


<b>FAIRFAX COUNTY POLICE DEPARTMENT</b>  <b>REGULATION</b>	<b>SUBJECT:</b> <b>ADMINISTRATIVE ACTIVITIES</b>		<b>NUMBER:</b> <b>204</b>
	<b>EFFECTIVE DATE:</b> June 17, 2024	<b>REVIEW:</b> June 2028	
<b>RESPONSIBLE ENTITY:</b> PLANNING AND RESEARCH BUREAU			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 6-17-24
<b>ACCREDITATION STANDARDS:</b>	CALEA 26.1.1, 82.1.1, 82.2.1, 82.2.2 VLEPSC PER.09.01, ADM.22.03, ADM.25.07, ADM.25.01		

#### **204.1 SUBMITTING REPORTS**

Employees shall promptly submit any reports required as a part of the performance of their duties or by competent authority.

#### **204.2 REPORTS AND BOOKINGS**

No employee shall knowingly falsify any official report, or enter, or cause to be entered, any inaccurate, false or improper information into the official records of the Department.

#### **204.3 ALTERATIONS OF REPORTS**

Employees shall not alter or request any other person to alter or withdraw any report, letter, request, or other written communication that is or has been conducted through official channels. This restriction shall not preclude the correction of grammatical errors. No employee shall advise, counsel, order or otherwise dissuade any other employee from submitting any lawful report.

#### **204.4 SECURITY OF OFFICIAL RECORDS**

Employees shall not reveal police information except as provided elsewhere in this manual or as required by law or competent authority. Specifically, information contained in police records, other official correspondence, other information ordinarily accessible only to employees, and names of informants, complainants, witnesses, and other persons known to the police, all are considered confidential in nature. Any unauthorized disclosure of this and/or similar information shall constitute misconduct.

#### **204.5 RESIDENCE OF MEMBERS**

Officers' residences may be at any location. However, they may be restricted from certain assignments requiring standby duties (e.g., Canine, SWAT Team, Major Crimes Bureau) due to a necessary response time as established by the respective bureau commander.

#### **204.6 NOTIFICATION OF CHANGE OF ADDRESS OR TELEPHONE NUMBER**

All employees shall make certain that their current home address and telephone number is updated in FOCUS and the Department's current Records Management System (RMS). A change of address and/or telephone number must be reported within 24 hours. Employee addresses shall not be released to anyone outside of the Fairfax County Government.

#### **204.7 REQUIREMENT FOR TELEPHONE**

All employees shall have a telephone and shall ensure their phone number(s) is listed in FOCUS and the current RMS. An employee's personal phone number shall not be released to anyone outside of the Fairfax County Government.

#### **204.8 REPORTING ARRESTS AND COURT ACTIONS INVOLVING EMPLOYEES**

Employees shall report as soon as practicable, and prior to the start of their next shift, by memorandum and via electronic mail, to their commander in the event:

1. The employee has been arrested or issued a traffic summons.
2. Court action has been initiated against the employee, and/or
3. The employee was the subject of a contact and/or investigation with law enforcement officers of another agency resulting from a domestic dispute or domestic violence incident.

When reporting a court action, traffic summons, or domestic violence/dispute contact, the memorandum shall contain, at a minimum:

1. The date, time, location and jurisdiction of the alleged offense or domestic dispute or domestic violence incident.
2. The specific offense(s) charged.
3. The name, identification number and department of the arresting or responding officer.

A copy of the traffic summons, citation, or other court documents shall be included as an attachment to the memorandum. Upon receipt of the employee's memorandum, the employee's commander shall assign a supervisor to conduct an initial review or, with approval of the bureau commander, shall refer the matter to the Internal Affairs Bureau (IAB). The investigating supervisor shall comply with the procedures established in [FCPD General Order 301](#) (Internal Investigations). As soon as reasonably possible, the investigating supervisor shall contact the arresting/responding officer and determine the facts of the incident. In addition to the identifying of any formal charges placed, the supervisor shall obtain the following information:

1. Any other violations observed or suspected that did not result in arrest.
2. Any extenuating or aggravating circumstances of which the Department should be aware.
3. A transcript of the employee's DMV record or criminal record as appropriate to the incident under investigation.

With this preliminary information the employee's commander shall make a determination regarding the necessity of an administrative investigation. If it is determined that a full administrative investigation is warranted, the investigating supervisor shall proceed according to [FCPD General Order 301](#) (Internal Investigations). Where it is determined that no further investigation or administrative action is warranted, the information obtained by the investigating supervisor shall be documented as an inquiry in the current IAB RMS and sent to IAB for retention.

#### **204.9 ACCEPTING COMPENSATION FOR DAMAGES**

Employees shall not seek, file suit against, solicit, nor accept from any person or agency any money or other compensation for damages or expenses incurred in the line of duty, or for which the employee has received sick leave pay, without previously notifying their commander in writing of the employee's intended course of action. Such notification shall also occur upon the final disposition of any suit in which an employee is awarded compensation for damages or expenses incurred in the line of duty.

