



VIENNA POLICE DEPARTMENT  REGULATION	SUBJECT: GENERAL ORDERS		NUMBER: 600
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	TOPICS: ENFORCEMENT AND SERVICES		
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600 Enforcement & Services

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601 BIAS BASED PROFILING

- A. The Vienna Police Department is committed to preserving the peace and maintaining order in our community by practicing bias-free policing and respecting the rights and dignity of all.
- B. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures. Except as provided below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions.
- C. In an effort to prevent inappropriate perceptions of biased based law enforcement, officers will utilize the following strategies when conducting pedestrian and vehicle stops:
1. Be courteous, polite, and professional.
 2. Greet the citizen with appropriate title and explain the reason for the stop as soon as practical, unless providing this information will compromise the safety of officers or other persons. In vehicle stops, provide this information before asking the driver for his/her license and registration.
 3. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
 4. Answer any questions the citizen may have, including explaining options for the dispositions of related enforcement action.
 5. Provide the officer's name and badge number when requested.

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6. Explaining the credible, reliable, or locally relevant information that lead to the stop or contact when no enforcement actions were taken and/or it is determined that the reasonable suspicions were unfounded.
- D. Ongoing training will be provided to all enforcement personnel in relation to cultural diversity.
 - E. In our continued efforts to foster positive relationships with the community, and in our commitment to lawful and ethical behavior, any officer found to be involved in inappropriate biased based policing will be subject to disciplinary actions based on General Order 400.
 - F. The Support Services Division commander will be responsible to complete an annual review of agency practices involving biased based policing to the Chief of Police. At a minimum the review will include:
 1. An analysis of citizen complaints and/or comments received regarding bias based policing;
 2. An overview of training conducted; and
 3. Recommendations, if any, for changes in procedures and practices
 - G. Any complaint of an alleged violation of General Order 601 shall automatically facilitate an Internal Affairs formatted investigation.


602 SELECTIVE TRAFFIC ENFORCEMENT

1. Selective Traffic Enforcement


Selective traffic enforcement is an activity of the Field Operations Division. Selective traffic enforcement functions include the following:

- A. An analysis by the Traffic Section supervisor of traffic crashes. Analysis of traffic crashes will include at a minimum the following factors:
 1. Month, day and hour;
 2. Location and direction, weather and road conditions;
 3. Driver action, to include violations;
 4. Types of vehicles involved.

This information will be gathered from crash investigation reports submitted to the Records Section.

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- B. A monthly analysis by the Traffic Section supervisor of traffic enforcement activities. The traffic complaints received during the month will be reviewed along with the summonses issued to determine if adequate enforcement is being applied to the identified high violation rate locations. The Records Section shall assist by providing the necessary data for the analysis;
- C. The scheduling of selective enforcement in areas where analysis of traffic crashes and violations indicates that special attention is needed. The Traffic Section supervisor shall issue a monthly schedule of selective enforcement locations based on the preceding analysis. The schedule shall be approved by the Operations Division commander prior to implementation. Patterns of similar causes or sudden increases in the severity or number of crashes or violations at a specific location are valid criteria for extra enforcement.
- D. Selective Enforcement Assignments.
 - 1. The Traffic Section supervisor shall provide a monthly selective enforcement activities schedule. Selective enforcement sites shall be worked by a traffic enforcement unit when available. If a Traffic Enforcement Unit is not able to monitor a selective enforcement site, supervisors shall assign a patrol officer to the assignment. If an assigned site is not monitored, the officer who was responsible shall report which assignment was missed and the reason to their supervisor.
 - 2. Selective enforcement activities will be based on an analysis of traffic crash data, citizen complaints and officer knowledge. Enforcement efforts shall be directed toward driving behavior that contributes to crashes. These selective enforcement sites shall not be limited to the enforcement of speeding violations. These sites will be utilized for the enforcement of violations in proportion to the frequency with which they occur in crashes and for responding to traffic related needs identified in the community.
- E. On an annual basis, the Traffic Section supervisor will evaluate the selective enforcement program, to include an analysis of all traffic crashes. This review should ascertain whether the enforcement efforts have met their objectives. A comparison of current accomplishments to past accomplishments shall be included. Upon completion, the report shall be submitted to the Chief of Police through the chain of command.

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F. Traffic Enforcement Unit. All uniformed patrol officers are responsible for the safe flow of traffic throughout the Town; however, officers of the Traffic Enforcement Unit are tasked with this responsibility as their primary objective. Officers of the Traffic Enforcement Unit are supervised by the Traffic Section supervisor. Specific duties of the Traffic Enforcement Unit will include but are not limited to:

1. Operations of speed measuring devices;
2. Parking control and enforcement;
3. Traffic law enforcement;
4. Traffic and speed studies and analysis;
5. Analysis of crash reports and records.

2. Enforcement Action

Officers shall take appropriate enforcement action for each violation of traffic law witnessed or reported to them. All enforcement action shall be accomplished in a firm, fair, impartial and courteous manner using one of the following procedures.

A. Physical Arrest.


1. Officers shall make a physical arrest in compliance with the Code of Virginia, '46.2-940, Under the following circumstances:
 - a. If the person is believed to have committed a felony;
 - b. If the person is believed to be likely to disregard a summons issued under Code of Virginia, '46.2-936;
2. Officers shall make a physical arrest in compliance with the Code of Virginia, '18.2-266, when a person is believed to be operating a motor vehicle while under the influence of alcohol or other intoxicants.
3. Officers may make a physical arrest when a person has committed a traffic violation and is licensed by a state which does not have a reciprocal agreement with Virginia. All physical arrests must be based on sound legal principles in conjunction with reasonable judgment and discretion.

B. Issuance of Traffic Summons.

The issuance of a traffic summons is applicable in most cases for those violators who commit a traffic offense which jeopardizes the safe and efficient flow of vehicular or pedestrian traffic.

C. Verbal and Written Warnings.

A warning is a proper alternative for officers when enforcing a minor traffic offense committed in areas where traffic crash potential is minimal. Warnings are also appropriate for violations which occur within tolerances generally allowed by the Vienna Police Department.

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3. Special Processing Requirements

Contained within this section are procedures for handling situations which require a law enforcement response of a different nature than would be required under normal circumstances.

A. Juveniles


1. Juveniles who have committed a traffic offense will not be taken into custody but will be issued a summons. Juveniles will only be taken into custody in accordance with General Order 600.
2. In cases where a juvenile has been taken into custody, the officer shall notify the parents as soon as possible.
3. If the officer deems that further custody is required pending a hearing, juvenile intake shall be contacted for authorization. Juvenile custody procedures shall be followed in compliance with General Order 703.

B. Foreign Diplomats and Consular Officials

1. Officers may stop diplomatic and consular personnel for traffic offenses. A summons may be issued because it does not constitute an arrest or detention, although the signature of the official may not be required. Officers should not hesitate to follow normal procedures to intervene in a traffic offense which they have observed, even if immunity bars any further action at the scene.
2. Sobriety tests may be offered but may not be required or compelled. If the officer suspects that the individual may be intoxicated, the officer shall not permit the individual to drive. The officer's primary duty is the safety of the community and of the intoxicated individual. Options for the officer include.
 - a. With the individual's permission, transporting the person to the police facility or their home. Such a transport shall only be made after supervisory authorization;
 - b. Summoning, at the individual's request, a taxi or other person to drive.
3. Officers involved with such an incident shall fully document the facts and contact the Department of State. The Communications Section maintains current telephone numbers for this purpose. See also General Order 605.
4. The property of an individual covered by immunity includes their vehicles which may not be searched or seized. Such vehicles should be moved so they do not endanger public safety or obstruct traffic.

C. Military Personnel

1. Military Personnel, if from this area, shall be treated as a resident.
2. When a physical arrest is made, the supervisor will notify the liaison officer of the appropriate service organization. The Communications Section maintains current telephone numbers for this purpose. See also General Order 605.
3. A supervisor shall make the appropriate notification when military personnel are involved in a traffic crash and are killed or hospitalized.
4. In any situation where U.S. Government equipment is seized, towed, or confiscated, the supervisor shall notify the appropriate government agency.

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D. Legislators

Members of the U.S. Congress, the Lieutenant Governor, or members of the Virginia General Assembly during sessions and five days before or after sessions, to include any clerk or assistant, shall not be taken into custody for traffic offenses other than felony offenses or DWI. The issuance of a traffic summons for a traffic offense is allowed.

4. Issuance of Traffic Summonses

A. At the time a motorist is charged with a violation, the officer will provide the motorist with a copy of the summons. This shall include:

1. The date, time and location of the scheduled court appearance;
2. All relevant information on the specific violation charged;
3. Whether appearance in court is mandatory or if a fine may be paid in lieu of a court appearance;
4. A court telephone number for the motorist to contact for additional information.

B. The officer shall ensure all other information provided to the motorist is done so clearly and in a manner that is easily understood.

5. Enforcement Policy


A. The Vienna Police Department will strive to provide uniform enforcement action for traffic violations throughout the Town. Sound judgment by all officers in considering the circumstances and conditions at the time of the violation will ensure appropriate action and gain the public confidence in traffic enforcement.

The Chief of Police shall set grace periods where warnings will be issued in lieu of a summons when a new traffic law becomes effective. After the initial grace period, enforcement will be carried out in the preceding uniform manner.

This enforcement policy does not supersede sound officer judgment. It is impossible to predict every conceivable situation involving traffic offenses. In unusual circumstances, officers must decide the proper enforcement action based on a combination of training, experience and common sense.

B. Violators Without Driving Privileges

1. No person without a valid operator's license, except those exempted in the Code of Virginia, '46.2-303 through '46.2-309, is allowed by law to drive a motor vehicle on any highway. Officers sometimes may stop violators that are not able to produce a valid driver's license. When this occurs officers shall transmit the violator's name, date of birth and driver's license number to the Communications Section to check the status of the violator's driving privileges. If the violator has a valid license, then the officer's actions should be dictated by the initial violation or contact.

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2. If the violator does not have a driver's license through DMV, the officer should determine if the violator has been issued a license through another state. If it can be determined that no license has been issued, the officer should cite for "No Operator's License", unless circumstances warrant a physical arrest in accordance with General Orders and the Code of Virginia, '19.2-74.
3. If the violator is driving while on a suspended or revoked license in Virginia, the officer should cite for "Driving While Suspended or Revoked". If the violator is driving while suspended or revoked in another state and has no status in Virginia, the officer should cite for "No Operator's License". If circumstances warrant, a physical arrest may be executed for either of the preceding incidents, in accordance with General Orders and the Code of Virginia, '19.2.74.
4. If it is determined that the violator is suspended, revoked, or has no operator's license they shall not be allowed to drive from the location of the stop, and other arrangements should be made. Unless the driver is incarcerated, the violator's vehicle should not be towed if it is legally parked or on private property.
5. If there is doubt about the correct status of a license, a suspension or a revocation, and verification cannot be gained within a short period of time, officers should release the violator. A summons from a magistrate may be obtained when confirmation is received at a later time.


C. Pedestrian and Bicycle Traffic Enforcement

Officers will take appropriate enforcement action when and where pedestrian and bicycle traffic law violations are observed. Enforcement actions should be commensurate with pedestrian and bicycle crash occurrences as determined through analysis of crash reports.

1. Pedestrian Enforcement

Enforcement of traffic laws pertaining to pedestrians necessitates broad discretion from officers. To provide guidance in this discretion the following procedures are established:

- a. Prior to any increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be conducted by the Traffic Section supervisor;
- b. Officers will concentrate their efforts on pedestrian violations in those areas where crashes involving pedestrians have been frequent or severe;
- c. In the enforcement of pedestrian traffic laws, the spirit of the law shall supersede the letter of the law and application should be made accordingly.

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2. Bicycle Enforcement

Enforcement of traffic laws pertaining to bicyclists has become increasingly more important due to the use of the bicycle as a major means of transportation and exercise. Officers must enforce these laws to ensure the safe operation of bicycles. To provide guidance in the enforcement of these laws the following procedures are established:

- a. In areas where traffic congestion and the frequency of traffic crashes involving bicycles is predominant, laws pertaining to the proper operation of bicycles will be strictly enforced;
- b. On roads with a substantial flow of vehicular traffic and where hazardous moving violations are observed involving bicycles, the applicable laws should be enforced;
- c. In areas where traffic flow is minimal, visibility is unobstructed, and traffic crashes are few, officers should exercise discretion when enforcing laws pertaining to bicycle operation;
- d. Officers should be less tolerant with adult offenders who should be aware of the hazards inherent in the unsafe operation of bicycles. Officers should be more lenient in the enforcement of the law and more instructive with youthful offenders, who may not be fully aware of the consequences associated with the unsafe operation of bicycles;
- e. The Community Services Officer will be responsible for conducting bicycle safety and pedestrian safety courses throughout the community.

D. Off-Road Vehicle Enforcement.

1. When investigating the use of off-road vehicles on private property, attempts will be made to contact the property owner to determine if permission has been given to the operators of the vehicles using the property. If permission has not been granted, the operators will cease the activity. Operators should be advised to keep written permission with them including the name and telephone number of the property owner. If a violation of the statutes pertaining to reckless driving, hit and run, DWI, or destruction of property are committed by the operator of an off-road vehicle on private property, officers may take enforcement action. If an off-road vehicle is observed by an officer being
 2. operated in a public park, the Town Code of Ordinances, Chapters 20 and 21, shall be enforced.
 3. Operators of off-road vehicles driven upon a public road are required to comply with all motor vehicle laws and ordinances.
 4. Towing of off-road vehicles will be in accordance with General Order 604.
 5. Crash investigations of off-road vehicles on private property will be conducted if there is an injury or death, if DWI was a factor, or if there was a hit and run. For all other cases involving off-road vehicles the involved parties will exchange information.

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- E. **Violations Resulting in Traffic Crashes.**
 Officers shall investigate crashes on public property to determine the causative factors. When evidence exists to satisfy all the elements of a violation, enforcement action should be taken and a FR-300P or FR-300F will be completed. Officers who investigate crashes on private property will determine if a violation of Reckless Driving, Hit and Run, DWI or any criminal law violations were causative factors. When evidence exists to satisfy all the elements of one of the preceding violations, enforcement action should be taken and a FR-300F will be completed.

