

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

**SOP NUMBER: 033
SUBJECT: ARREST PROCEDURES**

I. PURPOSE

To provide specific guidance to deputy sheriffs of this agency regarding the exercise of arrest powers both on and off duty.

II. POLICY

It is the policy of the Fairfax County Sheriff's Office that all arrests are made by deputy sheriffs who are in uniform or display a badge of office. All arrests shall be conducted according to Virginia Codes [§19.2-81. Arrest without Warrant Authorized in Certain Cases](#), [§19.2-73. Issuance of Summons Instead of Warrant in Certain Cases](#), and [§19.2-74. Issuance and Service of Summons in Place of Warrant in Misdemeanor Case; Issuance of Summons by Special Conservators of the Peace](#).

III. PROCEDURE

A. On Duty Arrests with Warrant

1. Any deputy executing a warrant of arrest may search for the defendant in his/her own home provided that the warrant is valid; the deputy searches the defendant's home (and not someone else's); and probable cause exists that the defendant is home at the time of the search. The search for the defendant must be limited to places where he or she might be found.
2. The deputy executing a warrant of arrest will provide a copy process to the person charged. It is the responsibility of the arresting deputy to ensure the execution and return of warrants are in compliance with Virginia Code [§19.2-76. Execution and Return of Warrant, Capias or Summons; Arrest Outside County or City Where Charge is to Be Tried](#).

B. On Duty Arrests Without Warrant

1. Misdemeanor violations must occur in the deputy's presence or must be an exception as outlined in Virginia Code 19.2-81.
2. Felony arrests may be made if the violation is committed in the deputy's presence or if the deputy has probable cause to believe the subject committed the crime.
3. Additionally, any such deputy may arrest, without a warrant, for an alleged misdemeanor not committed in his presence when the deputy receives a radio message from this or other law-enforcement agency within the Commonwealth that a warrant for such offense is on file.
4. Deputies may arrest, without a warrant, persons duly charged with a crime in another jurisdiction upon receipt of a photocopy of a warrant, telegram, computer printout, facsimile printout, a radio, telephone, or teletype message, shall be given the name or reasonably accurate description of such person wanted and the crime alleged.
5. Deputies may arrest for assault and battery when such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense.

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6. Arrests arising out of civil matters will be executed only when the instrument of arrest is physically in hand.

C. Off-Duty Arrests

1. Off-duty deputy sheriffs shall not stop, detain, apprehend, or arrest any person for an alleged violation of the law unless:
 - a. They personally observe a felony or criminal misdemeanor being committed as stated in **Section III, B, 1-2 of this SOP**, or;
 - b. Their specific assistance has been requested by police or other bona fide law enforcement authority.
2. Any deputy sheriff who makes an arrest in Fairfax County while off-duty will notify the Fairfax County Public Safety Communication Center (DPSC) and request police assistance.
3. Outside Fairfax County, deputy sheriffs have no law enforcement authority, and while action to prevent felonies and cause the apprehension of felons is encouraged as a matter of civic responsibility, they cannot be undertaken under that authority given Fairfax County Deputy Sheriffs as law enforcement officers. They must contact the local law enforcement authority and request assistance.
4. As soon as possible thereafter, off-duty deputies who make an arrest will notify their Branch Chief or the Staff Duty Officer if appropriate.
5. In all cases, when an arrest is made by an off-duty deputy sheriff, the deputy concerned is required to submit a written report.
6. Any off-duty deputy sheriff who observes a serious traffic violation which he or she believes requires enforcement action, should obtain as much information as is prudently possible without jeopardizing public safety, speeding, or engaging in any form of reckless driving, and pass that information to the police or law enforcement agency having jurisdiction in the locale where the violation occurred for follow-up action.

D. Searches Subsequent to Arrest

1. When effecting an arrest, the deputy will conduct a reasonable search of the person arrested as soon as practical at or near the location of arrest. The deputy may extend this search to include the subject's immediate surroundings or area of immediate control. The purpose of each search is to:
 - a. Ensure the safety of the deputy and/or the subject.
 - b. Prevent escape.
 - c. Prevent the destruction of evidence.
2. Deputies will not conduct a general exploratory search, but shall adhere to the constitutional guidelines as set forth in [SOP 033a – Search and Seizure](#).

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3. Should the search result in the discovery of subsequent criminal activity, the deputy may request assistance from the primary law enforcement agency to secure and execute a search warrant (if appropriate), or the deputy may seize the contraband and/or evidence and initiate additional charges.

E. Interviews and Interrogation

1. Field Interviews

- a. An interview, as opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim, or other citizen. They should be used only in the pursuit of legitimate goals of the agency and not to harass citizens. When used properly they can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals.

