

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

**SOP NUMBER: 704
SUBJECT: WEAPONS AND PROHIBITED
ITEMS IN THE COURTHOUSE**

I. PURPOSE

- A. To establish policies and procedures for law enforcement officers being armed while in the Fairfax County Courthouse and all General District Satellite Courts.
- B. To describe the duties and responsibilities of the Court Security Deputy (CSD) when weapons enter the courtroom as evidence.
- C. To establish policies and procedures regarding items prohibited in the Fairfax County Courthouse by non-sworn courthouse employees.

II. POLICY

- A. Law Enforcement Officers
 - 1. It is the policy of the Fairfax County Sheriff's Office and by order of the Chief Judge of the Circuit Court that only uniformed law enforcement officers in the following jurisdictions will be allowed to carry their department issued firearm within the Fairfax County Courthouse and all General District Satellite Courts to include the courtrooms. These jurisdictions include:
 - a. Fairfax County Sheriff's Office
 - b. Fairfax County Police Department
 - c. Fairfax County Animal Protection Police
 - d. Fairfax City Police Department
 - e. Town of Herndon Police Department
 - f. Town of Vienna Police Department
 - g. Virginia State Police
 - 2. While armed in the Fairfax County Courthouse and all General District Satellite Courts, law enforcement officers from the above listed jurisdictions must adhere to the following:
 - a. Wear their standard Class A or Class B uniform. Although the terminology for some jurisdictions may differ, the uniform shall display their official departmental patch on both shoulders, badge of authority displayed on the uniform shirt and any other uniform items specific to each department.
 - b. Be conducting official law enforcement business.
 - c. Secure firearms in a holster that is approved by each department's Standard Operating Procedures/General Orders for on-duty wear while in uniform. Law enforcement officers wearing a holster that does not contain some form of retention will not be permitted to carry their firearm.
 - d. It is the policy of the Fairfax County Sheriff's Office that all firearms

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entering a courtroom where it may be introduced as evidence will be checked and cleared of any live ammunition by the CSD. After the CSD has verified that the weapon is safe, he or she will return the weapon to the law enforcement officer.

- e. Individuals by the nature of their position that require an armed protective detail may from time to time visit or conduct business within the Fairfax County Courthouse. These individuals include but are not limited to: Elected Officials, United States Cabinet Members, Virginia Cabinet Members, visiting judges, etc. Their protective detail will be allowed to carry their department issued service weapon whether they are in uniform or plain clothes. The Commander, Court Services Division or the Chief, Court Security Branch and the Chief Judge of the Circuit Court will make the appropriate notifications.
- f. Regardless of jurisdiction, law enforcement officers who are wearing plain clothes/civilian attire conducting either official law enforcement or personal business will not be permitted to carry a firearm in the Fairfax County Courthouse or General District Satellite Courts to include all courtrooms. This is by order of the Chief Judge of the Circuit Court.
- g. Law enforcement officers who are wearing plain clothes/civilian attire conducting official law enforcement or personal business in the Fairfax County Courthouse will secure their weapon prior to entering the courthouse, in gun lockers provided by the Sheriff's Office or in the Police Liaison Office. Gun lockers provided by the Sheriff's Office are located at the employee entrance.

B. General Employees

- 1. General county employees and officers of the court are prohibited from bringing the following items into the Fairfax County Courthouse:
 - a. Firearms
 - b. Knives/Razors
 - c. Stun Weapons
 - d. Pepper Spray/Mace
- 2. The provisions of this provision shall not apply to the following:
 - a. Any person possessing a knife customarily used for food preparation or service and using it for such purpose.
 - b. Any person possessing a knife or blade which he/she uses customarily in his/her trade.

III. DEFINITIONS

Firearm - Any weapon from which a missile is hurled by an explosive.

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Weapon - Any instrument capable of inflicting bodily harm.

"To make a firearm safe" – A firearm is safe when all rounds have been removed

from the firearm and the weapon is rendered mechanically incapable of discharging.

IV. PROCEDURE

- A. Contracted Security Company officers provide security screening at the Fairfax County Courthouse and all General District Satellite Courts. They will ensure that only uniformed law enforcement officers from jurisdictions outlined in SOP 704, Section II, A. are permitted to carry their department issued firearm.
- B. Contracted Security Company officers will direct law enforcement officers from jurisdictions not listed in SOP 704, Section II, A, and those who are wearing plain clothes/civilian attire to secure their firearm in their vehicle, in a gun locker provided by the Sheriff's Office, or in the Police Liaison Office.
- C. Prior to the opening of court, the CSD shall contact the Commonwealth's Attorney to determine if there will be any case(s) where a firearm will be presented as evidence. The CSD will ensure that all firearms brought into the courtroom as evidence will be in the custody of a law enforcement officer. The law enforcement officer will maintain custody of any firearm which may become evidence until said firearm has been entered as evidence. After the firearm has been identified and entered as evidence by the court, the clerk will take charge of that firearm and secure it according to the policy of his or her court. If the firearm is not entered into evidence, it will remain in the custody of the law enforcement officer.
- D. Circuit Court – If the evidence to be presented is a firearm, it is the responsibility of the CSD to ensure that the weapon is made safe. The CSD and the law enforcement officer who has custody of the firearm will both visibly and physically inspect the firearm to verify that it is safe. If the CSD determines that the firearm is not safe, he or she will take control of the firearm. The CSD and the law enforcement officer will both report to a secure area so that the proper steps may be taken to render the firearm safe. The CSD will then advise the court that the firearm is safe. If the CSD is unable to make the firearm safe, he or she shall ask the court for a recess. The CSD will never permit a firearm into evidence until he or she has verified that the firearm is safe.
- E. General District Court - If the weapon is a firearm and it is to be presented as evidence it is the responsibility of the CSD to ensure that the firearm is safe. In the General District Court, the same rules apply as for Circuit Court.
- F. Juvenile Domestic Relations Court – If the weapon is a firearm and it is to be presented as evidence it is the responsibility of the CSD to ensure that the firearm is safe. In the Juvenile and Domestic Relations Court, the same rules apply as for Circuit Court.
- G. The CSD is responsible for providing safety and security of the courtroom and the presiding judge. Should the CSD notice any individual in possession of an unknown or suspicious package or container, the CSD shall approach that individual and take the necessary steps to ensure that those items pose no threat to the safety and security of the courtroom or the judge. When a witness is called to the stand, they will be permitted to carry only those items necessary for their testimony. All other items will be left on the front bench or on the floor in front of the witness stand.

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- H. The safety and security of the Fairfax County Courthouse, the Historic Courthouse, all courtrooms, and the judges is the primary responsibility of the Sheriff's Office. This policy applies to the outlying courtrooms of Herndon, Vienna, and Fairfax City. If any instruction in this SOP conflicts with that of the presiding judge, the CSD should advise his or her immediate supervisor.

V. TRAINING

- A. This policy will be part of roll call training each year for all divisions in the Sheriff's Office.
- B. The Court Security Section will provide roll call training annually to the contract security officers regarding this policy and procedure.
- C. The Sheriff or her designee will initially send an official memorandum to each jurisdiction outlined in SOP 704, Section II, A and any updates as needed for dissemination to their respective staff.
- D. The Commander, Court Services Division or his/her designee will review this policy annually and update it as needed.

**04/01/91
DATE APPROVED**



**STACEY A. KINCAID
SHERIFF**

**08/03/2020
EFFECTIVE DATE**

**Revised: January 1991, April 2014, October 2015, December 2015, August 2018, May 2019,
January 2020, July 2020**