#### **204.10 PUBLIC APPEARANCE REQUESTS**

All requests for public speeches and/or presentations will be routed to the affected squad supervisor for approval and coordination with the commander as needed. Employees directly approached with these requests shall refer the party to their squad supervisor.

#### **204.11 CIVIL ACTION, COURT APPEARANCES, AND SERVICE OF PROCESS**

Employees shall not testify in civil actions unless served with a legal subpoena. This shall not apply to cases in which the employee is a party or where the employee is related to the defendant by blood or marriage. Employees shall not enter into any financial agreement regarding appearances as witnesses in any civil action except as authorized by the Chief of Police or their designee.

Any employee named as a defendant who is served with a civil process, and any employee who is served with a subpoena to testify as a witness in a civil action where another employee is named as a defendant, shall immediately notify their commander in a brief memorandum indicating the fact that a civil process or subpoena was served and state the date and method of service. A copy of the civil process or subpoena shall be attached to the memorandum.

An employee, prior to initiating civil action against any person as a result of a law enforcement related contact, shall promptly inform their commander via Department memorandum.

#### **204.12 CIVIL DEPOSITIONS, AFFIDAVITS, AND SUBPOENAS DUCES TECUM**

Employees shall confer with their commander before participating in a deposition or signing an affidavit in a civil case resulting from their performance of duty. The commander shall then contact the IAB prior to the employee giving the deposition or signing the affidavit. Employees who are served with subpoenas that compel them to release Department records shall advise their supervisor and immediately transmit the request to the IAB for processing in coordination with Public Affairs Bureau FOIA Compliance. Employees shall not release such information without the approval of the IAB commander.

#### **204.13 CIVIL CASES**

Officers shall not serve civil process or assist in civil cases without the approval of their commander. They shall avoid entering into civil disputes, particularly while performing their duties, but shall still be responsible for enforcing any laws or ordinances which may become applicable to the situation.

#### **204.14 TRAFFIC CRASHES INVOLVING PRIVATELY OWNED VEHICLES**

Any reportable traffic crash involving a privately-owned vehicle operated by a sworn officer that occurs within Fairfax County shall be investigated by an on-duty sworn supervisor. An officer of equal or greater rank shall investigate any such crash involving a sworn supervisor or staff officer. The investigation shall be consistent with the requirements set forth in the [Police Department's Report Writing Manual](#) for completion of the Accident Report.

#### **204.15 TRAFFIC CITATIONS WHILE OPERATING COUNTY-OWNED VEHICLE**

Employees who receive a traffic citation while operating a County-owned or leased vehicle, either by a police officer, parking enforcement officer, or after having been identified as the operator of a County-owned or leased vehicle that was issued a citation through photographic imagery, shall be financially responsible for all costs, fines, and penalties. An administrative investigation will be conducted as directed by the affected station/division commander who will also ensure coordination with the Financial Resources Division regarding payment processing, and/or waiver requests.

#### **204.16 INFORMATION TO COMMUNITY MEMBERS SEEKING WARRANTS**

FCPD employees are required by both County and Department policy to safeguard the personal identifiable information (PII) of individuals unless disclosure is necessary in order to fulfill the mission and obligations of the FCPD to prevent and fight crime and disclosure is limited to only those recipients necessary to fulfill these objectives.

Officers investigating misdemeanor criminal offenses who determine, during the course of their investigation that (1) they do not believe probable cause exists for them to seek a criminal warrant, or that (2) the offense constitutes a misdemeanor offense committed outside of their presence that does not constitute an exception to the warrant requirement, should inform complainants that they are able to seek a warrant themselves and direct them to the nearest Magistrate. In these instances, officers shall provide the complainant with a business card listing their rank, name, contact information, assignment and case number only, and direct them to the nearest magistrate as well as educate the complainant on the proper procedures of seeking criminal misdemeanor warrants, to include filling out criminal complaint forms and swearing to the veracity of their testimony.

Officers shall also, whenever possible, personally accompany a complainant to, or personally appear before, the Magistrate's Office for assistance with this process or schedule a convenient time during a future scheduled duty shift where both the officer and complainant can go to the Magistrate's Office unless specifically exempted by their supervisor. Magistrates may also elect to contact the investigating officer to obtain the PII of that person as necessary. Officers shall fully cooperate and provide that individual's PII to only the magistrate in order for them to properly issue a warrant(s). Under no circumstances should any FCPD employee provide the PII of an alleged offender directly to a complainant. Officers, however, may provide PII of suspected offenders to loss prevention officers and/or mall security personnel in the performance of their law enforcement duties.