6. Enforcement Practices

The Department operates on the principle that the most effective deterrent to traffic law violations is visible patrol utilizing marked vehicles. Prevention and voluntary objectives of the Department's traffic law enforcement efforts, with apprehension and enforcement as secondary means. All patrol officers shall handle these duties along with their normal workload. Patrol vehicles will be operated in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior. In areas where a fixed post observation is necessary to maximize the effectiveness of a traffic enforcement effort, officers will normally park in a conspicuous location in such a manner as to not impeded the flow of traffic. The use of a covert location and an unmarked vehicle may be unfavorably perceived by the public, but in certain circumstances may be the only effective means to address a particular problem. Unmarked vehicles for traffic enforcement will be utilized only with a supervisor's approval. All unmarked vehicles used for traffic enforcement shall be equipped with emergency lights and siren.

7. Traffic Stops and Road checks


A. Traffic Stops.

The Supreme Court has held that before making traffic stops officers must be able and prepared to articulate both to the person(s) stopped, and in court, reasonable suspicion of a possible violation of law. Therefore, traffic stops shall be made only in accordance with the following Departmental policy:

1. Officers shall make traffic stops only when they are able and prepared to articulate at least a reasonable suspicion that criminal activity or a traffic violation has occurred or is occurring.
2. Upon stopping a vehicle for a traffic violation, officers need not issue a citation in all circumstances.
3. Officers should be ready and willing to provide motorists with an explanation as to why they have been stopped.

In circumstances where the vehicle stop is made in regards to suspicion of criminal activity, the officer shall document such information in their field notebook, when no arrest is made. Such documentation will include, but is not limited to, the following:

- a. Time the stop began and ended;
- b. Location of the stop;
- c. Reason(s) for the stop;
- d. Vehicle operator and occupants, if applicable;

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e. Vehicle description.

4. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures. Except as provided below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for
 5. probable cause or reasonable suspicion. Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions.

B. Road checks

The Supreme Court has held that officers stopping vehicles at road checks operate the road checks under an explicit plan or practice that employs neutral criteria and adequately constrains officer discretion. Road check sites will be selected using the following criteria:

1. Sites should have adequate visibility to provide safety to approaching motorists and officers conducting the checkpoint;
2. Sites should have adequate space available to park the police vehicles and allow motorists to be pulled out of the traffic flow;
3. Sites should be designated and approved for a specific time frame. Factors for consideration would be lighting conditions and traffic volume.
 - a. Upon approval by the Operations Division commander, supervisors shall coordinate assignments in accordance with the following criteria:
4. The supervisor shall establish the criteria for stopping and checking vehicles passing through the checkpoint; e.g., every third, every fifth vehicle, etc. Screening procedures may be varied, upon supervisory approval, during the course of the checkpoint, depending on the number of officers available and the amount of traffic. Any variation must be documented;
5. The supervisor shall periodically monitor checkpoints to ensure that the operation is in accordance with General Orders.
6. Officer Responsibilities.
 - a. Officers shall not conduct road-checks without the approval of their supervisor.
 - b. Vehicle stops based on reasonable and articulable suspicions, such as expired State vehicle registrations and inspections, may be utilized at road checks with supervisory approval.
 - c. Officers on a road check detail are responsible for assuring that all necessary precautions are taken to afford the highest degree of safety to officers and motorists.

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- d. Patrol vehicles should be parked to provide protection to the officers and high visibility to approaching motorists.
- e. Officers shall be in uniform and shall wear the traffic safety vest.
- f. When appropriate, officers will advise the driver of the purpose of the stop. Officers may utilize discretion in issuing citations.
- 7. During the stop:
 - a. Check the violator and vehicle for validity, status, wants or warrants;
 - b. The officer should prepare the summons in a manner that permits surveillance of movement of the violator or the vehicle. Do not focus completely on the summons.
- 8. Reconnecting the driver:
 - a. When returning to the violator's vehicle look for any changes within the vehicle;
 - b. Allow the violator's vehicle to reenter traffic first;
 - c. Turn off all emergency equipment as soon as practical when reentering traffic.

8. Summons Issuance Procedures

- A. Traffic enforcement is a routine police task that for the violator is frequently an emotional experience. Officers must exercise an understanding of human relations and be flexible in dealing with these citizens. Officers should strive to make each contact educational, and leave the violator with the impression that the officer has performed a necessary task in the professional and friendly manner.

9. Speed Measuring Devices/Use of Radar/Lidar

- A. The Vienna Police Department will utilize radar/LIDAR equipment to:
 - 1. Reduce traffic crashes at specific locations where the cause of the crashes may be attributed to excessive speed;
 - 2. Reduce speeding at specific locations that have been identified through citizen complaints;
 - 3. Reduce speeding at specific locations when identified by officers having knowledge of violations that may cause a hazard.
- B. Radar/LIDAR equipment use shall comply with the Code of Virginia, '2.1-446, and 46.2-882. The following procedures shall apply:
 - 1. Supervisors may authorize the use of radar/LIDAR in conjunction with the preceding policy. Supervisors shall periodically monitor the operation of radar/LIDAR for the purpose of ensuring compliance with departmental standards;
 - 2. When radar/LIDAR or any selective enforcement assignment is worked at a specific location the officer must complete a radar/LIDAR report form, whether any enforcement action is taken or not. The radar/LIDAR report form must be approved by the supervisor upon completion. The Traffic Section supervisor will review these enforcement efforts with the Operations Division commander on a monthly basis;

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3. All officers that operate radar/LIDAR must complete a Radar/LIDAR Report. This form shall be completed prior to the utilization of radar/LIDAR equipment and again after the completion of radar/LIDAR enforcement activities. Officers are required to maintain their own file of Radar/LIDAR Report Forms for their respective radar/LIDAR court cases;
4. Working radar/LIDAR at the foot of a grade shall not be a standard practice. If complaints are received from citizens or if crashes have occurred which can be attributed to excessive speed, an on-site inspection shall be conducted by a supervisor prior to the use of radar/LIDAR;
5. Radar/LIDAR units shall only be operated by officers that have successfully completed an approved radar/LIDAR operator's course. Officers who have not completed an approved course may make radar/LIDAR arrests under the direction of a certified operator;
6. No motorist shall be cited when utilizing radar/LIDAR for violations less than 10 mph beyond the posted speed limit, except when enforcing school zone speed limit. Tolerance levels under the minimum may only be set by the Chief of Police based upon circumstances of a specific location.

C. Radar/LIDAR Equipment.

1. All radar/LIDAR equipment used for enforcement purposes shall meet or exceed DOT/NHTSA standards for traffic radar/LIDAR.
2. All tuning forks and radar/LIDAR sets shall be taken to an authorized location for calibration. All radar/LIDAR sets will be taken to the Traffic Section supervisor when in need of service or repair.
3. Radar/LIDAR and tuning fork calibration certifications shall be forwarded to the Traffic Section supervisor who will maintain a current and accurate file for court purposes.

10. DWI Enforcement


- A. Motorists impaired by alcohol or drugs pose a serious threat to the safety of the motoring public. A comprehensive, coordinated, and continuing effort by all members of the Vienna Police Department involving education, enforcement, adjudication, and public support is essential in combating the drunk driving problem. All officers shall make an intense effort to detect and arrest the drunk driver.
1. Officers shall be alert for signs of alcohol or drug impairment in all contacts with motorists. After initial examination at the scene of a traffic contact and upon the determination that probable cause to arrest exists, officers shall effect a physical arrest of the subject.
 2. Chemical tests will be offered in accordance with the Code of Virginia. '18.2-266-269, Department policy, and procedures established by the Fairfax County General District Court

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3. Officers must realize chemical tests are supplemental tools and a refusal to submit to a chemical test will not constitute cause to issue a summons for a lesser violation.
 4. All supervisors will ensure that officers under their command are familiar with all aspects of DWI detection, field sobriety testing, and DWI prosecution.
- B. Education is an important element in combating the drunk driving problem. The Community Services Officer has the primary responsibility for DWI and driver safety awareness programs for schools and other civic organizations.

11. DWI Arrests

- A. The detection and arrest of drunk drivers differs from that of other traffic law violators. There are specific legal limits of drug or alcohol intoxication, and the law is specific with regards to the implied consent statute, and for guidelines regarding chemical tests. These laws in the Code of Virginia, '18.2-266-269, outline the officer's scope of authority and establish procedures for detection, arrest, and processing of an intoxicated driver.
- B. Arrest and Processing
If the officer has satisfied the elements of a DWI violation, a physical arrest shall be made.
1. The subject should be handcuffed and searched.
 2. The subject's vehicle may be released to a responsible party with the owner's approval or towed in accordance with General Order 604.
 3. Notify the subject of their rights and responsibilities.
 4. Transport the subject to the police facility or jail where a State certified breathalyzer operator may administer the test.
 5. Take the subject and completed forms to the magistrate to obtain the appropriate warrant. If a breath test is performed and the results are below the level of consumption by law, the officer may request a blood test if the officer has reasonable suspicion that the subject may test positive for a known specific narcotic drug. If the results show a blood alcohol content of 0.08 percent or more by weight by volume, the officer shall proceed according to the Code of Virginia, '46.2-391.2, for the administrative suspension of the subject's license.
 6. If a blood test is administered, take the subject to the magistrate to obtain the appropriate warrant. Have the subject select a laboratory on the independent laboratory selection form. The arresting officer shall label both blood vials for mailing. The officer shall obtain postage for the vials from a supervisor and mail the vials. If the subject did not indicate a laboratory, the officer shall log the vial into evidence and submit it to the property room. The vial shall be held at least 72 hours, at which time it may be destroyed by authority of the Chief of Police.
 7. If the subject refuses to submit to a chemical test, the officer shall take the subject to a magistrate. If the subject refuses to take a test at the magistrate's request a warrant for refusal will be requested. The officer shall also proceed according to the Code of Virginia, '46.1-391.2, for the administrative suspension of the subject's license.

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12. Reexamination of Motorists

Routine traffic enforcement and crash investigation activities may lead to the discovery of motorists that suffer from a physical or mental disability, disease, or similar condition, which may prevent the motorist from exercising reasonable care over a motor vehicle. Officers detecting such a person shall notify the Medical Unit of the Driver Monitoring Division of the Department of Motor Vehicles to request a reexamination. Officers will make the request by completing a "Driver Review Request" form, provided by the Department of Motor Vehicles, and mailing the form to the address listed on the form. Officers should describe in detail any physical or mental defect detected in the motorist and detail the specifics of the incident that brought this defect to the

officer's attention. Reasonable grounds for the reexamination of a motorist must be established by the officer to the satisfaction of the Division of Motor Vehicles. See the Code of Virginia, '46.2-322.

13. Parking Violations

Officers shall be familiar with the parking regulations in the Town of Vienna. Special attention should be given to:


1. Any parking violations that obstruct the flow of traffic during peak traffic hours;
2. Any violations of fire lanes that have been approved by the Fairfax County Fire Marshal's office;
3. Any violations on public or private property of appropriately designated handicap parking spaces.
4. Any vehicle that is a traffic hazard. If the owner cannot be located and respond in a timely manner the vehicle may be towed;
5. Any violations in heavily congested areas, such as the downtown sector and shopping centers. All towing shall be in accordance with General Order 604.

603 CRASH INVESTIGATIONS

1. Crash Investigations Reports.


A. All traffic crashes on public highways and public property shall be investigated. The results of the investigation shall be reported on the Department of Motor Vehicles Police Crash Report, FR-300P, using the Record management System (RMS). If the damage is under the monetary limit set by DMV and there are no injuries reported, a FR-300F will be completed in the RMS

1. When investigating a private property crash, the following criteria shall be met in determining when an FR300F report will be completed.
 - a. Hit and run crash.
 - b. Reckless operation caused the crash resulting in excessive property damage.
 - c. Driver is impaired through use of drugs and or alcohol.
 - d. Death or injury was inflicted.

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In all other cases the parties involved should exchange information. An officer will still be required to respond to the scene and assure that information is properly exchanged, if requested by any party involved.

- B. All traffic crashes involving hazardous materials, both on private or public property, will be investigated and reported with an FR 300P report.
- C. All reports required by this section shall be submitted to the investigative officer's supervisor prior to the end of their tour of duty. Should a report be incomplete or need additional investigation, it shall be submitted prior to the end of shift with a hold notice attached. It is the investigating officer's responsibility to finish the report as soon as possible and complete all paperwork. Incomplete reports may only be submitted with supervisory approval. Supervisors shall ensure follow-up investigations will be accomplished in a diligent manner.
- D. Public Vehicle Crashes.
 - 1. Crashes involving vehicles **owned** by Fairfax County will be investigated by the Fairfax County Police Department. Crashes involving State owned vehicles will normally be investigated by the State Police following these same procedures.
 - 2. Crashes involving Town of Vienna vehicles occurring in Town shall be investigated and reported by the Vienna Police Department. Photographs of the damages will be taken. The squad supervisor shall be notified of all Town vehicle crashes and will respond.
- E. Police Vehicle Crashes.
 - 1. The operator of a police vehicle involved in any type of crash shall, unless physically disabled, notify the dispatcher by radio without delay.
 - 2. Upon being notified of such crash, the dispatcher shall advise the supervisor.
 - 3. In all police vehicle crashes the operator, unless physically incapable, shall submit a memorandum detailing the circumstances of the case.
 - 4. A complete investigation shall be conducted. Generally, the investigation shall be conducted by the operator's immediate supervisor. In the event the immediate supervisor is not available, the investigation shall be conducted by an available supervisor. An officer of equal or superior rank shall investigate any crash involving a supervisor or staff officer. In cases where a police vehicle comes into contact with another object as a result of the intentional actions of a departmental employee, the case shall be investigated as a "Use of Force Investigation."
 - 5. Fatal or serious injury crashes require an oral report to be made to the Chief of Police and the Operations Division commander as soon as possible after the occurrence. The ranking supervisory officer on duty at the time of the crash shall make the oral report.

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6. The investigation of any crash involving a police vehicle that occurs outside the boundaries of the Town of Vienna will be conducted as directed by the Chief of Police.
7. The investigations of all fatal crashes which involve a departmental employee who is operating a police vehicle will be conducted by the Internal Affairs function.
8. The Fairfax County Crash Reconstruction Unit shall be requested to assist in the investigation of all police vehicle crashes involving serious or fatal injuries.
9. The investigating authority shall determine the cause of the crash based upon all evidence and known facts. The investigating authority shall conduct their investigation and document their findings according to procedures outlined in General Order 418.
10. The FR 300P, shall be completed on all police vehicle crashes and attached to the internal investigation memorandum to the Chief of Police. The FR 300P will be forwarded to DMV only when required by State law.
11. The completed FR 300P and the internal investigation memorandum shall be routed to the Chief of Police as soon as possible. Only the original reports are to be submitted. Copies may be made for section or division files.
12. The officer(s) that are involved in a vehicle collision which results in serious or fatal injuries, will be placed on administrative leave, as outlined in General Order 418.