2. Victim/Witness Interviews

- a. The trauma/stress to which the victim or witness has been subjected should be considered and the interview conducted in such a manner as to reduce stress and minimize further problems.
- b. The age, physical limitations, and credibility of witnesses should also be considered.

3. Interrogation of Suspects

- a. Interrogations, according to the Supreme Court, includes the following, per **Rhode Island vs. Innis**, 446 U.S. 291 (1980): A...express questioning or its functional equivalent...any words or conduct on the part of the law enforcement officer (other than those normally attendant to arrest and custody) that the law enforcement officer should know are reasonably likely to elicit an incriminating response from the suspect.)
- b. Interrogations to obtain investigative leads can be very useful, but all constitutional precautions must be taken and recorded if the interrogation is to be used in court later. Detailed notes or a recorded tape should be made of the interrogation. Information such as time, date, location, deputies present, waiver of rights and the time the interrogation ended shall all be documented. Statements obtained during an interrogation must not be based on coercion, promises, and delays in arraignment or deprivation of counsel. In order to use a statement in court, a suspect should be advised of his/her Miranda rights, and the deputy must be able to demonstrate that the suspect understood those rights.

4. Interview/Interrogation Rooms

- a. The Supervisor or designee assigned to the Intake Center, Internal Affairs, and/or the Sheriff's Intelligence Unit will be responsible for management and operations of the Interview/Interrogation rooms under their area of responsibility. At no time will weapons be permitted in an interview/interrogation room. All weapons shall be secured in the proper locations prior to entering the secure areas of the ADC. A supervisor shall ensure that the following duties are performed.

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- 1) The interview and interrogation rooms will be locked at all times when not in use.
- 2) Access to any room utilized for conducting criminal investigation interviews shall be strictly limited to law enforcement personnel whenever not in use, except for RV1, RV2, and RV3.
- 3) Inspect all windows, locks, and security devices for operability.
- 4) Inspect all chairs, tables, etc. for safety hazards.
- 5) Inspect rooms for weapons, contraband, and evidence prior to and again after each subject occupancy.
- 6) Search all subjects for contraband before and after entering Interview/Interrogation room.
- 7) Ensure subjects do not have access to keys or other access devices and that all doors are secure while the subject is in the interview room.
- 8) Ensure that the subject being interviewed will be under constant monitoring through visual and/or video technology, if left alone in the interview room.
- 9) Ensure that additional personnel are within proximity of the interview room and are available to intervene immediately or as needed.
- 10) Subjects that are aggressive or violent shall be secured in a manner to minimize the opportunity for conflict.
- 11) Deputies shall write an incident report detailing the usage of any Interview/Interrogation room when it is utilized for conducting a criminal investigation interview, and will document all searches, any unusual events occurring in the Interview/Interrogation room, and note any contraband found.

- b. Training on the interview/interrogation room procedures shall be conducted for all sworn staff authorized to utilize the interview/interrogation room. Training shall initially be conducted during the Field Training Instruction (FTI) process and then yearly through mandatory roll call training/review of SOP 033.

F. Identification Processing

1. All persons taken into custody for the following offenses shall be processed in accordance with Virginia Code [§19.2-390. CCRE Reporting Procedures](#):
 - a. Treason.
 - b. Any felony.