## **204.17 EMPLOYEE LEAVE REQUESTS**

Leave shall be granted on the basis of Department work requirements and the personal wishes of the requesting employee whenever possible in accordance with [Chapter 10 of the Fairfax County Personnel Regulations](#). In particular, the use of compensatory leave by employees shall be permitted with at least seven (7) days of advanced notice unless granting the employee's request would unduly disrupt the operations of the FCPD. Employees who request compensatory leave with less than 7 days advance notice may be approved at the discretion of their supervisor unless granting the request would unduly disrupt the operational and/or safety needs of the FCPD.

Per Article 66(C) of the [Collective Bargaining Agreement](#), requests for compensatory time off shall be honored unless to do so would be unduly disruptive to the Department's operations. Mere inconvenience to the FCPD is an insufficient basis for denial of a request for compensatory time off. For any supervisor or commander to turn down a request from an employee for compensatory time off requires that it should reasonably and in good faith anticipate that it would impose an unreasonable burden on the agency's ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the employee's services.

Employees may utilize sick leave in accordance with [Chapter 10 of the Fairfax County Personnel Regulations](#) and shall directly contact their supervisor via telephone as soon as possible in order to notify them of the need to use leave in lieu of reporting to their duty assignment. Per Chapter 10, supervisors are permitted to request medical certificates where an employee is (1) on sick leave before or after a County holiday or other scheduled day off, (2) when in excess of two workdays, or (3) where an employee takes repeated short-term sick days.

Requests for scheduled annual or sick leave should routinely be granted by supervisors unless the request would be overly detrimental to Department work requirements or cause the employee's squad or unit to fall below required minimum staffing levels. Commanders retain the ability to grant leave beyond these restrictions in urgent, emergency, or extraordinary circumstances, but are expected to limit all leave requests when conditions require full or additional staffing levels designed to meet special or emergency conditions.

## **204.18 PERSONNEL FILES**

Employees shall be provided access to their personnel files, which may include electronic or hard copy files kept regarding an employee, by (1) Fairfax County (official personnel file), (2) the FCPD, (3) or a supervisor. Employees shall also have the right to obtain copies of the materials in their individual personnel files. An employee may schedule an appointment with the appropriate record holder at the convenience of the parties, however, the County shall not unreasonably

restrict employees from access to their personnel files. A delay of more than five business days shall be considered unreasonable absent extenuating circumstances. Hiring background investigation files are not subject to review by employees except when permitted by applicable law. Personnel files shall not be released to individuals outside of the County government without the employee's consent unless required by applicable law. An employee may elect to submit a rebuttal, if desired, to any contents of their official personnel or Department files.

## **204.19 COLLECTIVE BARGAINING PROCEDURES**

Collective bargaining shall be conducted in accordance with the [Fairfax County Collective Bargaining Ordinance](#) and any applicable [Collective Bargaining Agreement](#). The Fairfax Chapter of the Southern States Police Benevolent Association (SSPBA) has been designated and certified as the exclusive bargaining agent for the sworn uniformed employees of the FCPD as defined by Article 2 of the [Collective Bargaining Agreement](#). The duly elected Fairfax Chapter of the SSPBA President shall serve as the principal negotiator on behalf of the Police Bargaining Unit. The County Executive's Chief Negotiator or other designee shall serve as the principal negotiator on behalf of the County and FCPD for all collective bargaining matters.

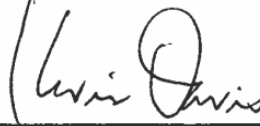
The Department shall participate in good faith bargaining with the designated bargaining committee who represents its members in accordance with all applicable laws and rules governing the collective bargaining process and fully abide by the ground rules established for collective bargaining that may arise out of the collective bargaining process or labor arbitration. The Department shall also commit in both letter and spirit to any negotiated labor agreement approved and ratified as provided in the Collective Bargaining Ordinance, [Fairfax County Code Sect. 3-10-13](#). All formal negotiations or bargaining with respect to the terms and conditions of the ratified labor agreement shall be conducted by authorized representatives of the SSPBA and by authorized representatives of Fairfax County.

Reasonable official time shall be granted to SSPBA Representatives/Stewards for the purpose of representing the concerns of bargaining unit employees, including representing the bargaining unit by bargaining with Fairfax County, handling labor-management disputes, representing an employee in a disciplinary matter, or investigating, processing, and assisting in the settlement of grievances filed by bargaining unit employees.

The SSPBA shall be allowed to communicate with employees by utilizing work email. Employees are permitted to use their work devices to send and receive communications related to representative work including collective bargaining, grievances, concerns regarding subjects of bargaining, and representing officers in disciplinary matters, to the extent that it does not interfere with the employee's work duties.

Regulation 204 becomes effective on the above date and rescinds all previous rules and regulations pertaining to this subject.

ISSUED BY:

A handwritten signature in black ink, appearing to read "Kevin Davis". The signature is written in a cursive style with a large, looped "K" and "D".

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Chief of Police