2. Officer Response.

- A. Officers will respond to and assist at all traffic crashes, both on private or public property, to aid the injured, identify the operators, and assist all parties involved.
- B. During inclement weather and poor road conditions, the investigation of crashes may be curtailed; however, such action shall not include crashes involving personal injury or significant property damage. Authority to implement this action shall rest with the Operations Division commander or designee. Communications Section personnel will respond to citizen's requests by informing them of the present operating procedure and by instructing the citizens to exchange necessary information.

3. Officer Responsibilities.


- A. Officers will be assigned to investigate crashes by the dispatcher based on their assigned patrol area. The officer assigned to investigate a crash will be in charge at the scene until relieved by a supervisor.
- B. Supervisors may request a Fairfax County Crash Reconstruction Unit to investigate any fatal crash. Supervisors may also request a Fairfax County Crash Reconstruction Unit to assist with any critical injury Crash, critical injury hit and run, serious injury commercial carrier crash, or any serious injury Town vehicle crash.

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If the Crash Reconstruction Unit is unavailable, a qualified Crash investigator will respond to the scene. If requested, the Fairfax County unit will be in charge of the scene upon their arrival. Vienna officers will provide whatever assistance is needed and ensure a copy of the Fairfax County report is obtained for the Vienna Police Department files.

C. Hazardous Materials.

1. Hazardous material is defined as any element, compound, or combination which is flammable, corrosive, explosive, toxic, radioactive, an oxidizer, or is highly reactive and may have a detrimental effect to emergency personnel, the general public, equipment, or the environment.
2. An crash or spill involving a hazardous material presents a serious threat to the health and safety of the general public. The first officers on the scene are frequently the most vulnerable and should adhere to the following procedures:
 1. Request Fairfax County Fire Department;
 2. Prepare to evacuate the immediate area, staying clear of all spills, vapors, fumes and smoke. Do not assume that gases or vapors are harmless because of lack of odor;
 3. Isolate the hazard and maintain surveillance of the area in a position upwind from the material;
 4. Regulate traffic and monitor crowd control to allow the Fairfax County Fire Department Hazardous Material Team to handle the control and removal of the hazardous material;
 5. At the direction of the Fairfax County Fire Department, assist with any evacuation.
3. If an employee is exposed to a hazardous material the employee will notify their supervisor immediately. The supervisor will report the exposure following the guidelines for reporting employee injuries. The employee shall receive a medical evaluation under the following conditions:
 6. When the employee is exposed to a hazardous substance with concentration levels that are above the permissible exposure levels as determined by the Fairfax County Fire Department;
 7. When the employee is injured due to exposure to a hazardous substance;
 8. When the employee suffers symptoms from exposure to hazardous materials.

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4. Follow-up Investigation.

- A. Crash investigation follow-up is the responsibility of the investigating officer. The officer shall notify their supervisor and arrange for the collection of scene data, vehicle safety inspections, obtaining recorded formal witness statements, reconstruction of crashes and the preparation of formal reports to support any charges made from the investigation.
- B. Should technical assistance beyond the capabilities of the Department's personnel be needed, any supervisor may request assistance from the Fairfax County Crash Reconstruction Unit.

5. Property Safekeeping.

The investigating officer at the scene of a crash shall ensure that personal property belonging to a crash victim is protected from theft and is removed to a place of safekeeping if the owner is unable to care for it. When an injured person is removed from a crash scene, and their vehicle must be towed, procedures in General Order 604 shall be followed.

604 TOWING

1. Policy


It is the policy of this Department to impound or seize motor vehicles in a manner which is within the constraints imposed by State and Town law, for the purposes of ensuring highway safety; fostering voluntary compliance with law; protecting private property; and securing items of evidentiary value.

2. Circumstances under which a motor vehicle may be towed.

The towing of motor vehicles at the direction of a police officer falls into three broad categories, designated for the purpose of this Order as impoundments, seizures, and administrative impoundments. The chart below summarizes the various types of tow-ins and indicates the statutory authority for each.


A. Impoundments

An impoundment is defined as the towing of a vehicle under circumstances where the vehicle may be released to the owner upon payment of towing and storage fees.

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Reason Statutory Authority

- | | |
|---|---|
| <p>1. Arrest of operator, no other person present who can lawfully assume custody of vehicle.</p> | <p>1. State - 19.2-80.1.</p> |
| <p>2. Vehicle constitutes evidence in and of itself.</p> | <p>2. None, purpose is to protect evidence for introduction at trial.</p> |
| <p>3. --Hazard.
--Parked in violation of law.
--Unattended more than ten (10) days upon public property.
--Abandoned more than forty-eight (48) hours upon public property and has invalid license plates, or inspection.
--Immobile due to adverse weather conditions.</p> | <p>3. Town Code 9-56
(State - 46.2-1213)</p> |
| <p>4. Stopped on the highway, impeding or rendering dangerous the use of the highway, disabled as result of accident/mechanical breakdown.</p> | <p>4. State - 46.2-888</p> |
| <p>5. Stopped in vicinity of fire, accident or emergency scene and constitutes hazard or interferes with police or fire operation.</p> | <p>5. State - 46.2-890</p> |

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- | | |
|---|----------------------|
| 6. Obstructing movement on any premises, driveway or parking area without owner's permission. | 6. State - 46.2-1211 |
| 7. Parked in violation of law. | 7. Town Code 9-56 |
| 8. Parked without permission on Town-owned property. | 8. Town Code 9-56 |

B. Seizures

A seizure is defined as the towing of a vehicle which is subject to forfeiture to the Commonwealth.

Reason Statutory Authority

- | | |
|---|---------------------|
| 1. Racing on a highway; vehicle operated by owner, or owner is present in the vehicle at the time of the offense. | 1. State - 46.2-867 |
| 2. Illegal transportation of alcoholic beverages or transportation of illegal alcohol. | 2. State - 4.1-310 |
| 3. --Transportation of stolen goods valued at \$200 or more.
--Transportation of any stolen property, regardless of value, obtained as a result of a robbery.
--Vehicle used to commit second or subsequent offense of 18.2-346, 18.2-347, 18.2-348, 18.2-349 | 3. State - 18.2-110 |

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18.2-355, 18.2-356,
18.2-357 (prostitution
offenses).

- | | |
|--|----------------------------|
| <p>4. Vehicle used in connection with illegal manufacture, sale or distribution of controlled substance.</p> | <p>4. State - 18.2-249</p> |
|--|----------------------------|

C. Administrative Impoundments

An administrative impoundment is defined as the towing of a vehicle which will be held by the court for 30 days or released by a judge's order. Rented or leased vehicles shall not be administratively impounded.

Reason


Statutory Authority

- | | |
|--|------------------------------|
| <p>1. Operated by person whose privilege to drive is suspended/revoked, based in whole or in part for (a) driving while intoxicated in violation of 18.2-266, 46.2-341.24 or substantially similar law or ordinance in any other jurisdiction, (b) refusal to submit to breath or blood test, (c) habitual offender adjudication based in whole or in part on an alcohol related offense, or (d) license administratively suspended under State Code 46.2-391.2.</p> | <p>1. State - 46.2-301.1</p> |
|--|------------------------------|

3. **Procedures for when a vehicle should not be impounded.**

A. If, at the direction of an arrested operator the vehicle is turned over to another person present at the scene, officers shall note the following information on the Incident Report:

1. Name, address and description of the individual assuming possession of the vehicle.

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2. Location to which the vehicle is to be transported.
3. Statements indicating the license status of the person assuming possession of the vehicle.
4. Statements indicating the level of intoxication (if any) exhibited by the person assuming possession of the vehicle.

B. If the arrested operator legally parked the vehicle on property **within their ownership or management** in response to the initiation of a traffic stop, but prior to the arrest being completed, the following information shall be included in the Incident Report.

1. Location where the traffic stop was initiated.
2. Location where the vehicle was parked.
3. Nature of the property where the vehicle was parked (owned by the operator, managed by the operator, etc.).
4. Operator's response to the officer's offer to impound the vehicle for safekeeping.


4. **Vehicle inventory policy and procedure.**

A. Vehicles towed at the direction of a police officer shall undergo an inventory of contents, as specified below, to be conducted by the officer who makes an arrest requiring the towing of a vehicle or who is assigned to the case in non-arrest situations. The inventory is conducted for the purpose of protecting the personal property of persons whose vehicles are towed under circumstances where they cannot arrange for the safekeeping of items contained in the vehicle, and to assist in defending against allegations of theft directed at the Police Department.

B. Circumstances under which a vehicle shall be inventoried.

1. All vehicle seizures.
2. All impoundments, except cases where the vehicle owner or operator is present at the time the vehicle is towed and is capable of arranging for the safekeeping of items of personal property contained in the vehicle.

For example, vehicles shall not be inventoried in cases of towing from the scene of a traffic crash unless the owner, authorized operator, or someone on their behalf is not present at the scene to arrange for the safekeeping of personal property when the vehicle is towed from the scene.

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C. Location and scope of inventory

1. Vehicles subject to inventory shall be inventoried prior to removal from the scene unless the vehicle is being towed to a police facility for storage.
2. The scope of the inventory shall include the interior of the vehicle and areas which can be readily entered without the use of force. The glove compartment, console, or trunk is within the scope of the inventory if unlocked or entry can be made with the keys to the vehicle.

The scope of the inventory shall also include all open and closed containers and any locked containers as long as the officer has a key. Locked or sealed items shall not be forcibly entered if doing so will damage them.


Seats shall not be removed and the inventory shall be conducted in a manner to avoid any damage to the vehicle or its contents.

D. Storage of items discovered during the inventory

1. Towing companies under agreement with the Town of Vienna are responsible for the vehicle and its contents until retrieved by the owner or otherwise disposed of by law. Consequently, items discovered during the course of the inventory will normally remain in the vehicle until retrieved by the owner from the storage facility. Contraband, or items constituting evidence of a crime shall be removed by the officer conducting the inventory for storage in the Property Section pending proper disposition.
2. If the officer conducting the inventory has reason to believe that items of value located in a vehicle to be towed will not be properly protected while at the storage facility, the officer shall remove the items for storage in the Property Section.

5. Request for towing services.

- A. Vehicles towed at the direction of a police officer shall be towed by a wrecker service under current agreement with the Town of Vienna. Requests for wrecker service shall be routed through the Dispatcher.
- B. After requesting towing services through the Dispatcher, the officer shall remain on the scene to ensure that only the towing company summoned by the Dispatcher handles the request. If a wrecker responds to the scene without having been requested by the Dispatcher, the officer shall request that the wrecker leave.
- C. Vehicles which require processing by an Evidence Technician should be impounded at Police Headquarters by an approved towing company.

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Once processed, if storage is necessary, the officer/detective handling the case shall arrange for the vehicle to be removed to the towing company's storage lot.

- D. Citizen requests for wrecker service because of mechanical breakdown, or crash disablement where the vehicle does not require immediate removal as a traffic hazard, shall also be routed through the Dispatcher. All citizen requests for a specific towing company must include either the name of the company or a telephone number.

6. Forms: Completion, distribution, and filing instructions.

- A. Notice of Vehicle Impoundment/Immobilization


A Notice of Vehicle Impoundment/Immobilization is to be completed by the towing officer assigned to any case where a vehicle is towed at the direction of a police officer, at the scene and prior to the removal of the vehicle by the towing company. All information known to the officer at that time shall be entered on the form. Information not available to the officer at the scene will be entered prior to submission of the form at the conclusion of the shift.

The inventory portion of the form is completed in all cases where a towed vehicle is inventoried pursuant to Department policy as indicated in the section of this Order covering vehicle inventory.

The Notice of Vehicle Impoundment/Immobilization is to be completed in addition to other reporting forms used to record the details of events to which a case number is assigned. The Incident Report, Supplementary Investigation Report, or Crash Investigation Report shall be completed when appropriate to record the details of the investigation conducted by the assigned officer.

Form Distribution shall be as indicated on the form with the following special instructions:

1. When an owner of the vehicle is present at the scene of a tow or is readily available (i.e., arrested, hospitalized, etc.), officers shall complete the Notice of Vehicle Impoundment/Immobilization and provide the owner's copy to the owner in person.
2. If an owner of the vehicle is not present when any motor vehicle is removed by or under the direction of a police officer and the owner of the vehicle cannot be located at the time of the removal, the owner's copy of the Notice of Vehicle Impoundment/Immobilization should be mailed to the owner. Notification of the owner by the Department must be in writing within one full working day of the towing (excluding Saturday, Sunday, and holidays). The Operations Commander shall ensure that the mailing of the Notice of Vehicle Impoundment/Immobilization to the registered

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owner of the towed vehicle is completed in a 24-hour period from the time of the tow.

3. If the towing officer is unable to contact the registered owner by the end of the shift, the officer shall request the dispatcher create a record in the VCIN Stored Vehicle File. The towing officer shall include the teletype entry number in the notes section of the Notice of Vehicle Impoundment/Immobilization form.
4. For rented or leased vehicles, the rental or leasing company shall be notified.
5. In the case of an administrative impoundment, the towing officer shall also give the magistrate the Court's copy of the Notice of Vehicle Impoundment/Immobilization, with the Court's copy of the summons, prior to the end of shift. This must be done through personal delivery or by sending a facsimile of both sides of the Court's copy of the Notice of Vehicle Impoundment/Immobilization.

B. Towing from Private Property

Although provisions of Town Code 9-56 and 9-57 permit the removal and storage of vehicles at the request of private property owners, the Police Department has chosen not to engage in this action. Officers shall refrain from towing vehicles from private property at the request of the property owner. Any exception to this policy shall be approved by a Command Staff Officer prior to the removal of the vehicle.

C. Seizure Notification


A motor Vehicle Seizure Notification form shall be completed by the towing officer whenever a vehicle is seized. The original shall be forwarded to the Commonwealth's Attorney and a copy to the Sheriff of Fairfax County. All seized vehicles will be stored at the Vienna Police Department lot until final court disposition.

605 SERVICE OF CRIMINAL PROCESS


1. Service of the Criminal Process.

A. Warrant Service.

1. Active warrants (felony and misdemeanor), bench warrants, and detention orders will be maintained in the Warrant File in the Communications Section. Officers may only be issued warrants from the active warrant file by the shift supervisor or dispatcher.
2. Supervisors shall assign warrants for service on a daily basis to prevent any undue delay in the execution of the legal process.

