
GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: SERVICE, INVESTIGATIONS, AND ARRESTS AT COUNTY PUBLIC SCHOOL FACILITIES	NUMBER:	601.5
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CANCELS ORDER DATED: 1-1-06	DATE:	1-1-13
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I. PURPOSE

The purpose of this directive is to establish guidelines to be followed by the Fairfax County Police Department regarding police response to events or situations occurring within the public school system. These procedures are intended to provide for a coordinated and effective response in preventing and addressing school disruptions and to promote an effective exchange of information and cooperation between these two agencies.

II. POLICY

This policy is set forth recognizing the impact certain events at schools present to the students, the community, and the Police Department. The policy of the Fairfax County Police Department is to protect students, faculty and property, and allow for the normal continuance of the educational process. The prevention of disruptions to the school environment is considered a priority in all police responses.

III. DEFINITIONS

- A. Controlled Substance: Any substance unlawful to possess on school grounds to include alcohol, illegal drugs, and imitation controlled substances as defined in school regulations.
- B. Weapon: Any device capable of inflicting injury or as defined in Code of Virginia Section 18.2-308 or School Regulations.
- C. Principal: The chief administrator of a school or their designee.
- D. School Official: The principal, sub-school principals, school administrators, and others authorized to act on behalf of the principal.
- E. School Resource Officer (SRO): A police officer assigned to a school on a full or part-time basis, whose activities are governed by a Memorandum of Understanding between the Chief of Police and the Superintendent of Schools.
- F. Traumatic incident: Any event which by its nature can have a significant psychological or emotional impact on the students, faculty, or community.

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- G. Serious incident: Any criminal incident or breach of the peace which requires a police response.

- H. Cluster Assistant Superintendent: The school administrator responsible for administrative oversight and management of a group of Fairfax County Public Schools within a specific geographic area.

IV. PROCEDURES

- A. Upon arrival at the school, the officer shall contact the school official responsible for requesting police assistance and determine the need for additional or specialized assistance. To minimize disruption to the school, units determined not to be necessary will return to service as soon as possible.

- B. Should the school principal determine that partial or total evacuation is necessary, the officer(s) shall provide whatever assistance is required and ensure notification is made to the district station commander and the Public Information Office.

- C. Any officer responding to a school on a complaint involving a controlled substance shall first determine if the case can result in criminal prosecution. If no prosecution will occur, the controlled substance will be collected for destruction and disposed of according to General Orders and Standard Operating Procedures. If prosecution will occur, the officer will determine that probable cause exists, determine the evidentiary chain of custody and process the controlled substance accordingly. The investigating officer will be responsible for seeking petitions or warrants, filing lab sheets with the appropriate court, requesting subpoenas and notifying the school officials of the laboratory results.

An SRO who collects a controlled substance may initially store the evidence in the locked storage compartment provided by the school. The SRO shall not store controlled substances at the school beyond the end of the day it was collected. Evidence shall be taken to a Department facility and stored according to General Order 610.2, Custody of Controlled Substances and SOP 07-030, Narcotic Delivery and Transport Policy.

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- D. Any officer responding to a school on a complaint involving a weapon shall first determine if the case can result in criminal prosecution. If no prosecution will occur, the weapon will be collected for destruction and disposed of according to General Orders. If prosecution will occur, the officer will determine that probable cause exists, determine the evidentiary chain of custody and process the weapon accordingly. The investigating officer will be responsible for seeking petitions or warrants and requesting subpoenas.

An SRO who collects a weapon or any other evidence to be used in a criminal prosecution may initially store the evidence in the locked storage compartment provided by the school. The SRO shall not store weapons or other evidence at the school beyond the end of the day it was collected. Evidence shall be taken to a Department facility and stored according to General Order 610.1, Custody of Property.

- E. *Code of Virginia* Section 63.2-1518 provides that a police officer may talk with any child suspected of being abused or neglected or to any of their siblings without the consent of and outside the presence of the parent, legal guardian, or school personnel.
- F. Should it become necessary for police to question a student in school or on school grounds, the officer shall first notify a school official. Officers shall secure permission from a parent or legal guardian prior to questioning (unless exempted, pursuant to *Code of Virginia* Section 63.2-1518).

This section does not pertain to SROs as they are granted a special dual status as a police officer and as an extension of the school staff by a Memorandum of Understanding between the Chief of Police and the Superintendent of Schools. This special status permits a greater direct access to students by SROs by virtue of their position. SROs shall continue to notify a parent or person acting as a parent in situations requiring physical custody arrests as outlined in General Order 602.2, Arrest and Detention of Juveniles.