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- c. Any misdemeanor punishable by confinement in jail under Virginia Code; [Title 18.2. Crimes and Offenses Generally](#) or [Title 19.2. Criminal Procedure](#), under [§20-61. Desertion or Nonsupport of Wife, Husband or Children in Necessitous Circumstances](#), or [§16.1-253.2. Violation of Provisions of Protective Orders](#).
 - d. Any similar ordinance of any city, county, or town.
 - e. Any offense punishable as a misdemeanor under [Title 54.1 Professions and Occupations](#), Code of Virginia.
 - f. Any offense in violation of Virginia Code Sections: [§ 3.2-6570. Cruelty to Animals](#), [§ 4.1-309.1 Possessing or Consuming Alcoholic Beverage While Operating a School Bus](#), [§ 5.1-13. Operation of Aircraft While Under Influence of Intoxicating Liquors or Drugs; Reckless Operation](#), [§ 15.2-1612. Wearing of Same or Similar Uniforms by Unauthorized Persons](#), [§ 46.2-339. Qualifications of School Bus Operators; Training; Examination](#), [§ 46.2-341.21. Driving While Disqualified](#), [§ 46.2-341.24. Driving a Commercial Motor Vehicle While Intoxicated, Etc.](#), [§ 46.2-341.26:3. Refusal of Tests; Issuance of Out-of-Service Orders; Disqualification](#), [§ 46.2-817. Disregarding Signal by Law-Enforcement Officer to Stop; Eluding Police](#), [§ 58.1-3141. Treasurer or Other Person Shall Not Use Public Money Except as Provided By Law](#), [§ 58.1-4018.1. Larceny of Tickets; Fraudulent Notification of Prizes](#), [§ 60.2-632. False Statements, Etc., To Obtain or Increase Benefits](#), [§ 63.2-1509. Requirement That Certain Injuries to Children Be Reported by Physicians, Nurses, Teachers, Etc.](#), [§ 63.2-1727. Sex Offender or Child Abuser Prohibited from Operating or Residing in Family Day Home](#).
2. Persons arrested for misdemeanors which are reportable to the CCRE and are released on a summons shall not be live scanned until after a disposition of guilty, or proceeding pursuant to [§ 18.2-251. Persons Charged with First Offense May Be Placed on Probation; Conditions; Substance Abuse Screening, Assessment Treatment and Education Programs or Services; Drug Tests; Costs and Fees; Violations; Discharge](#), or acquittal by reason of insanity pursuant to [§ 19.2-182.2. Verdict of Acquittal by Reason of Insanity to State the Fact; Temporary Custody and Evaluation](#) is entered in court.
3. Identification Numbers are generated automatically when an arrestee is processed through the NOVARIS and Virginia Live Scan Network. Should the NOVARIS and/or Virginia Live Scan Network become unavailable the Fairfax County Sheriff's Office Livescan Coordinator will be contacted.
- a. All persons taken into custody for offenses that require CCRE processing will have the following completed through the NOVARIS and Virginia Live Scan Network.
 - 1) Three (3) photographs, One (1) frontal view, Two (2) side views consisting of, a left and right profile.
 - 2) One (1) yellow and One (1) white CCRE form for each charge.
 - 3) One (1) fingerprint card- to be sent to NOVARIS. All other fingerprint cards are sent electronically to the State and FBI.

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- b. When the NOVARIS and/or Virginia Live Scan Network is not available, continue processing as normal ensuring that at least the local fingerprint card is printed out.
 - 4. Personnel shall include their signature next to their printed name on all fingerprint cards.
- G. VCIN/NCIC/Local Warrant Check and Clearance Requirements
 - 1. In all cases where an arrested person is not released on a summons but is brought before a magistrate, the arresting deputy shall initiate a VCIN/NCIC wanted check of the arrested individual. All "HIT" confirmations shall be verified by the Deputy initiating the VCIN/NCIC wanted check. All confirmed information shall then be recorded in the inmate's agency file for documentation purposes.
 - 2. If a Deputy arrests an individual outside of the ADC and the arrested person is entered as wanted in the VCIN/NCIC, it shall be the arresting deputy's responsibility to contact the Department of Public Safety Communications Center to arrange for VCIN/NCIC removal of the arrested person's name or notification of the arrest to the jurisdiction that made the VCIN/NCIC entry. If the VCIN/NCIC "HIT" was received at the Booking Desk, it shall be the Booking Deputy's responsibility to send a "Locate" via VCIN/NCIC. Notifications will be printed out and maintained in the VCIN Terminal File at the Booking Desk.
 - 3. If a "HIT" is received on a local Fairfax County Warrant, it shall be the arresting deputy's responsibility to notify the Warrant Desk to clear the warrant. Notifications shall be recorded in the inmate's agency file for documentation purposes.
- H. Reporting Procedures
 - 1. Reports of a law enforcement nature will be completed on the Fairfax County Sheriff's Office Incident Report System. The incident report writing system will automatically generate a report number for each incident generated which will serve as the tracking number. Any deputy operating in a law enforcement capacity will complete a report for every incident in one or more of the following categories:
 - a. Citizen reports of crimes.
 - b. Citizen Complaints.
 - c. When a deputy is dispatched or assigned a case.
 - d. Criminal and non-criminal cases initiated by deputies.
 - e. Incidents involving arrests.
 - 2. When an incident is reported to the Fairfax County Sheriff's Office and the jurisdiction of the offense cannot be determined, an incident report will be completed and the assisting deputy may refer the citizen to the Fairfax County Police Department.

