

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

**SOP NUMBER: 531
SUBJECT: CRIMINAL WARRANTS
AND INVESTIGATIONS**

I. PURPOSE

To outline the basic duties and responsibilities of deputies conducting investigations of criminal acts and the executing of criminal warrants.

II. POLICY

It is the policy of the Fairfax County Sheriff's Office that investigations pursuant to a criminal warrant and the execution of criminal warrants are conducted in accordance with the Code of Virginia 19.2-81 and 19.2-72.

III. PROCEDURE

A. Criminal Investigations.

Incidents of possible criminal activity that occur under the jurisdiction of the Fairfax County Sheriff's Office will require preliminary investigation in order to determine if criminal charges should be pursued. Many of the same steps should be used when pursuing in-house disciplinary charges that might stem from the same activity.

1. The deputy will secure the scene and preserve evidence to ensure it is not contaminated or destroyed;
2. Provide medical attention to the injured;
3. Notify supervisor;
4. Determine if an offense has been committed, and if so, the exact nature of the offense;
5. Determine the identity of the suspect or suspects;
6. Identify possible witnesses;
7. Determine what information the victim knows if a person is involved;
8. Determine what information witnesses know if it is a property crime;
9. Arrange for the collection of evidence and crime scene processing;
10. Determine in detail the exact circumstances of the event;
11. Obtain written statements from victims, witnesses and the suspect(s), if such statements can be obtained legally. (Miranda Rule found in SOP 511);
12. Petition the Magistrate or Courts for appropriate orders in accordance with the Code of Virginia, if necessary. i.e. Emergency Protective Order.
13. Prepare a written report of the incident on the Sheriff's Incident Reporting System (SIRS).
14. When a deputy has determined that a crime has been committed by an inmate

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confined to the Adult Detention Center or the Alternative Incarceration Branch and criminal charges should be initiated, the deputy will present the facts to the magistrate. If the warrant is issued, the deputy will execute the warrant and take the inmate before the magistrate to have a bond and a court date set;

15. The investigating deputy may decide to initiate in-house charges in addition to or in lieu of criminal charges. The steps for this process are found in SOP 613 Administration of Discipline.
 16. When a deputy has determined a crime has been committed and a criminal investigation role is essential to the case, the deputy will request assistance from the Fairfax County Police Major Crimes Division (MCD). When the need for a Detective arises after regular work hours, DPSC will be contacted and a request will be made to have the "on-call" Detective respond to the scene.
 17. The FCPD Major Crimes Division (MCD) will be responsible for conducting the criminal investigation into the following events involving an inmate in the custody of the FCSO:
 - a. Death.
 - b. Sexual Assault.
 - c. Injury or illness that poses immediate risk to an inmate's life.
 18. Upon the request of the FCPD, the FCSO will provide the FCPD with unrestricted access to any area under their control of the Fairfax County ADC or the Fairfax County Courthouse that the MCD Detectives deem necessary in order to conduct their criminal investigation. Upon conclusion of the criminal investigation, the FCPD will provide a copy of the case file to the FCSO for its administrative investigation.
- B. Follow up Investigation by the Supervisor/Adult Detention Center and the Alternative Incarceration Branch.

Supervisors will ensure that an adequate and complete preliminary investigation has been made by;

1. Reviewing the preliminary report; approving only those reports that have factual information as to who, what, when, why and how;
2. Conducting additional interviews and interrogations when necessary;
3. Supervise preparation of the case file;
4. Ensure that physical evidence has been collected and preserved;
5. Verify identification, and if not in the current custody of the Fairfax County Sheriff's Office, ensure that the apprehension of the suspect is made;
6. Assist in the prosecution of the case;
7. If the need for an in-person or photographic lineup occurs during a criminal investigation, the investigating deputy will contact the Fairfax County Police

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Department for assistance.