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3. Misdemeanor warrants shall be served during daylight hours or before 2200 hours, unless the defendant is evading arrest or delay of service may jeopardize public safety.
4. Officers serving a warrant shall not search a third party residence for a defendant unless there is probable cause to believe the defendant is present on the premises. In addition, one of the following conditions must exist:
 - a. An officer is in hot pursuit;
 - b. Consent to search has been given by the owner or person occupying the premises;
 - c. There exists a justifiable fear of injury to people if the arrest is delayed;
 - d. There exists exigent circumstances that would necessitate an immediate arrest. If one of the aforementioned situations does not exist, a search warrant for the premises shall be obtained.
5. Probable cause to believe the person named on the warrant is present on his own premises is sufficient reason to search that person's premises.
6. It is the responsibility of the officer attempting to serve a warrant to ensure that the warrant is valid and properly executed as set forth under the provisions of the Code of Virginia, '19.2-72.
7. Upon the service of a warrant, the arresting officer shall:
 - a. Check VCIN and NCIC to determine the existence of outstanding warrants
 - b. Direct the dispatcher as soon as possible to delete the served warrant from NCIC, VCIN, and the Department's Warrant File, by forwarding the PD 7, VCIN/NCIC Request, to the on-duty dispatcher;
 - c. Document the service on a PD 7.
8. Prior to obtaining a warrant charging failure to appear, the officer shall wait 10 days from the date of offense. After the 10 day period the officer shall determine through the Clerk of Court that no late collateral was accepted or that the charge was disposed of in any other manner by the court.
9. Certain Facilities.
 - a. The judicious exercise of discretion is important in all matters of law enforcement, but especially so in cases of arrest where the clientele or location involved are of a particularly sensitive nature. It is, therefore, the policy of the Department to exercise an ever greater degree of restraint than is ordinarily applied when seeking the arrest of persons within certain facilities within the Town. Such facilities include but are not limited to:
 1. Schools;
 2. Town offices;
 3. Public buildings and community centers;
 4. Medical treatment, counseling and rehabilitation facilities;
 5. Other facilities designed to promote the welfare of Town residents.
 - b. In instances where the clientele or location of a warrant service, suspect or witness interview, or other police-initiated contact is determined to be sensitive in nature, officers will make every attempt at meeting the subject at an appropriate location.

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If this approach is unsuccessful, and it is apparent that it may be necessary to make the contact or the arrest at the facility, telephone contact shall be made with the administrative staff at the facility to make special arrangements. In cases where information suggests that the subject is dangerous or likely to flee, the officer concerned shall consult with the officer's supervisor who will assess the situation and determine a course of action which presents the least potential risk to the public and the police. This policy does not restrict an officer from entering any such facility when in close pursuit of a person who has committed a crime, and the officer has reason to believe that any delay in the arrest of the suspect will tend to jeopardize the safety of the public.


- c. The service of warrants is prohibited inside any courtroom while court is in session.

B. Warrant Service of Vienna Warrants in Other Virginia Jurisdictions

1. The Fairfax County Sheriff's Office has assumed responsibility for the in-state prisoner transport of all individuals held anywhere within the commonwealth of Virginia on outstanding criminal warrants from Fairfax County, Fairfax City and the Towns of Herndon and Vienna.
2. Criminal justice agencies throughout the commonwealth will be notified to call a 24-hour number at the Fairfax County Adult Detention Center Booking Desk. Once notification and confirmation of an outstanding warrant has been received, the Booking Desk will be responsible for logging in a request for transportation. On weekends and holidays, the Confinement Branch will make arrangements for the transportation. During normal working hours the primary responsibility for insuring transportation will be made by the Transportation Section. The on-duty confinement supervisor is responsible for insuring that the necessary processing of all applicable paperwork, including processing photographing, is completed. Vienna Dispatchers will be responsible for the clearances of outstanding VCIN and NCIC holds or wants once service of the warrant is confirmed. Dispatchers are reminded that individuals already in custody on other agencies warrants should not be cleared until service of our warrant.
3. The Warrant Control Clerk shall send correspondence detailing the service of the warrant to the officer responsible for the case.
4. Officers who physically transport a warrant to another Virginia jurisdiction for service shall coordinate the service with the law enforcement agency of that jurisdiction. Such service shall be conducted in accordance with the Code of Virginia.

C. Time Requirements for Execution of Warrants

1. The Dispatcher assigned to warrant control shall follow up all legal documents sent to other jurisdictions. If no response has been received by the time the monthly warrant check is done, the assigned dispatcher will contact the jurisdiction to determine the status of the document.

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2. The Dispatcher assigned to warrant control shall follow up all legal documents placed in the Warrant File for service. During the monthly warrant check, the assigned Dispatcher shall review the document to determine whether service can be accomplished. If service cannot be made, the document shall be sent back to the originating agency with an explanation.

D. Misdemeanor Arrests/Summons Release

1. Class 1 and 2 misdemeanors, criteria for effecting a physical arrest. One of the following two conditions must exist before an arresting officer may bring an arrested person before a Magistrate:
 - a. The arresting officer believes that the person is likely to disregard the summons. This belief should be based on one or more of the following facts:
 - b. The person has no community ties, such as transient, unemployed, etc. NOTE: Military non-residents who have a local address and/or are stationed in the metropolitan area on military orders are not to be considered transients.
 - c. Inability to furnish proper identification.
 - d. The person attempts to escape or resists arrest.
 - e. The person cannot understand the conditions of the summons requiring their future appearance in court.
 - f. The person makes a statement which indicates intent to disregard the summons or refuses to sign the summons.
 - g. The arresting officer has knowledge of the person's prior history of failing to appear in court.
 - h. A warrant check discloses the existence of an outstanding warrant on file for the arrestee.
 - i. The arresting officer believes that the person is likely to harm his or her self or another person if released on a summons. This belief should be based on one or more of the following facts:
 - j. The person is apparently under the influence of a drug, including alcohol.
 - k. The person exhibits violent or irrational behavior before, during, or after the arrest.
 - l. The person's statements or behavior indicate a likelihood that they will continue the offense or commit another offense if released immediately on a summons. Taking the person before the Magistrate will allow a "cooling off" period for all parties involved.

Administrative Immigration Warrants: Officers shall not consider the existence of a civil administrative immigration warrant in their determination of whether or not to release an individual on a summons.


2. Class 3 and 4 misdemeanors and misdemeanors for which there is no jail sentence, criteria for effecting a physical arrest. An individual may be arrested and taken before a magistrate for these offenses only if one or more of the following conditions exist:

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- a. Refusal to furnish name and address;
 - b. The individual is in violation of the Code of Virginia, '18.2-407, at the Scene of a Riot After Being Told to Disperse;
 - c. The individual is in violation of the Code of Virginia, '18.388, Profane Swearing and Drunkenness in Public;
 - d. Refusal to discontinue the unlawful act.
3. Issuance of summons in lieu of a warrant will be in accordance with the provisions of the Code of Virginia, '19.2-74.

E. Immunity from Arrest

1. Except for treason, a felony, or breach of the peace, members of the Congress of the United States and members of the Virginia General Assembly are privileged from arrest in certain instances. Congressional members are privileged during travel to and from session. Assembly members are privileged five days before and five days after the session.
2. Witnesses entering Virginia, or traveling through Virginia enroute to another state, in response to a summons, are immune from arrest for matters which occurred before their entrance into Virginia. Violations that occur after their entrance into Virginia are enforceable.
3. The service of warrants is prohibited inside any courtroom while court is in session.
4. Diplomats, their family members, their servants and their staff members are afforded various levels of immunity from arrest, detention and prosecution. Diplomats are subject to the following actions:
 - a. Diplomats may be detained for a reasonable amount of time to verify status;
 - b. Officers may issue a traffic summons to any diplomat when circumstances dictate. The diplomat cannot be taken into custody for refusing to sign the summons. A copy shall be given the individual whether signed or not;
 - c. Diplomats who are driving while intoxicated shall not be permitted to continue driving. Arrangements for alternate transportation shall be made. Vehicle Impoundments shall be in accordance with General Order '61.4.3;
 - d. Criminal offenses involving diplomats must be documented. The Department of State may seek approval for prosecution or termination of immunity against the diplomat involved even though a physical arrest may be prohibited;
 - e. Police have the authority to intervene in any situation to ensure the public safety or to prevent the commission of a serious crime;
 - f. In addition to personal immunity, the private residence of a diplomat is inviolable;
 - g. The operational numbers are maintained in the Communications Section and are available to answer questions of immunity and offer guide lines on appropriate actions to be initiated in handling diplomatic involvement's.

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F. Arrests of Foreign Nationals.


When a person of foreign citizenship is arrested, this fact shall be reported to the embassy of that person. This applies to all persons of foreign citizenship and is not restricted to persons with immunity privileges.

Summary of Requirements.

1. When foreign nationals are arrested or detained, they must be advised of the right to have their consular official notified.
 2. In some cases, the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the national's wishes.
 3. Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance.
 4. When a government official becomes aware of the death of a foreign national, consular officials must be notified.
 5. When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified.
 6. When a foreign ship or aircraft wrecks or crashes, consular officials must be notified.
- These are mutual obligations that also pertain to American citizens abroad. In general, you should treat a foreign national as you would want an American citizen to be treated in a similar situation in a foreign country. This means, prompt, courteous notification to the foreign national of the possibility of consular assistance, and prompt, courteous notification to the foreign national's nearest consular officials so that they can provide whatever consular services they deem appropriate.

Steps to Follow When a Foreign National is Arrested or Detained:

1. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel document the foreign national travels.
2. If the foreign national's country is not on the mandatory notification list:
 - a. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention. Suggested statement to the foreign national and translations of the statement into selected foreign languages can be found in the Appendix of this manual.
 - b. If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay. Phone and fax numbers for foreign embassies and consulates in the United States, can be located in the Communication Section.
3. If the foreign national's country is not on the list of mandatory notification countries:
 - a. Notify that country's nearest consular officials, without delay, of the arrest/detention.
 - b. Tell the foreign national that you are making this notification.
4. Document all provision of notification and actions taken in the Incident Report.

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G. Arrests of Military Personnel.

If an active-duty member of the Armed Forces is taken into custody (not released on summons) by an officer, notification should be made in a timely manner to the following liaison officer regardless of time of day, or the arrestee's rank, residence, or current duty station:


1. Army/Marines: U.S. Army Provost Marshal's Office or U.S. Marine Corps Provost Marshal, Joint Base Myer-Henderson Hall (703-696-3525 or x3526).
2. Navy: Regional Duty Officer, Naval District Washington (202-439-4243).
3. Air Force: Chief of Security Police, Andrews/Bolling Air Force Base (301- 981-2001).
4. Coast Guard: Command Officer of the Day (703-313-5400).

- No special circumstances apply to military personnel who commit traffic violations, with the exception of those outlined in Va. Code Ann. §§ 46.2- 221.4 and 46.2-600. Notifications are not required in these instances.

H. Arrests of School Employees.

1. In compliance with the Code of Virginia, '19.2-83.1, the Chief of Police shall file a report with the local school division superintendent upon the arrest of a teacher or employee in any public school division of the Commonwealth for any offense involving:
 - a. Sexual molestation;
 - b. Physical or sexual abuse; or
 - c. Rape of a child.
2. The arrest of such a person as described in "1", shall be brought to the attention of the Chief of Police through the chain of command.
3. In addition to the procedures described in "1", as required by the Code of Virginia, the Vienna Police Department will notify the respective Superintendent of Schools when any school employee is arrested for:
 - a. Any felony;
 - b. Any offense involving a crime of moral turpitude;
 - c. Any offense involving illegal drugs or narcotics.
 - d. Any class one misdemeanor
4. Officers that effect an arrest of a school employee on any of the charges described in "3", above, shall notify their immediate supervisor. After review, the supervisor shall send correspondence, to include a copy of the report, to the division commander, who in turn will notify the Chief of Police.
5. The Chief of Police shall make notification to the Superintendent of Schools responsible for the employment of the school employee that was arrested for offenses described in "3", above.

- I. Officers that effect an arrest of any Town employee shall notify their immediate supervisor. The supervisor shall send correspondence, to include a copy of the report, to the Chief of Police. The Chief of Police will make necessary notifications.

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J. Summoning Aid

Officers may become involved in an extraordinary situation where immediate assistance is required. The Code of Virginia, '18.2-463, states that officers may require a citizen to assist them in the following circumstances:

1. In the execution of their office in a criminal case;
2. In the preservation of the peace;
3. In the arrest of a person for a breach of the peace;
4. In any case of escape or rescue.

K. Search Warrant Procedures


1. The purpose of these procedures is intended to result in a fruitful search which withstands the rigors of court, as well as to uphold the rights of citizens. Officers assigned the responsibility of an investigation involving a search warrant will be responsible for the proper execution of the warrant. All search warrants will be reviewed by the respective officer's immediate supervisor. All officers shall assure the accuracy of the search warrant, conduct a briefing prior to the execution, ensure proper recording of all pertinent facts during the execution, and comply with all legal requirements relating to the search warrant.
2. When preparing a search warrant the following facts shall be recognized:
 - a. The search warrant must state the crime for which the search warrant is being obtained;
 - b. When practical, the Commonwealth's Attorney shall review search warrants and the affidavit shall state the fact of this review;
 - c. The issuing magistrate shall retain the original copy of the affidavit at the time of issuance;
 - d. A copy of the search warrant, with a copy of the affidavit attached, shall be served on the appropriate person located at the search site. In the absence of persons at the site, a copy of the warrant and affidavit shall be placed in view at the site.
3. The officer preparing the search warrant shall personally observe the site of the search before a warrant is obtained. All reasonable measures shall be taken to establish the ownership, occupancy, and interior and exterior description of the search site.
5. A threat assessment and search warrant OPS plan must be approved by the Deputy Chief or designee.
4. Search warrants should be served within five days after being obtained. Prompt execution decreases the possibility that the target of the search will be made aware of the warrant's existence and will prevent the possible loss of probable cause. Reasonable delays must be articulable.
5. Search teams shall include at least one uniformed officer in all search warrant executions.
6. The supervisor reviewing the execution of a search warrant may request assistance from the Fairfax County Police Department SWAT Team. The SWAT Team will be requested when circumstances are such that their special expertise is required to make a safe entry of the search location. The Operations Division commander shall be notified prior to a request for assistance from the SWAT Team.

