


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: VEHICLE TRAFFIC STOPS AND CHECKPOINTS	NUMBER: 603
	EFFECTIVE DATE: August 11, 2022	REVIEW: August 2025
RESPONSIBLE ENTITY: Patrol Bureau		<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: 601.7 <input type="checkbox"/> Last Revised:
ACCREDITATION STANDARDS:	CALEA 1.2.4, 1.2.7, 61.1.2, 61.1.5, 61.1.6, 61.1.9, 61.3.2, 82.2.2 VLEPSC ADM.02.02, ADM.02.03, OPR.07.01, OPR.07.03, OPR.07.04, OPR.07.10	

I. PURPOSE

The purpose of this General Order is to establish guidelines for traffic and investigative vehicle stops and road check procedures.

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) that officers conduct traffic enforcement initiatives in a manner to foster safe driving and seek the reduction of motor vehicle accidents. Any officer making a traffic stop shall, absent mitigating or exigent circumstances, identify themselves to the operator and state the legal basis for the stop in a timely manner. Non-consensual investigative detentions, traffic stops, arrests, searches, and seizures by officers shall be based upon a standard of reasonable suspicion or probable cause in accordance with the [Fourth Amendment of the U.S. Constitution](#), and officers must be able to articulate specific facts and circumstances justifying the basis for their stop, search, or seizure of a person or thing.

Officers are prohibited from solely considering physical characteristics to establish either reasonable suspicion or probable cause, except where those characteristics are based upon trustworthy, locally relevant information that directly links an individual possessing those characteristics to a particular unlawful incident. Physical characteristics may otherwise never be used as the sole basis for detention, arrest, or initiation of a consensual encounter not amounting to a legal detention or request for consent to search and shall never be the primary reason for any officer exercising their authority.

III. DEFINITIONS

A. Investigative Stop: Temporary detention of an individual when an officer has reasonable, articulable suspicion to believe that criminal activity has occurred, is occurring or is about to occur or a traffic violation has occurred.

B. Probable Cause: Facts and circumstances which, taken together with rational

inferences therefrom, would lead a prudent person to believe that a crime is being or has been committed and that a particular person committed it or that evidence of a crime is in a particular place to be searched.

- C. **Reasonable Articulate Suspicion:** Facts and circumstances which, taken together with rational inferences therefrom, would cause an officer to believe an individual is, has been, or is about to be involved in criminal activity or violation of a traffic law.

IV. **MOTOR VEHICLE STOPS**

- A. **General Procedures:** Officers may conduct motor vehicle traffic stops whenever there is reasonable, articulable suspicion to believe that criminal activity or a traffic violation has occurred or is occurring, and the violator is within the vehicle being stopped. Vehicle stops are predicated upon reasonable, articulable suspicion and thus no specific plans or restrictions need to be considered other than those relevant to public and officer safety (ex: visibility, terrain, weather, traffic cones, signs).
- B. **Marijuana:** Officers shall not stop, search, or seize any person, place, or thing solely on the basis of the odor of marijuana. Any evidence discovered or obtained in these instances, to include evidence obtained with the person's consent, will be inadmissible in any subsequent judicial proceeding.
- C. **Documentation of Traffic Stops:** All motor vehicle stops or vehicle searches shall be documented by officers as follows:
1. **General:** Officers shall issue either a Virginia Uniform Summonses (PD60), a warning card, or an eCitation warning ticket for all traffic stops. In each case, officers shall capture all required information in either the current eCitation system, or appropriate module of the current Records Management System (RMS) as applicable.
 2. **Suspicion of Criminal Activity:** Where vehicle stops are made due to reasonable, articulable suspicion of criminal activity, officers shall document the reason(s) and all required information in either the current eCitation system, appropriate module of the current RMS as applicable, or an incident report where an arrest is made. Documentation shall include the (1) time the stop began and ended, (2) location, (3) reason for the stop, (4) vehicle operator and any occupant(s), and (5) vehicle information.
 3. **Where Legal Basis Ceases to Exist:** Where an officer stops a vehicle and questions any occupant(s) or obtains their identification(s), but through the course of their investigation, reasonable, articulable suspicion or probable cause ceases to exist for the stop, the officer shall release the individual from detention and document the encounter in appropriate module of the current

RMS as applicable.

