contact. Violations of this General Order will be investigated by the Internal Affairs Bureau. In all cases of racial discrimination, racial profiling, bias-based policing, or any other form of unlawful discrimination, the reviewing authority is responsible for determining the appropriate violation of policy and the necessary corrective action in light of all the facts and circumstances.

XVI. LEGAL REFERENCES

- A. [Chaplinsky v. New Hampshire, 315 U.S. 568 \(1942\)](#)
- B. [First Amendment of the US Constitution -- Religion and Expression](#)
- C. [Fourth Amendment of the US Constitution -- Search and Seizure](#)
- D. [Grutzmacher v. Howard Cty., 851 F.3d 332, 342-43 \(4th Cir. 2017\)](#)
- E. [Michigan vs. Long, 463 U.S. 1032 \(1983\)](#)
- F. [Simmons v. Commonwealth: 231 S. E. 2D, 218 \(Va. 1977\)](#)
- G. [Terry v. Ohio 392, U.S. 1 \(1968\)](#)
- H. [Va. Code Ann. § 18.2-308](#): Carrying concealed weapons; exceptions; penalty
- I. [Va. Code Ann. § 18.2-416](#): Punishment for using abusive language to another
- J. [Wilson v. Kittoe, 229 F. Supp. 2d 520 \(W.D. Va. 2002\)](#)

This General Order becomes effective July 9, 2021, and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:



Chief of Police

APPROVED BY:



County Executive