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7. The supervisor and officer responsible for obtaining the search warrant shall conduct a briefing prior to executing the warrant. The following factors shall be presented at the briefing:
 - a. Review of site characteristics;
 - b. Description of potential occupants and any associated dangers they may pose;
 - c. Description of items sought at the search site and any indication of their possible locations;
 - d. Assignment of responsibilities for members of the search team;
 - e. Review of facts of the case.
8. Conduct Prior to Entry
 - a. The supervisor and officer responsible for obtaining the search warrant shall take reasonable precautions to make certain that the premises listed in the warrant are the premises sought to be searched, and that the premises about to be entered are the premises listed on the warrant. The officer assigned the investigation should be alert for any change in circumstances that negates the reason for the search. If the supervisor or officer are not certain that the premises to be entered are the same as those listed in the warrant, or that the reason for the search no longer exists, no entry shall be made.
 - b. The search team shall position itself as circumstances dictate. SWAT Team supervisory personnel will coordinate positioning of all team members when the Tactical Unit is involved in the execution of the warrant.
 1. Exits from the premises are to be covered, where possible, at the diagonal corners of buildings,
 2. The uniformed officer, when practical, should be the most visible member of the search team at the time of entry.
 3. If the SWAT Team is involved, no member of the search team shall enter the dwelling until they are authorized to do so by the SWAT Team supervisor.
 4. Members of the search team with responsibility for the areas of the site farthest from the entrance shall enter first, followed by members with responsibility for areas nearer the entrance.
 - c. Announcement of Authority and Purpose.

Officers are prohibited from seeking, executing, or participating in the execution of no-knock search warrants. (See Va. Code Ann. § 19.2-56)

A search warrant for any place of abode shall require that any members of the entry team shall be recognizable and identifiable as uniformed officers and provide audible notice of their authority and purpose reasonably designed to be heard by the occupants of such place to be searched prior to the execution of such search warrant.

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When safe and practical, the uniformed officer should be the officer to knock and announce.

1. If items listed on the warrant are readily disposable, the entry team shall delay entry, after knocking and announcing, for at least 20 seconds following the announcement, unless:
 - a. They are admitted to the site by an occupant; or
 - b. There is substantial indication that there is a willful delay in responding to the announcement.
2. If the items listed on the warrant are not readily disposable, the search team shall delay entry for at least 60 seconds following the announcement, unless conditions exist as above.

Factors that could contribute to reasonable suspicion to believe that an immediate entry should be made without delay after the required announcement, are:


1. Firm indication that an occupant of the premises is armed and/or dangerous; or
2. Specific information that an occupant has a history of violence involving threats or attacks on any individual; under circumstances that make it reasonable to conclude that they may respond to the knock and announcement with violence; or
3. Specific knowledge that an occupant would intend to frustrate searches by destroying seizable items following an announcement of authority and purpose; or
4. Specific knowledge that some occupants would be endangered by other occupants when information, as indicated above, is developed at the time of entry, immediate entry is justified for reasons of safety and security.

9. Entry

When possible, premises shall be entered in a nondestructive manner. No force shall be initiated unless resistance is made by a person in the premises, or factors identified in Subsection 8-c, are present.

a. Forceless Entry.

The knock and announce requirement previously discussed applies to all entries accomplished by force. Use of force includes the opening of a closed door, entry through an open door, or the use of a key to gain entry. Entry without force does not require a knock and announcement. Examples of forceless entries include entering by invitation or entering by ruse or trick.

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b. Vacant Search Sites.

When entry into a vacant site is undertaken, the search team should seek entry with a key when possible. A copy of the search warrant, with affidavit attached, shall be placed in view at the site. Entry into a vacant search site is permissible only if one or more of the following circumstances exist:

1. The occupants will not be returning to the premises for an extended period of time, if at all;
2. The investigation will be hampered if the premises are not immediately searched;
3. Executing the warrant at another time would cause substantial inconvenience and improperly waste personnel time.

c. Immediate Examination of Search Site.

The search site shall be secured. Each room of the premises shall be immediately examined for persons that may interfere with the warrant's execution.

10. Persons within Premises

a. Permissible Search of Persons.

Mere presence at a search site is not a factor which gives sufficient reason to search a person within the premises. For the search to be valid, the officer must articulate facts or circumstances within the search warrant affidavit which provide probable cause to support the action taken. The affidavit must identify the persons to be searched by name and the basis for such search.

b. Arrests.


Probable cause to arrest a person at the search site may arise during the execution of a search warrant. In that event, a search incidental to that arrest, and independent of the warrant, may be conducted.

c. Permissible Frisk of Persons

Any person within the premises at the time the search warrant is executed or any person that voluntarily enters the premises after the search has commenced may be frisked, if the officer reasonably suspects that such person has a concealed weapon or dangerous instrument. Mere presence at the search site is not a sufficient reason to frisk a person within the premises. In order for the frisk to be proper, the officer must be able to articulate facts or circumstances which provide reasonable suspicion to support the action taken. Nothing in this chapter should be construed as limiting the initial entry team personnel from frisking those persons already present to assure their own safety and the safety of others present.

d. Restricting Movement of Persons.

Restrictions may be placed on the movement of any person at the search site. This restriction is essential to prevent interference with the search and to safeguard the search team and other persons involved. The restriction shall be limited to the time needed to assure security.

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11. Seizure of Items Inadvertently Found.

If contraband items are found, but not listed in the search warrant, they may be seized when the item could logically be seen within the scope of the warrant, in an area controlled by the search warrant.

12. Post Search Action.

a. Damaged Property.

If damage occurs during entry, the supervisor in charge at the scene shall evaluate the need to assure the protection of the search site until repairs can be made. If it is in the Department's best interests, the supervisor shall assign personnel to protect the property until the person in control of the property is able to assure security.

b. Warrant Return.

The responsible officer shall ensure the return of the warrant to the issuing authority as soon as practical, and within the 72 hour time limit required by law. The officer shall swear under oath to a copy of the list of items seized, and such fact shall be stated in the inventory sheet prior to the return to the Court. If nothing is seized a statement to that effect shall be filed with the Clerk of Circuit Court of the jurisdiction where the search occurred within 72 hours.

c. Return of Property.


When non-contraband items seized during the execution of a search warrant are no longer needed for prosecution, they may be returned to the owner, under authority of the Commonwealth's Attorney.

2. Authority to Execute the Criminal Process

The Code of Virginia '15.2-79, states that "Every officer to whom any order, warrant, or process may be lawfully directed, shall execute the same within the boundaries of the political subdivision in which he serves and may execute the same in any contiguous county or city in accordance with the provision of '19.2-76." This legislation enables a Vienna police officer to execute criminal warrants at the Fairfax County Jail or at other locations within counties contiguous to the Town of Vienna.

A. Jurisdiction

1. Within the corporate boundaries of the Town of Vienna, police officers are empowered to enforce the Code of Virginia and the ordinances set forth in the Vienna Code of Ordinances. This authority extends to all property within the Town including that which is owned and operated by any other county, city or town. See Code of Virginia, '15.2-1725.
2. Vienna police officers are empowered to enforce the criminal laws of the Commonwealth of Virginia to 300 yards beyond the corporate limits of the Town of Vienna. Offenses occurring within this 300 yard zone must be prosecuted under the State law. Such enforcement should be limited to these situations where there is an immediate need to act. Traffic infractions are not covered under these guidelines. See Code of Virginia, '19.2-250.

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3. When a person in the custody of an officer escapes or flees from an officer attempting to arrest them, the officer with or without a warrant may pursue the person anywhere in the State of Virginia and when actually in close pursuit may arrest the person where they are found. In addition, if the person is arrested in an adjoining county, city, or town, the arresting officer may return the person before a magistrate of the county, city, or town from which the person fled. Otherwise, the person must be taken to a magistrate located in the jurisdiction where the arrest is accomplished. See Code of Virginia, '19.2-77.
- B. Arrest of Persons on Court Capias Who Are Under Contract for Bail with a Bondsman
1. Capias directed to Any Police Officer.
 - a. A capias directed to any police officer shall be examined for validity in all respects, as any other capias.
 - b. The affected bondsman shall not be present at the time the capias is served.
 - c. After service of the capias, the defendant shall be transported directly to the nearest accessible special magistrate for arraignment.
 2. Any capias which is issued as a result of a bondman's application to a court that is directed only to a bondsman shall not be served by a Department member, nor shall any member assist in such service.
 3. Department members shall recognize that no bondsman is specifically authorized to carry a concealed weapon, unless properly authorized. Department members shall also recognize that bondsman are criminally and civilly liable for the injury of third persons who are harmed as a result of the bondman's actions while effecting arrest.


606 VICE, DRUGS AND ORGANIZED CRIME

1. Administration and Operations

- A. The Criminal Investigations Section supervisor is responsible for the vice control function and is responsible for the supervision of officers assigned to the vice control function.

Any complaints received by the Department concerning vice or organized crime shall be documented with an incident report and forwarded to the Criminal Investigations Section. The Criminal Investigations Section supervisor will review the report and determine if the information should be assigned for investigation or classified as intelligence. To determine which cases to investigate, the Criminal Investigations Section supervisor may consider the following:

1. Is the original intelligence information valid;
2. What is the criminal nature of the problem;
3. How significant is the problem;
4. What lead information exists;
5. What investigative techniques must be used;
6. Does the agency have sufficient resources;
7. What possible operational problems exist?

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After these questions are answered, a decision can be made on whether the case should be investigated further and what investigative methods should be utilized. If the report requires further investigation a detective will be assigned. All leads will be pursued until a satisfactory conclusion to the case is obtained. If the information is deemed as intelligence, the Criminal Investigations Section supervisor will ensure it is analyzed and classified accordingly. In some cases, the CIS supervisor, with the approval of the Chief of Police, may deem it necessary to refer the case to County, State or Federal agencies for further investigation.

B. Unless the investigation is covert, all vice and organized crime investigations shall be documented in accordance with standard reporting procedures:

1. Establish a case number;
2. Assign an offer to the case;
3. Complete an incident report;
4. Document all follow-up efforts with supplemental reports;
5. Bring the case to a satisfactory conclusion.


A covert investigation shall be authorized by the Chief of Police and supervised by the Criminal Investigations Section supervisor. The supervisor will keep all confidential reports in a secured file within the section. The supervisor will be responsible for ensuring the case is handled promptly and that all documentation is completed. Once the case is brought to a conclusion all documentation will be forwarded to the Records Section.

C. All vice and organized crime complaints substantiated by investigation will be maintained in an intelligence file under the purview of the Criminal Investigations Section supervisor. Annual purging of the file will be the responsibility of the Criminal Investigations Section supervisor. Reports will be forwarded to the Records Section at the conclusion of the case. Information collected during an investigation will remain in the Criminal Investigations Section files.

D. The Criminal Investigations Section supervisor is responsible for the cooperation and deployment of all efforts of enforcement against vice and organized crime activities. Information conveyed to or received from outside agencies will be filed and maintained by the supervisor. A free flow of information will enhance and improve present and future strategies in combating vice and organized crime.

2. Active Vice and Organized Crime Files

The Criminal Investigations Section supervisor will maintain active covert investigations filed in a locked safe. Access to the safe is limited to the section supervisor, Support Services Division Commander, and the Chief of Police. Every investigation will be assigned a standard case number from the Communications Section to enable the case to be filed chronologically as soon as it is brought to a conclusion.

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3. Asset Forfeiture


The Support Services commander will have the responsibility of the Asset Forfeiture program for the Department. All forfeiture action will be conducted in accordance with Virginia State Code, Department of Criminal Justice Services Forfeited Asset Sharing Manual and U.S. Department of Justice Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies.

4. Surveillance and Undercover Equipment


The Department has limited use for undercover or surveillance equipment. Necessary equipment may be obtained through various sources on a temporary basis. Whenever this equipment is used, the officer will ensure constitutional safeguards are maintained and court established guidelines are followed. Supervisory responsibility for the care and use of this equipment will rest with the Criminal Investigations Section supervisor.

5. Surveillance, Undercover, Decoy, and Raid Operations/Coordination of Information

- A. The Criminal Investigations Section supervisor is responsible for coordinating, planning, and implementing surveillance, undercover, decoy, and raid operations. Guidelines for these operations should include:
1. Authorization from the Support Services Division commander or the Chief of Police, who will designate a single person to supervise the operation;
 2. Analysis of the crimes, victims, and suspects. The analysis of suspects should include criminal history, known associates, weapons usage, habits, vehicles, method of operation, or other available background information;
 3. Notification of the Commonwealth's Attorney, prior to implementation, to discuss any legal ramifications of the operation when necessary;
 4. Surveying the target area to identify potential hazards and locations for surveillance, and establishing strategies and tactics for approaching, entering, securing, and leaving the target area;
 5. A briefing to familiarize all participating personnel with the objective and details of the operations, as well as one another's clothing, vehicles, and roles, to eliminate the possibility of not being recognized as an officer during the operation;
 6. Determining operational procedures including methods for observation and surveillance, as well as planning for arrests with defined responsibilities assigned to each officer involved. If mass arrests are expected, the Fairfax County Adult Detention Center shall be notified and the appropriate arrangements made;
 7. Coordinating high-risk entries with the Fairfax County Police Department Tactical Unit.
 8. Determining required funds.
 9. Establishing routine and emergency communications for officers involved in the operation;
 10. Planning for necessary equipment and vehicles appropriate for the operation
 11. Planning for the overlap of personnel if surveillance is required over an extended time period;

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12. Ensuring that sufficient backup security and perimeter protection is coordinated. The operation shall be implemented only when the predetermined number of covering officers are available for deployment;
 13. Ensuring that the confidentiality of such operations is maintained;
 14. Ensuring that all necessary and reasonable precautions have been taken, prior to contacts with suspects;
 15. Assigning specific areas or persons for officers to search and seize evidence from;
 16. Authorization for, and planning the use of force to gain entry during police raids when necessary. Such authorization is only given after reasonable efforts to gain entry have been exhausted, or exigent circumstances exist which necessitate a forced entry. The use of force when confronting suspects shall be in accordance with General Order 900.
 17. Alerting the Fairfax County Fire Department and summoning them to the scene if medical assistance is required;
 18. Notifying the patrol supervisor of the action so that he or she will be able to closely monitor all phases of the operation;
 19. Monitoring all phases of the operation by the supervisor of the operation who is responsible for the police action;
 20. Informing uniformed officers that they shall not acknowledge any undercover officer. Only after the contact is initiated by the undercover officer may the uniformed officer recognize the undercover officer. (See Section F.)
- B. The narcotics detective will be provided with a false identity and necessary credentials, as needed. The confidentiality of these credentials is maintained by CIS supervisor .
- C. When a detective compiles active information that vice or organized crime is present within the Town, that detective shall notify the Criminal Investigations Section supervisor. If upon review it is determined that the activity may be of long term duration or if the patrol force may need to have knowledge of the information, the Criminal Investigations Section supervisor shall meet with the Support Services Commander. The discretion of the Support Services Commander shall dictate the dissemination of the information to the patrol units. The Support Services Commander will notify the Chief of Police concerning incidents of this nature.
- D. When staffing allows, the Criminal Investigations Section supervisor will assign a detective to serve as liaison between the Vienna Police Department and the Fairfax County Police Department. This detective will work daily with the Fairfax County Police Department and ensure that a free flow of information will be disseminated to and from both agencies.
- E. The Criminal Investigations Section supervisor will assign detectives to attend the various regional interdepartmental meetings on a regular basis, such as:
1. Washington Metropolitan Sex Crime Meetings;
 2. Washington Metropolitan Robbery Crime Clinic;
 3. Washington Metropolitan Property Crimes Clinic;
 4. Northern Virginia Diversion Meetings.