- G. The school official shall provide a location where interviews may be conducted without embarrassment to the student. School officials may be present during interviews unless the case involves reported child abuse or neglect. School officials may be present during interviews involving reported

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child abuse if their presence is determined by the police to be of assistance or necessary to further the interview or minimize impact on the child.

- H. Unless otherwise dictated by public safety or investigative needs, every effort should be made to serve petitions and warrants on students and school employees after school hours. A school official shall be notified as soon as practical of any arrest effected during school hours or on school grounds.
- I. Any traumatic incident which comes to the attention of the Department and may impact the school shall require the officer to notify the principal as soon as practical. This may include the violent death of a student, an event requiring a significant police response near the school, or an event which would affect the safety or welfare of the school. Notice shall be provided for all such incidents, including those that occur after school hours or during school breaks.

The School Liaison Commander (SLC) shall also be notified as soon as practical of traumatic incidents. The SLC will assist in ensuring appropriate notifications are made to the school division. The SLC will also help to secure cooperation in obtaining resources and assistance from the school division for the Department.

- J. The School Board has established certain guidelines by which they will release information on students. These guidelines are established to ensure compliance with Title 20 US Code, Section 1232G, known as the Family Educational Rights and Privacy Act (FERPA). The conditions set forth in FERPA are more restrictive than state law and therefore supersede *Code of Virginia* Section 22.1-287(A)(5), which grants law enforcement access to student information "in the course of his duties."

"Directory information" may be released without parental consent unless the parent has indicated in writing to the school that such information is not to be released. School Regulations regarding the information items that are designated as "directory information" is subject to change. FCPS will release information according to the current version of the applicable school regulations. Directory information may include:

1. The student's name, including nickname(s)

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2. Participation in officially recognized activities and sports
3. Height and weight, if a member of an athletic team
4. Birthdate
5. Attendance Record
6. Awards and honors received
7. School and grade
8. Photographs and other images
9. Name of parent/guardian/individual with whom student lives
10. Student gender, primary or home language
11. Address and phone number

Information about students may be released to police officials without permission or consent in connection with an emergency, if the knowledge of such information is necessary to protect the health and safety of a student or other person.

When student information is necessary to further a police investigation and it is not available as "directory information" and the circumstances cited above are not met, then a search warrant will be required. In addition to normal distribution guidelines, copies of the search warrant and affidavit shall be faxed to the School Liaison Commander at 571-423-2017 and to the FCPS Office of Operations and Strategic Planning 571-423-4103. Search warrants seeking student images/video shall be coordinated with the Office of Safety and Security at 571-423-2010.

- K. If a district station commander or school principal feels that special police enforcement measures need to be taken on school premises such as undercover drug or alcohol enforcement, the Patrol Bureau commander shall first approve such measures.

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- L. The officer shall notify the Department's Public Information Office of any event which occurs on school grounds and which requires police intervention of such a nature or scale as to result in media or citizen inquiries.

- M. Criminal incidents occurring on school property and/or such incidents involving students traveling between school and home may result in both a Police Department criminal investigation and a school division administrative investigation. Except in cases of felonies, violent misdemeanors, or the imminent risk of harm, the administrative investigation should occur first. If the officer deems it necessary for the criminal investigation to occur first, the officer must notify the responsible administrator at the school. The SLC should be considered as a resource to resolve any conflicts between the school administrator and the SRO.

- N. There may be times when an SRO is party to a conversation or administrative investigation, and may hear incriminating information from a student that requires further investigation. The SRO shall contact a supervisor, and the supervisor will request another SRO or a detective to respond and complete the investigation. Information that the primary SRO heard in the initial contact should be considered compelled, and may not be shared with the officer investigating the criminal activity. The primary SRO may give a brief description of the criminal nature of the investigation, but nothing more. Statements and/or descriptions that a student or administrator may have shared with the SRO may not be shared with the investigating officer. However, the exception of an imminent threat (planned shooting, bomb, or other violent act) will always exist.

- O. When a school defers an administrative investigation to cooperate with a criminal investigation, the Department will reciprocate by having the proper personnel attend requisite school hearings to testify and/or present evidence as needed. Conflicts arising regarding what testimony and/or evidence from the criminal case is being requested by the school should be resolved between the SLC and school division counsel.

V. LEGAL REFERENCE

Code of the United States

- 1. Title 20, Section 1232G

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Code of Virginia

1. 19.2-81
2. 63.2-1518

VI. ACCREDITATION STANDARDS REFERENCE

VLEPSC

- OPR.
- 04.01
- 04.02
- 04.03
- 04.04

This General Order becomes effective January 1, 2013, and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

APPROVED BY:


Chief of Police


County Executive