4. **Erroneous Stops:** Where an officer stops a vehicle and it is later determined that the stop was in error (ex: misreading of inspection sticker), the operator shall be informed of the error, no identification may be requested, and the operator shall be immediately released. Documentation of the stop shall be made in the current RMS.

V. MOTOR VEHICLE SEARCHES

- A. **Consent Searches:** Warrantless vehicle searches may be conducted by an officer whenever an individual who shares use, access, or control of the vehicle voluntarily allows the officer to search it. Consent may be revoked or limited by the individual at any time, or in any manner, at which point the officer shall either stop the search or abide by the limitation(s) accordingly. When asked, officers shall advise individuals that they have the right to refuse to consent to a search of their vehicle. Officers shall not use coercive or intimidated language to request consent to search, and officers shall inform the individual that they are under no legal obligation to consent.
- B. **Weapons Searches:** Weapons searches in vehicles are permissible whenever there is reasonable articulable suspicion to believe a dangerous weapon is immediately accessible by any occupant within the vehicle. Searches shall be limited to places within the interior passenger compartment where a weapon could be placed or hidden. Closed containers within the passenger compartment may only be opened and checked for weapons if the container is unlocked or could be quickly opened by any occupant(s).
- C. **Inventory Searches:** Officers may conduct warrantless inventory searches of lawfully impounded vehicles, in order to (1) document and safeguard the property contained within of any arrested vehicle owner and/or occupant(s) while the vehicle is impounded, (2) protect the Department against claims of lost or stolen property, and (3) protect officers from any potentially dangerous instrumentalities that may be in the vehicle. Officers may not use inventory searches as a ruse to search for potentially incriminating evidence.
- D. **Carroll Doctrine:** Officers may conduct warrantless vehicle searches where probable cause exists to believe that a vehicle in a public place contains contraband or evidence of a crime. The scope of any search shall be limited by the object of the search and places (to include containers) in which there is probable cause to believe the object may be found. Where probable cause justifies only a limited search of a vehicle for a particular container, the container itself may also be searched without a warrant.
- E. **Searches Incident to Arrest:** Where an arrestee is the driver, passenger, or recent occupant of a vehicle, the interior passenger compartment of the vehicle

may be searched incident to arrest only (1) if the arrestee is within reaching distance of the passenger compartment at the time of the search, or (2) it is reasonable to believe the vehicle contains evidence of the offense for which the person was arrested. These limitations do not prevent a more complete search of the passenger compartment based upon another exception to the warrant requirement, such as consent search, inventory search, or search based upon the [Carroll Doctrine](#) (motor vehicle exception).

F. **Documentation of Vehicle Searches and Requests**: Any search or request to search a motor vehicle shall be documented by the initiating officer as follows:

1. **Consent Searches**: Any officer who requests consent to search a vehicle from the person in control of the vehicle, shall document any item(s) seized as a result of that search, or the denial of consent to search as applicable.
 - a. Where a consent search request is denied, documentation shall be completed in the Field Contact or Incident Module in the current RMS.
 - b. Where a consent search is requested, granted, and no property or contraband is discovered, documentation shall be conducted in the Field Contact or Incident Module in the current RMS.
 - c. Where consent search is requested, granted, and property or contraband is discovered, both search and property disposition shall be recorded in an Incident Report in the current RMS. Reports shall include the event classification of “**VEHICLE SEARCH**,” documenting either a consensual search or denial of consent to search. Where a criminal violation occurs, the “**VEHICLE SEARCH**” classification is listed after the criminal offense.
2. **Non-Consensual Searches**: All non-consensual searches shall be documented in an Incident Report in the current RMS. Reports shall include the event classification of “**VEHICLE SEARCH**” to document the non-consensual search. Where a criminal violation occurs, the “**VEHICLE SEARCH**” classification is listed after the criminal offense. Non-consensual searches are not considered to be vehicle inventory searches (See [FCPD General Order 522](#), Impoundment or Seizure of Motor Vehicles).