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- a. Attendance will facilitate the two-way flow of information between all represented agencies in the region.
- F. Recognition of Casual Clothes Personnel
1. It is very important that members in casual clothes be properly identified when required to exercise overt responsibilities. Members in casual clothes will, when present at crime scenes, calls for service, or whenever it is necessary to be prominently identified, conspicuously display their badge. Additionally, a police arm band or raid jacket shall be worn.
 2. The Communications Section shall be notified when it is anticipated that casual clothes personnel will be present at a crime scene or call for service.
 3. Officers will use extreme caution when confronting suspected casual clothes personnel. A position of advantage (cover) should be attained prior to issuing a challenge. Officers shall state in a loud and clear voice, "Police - Don't Move." Officers will proceed with caution until the subject's identity has been confirmed.
 4. Tentative Recognition Signal.
 - a. When an officer in casual clothes is challenged by another officer, they shall remain motionless unless given a positive directive otherwise. Challenged officers shall obey the commands of the other officer, which may entail submission to arrest.
 - b. The challenged officer will not attempt to produce identification unless and until so instructed. If circumstances permit, officers may verbally announce their identity and state the location of their badge and credentials.
 - c. Officers should ask the challenging officer to repeat any directions or questions that are unclear and should not argue.
 - d. When directed by a challenging officer to raise their hands over their head, a challenged officer in casual clothes will immediately comply by straightening their arms over their head, crossing them at the wrists with the palms forward and the fingers widespread.


7. Annual Status Report

On an annual basis, the Criminal Investigations Section supervisor must submit a report to the Chief of Police detailing complaints, investigations, and arrests concerning all vice and organized crime activity.

607 TASK FORCES

Whenever a Vienna Police officer is involved in a joint agency task force, the following procedures shall apply:

1. The initiating agency will be responsible for establishing the purpose and goals of the task force; A Memorandum of Understanding (MOU), between the Town of Vienna Police Department and the task force governing agency is preferred.
2. Jurisdictional limitations shall be clearly defined and understood and coordinated with the town attorney.

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3. Vienna Police officers shall be supervised by the supervisory staff of the task force, but they shall keep their Vienna supervisor informed of their activities and are still bound by the regulations and general orders of the Vienna Police Department;
4. The Vienna Police Department will offer personnel, equipment, money and time to enhance joint agency task forces as long as the delivery of services to the citizens of Vienna are not affected;
5. A time schedule shall be established at the inception of any task force for the purpose of evaluating the effectiveness of the resources dedicated. A decision to continue or discontinue the effort will be reached at the time of evaluation.

608 CRIMINAL JUSTICE & SOCIAL SERVICES DIVERSION PROGRAMS

Departmental personnel are encouraged to participate as board members or advisors when requested by any criminal justice or social service diversion program. If such a request is made, and the departmental personnel would like to participate, a memorandum should be forwarded through the chain of command to the Chief of Police for approval. The Vienna Police Department will provide whatever assistance it can to criminal justice or social service diversion programs when such requests are made.

609 DOMESTIC AND FAMILY VIOLENCE

1. Policy

The department assigns domestic or family violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance call shall (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

2. Purpose


To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, describe measures to end violence and protect victims.

3. Definitions


A. Assault

See Virginia Code §§ 18.2-57 and 18.2-57.2 ("Assault and Battery Against a Family or Household Member," which upon a third or subsequent conviction of the same or similar offense of any jurisdiction within a ten-year period shall be treated as a Class 6 felony).

1. A related matter, § 18.2-60 criminalizes the sending of letters to anyone threatening death or injury (Class 6 felony).

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2. A magistrate issuing a warrant for violation of § 18.2-57.2 shall also issue an emergency protective order.
- B. Domestic violence shelters/programs
 Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.
 - C. Family abuse
 Any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member (§ 16.1-228).
 - D. Family or household member
 Per §§ 18.2-57.2, 16.1-228, and 19.2-81.3, includes:
 1. Spouses, whether or not residing in the same home.
 2. Former spouses, whether or not residing in the same home.
 3. Persons who have a child in common, whether or not they have ever been married or resided together.
 4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters regardless of whether they reside in the same home with the suspect.
 5. Parents-in-law, children-in-law, brothers- and sisters-in-law who reside in the same home with the suspect.
 6. Persons who cohabit or who, within the previous 12 months cohabited with the suspect, and any children of either who then resided in the same home as the suspect. [Warrants against family/household members are heard by Juvenile and Domestic Relations Court.]
 - E. Primary physical aggressor
 (See § 19.2-81.4) The party that poses the greatest threat. The primary aggressor is not necessarily the first disputant to engage in assaultive behavior, but the one with the most ability and inclination to inflict physical injury. Officers shall identify a primary physical aggressor based on the totality of the circumstances. Some or all of these characteristics may be present:
 1. Evidence that any of the parties acted in self-defense.
 2. A history of violence (prior assault convictions) of the parties involved, including history of calls for service.
 3. The relative severity of injuries inflicted on all parties, plus consideration whether the injuries were offensive or defensive.
 4. The relative size, bulk, and strength of the parties involved.
 5. Evidence from persons involved in or witnesses to the incident.
 6. The likelihood of future injury to any party.
 7. Current or previous protection orders filed against either party.

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F. Protective order

A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, plus other measures (see § 16.1-279.1). A protective order may be valid up to two years. Types of protective orders:

1. Emergency protective order/EPO for stalking.
2. Preliminary protective order/PPO for stalking.
3. Full protective order/PO for stalking.

Statutes relevant to protective orders include §§ 16.1-251, -253.1, -253.2, -253.4, -279.1, 18.2-60.4, 19.2-81.3, 152.8 through -152.10). For further discussion of protective orders, see section F.

G. Stalking

Any person who on more than one occasion engages in conduct directed at another person with the intent to place, or with the knowledge that the conduct places, that other person or the person's family or household member in reasonable fear of death, criminal sexual assault, or bodily injury (a Class 1 misdemeanor, § 18.2-60.3). Stalking behaviors include following a person to home, work, and other places, parking outside home or office, threatening notes or telephone calls, threats, or computer-based, on-line threats.

1. A person who violates any provision of a protective order related to stalking is guilty of a Class 1 misdemeanor (§ 18.2-60.4).


4. Procedures - General responsibilities

A. Department personnel shall refer victims of domestic violence and stalking to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs). Where possible, officers shall help victims directly access referral agencies. (See also General Order 517) Referrals help prevent future disturbances.

B. Department personnel shall be trained about domestic violence and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

C. Dispatcher (communications center) responsibilities


1. Because the dispatcher is likely to be the first person to receive the call, he or she is instrumental in determining the type of response.
2. The dispatcher is responsible for deciding whether an officer is needed at the scene. To make that decision, the dispatcher shall determine the following, if possible:
 - a. Who is complaining? Phone number? Whereabouts and identity of the suspect/aggressor?
 - b. Name of caller and location of incident? Location of caller and complainant, if different? Phone numbers?
 - c. Is the crime (incident) in progress or when did it occur?
 - d. Is a weapon involved?

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- e. Have people at the scene been injured? Is an ambulance needed?
 - f. Presence of children? Witnesses?
3. At this point, if evidence of injury or a weapon exists, someone has threatened violence, or the complainant requests an officer, dispatch one immediately with a back-up officer and an ambulance, if needed. The dispatcher shall perform a VCIN inquiry and give the results to the responding officer(s) before their arrival at the scene. Keep the caller on the telephone, if possible, and obtain additional information:
 - a. Suspect's whereabouts? If not known, obtain vehicle description, direction of travel, and elapsed time and access to weapons.
 - b. Were alcohol or drugs involved?
 - c. A history of calls to this address? Outstanding warrants on disputants? Probation/parole status of suspect/aggressor?
 - d. A history of previous arrests?
 - e. A protective order in effect?
4. The dispatcher shall maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. The dispatcher shall advise the victim of the intended department response.
5. The dispatcher shall provide the responding officer with as much information as possible to identify risks at the scene.


5. Procedures - Patrol responsibilities

- A. Arrival at the scene
 1. Obtain all available information from the dispatcher before arrival.
 2. Approaching the scene.
 - a. When possible, officers should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.
 - b. Avoid the use of sirens and other alarms in the vicinity of the scene. The suspect might be dangerous and could turn a weapon upon arriving officers.
 - c. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.
 - d. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
 - e. Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.


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3. Initial contact with occupant(s).

- a. Identify selves as law enforcement officers by name, give an explanation of your presence, and request entry into the home (when conditions permit). Ascertain identity of complainant, and ask to see him or her and any other person at the home. Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Officers shall not leave without interviewing the complainant.
- b. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.
- c. Refusal of entry or no response to a knock at the door may require a forced entrance only if officers have a reasonable suspicion that the safety of people inside may be in jeopardy.
 1. In deciding to make a forced warrantless entry, officers shall evaluate the following elements:
 - a. The degree of urgency involved and the time required to get a warrant.
 - b. The possibility of danger to others, including officers left to guard the site.
 - c. Whether the suspected offense involved violence.
 - d. Whether officers reasonably believe that persons may be armed.
- d. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent.
 1. A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.
 2. If the complainant has asked for law enforcement assistance in retrieving personal property from his or her residence, the officer must first determine if the complainant has lawful authority to do so. If so, the officer shall stand by to preserve the peace, but may advise the disputants that rights to any disputed property can only be determined by the courts.
- e. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist (example: officers believe that someone, perhaps children, is in need of emergency assistance).
 1. Officers shall evaluate the following elements when considering a warrantless entry:

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- a. The degree of urgency involved and the time required to get a warrant.
 - b. The possibility of danger to others, including officers left to guard the site.
 - c. Whether the suspected offense is serious or involves violence.
 - d. Whether officers reasonably believe that persons may be armed.
 2. Finally, officers are reminded that they have a lawful right to investigate any situation which they reasonably believe to be an emergency.
 - f. Once inside, establish control by:
 1. Inquiring about the nature of the dispute.
 2. Identifying disputants.
 3. Being aware of potential weapons in surroundings.
 4. Determining if persons are in other rooms, whether children or adults, and the extent of any injuries (these persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised).
 - g. Protect the victim from further abuse. Separate the victim from the suspect and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph the victim's injuries.
 - h. Ascertain whether a protective order has been violated.
 - i. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If officers determine that weapons should be removed from the premises, contact the field supervisor. Refer to 6-G regarding § 18.2-308.1:4 which prohibits persons under protective orders from purchasing or transporting firearms.
4. Transporting family/household members to the hospital, safe shelter, or magistrate. See § 16.1-253.2.
 - A. Officers shall transport victims to a safe location as they wish or as the circumstances require. (See §§ 19.2-81.3, -81.4.)
 - B. If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must determine that the complainant has lawful authority to do so; must advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the officers' function is to maintain order; that any dispute over property is a matter for the courts to decide.
- B. Interviewing all disputants
1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect, if identifiable.
 2. Critical to the success of the interview is the officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.

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3. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.
4. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.) Although the disputants may be separated, officers shall remain within sight and hearing of each other.
5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts.
6. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practicable and note them in your report.

C. Interviewing the victim

Ascertain the following information from the victim:

1. What happened.
2. Any injuries, who caused them, and what weapons or objects were used.
3. Relationship to suspect.
4. Any threats made against victim or others.
5. Forced sexual contact against victim's will.
6. Any court cases pending against suspect or any protective orders in effect.
7. Is suspect on probation or parole.
8. Did suspect threaten others, particularly children, damage property, or hurt pets.


D. Interviewing witnesses

1. Interview any witnesses to the incident--children, other family members, neighbors--as soon as possible.
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.
4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.


6. Procedures - Issuing an emergency protective order

A. Emergency protective orders (EPO) (domestic violence)

1. The EPO aims to protect the health or safety of any person. Regardless of a decision to arrest, if an officer has at least a reasonable belief that family abuse has occurred and there exists probable danger of further abuse, the officer shall petition a judge or magistrate to issue an EPO. (See § 16.1-253.4.)
 - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or she can request an EPO directly from a magistrate or the Juvenile and Domestic Relations Court.
 - b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.