8. If the application of force is used during the course of the incident, ensure a use of force investigation is conducted.
- C. Management and screening of Adult Detention Center and the Alternative Incarceration Branch inmate criminal investigation files.
1. The Chief of Confinement, or his designee, will serve as the coordinator to establish a control system for monitoring the status of each case and maintain the files in a central location.(This supervisor currently has control of the evidence vault).The coordinator will ensure that first line supervisors have reviewed all working documents related to the cases originated within their area of responsibility, and that the arresting deputy has produced a file that will include, but not be limited to the following documents;
 - a. Incident reports.
 - b. Witness statements.
 - c. Suspect(s) statements.
 - d. Physical evidence inventory.
 - e. Physical evidence to be stored in a controlled environment.
 - f. Supervisors follow up report (if separate form Incident Report).
 - g. Laboratory test statements.
 - h. Copy of Criminal warrant.
 - i. Court dates and any continuances.
 2. The files will be kept in a secure location accessible to the Sheriff, a Chief Deputy Sheriff, Coordinator, supervising deputy, arresting deputy and others that may be designated by the Sheriff. A register will be maintained for access to the file.
 3. The files will be screened by the coordinator to ensure deputies are prepared for their court dates, status of the case has been maintained, or the cases have been adjudicated and should be tagged for further purging.
 4. The coordinator will purge the working files from the system two years after adjudication or no prosecution by the Commonwealth Attorney's Office.
 5. All arrest data as a result of criminal investigations will be forwarded by the coordinator to the Civil Enforcement Branch.
- D. Victim/Witness Protection
1. Adult Detention Center

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The investigating deputy will identify any victims and witnesses of a crime. It is the responsibility of this deputy to ensure that they receive protection from harm and threats of harm arising out of their cooperation in the investigation and possible prosecution. The amount of protection will be based on the threat level as evaluated by the victim/witness and the investigating deputy. The deputy will:

- a. Provide medical assistance, if necessary.
- b. Move victim/witness to secure housing, if available or if necessary.
- c. Document threat level in the incident report and indicate whether or not the victims/witnesses should be placed on the "keep separate" list from the suspect(s).
- d. Notify the Chaplain or Forensic staff on behalf of the victim/witness if requested.
- e. Refer them to the Fairfax County Police Victim/Witness Unit for any further assistance. Deputies will obtain information cards about Victim/Witness rights from their supervisors.

2. General Public

Deputies acting in a law enforcement capacity conducting a preliminary investigation will take the following actions involving victim/witness protection:

- a. Give victim/witness information about services offered through the Victim/Witness Unit of the Fairfax County Police Department.
- b. Advise victim/witness what to do in case they are threatened or intimidated by the suspect or the suspect's companions or family.
- c. Inform the victim/witness of the case number and subsequent steps in the processing of the case.
- d. Provide the victim/witness with the telephone number to call with additional information about the case or to receive information about the status of the case. After the preliminary investigation, the case will be turned over to the Major Crimes Division (MCD) of the Fairfax County Police for further investigation (703-691-2131).
- e. If necessary, petition for an emergency protective order for the victim/witness.
- f. Provide transportation to the victim/witness to safe places or medical facilities, if necessary.
- g. Refer them to the Fairfax County Police Victim/Witness Unit (246-2141) for further assistance. Insure they have received the card specifying Victim/ Witness Rights.

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E. Criminal Warrants executed by agency personnel

1. Detainers- If an outstanding warrant is found to exist on an inmate in our custody for a jurisdiction in Virginia, other than Fairfax County, a request for confirmation is sent to the originating agency. Upon confirmation, the warrant will be executed and the inmate and the inmate taken before the magistrate to have the bond set. If the detainer is from out of state, the Fairfax County police will be notified upon completion of the local charges, and they will execute a Fugitive warrant. The detainer will be placed in accordance with SOP 526.
2. Probation Violations - See SOP 526, Section III, paragraph G.
3. Bond Surrenders - See SOP 526, Section III, paragraph H.
4. Governors Warrants - See SOP 526, Section III, paragraph K.

F. Execution of Local Criminal Warrants

Courts may issue warrants to the Warrant desk, for inmates in custody. The booking deputy will call for the inmate to be brought from the housing unit, execute the warrant and give the inmate a copy. The inmate will be taken before the magistrate to have a bond set. The inmates booking record will be updated.



**STACEY A. KINCAID
SHERIFF**

**01/01/00
DATE APPROVED**

**10/11/99
EFFECTIVE DATE**

Revised: November 2007, May 2008, October 2017