

I. PURPOSE

To identify sources of legal assistance that are available to Fairfax County Sheriff's Office personnel in matters relating to agency operations, and the performance of employees; to define the scope of assistance which may be obtained from each source.

II. POLICY

It is the policy of the Fairfax County Sheriff's Office that legal assistance is available to the Sheriff and other staff as needed in the performance of their duties.

III. PROCEDURE

A. Legal assistance is available from the following:

1. State Attorney General: Opinions and interpretation of State Law and Regulations.
2. Commonwealth Attorney: Assistance in criminal matters and writs of habeas corpus.
3. County Attorney: Opinions and interpretations of County Ordinances and Regulations. Defense in cases involving litigation against both the County and Sheriff's Office.
4. Sheriff's Office Attorney: Defense in cases involving litigation against the Sheriff's Office or its employees where compensation, punitive damages, or both, are sought.

B. The County and Sheriff's Office Attorney are available to review the constitutionality of Standard Operating Procedures to ensure consistency with recent court decisions and for consultation regarding service of civil process.

C. The following procedures shall apply when requesting assistance from the Sheriff's Office Attorney:

1. Exhaust all remedies through the chain of command and other legal services, i.e. County Attorney, Commonwealth Attorney, Attorney General, etc.
2. Only the following individuals are authorized to forward requests for assistance to the Sheriff's Office Attorney: Sheriff, Chief Deputy Sheriffs, Division Heads, Staff Duty Officers in emergencies or during non-working hours, and when regarding service of civil process, the Chief, Court Services Branch.
3. Whenever possible, legal service requests should be put in writing and forwarded through the chain of command to the Sheriff. The request should contain as much helpful information as possible, e.g. relevant code sections, prior case law, etc. The specific question asked of the attorney and the person making contact with the law firm shall document the answer received along with the date and time of contact.
4. The Department attorney's home phone number may be provided to the Command Staff but will not be distributed to anyone else.

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 013
SUBJECT: LEGAL ASSISTANCE**

- D. Those matters and situations requiring legal assistance or review will be referred to the Sheriff via the Chief, Correctional Services; Chief, Court Security & Services; Chief, Administrative Services or Chief, Community Corrections Division.
- E. All lawsuits received by departmental personnel involving the Fairfax County Sheriff's Office will be delivered to the appropriate Chief Deputy immediately upon receipt.

01/01/00
DATE APPROVED

7/1/91
EFFECTIVE DATE



**STACEY A. KINCAID
SHERIFF**