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- c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, and provide other relief.
 2. An officer can petition for an EPO by telephone or in person.
 3. The EPO expires 72 hours after issuance. If the expiration would occur when court is not in session, then the EPO expiration is delayed until 5 p.m. of the next business day. Note that a law-enforcement officer may request an extension of an EPO if the person in need of protection is mentally or physically incapable of doing so. The victim can petition for a preliminary protective order before the expiration of an EPO.
 4. The officer shall complete form DC-626 and serve a copy to the respondent as soon as possible. The order cannot be enforced until the abuser has been served. The clerk/dispatcher shall enter the relevant information into VCIN upon receipt and update the entry upon service of the order.
 5. The officer shall submit the original order to the issuing judge or magistrate, provide a copy to the victim, and attach a copy to the incident report.
- B. Emergency protective order (EPO) (stalking)
 1. The victim of stalking may obtain an EPO once he or she has sworn an arrest warrant for the offense under § 18.2-60.3 (see also § 19.2-152.9-.10). The abuser can be anyone, not necessarily a family or household member. The EPO cannot be issued until an arrest warrant has been obtained.
 - a. An EPO for stalking may order the stalker to stop the threatening behavior, prohibit the stalker from contacting the victim in any way, and provide other relief.
 - b. An officer can request a warrant and an EPO under a reasonable belief that stalking has occurred and will occur in the future. Further, the victim can request an EPO in person at the office of a magistrate or the General District Court Clerk's Office.
- C. Preliminary protective order (PPO) (domestic violence)
 1. An abused/family household member may petition the Juvenile and Domestic Relations Court for a PPO (see § 16.1-253.1). After an ex parte hearing and based on immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred, the court may issue a PPO (protecting the petitioner or his or her family, or both). At the hearing where the PPO is issued, a hearing date for a permanent or full protective order shall be set. The PPO is valid for 15 days.
 - a. The PPO may order the suspect to stop the abusive behavior, prohibit contact between parties, order the abuser out of a shared home, grant exclusive possession over a home or car, and award temporary custody of children.
 - b. A victim does not have to have an EPO in order to obtain a PPO.
 - c. The victim must petition the Juvenile and Domestic Relations Court for a PPO.
 2. The police/sheriff's records clerk shall enter the order into VCIN upon receipt, which record shall be updated upon service of the order.
- D. Preliminary protective order (PPO) (stalking)
 1. Generally, the provisions above apply in stalking cases. The victim must go to the Juvenile and Domestic Relations Court of the jurisdiction where the stalking occurred to petition for the PPO.

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2. A PPO may order the abuser to stop stalking behavior, prohibit contact between parties, and provide other relief as necessary.

E. Full protective orders (domestic violence and stalking)

1. Domestic violence: In addition to the restrictions and prohibitions placed in a PPO, the full protective order may require an abuser to pay for the victim and children to live elsewhere, and for the abuser to receive treatment or counseling.
 - a. The victim and the abuser must attend a protective order hearing at the Juvenile and Domestic Relations Court.
 - b. The full order is valid for up to two years.
2. Stalking: The full protective order observes the same general restrictions and prohibitions of a protective order for domestic violence.
 - a. The victim and the abuser must attend a protective order hearing at the Juvenile and Domestic Relations Court.
 - b. The full order is valid for up to two years.

F. Full faith and credit


Officers shall enforce all protective orders from other states or possessions of the United States as if they were issued in Virginia. Enforcement of out-of-state protective orders does not require that they be registered in Virginia. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it. [Note: If unable to validate a foreign protective order, then officers may ask victims to sign a statement specifying what court, jurisdiction, conditions, and expiration apply.]

G. Purchase or transportation of a firearm by a person subject to protective orders


§ 18.2-308.1:4 prohibits any person subject to a protective order for domestic violence or stalking (as defined in the statutes cited in this order) from purchasing or transporting a firearm while the order is in effect, punishable as a Class 1 misdemeanor. Firearms transported or purchased in violation of this law shall be confiscated and subject to forfeiture.

7. Procedures - Arrests

- A. Officers shall make an arrest without a warrant if they have probable cause to believe that a felony has been committed in or out of his or her presence (§ 19.2-81, -81.3). The Code specifies the misdemeanors for which officers can arrest for offenses not committed in their presence. Further, the department promotes a policy of arrest when the elements of an appropriate offense are present. Officers are reminded that they cannot release the abuser on a summons, but must take the abuser before a magistrate.
- B. Officers who develop probable cause that a person was the primary physical aggressor in a violation of § 18.2-57.2 (assault/battery against a family/household member), § 16.1-253.2 (violation of a protective order), shall arrest and take him or her into custody (§ 19.2-81.3). Officers who develop probable cause that a person has committed stalking (§ 18.2-60.4 or -60.3) shall arrest and take him or her into custody. (If the "no contact," "no trespass," or "no further abuse" provision of a protective order is violated, then it is treated as its own Class 1 misdemeanor offense.)

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1. Knowing that the safety of the complainant or victim probably will be compromised by an arrest, and recognizing that circumstances may preclude physical arrest, the officer must decide, within his or her discretion, whether to arrest. If circumstances nevertheless dictate no arrests, see G.5 below.
 - a. If an arrest is made, advise the victim that the case may be prosecuted even if the victim later declines to testify.
 - b. If officers cannot identify a primary physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident. Further, officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.
2. In cases where the conditions of a protective order have been violated (§ 18.2-119, or protective order/stalking, § 19.2-152.8, § 18.2-60.4), officers shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") are violated then the officer shall arrest the violator if probable cause exists.
3. Officers making arrests under § 19.2-81.3 (and § 18.2-60.3, stalking) shall petition for an emergency protective order. If the officer does not arrest but a danger of family abuse still exists, the officer shall petition for an emergency protective order.
 - a. If children are involved in the incident, officers shall contact the on-call Child Protective Services worker if a child is abused or neither parent can reasonably look after the child's safety and well-being (neglect is a separate, reportable offense).
 - b. If the abuser is not present, officers shall try to serve the protective order as soon as possible and shall so advise the victim once service has been made (and officers shall arrange to have the order entered into VCIN upon receipt).
4. In determining probable cause, the officer shall not consider:
 - a. Whether the parties are married or living together, or their race, sex, ethnicity, social class, or sexual orientation.
 - b. Whether the complainant has not sought or obtained a protective order.
 - c. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
 - d. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
 - e. That the complainant has not begun divorce proceedings.
 - f. Assurances of either disputant that violence will stop.
 - g. Denial by either disputant that violence occurred.
5. Officers shall be alert to the elements of a stalking arrest. Ask victims:
 - a. Is the suspect following you or did he or she follow you?
 - b. Is the suspect harassing you or did he or she harass you?
 - c. Is the suspect threatening you or did he or she threaten you?

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6. The possibility of other offenses shall not be overlooked. Other related offenses include:
 - a. Marital sexual assault (§ 18.2-67.2:1).
 - b. Violation of a stalking protective order
 - c. Factors favoring the decision to arrest

Arrest is the most appropriate response when these factors are present:

 1. Evidence of an assault
 2. Serious, intense conflict.
 3. Use of a weapon.
 4. Previous injury or damage.
 5. Previous court appearance against the offending party.
 6. Previous attempt to sever the relationship.
 7. Previous calls for law enforcement help.
 8. When a felony has occurred.
 9. Evidence of drugs or alcohol use at the assault.
 10. Offenses committed with the officer present.
 11. Valid warrants on file for other crimes.
 12. A protective order has been violated. Charge as a Class 1 misdemeanor under § 16.1-253.2.
 - d. Making the arrest
 1. Arrest the suspect if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the magistrate.
 2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-lookout" message describing the suspect and arrange for an arrest warrant.
 3. If an arrest must be made because a protective order has been violated, verify its validity by:
 - a. Examining the victim's copy, if available.
 - b. Having communications search VCIN or contact the jurisdiction that issued the order to confirm its currency.
 - e. If the abusive person is not arrested
 1. Complete an incident report and give a copy or arrange to have a copy given to the victim (§ 19.2-81.3 applies). This procedure applies both for domestic violence and stalking.
 2. Inform the victim that he or she can begin criminal proceedings at a later time. Provide information about how to file a criminal charge, including time, location, and case number, if available, and offer to help in filing charges at a later time.
 3. Advise the victim of the importance of preserving evidence.
 4. Explain to the victim about protective orders and how to obtain them and offer to help the victim obtain them later.
 5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers.

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6. Give the victim telephone numbers of emergency shelters in the area and the police/sheriff emergency number.
 7. Assure the victim that the Vienna Police Department shall assist in future emergencies and explain measures for enhancing his or her own safety.
- f. Gathering evidence:
1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
 2. The victim's account of injuries sustained should be corroborated by a physician.
 3. When feasible, take photographs of injuries.
 4. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
 5. Collect evidence according to the same principles as applied to any crime scene
 6. If the suspect is under a domestic violence or stalking protective order and appears to have purchased or transported a firearm, confiscate it as evidence of § 18.2-308.1:4.
 7. Seize any weapons that the primary physical aggressor used or threatened to use in the commission of any crime.
 8. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.
- g. Documenting the incident
1. All incident reports on domestic violence and stalking shall follow general reporting procedures.
 2. Include in all reports of domestic violence:
 - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the primary physical aggressor.
 - b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
 - c. The victim's statements as to the number of prior calls for law enforcement assistance.
 - d. The disposition of the investigation.
 3. In any case involving domestic violence, stalking, or related crimes, thoroughly document probable cause to arrest.
 4. If an arrest is not made for domestic violence or stalking, the incident must still be documented, where either no probable cause existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
 - a. What referral information was given.
 - b. The name of any counselor contacted.
 - c. Why no arrest was made, nor any warrant issued.

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5. If children were present, make a report of abuse or neglect, if appropriate, and forward it to the Community Service Officer for follow up with Child Protective Services.
6. Regardless of whether an arrest is made, the officer shall provide appropriate information to the victim, both orally and in writing, about legal and community resources available.
7. At the conclusion of legal proceedings, return evidentiary property to the victim. Coordinate the victim's appearances in court.

C. Arrests of law enforcement personnel


1. If the primary physical aggressor or abuser is a sworn law enforcement officer, the responding officer shall summon the supervisor, who shall in turn notify his/her commander or the supervisor in charge of the jurisdiction from which the officer is employed. If probable cause for an arrest exists, an arrest shall be made.
2. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons.
3. If the officer is an employee of this department, the Division Commander shall be summoned and will begin an internal criminal investigation. See General Order 400.
4. The responding patrol officer shall ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken.
5. If probable cause for an arrest exists, an arrest shall be made.

610 PUBLIC INFORMATION OFFICER / COMMUNITY SERVICES OFFICER

- A. The Vienna Police Department was created and exists to serve and protect the public. The Department is responsible to the public and the public has the right to be informed about police activities and operations. A cooperative effort by the police and the citizens must occur to prevent crime and ensure police efforts are effective.
- B. A relationship of trust, cooperation and mutual respect between the police and the news media is essential to reach the common objective of serving and informing the public. The Vienna Police Department will make information on crimes and other incidents generally available to the news media, unless such information is legally privileged, would violate the constitutional rights of an accused, or is otherwise specifically prohibited in this order or any other departmental directive. All members of the Department will extend courtesy and cooperation to the media at all times with the understanding that successful accomplishment of the police mission takes precedence. The Department will disclose information as promptly as circumstances permit. At no time will information be released prematurely or withheld for the exclusive benefit of an individual reporter or segment of the news media.
- C. This order is applicable to all official information of the Vienna Police Department to include statistical data, records, complaints, cases and statements of departmental positions.

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- D. Public Information Officer (PIO). The Public Information Officer will be assigned to the Administration Division. The PIO has the authority to speak publicly on behalf of the Department and the Chief of Police. Normal business hours will be the working schedule for the PIO. Dissemination of public information to the media concerning disasters, unusual occurrences, special events and police operations will be the responsibility of the PIO. The duties of this position include but are not limited to:
1. Assisting news personnel covering routine stories and unusual occurrences;
 2. Being readily available at all times on an on-call basis to assist and respond to the media when necessary;
 3. Preparing and releasing departmental press releases;
 4. Arranging and assisting with news conferences;
 5. Coordinating and authorizing the release of information concerning victims, witnesses and suspects;
 6. Coordinating and authorizing the release of information concerning confidential investigations and operations;
 7. Assisting in crisis situations within the agency.
- E. The PIO will determine the content of press releases. A written press release (Highlights) will be prepared every week to be distributed to all interested media organizations. The media may call anytime during normal business hours for briefings on current police incidents or to ask questions.
- F. Authority to release official information of any type shall be limited to the Chief of Police, the division commanders, and the PIO, or individuals specifically designated by these authorities. Except as noted, no employee shall release any official information to the media without specific prior authorization from one of the information releasing authorities. The PIO shall serve as the primary point of contact for media representatives and may request officers or other employees with firsthand knowledge of a particular police activity to provide that information to the media. While employees are encouraged to comply with these requests, no employee will be expected to provide information to media representatives against their will, unless fulfilling one of the specific information releasing responsibilities defined in the order.
- G. The following release of information without prior approval of an information releasing authority is specifically authorized:
1. In the absence of an information releasing authority, the patrol supervisor shall provide information to the media in accordance with directives promulgated by the Chief of Police;
 2. In the absence of an information releasing authority, the senior police official present shall, when possible, provide a brief synopsis of the situation to any media representatives on the scene. If time permits, the PIO should be requested to respond to the scene.

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H. Media Access

All members of the Department shall extend every courtesy to media representatives who are actively covering an incident at the scene. These courtesies shall include permission of closer access to the scene than that which may be granted to the general public. Media vehicles and equipment may be located at points nearer the incident scene than permitted by normal traffic control; however, such locations shall not interfere with police operations or the general flow of traffic.

Members of the Department will take no action to discourage or encourage the media in photographing or televising anything within their view at a crime scene or the scene of any police operation. This shall include but not be limited to the photographing or televising of a suspect being taken into custody or being transported, or of a victim, or of evidence. Media camera persons will not be permitted any closer access than any other media representatives. Evidence may be covered or removed, witnesses removed, and other precautions taken to preserve the scene or protect the integrity of the investigation prior to admitting media to the scene.


No officer shall knowingly and unnecessarily obstruct media representatives in the performance of other duties; however, these representatives must operate within the guidelines of all State and Federal laws and Town ordinances.

Any police restriction on the operation of a media representative shall be based on the guidelines of this chapter and not on an individual's view of what constitutes an acceptable standard of journalism or news photography.

The Department will be responsible for the control of media access and release of information at incidents which involve crime and criminal investigation. The Fire and Rescue Department will be responsible for control of media access at fires or incidents in which rescue is the immediate concern. In certain instances, Fire and Rescue may have the initial responsibility and pass this along to the Department to handle the investigation of the cause of a crash or to establish if a criminal investigation is necessary. When this occurs the Department may impose more stringent media access requirements than had been imposed by Fire and Rescue. Additional restrictions shall be no more stringent than the need to protect evidence requires. The Department has no authority to invite the media onto private property without the consent of the owner or person in charge of the property.

Media representatives shall not be permitted to interview a person in police custody. Following incarcerations, any such arrangement is the responsibility of the Sheriff's Office.

If the Town of Vienna Police Department is not the lead agency for an investigation or incident, the Town of Vienna shall not release information about that investigation or incident without the prior approval of the lead agency.