VI. **VEHICLE CHECKPOINTS**

- A. Officers may use vehicle checkpoints for purposes of (1) inspecting motor vehicles, trailers, or semitrailers for equipment and operation, (2) manufacturer's serial or engine number(s), (3) enforcement of operator's license and vehicle registration laws, (4) apprehending alcohol and/or drug impaired drivers, and (5) other appropriate enforcement action for violations of law that come to the officers' attention during a checkpoint. This applies to inspection of motor vehicles, trailers, or semitrailers for the purposes defined in [Title 49 of the Code](#)

[of Federal Regulations, as adopted by the Virginia Code.](#)

- B. Vehicle checkpoints shall only be conducted pursuant to approved pre-determined operations plans that include clear and neutral officer screening restrictions. As all checkpoints constitute a legal seizure of an individual without reasonable suspicion or probable cause, checkpoints may only be conducted when the seizure is reasonable and pursuant to lawful purpose.
- C. An operational briefing shall be conducted prior to implementation of all checkpoints in order to ensure assisting personnel fully understands Department checkpoint policies and procedures and to designate assignments and duties.
- D. Mere avoidance of a checkpoint by a motorist does not by itself establish legal basis for a traffic stop. Officers must observe other articulable factors, to include traffic violations, that suggest a motorist is specifically evading a checkpoint.
- E. **Public Information and Awareness:** The Department may elect to publicly announce approximate time frames within which a checkpoint will be conducted and provide advanced notification to any other public safety agencies potentially impacted by operation of the checkpoint.
- F. **Supervisor Responsibilities:** Checkpoint sites are selected by the Operations Support Bureau (OSB) DWI Coordinator, or a first line supervisor with approval of their respective station/district commander using the following criteria:
 - 1. The location should foster safety objectives for both approaching motorists and officers within the checkpoint, giving special consideration to posted speed limits, traffic volume, and sight distance.
 - 2. Adequate space will be provided to park police vehicles and allow motorists to be pulled from traffic flow for interview or administration of field sobriety tests.
 - 3. Sufficient lighting shall be provided to ensure illumination of the checkpoint location and adjacent pull-off area. Where permanent lighting is unavailable, portable lighting shall be provided.
 - 4. The location must allow for placement of advance warning signs that clearly notify oncoming motorists of the sobriety checkpoint ahead. Flares, traffic cones, and other warning devices should be utilized to enhance safety.
 - 5. **Operations Plan:** An operations plan shall be developed for each checkpoint location by a first-line supervisor and approved by their respective station/division commander. Checkpoints specifically intended to screen drug and/or alcohol impaired drivers shall be reviewed and approved by the OSB Traffic Division Commander prior to implementation. Checkpoint plans shall include the following:

- a. Statistical data supporting selection of the checkpoint location.
 - b. Date, hours of operation, and location of each checkpoint location.
 - c. A contingency plan in the event safety considerations prevent checkpoint operations at the intended location.
 - d. Procedures for screening alternatives should traffic volume or other factors prevent the pre-planned method of screening. Methods for changing procedures, who will make the decision, and the alternative procedures will be listed in the operations plan and may not be deviated from by participating personnel. Vehicles shall not be stopped on a discretionary basis. All vehicles, regardless of type and to include commercial vehicles (ex: trucks, buses), shall be checked.
 - e. The number of officers to be assigned to the checkpoint.
 - f. A diagram of each checkpoint location depicting the roadway, placement of traffic control devices, and areas for administering field sobriety tests.
 - g. A list of required equipment for conducting the checkpoint.
- F. **Officer Responsibilities:** All officers who participate in checkpoints shall not deviate from established operations plans and will abide by the following:
- 1. Officers may not conduct checkpoints without first line supervisor approval.
 - 2. Vehicle stops based upon reasonable and articulable suspicion, such as observed violations of the Code of Virginia, may be conducted at checkpoints.
 - 3. All reasonable precautions shall be made to ensure the highest degree of safety is afforded to officers and community members at checkpoints. Patrol vehicles shall be parked in a manner to facilitate protection and high visibility to approaching motorists and all officers shall be in uniform, to specifically include hats and traffic safety vests.
 - 4. Officers shall advise motorists during their initial contact the reason(s) they were stopped and utilize officer discretion in the issuance of any summons.
- G. **Sobriety Checkpoints:** Sobriety checkpoints should be utilized in order to apprehend impaired drivers and increase “risk of apprehension” awareness to those motorists who would otherwise operate a vehicle under the influence of alcohol and/or drugs. The following guidelines shall be adhered to during all sobriety checkpoints:

1. **Supervisor:** A supervisor shall be present on scene and render all operational decisions. At the conclusion of the checkpoint, the supervisor shall provide a written report including the (1) date, time, and location of the checkpoint, (2) weather conditions, (3) number of vehicles passing through the checkpoint, (4) average time delay to motorists, (5) pre-determined order of selecting motorists, (6) number and types of arrests, (7) number of motorists detained for field sobriety testing, and (8) any unusual issues. The supervisor shall forward the sobriety checkpoint operations plan, any briefing notes or lesson plans, and the written report to the Commander of the Traffic Division or their designee.
2. Participating personnel shall be in uniform, wearing a ball cap or uniform hat and reflective traffic safety vest.
3. Traffic control measures shall be implemented to adequately warn approaching motorists of the checkpoint and patrol vehicles shall be parked to provide high visibility and protection for officers within the checkpoint.
4. Adequate space (ex: coned traffic lane, wide shoulder area, etc.) shall be provided away from the checkpoint for the parking and potential impound of suspected impaired drivers' vehicles and administration of field sobriety tests.
5. Officers may stop any vehicle where the driver exhibits articulable signs of impairment.
6. Sufficient personnel shall be provided as screening officers and all vehicles, regardless of type, shall be subject to screening procedures. Officers shall advise motorists of the purpose for the stop and keep delays to a minimum to conduct their investigation.
7. Where articulable signs of impairment are detected or observed, officers shall perform investigatory and/or arrest procedures in accordance with Department policy and training. Initiating officers shall be responsible for any field sobriety tests, potential arrests, and transportation. Drivers who are not subject to investigation or arrest shall be directed back into traffic.

H. **Commercial Motor Vehicle Checkpoints:** Officers who have satisfactorily completed training in the inspection of commercial motor vehicles (CMV), and are certified "Special Agents" of the Federal Motor Carrier Safety Administration, are granted authority under [Title 49, 396.9 of the Code of Federal Regulations](#) to stop and inspect any commercial motor vehicle or trailer and take appropriate enforcement as warranted. CMV checkpoint locations are selected as follows:

1. Checkpoint locations shall be in open areas (ex: parking lots), during approved time frames and in appropriate weather and traffic conditions.

2. Adequate visibility shall be provided whenever an inspection site is located adjacent to a roadway to provide safety to approaching motorists and officers within the checkpoint.
3. Checkpoint locations shall have adequate space designated to park police vehicles and allow motorists to be removed from traffic flow.
4. Where a CMV checkpoint is conducted on private property, permission of the property owner or agent shall be secured prior to checkpoint initiation.
5. The Traffic Safety supervisor or their designee shall be responsible for planning, implementation, and establishment of procedures for stopping and inspecting vehicles during CMV checkpoints.
6. At the direction of any Motor Carrier Safety qualified officer, Traffic Division Officers may escort CMVs into the CMV checkpoint location for inspection.
7. All CMV inspections shall be documented on a Motor Carrier Safety Inspection Form (PD110) or recorded in the ASPEN database.

VII. LEGAL REFERENCES

- A. [AZ vs. Gant, 556 U.S. 332 \(2009\).](#)
- B. [Delaware v. Prouse, 440 U.S. 648 \(1979\).](#)
- C. [Michigan vs. Long, 463 U.S. 1032 \(1983\).](#)
- D. [Michigan State Police v. Sitz, 496 U.S. 444 \(1990\).](#)
- E. [Carroll v. United States, 267 U.S. 132 \(1925\).](#)
- F. [Colorado v. Bertine, 479 U.S. 367 \(1987\).](#)
- G. [Bailey v. Commonwealth, 28 Va. App. 724, 508 S.E.2d 889 \(1999\).](#)
- H. [Crouch v. Commonwealth \(1997\).](#)
- I. [Hall v. Commonwealth \(1991\).](#)
- J. [Fourth Amendment of the US Constitution -- Search and Seizure.](#)
- K. [Fourteenth Amendment of the US Constitution -- Rights Guaranteed: Privileges and Immunities of Citizenship, Due Process, and Equal Protection.](#)
- L. [Title 49 CFR § 396.9 - Inspection of motor vehicles and intermodal equipment in operation.](#)

- M. [Va. Code Ann. § 15.2-1722.1](#), Prohibited Practices, Collection of Data.
- N. [Va. Code Ann. § 4.1-1302](#), Search without warrant; odor of marijuana.
- O. [Va. Code Ann. § 46.2-103](#), Stopping Vehicles for Inspection or to Secure Information.
- P. [Va. Code Ann. § 52-30.2](#), Prohibited Practices; Collection of Data.
- Q. [Virginia Community Policing Act](#).

General Order 603 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

APPROVED BY:



Chief of Police



County Executive