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If an officer at the scene of a police event has reason to question the actions or status of any person who claims to be a media representative, instructions shall be sought from a supervisory officer or the PIO.


Any employee having a complaint regarding the conduct of a media representative should forward a memorandum detailing the complaint to the Support Services Division commander. The commander will record the complaint and initiate an appropriate investigation. If the complaint is found to be valid, the Chief of Police will forward a letter to the media representative named in the substantiated complaint. The letter will include suggestions for avoiding future problems. A second substantiated complaint against the same representative will be brought to the attention of the appropriate management personnel of the media organization.

Media representatives that possess appropriate authorization may enter any area closed because of a menace to the public health or safety after properly identifying themselves, provided they are advised of the dangers present, and such entry will not in any way hinder police or other public safety operations. The decision to assume the risk of possible danger remains with the individual media representative involved. It is not the responsibility of the Vienna Police Department to provide for the safety of the representatives of the media who voluntarily choose to subject themselves to danger.

611 CRIME PREVENTION

1. Crime Prevention Function

- A. The PIO / Community Services Officer is the position through which activities of the Department's crime prevention function are coordinated and implemented. The officer in this position maintains close ties with all functions of the Department to make possible the furtherance of the crime prevention effort. The PIO / Community Services Officer will analyze local crime by type and geographic area. With this analysis, crime prevention programs will be developed and implemented to serve the community's most pressing needs. An annual analysis shall be conducted to determine what programs should be continued, modified, or discontinued.
- B. The Department is committed to the development, implementation, and perpetuation of comprehensive proactive crime prevention programs. These programs will strive to anticipate, recognize, and appraise current crime risks. Once defined, action will be initiated to remove or reduce the risks. Crime prevention is a primary function for all officers. Each officer has an individual responsibility for achieving the goals of crime prevention and community relations programs. Through a network of communication means, proactive efforts and methods of preventing crime are initiated. Preventing crime demands an integrated and comprehensive effort from all employees. All supervisors, officers and civilian employees are responsible for assisting in the achievement of the crime prevention goals of the Department.

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2. Community Liaisons

- A. The PIO / Community Services Officer will maintain an active interest and participation in all interested civic, business, educational, and social groups. Through the Community Services Officer, the department offers guidance and assistance to any interested party in the prevention of crime.
- B. In addition to Neighborhood Watch, the Department offers programs on security for homes or businesses, marking property for identification purposes, providing programs to prevent substance abuse in schools and the community, and offering programs to educate members of the community on local problems and solutions. The PIO / Community Services Officer will target areas that would benefit from these programs and will also be available to all public and private groups, or any citizens who request these services.

612 AUXILIARIES

1. Vienna Auxiliary Police

A. Purpose

This General Order establishes the policies and procedures applicable to the Town of Vienna Auxiliary Police Unit. Unless specifically exempted, all other General Orders apply to the Vienna Auxiliary Police Unit. The Auxiliary Police mission is to support the police department in both operational and administrative duties to maximize the availability of employed police officers. The Auxiliary Police Unit is comprised of non-paid volunteer citizens.


B. Policies

The Auxiliary Police Unit was established under the authority of the Code of Virginia, Section 15.2-1731, and chapter 26 of the Code of the Town of Vienna, and is operated in accordance with these Code Sections. The Auxiliary Police Program is under the administration of the Support Services Division. The selection, appointment, and tenure of Auxiliary Officers will be determined by the Chief of Police.

C. Qualifications

Applicants for Auxiliary Police positions must adhere to the same criteria as paid police. Applicant investigators are authorized to refuse applicants for a position with the Auxiliary Program if they do not meet departmental standards. The appropriate division commanders may invoke additional criteria as circumstances may require.


1. Each Auxiliary Police Officer candidate must:

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- a. Be a citizen of the United States;
 - b. Not be a member of any other law enforcement or corrections agency, or an auxiliary program associated with any other law enforcement or corrections agency;
 - c. Not be a guard or employee of any commercial detective security agency;
 - d. Not be a military police officer;
 - e. Not have a criminal record or history of drug usage under the same criteria that is required for employed police officers;
 - f. Be able to successfully complete the training program and pass written examinations set forth by the department or the academy in which the training takes place;
 - g. Be physically capable of performing the various tasks and duties assigned and detailed in his/her police activities;
 - h. Devote a minimum of 12 hours of service per month.
2. Disqualifying Factors
- a. Under the age of 21;
 - b. Physical conditions unsuitable to the program (departmental physical examinations not required.) All Auxiliary applicants must submit a form letter signed by their private physician indicating their health status and any imitations regarding assignments;
 - c. Unwilling or unable to meet hourly requirements;
 - d. Unwilling or unable to attend training sessions;
 - e. Conflict of interest- may not be a member of this or any other law enforcement or corrections agency or associated auxiliary program, volunteer fire department, security guard firm, or other employer where there is significant potential for a conflict of interest or the inability to maintain the integrity of the police department, i.e., maintaining confidential information, misuse of authority, etc;
 - f. Instability with employment, family, finances, or schools;
 - g. Continuous association with persons of undesirable character;
 - h. Inability to follow directions of an employed police officer;
 - i. Unwilling or unable to perform assigned tasks.

D. Duties

1. Duties that may be performed by Auxiliary Police Officers but are not limited to the following:
 - a. Routine office duties;
 - b. Records compilation, sorting, and filing;
 - c. Telephone staffing;
 - d. Information desk duties;
 - e. Photocopying, microfilming, and photographic tasks;
 - f. Computer duties;
 - g. Assist in crime prevention and crime analyst tasks;
 - h. Fingerprinting activities in conjunction with public programs sanctioned by the police department;

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- i. Traffic surveys;
- j. Assist in conducting classes presented by the Vienna Police Department;
- k. Inventory and record keeping;
- l. Support patrol (foot, bike, and motorized) operations and patrol activities as directed by the appropriate authority;
- m. Assist in traffic direction and /or crowd control at the following locations:
 - 1) Crash scenes;
 - 2) School crossing;
 - 3) Special school activities;
 - 4) Special events;
 - 5) Other locations/functions as directed by the proper authority.
- n. Conduct witness and information surveys in support of employed officers;
- o. Provide physical security for police property and police structures;
- p. Secure crime scenes;
- q. Auxiliary Police Officers may act as back-up to an employed officer unless otherwise directed by a supervisor. If an Auxiliary Police Officer arrives before the employed officers; the Auxiliary Police Officer shall stage in a safe location and await the arrival of an employed officer.

E. Service Requirements

- 1. With exceptions of medical or family emergency that have occurred during the year, all Auxiliary Police Officers are required to work a minimum of 12 hours a month or 144 hours per calendar year. Minimum duty time requirements are to ensure up-to-date training and performance compatibilities between Auxiliary Police Officers and employed members of the department.
- 2. Auxiliary Police Officers are required to submit an Annual Activity Log to the Auxiliary Coordinator due at the end of each calendar year.
- 3. Auxiliary Police Officers may receive a reduced personal property tax rate, provided that they meet the following conditions:
 - a. Must be a Fairfax County/ Vienna Resident;
 - b. Be in good standing (as determined by the Auxiliary Coordinator);
 - c. Have completed at least the minimum service hours in the calendar year immediately preceding certification;
- 4. This benefit applies to only one vehicle per eligible Auxiliary Police Officer. Only the Chief of Police can certify to the Director of Tax Administration those Auxiliary Police Officers who have been deemed eligible.

A. Authority

- 1. When on-duty, a Vienna Auxiliary Police Officer will exercise the full law enforcement authority of an employed police officer, except as restricted by the Standards of Operations and/or command directive. These restrictions are imposed in the interest of officer safety. These restrictions may be waived at the discretion of the Chief of Police, or designee.

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- a. An Auxiliary Police Officer will be considered on-duty when:
 1. The Auxiliary Officer has reported to his or her duty assignment;
 2. The Auxiliary Officer responds to assist a law enforcement officer in the performance of his or her duties;
 3. Under exigent circumstances, the Auxiliary Officer takes law enforcement action, consistent with their training and authority to protect, or come to the aid of a citizen,
 4. Traveling to or from an assignment in an official vehicle.
2. Auxiliary Officers will not carry firearms while on duty or in uniform. All Auxiliary Police Officers will be trained in the proper care and handling of the department shotgun for the purpose of removing the shotgun from a cruiser going to the garage.

2. Training

Auxiliary recruits must complete the required minimum training period prior to being sworn or allowed to perform any operational duties. Administrative duties authorized by the Auxiliary Coordinator may be performed prior to the completion of training requirements. Auxiliary recruits will attend the Basic Auxiliary Police Officers Course conducted by the Fairfax County Criminal Justice Academy. After completion of the academy and being sworn-in, Auxiliary Officers will complete the prescribed field training manual and will complete a minimum of 24 hours which must include 4 hours of legal and 4 hours of firearms training every two calendar years. Normally, this training will be conducted under the purview of the Fairfax County Criminal Justice Academy. However, other options (i.e. law enforcement training seminars, computer classes) may be considered acceptable alternatives. Auxiliary Officers that wish to pursue alternative training must coordinate the training with the Auxiliary Coordinator.

3. Arrest Authority

- A. Physical arrest and the issuing of traffic summonses and parking tickets by Auxiliary Officers will be subject to the following conditions:
 1. Physical Arrest
 - a. Auxiliary Officers may make physical arrests only when accompanied by an employed officer on specific assignments. If an employed officer and an Auxiliary Officer are working together, and have multiple subjects to arrest, the Auxiliary Officer may make the arrest using his (or her) PIN.
 - b. Auxiliary Officers will not make physical arrests during routine patrol other than under the most exigent circumstances.
 2. Uniform Summons
 - a. Auxiliary Officers may issue a Uniform Summons only when accompanied by an employed officer on a specific assignment. For example, if an employed officer and an Auxiliary Officer are working a road check, the Auxiliary Officer may write a summons using their own PIN. Auxiliary Officers will not issue a Uniform Summons when not accompanied by an employed officer.
 3. Parking Tickets
 - a. Auxiliary Officers may issue parking tickets.

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4. Vehicle Operations


- A. The primary vehicle of an Auxiliary Officer is an unmarked car.
1. Auxiliary Officers may operate Town owned vehicles only if they are on duty and they have completed the Vehicle Familiarization Course conducted by the Fairfax County Criminal Justice Academy;
 2. Auxiliary Officers may operate marked police vehicles only at the discretion of a supervisor and with an “Auxiliary” placard placed on the door..
 3. Auxiliary Officers will not use any vehicle to pursue other vehicles or drive in an emergency manner.
 4. Auxiliary Officers shall not conduct traffic stops.

5. Uniforms

- A. Auxiliary Police Officers are issued a uniform that distinguishes them from employed officers. However, for special assignments such as Bike Patrol, the Support Services Commander may authorize an approved alternate uniform.
- B. An Auxiliary Officer’s uniform and personal appearance will be maintained in accordance with General Orders with the following exceptions:
1. The Auxiliary Officer’s badge will be annotated “Auxiliary;”
 2. Auxiliary uniforms patches will be annotated “Auxiliary Police.”
- C. Auxiliary Officers are eligible for departmental awards. Auxiliary Officers who have received an award for Valor, Meritorious Service Award, or Driving Award are permitted to wear the award on their duty uniform.

6. Reporting Injuries

- A. On-Duty Injuries
1. If an Auxiliary Officer is injured, the injury shall be reported to the on-duty supervisor immediately. The supervisor shall follow the procedures as outlined in the Administrative Regulations, 2.23.
 2. In all cases, supervisors shall investigate the circumstances of the injury and submit the findings and shall initial the report. The report shall be directed to the Chief of Police, via the appropriate commander, with a copy directed to the Auxiliary Coordinator.
 3. The Auxiliary Coordinator shall file all claims on behalf of Auxiliary Officers injured on duty with Administrative Services. The investigating supervisor shall furnish the coordinator with a copy of the investigation report within 24 hours to facilitate the timely filing of the claim.

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B. Off-Duty Injuries

1. Whenever an Auxiliary Officer is injured off-duty, to the extent that they are unable to fulfill their monthly duty requirement or will be unavailable for emergency call-outs, a memorandum to the Auxiliary Coordinator will be completed.
2. The Auxiliary Coordinator shall be notified within 48 hours of the injury, or as soon as the Auxiliary Officer is capable of doing so.

7. Liability Protection


The Town of Vienna carries insurance intended to provide for Auxiliary Police Officers in cases of legal action against an Auxiliary and/or the Town. The insurance will cover authorized appropriate actions undertaken within the scope of the employee's official duties. Legal action instituted against an Auxiliary Officer or the Town as a result of willful neglect of duty or purposefully harmful actions may be the sole liability of the Auxiliary Officer involved. The Administrative Services Department has responsibility as negotiator for the liability protection program.

8. Emergency Call Out

- A. All Auxiliary Officers will provide their current home and work telephone numbers to the Auxiliary Coordinator.
- B. The Auxiliary Coordinator will be responsible for maintaining a current emergency call out list for all emergency call outs involving Auxiliary Police Officers. This list will be updated and provided to the Communications Section by the Auxiliary Coordinator.

9. Disciplinary Procedures

- A. Unless expressly stated otherwise herein, the provisions of this Section shall apply only to Auxiliary Police officers of the Town of Vienna Police Department. Nothing contained in this Section shall prohibit the informal counseling of an Auxiliary Police Officer by a supervisor regarding minor infractions of departmental policy or procedure, which does not result in disciplinary action being taken.
- B. Auxiliary Officers are not afforded disciplinary procedure guarantees under Section 2.1-116 of the 1950 Code of Virginia, as amended (Law Enforcement Officers' Procedural Guarantees). Any disciplinary decision made by the Chief of Police regarding relief from duty or dismissal will be final.

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10. Confidentiality

- A. Auxiliary Officers may have access to confidential records, such as criminal histories, DMV files, or current investigations as their duties dictate. In addition to training regarding unauthorized disclosure of such records, each Auxiliary Officer must sign a non-disclosure agreement. Unauthorized disclosure of any confidential information, verbal or written, will be grounds for immediate dismissal and possible criminal prosecution.
- B. Auxiliary Officers are not authorized to release any criminal history information to anyone outside the police department.

11. Personal Records

The Support Services Bureau Commander will maintain the permanent personnel records of all Auxiliary Police Officers. Commanders and equivalent civilian supervisors should ensure that copies of all relevant correspondence are sent to the Support Services Division

12. Legal References

- A. Code of Virginia
 - 1. 15.2-1731
 - 2. 15.2-1733