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3. All completed reports, warning citations, and summonses will be submitted through the deputy's immediate supervisor for review prior to going off duty.
4. Fairfax County Deputy Sheriff's that execute an arrest warrant/summons and/or conduct a warrant service must complete and forward the following documents to the ILEADS Deputy Sheriff operator:
 - a. Incident report of arrest or warrant service (to include supplement reports)
 - b. Fingerprint Card
 - c. CCRE
 - d. AFIS Police Summary
 - e. For summons, (Virginia Code [Title 18.2](#) and [Title 19.2](#)) only a copy of both the summons and the incident report are required.
 - 1) Documents shall be delivered to the ILEADS Deputy Sheriff Operator, located in the Inmate Records Section by interdepartmental mail, personal delivery, or email no later than the next business day.
 - 2) Warrant service executed on in custody inmates by Booking Desk Deputies do not require an incident report, all other above listed documents are required.
 - 3) Fairfax County violation of probation, fail to appear, or conditions of release warrants do not require an incident report, all other above listed documents are required.
5. The following information must be included in any incident report generated on an Assault on a Deputy:
 - a. Number of years of Law Enforcement Experience;
 - b. Whether or not the Deputy was wearing body armor at the time of the assault;
 - c. Whether or not the armor prevented injury;
 - d. Whether or not the Deputy received minor or major injury; and
 - e. Type of assignment (i.e. one man post, multi person post, etc.)
6. The following information must be included in any incident report generated on a Domestic Assault charge:
 - a. Victim to offender relationship
 - b. Referrals made (i.e. legal, shelter, counseling, etc.)

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- I. Maintenance of Warrants and Wanted Persons File
 - 1. The Fairfax County Police Department is responsible for maintaining criminal warrants and the wanted persons file/Warrant Control System (CICS-FWMN).
 - 2. It will be the responsibility of the Fairfax County Department of Public Safety Communications to enter warrants/wanted persons into the VCIN and NCIC systems.
 - 3. The Fairfax County Sheriff's Office is responsible for maintaining arrest warrants arising out of civil actions. These warrants may be either in the form of a Capias or a Bench Warrant and could originate from within Fairfax County or from another jurisdiction outside of Fairfax County.
 - a. Bench Warrants and Capiases received for service will be forwarded to the Police Department Warrant Desk for entry into the Wanted Persons file/Warrant Control System.
 - b. Once a Civil Capias or Bench Warrant is served, the arresting Deputy should ensure that all of the appropriate paperwork, original and copy, is returned to the court of jurisdiction. The arresting Deputy is also responsible for ensuring that the appropriate entity is contacted to have the wanted persons file updated and/or cancelled.

IV. SPECIAL INSTANCES

- A. Immunity from Arrest
 - 1. Except for treason, felony, or breach of the peace, members of the Virginia General Assembly, clerks and their assistants are privileged from arrest during the session of the General Assembly, and five days before and after the session.
 - 2. Except for treason, felony, or breach of the peace, members of the Congress of the United States are privileged from arrest during session and in traveling to and from session.
 - a. Vehicles belonging to Members of Congress bearing congressional license plates are exempt from State and local vehicle registration requirements. Vehicles not bearing congressional license plates but belonging to Members of Congress and vehicles belonging to their Administrative Aides are authorized to obtain from the Division of Motor Vehicles a "Nonresident Permit." This permit allows these vehicles to be exempt from State and local vehicle registration requirements. However, such an exemption is not automatic; application must be made and the resulting permit displayed in the lower left-hand corner of the windshield.
 - 3. Witnesses entering the Commonwealth of Virginia or traveling through the state in route to another state, in response to a summons directing them to give testimony are immune from arrest in connection with matters which arose before their entrance into this state under the summons. They are subject to arrest for any violations committed after entry into the state.

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4. The service of warrants is prohibited inside any courtroom while court is in session.
5. Diplomatic agents, their household family members, members of their administrative and technical staff, and members of their service staff enjoy various levels of immunity from arrest, detention or prosecution.
 - a. Diplomats of all levels are subject to the following actions:
 - 1) Diplomats or consular officers, unable to produce satisfactory identification in situations that would normally warrant arrest or detention, should be informed that they will be detained until proper identity can be confirmed by the United States Department of State.
 - 2) Officers may issue a traffic summons to ANY diplomat or consular officer, when circumstances dictate. Individuals CANNOT be taken into custody for refusing to sign the summons. Copies of the summons should be distributed in the normal manner. Although the charged individual may or may not appear in court, the Department of State monitors individuals' driving behavior and will suspend the operators' licenses of those who demonstrate irresponsible habits.
 - 3) Diplomats and consular officers who are driving while intoxicated should not be permitted to continue driving. Sobriety tests may be offered, but may not be required or compelled. Alternate arrangements shall be made for transportation. Officers shall make every effort to have the vehicle removed by making arrangements with the detained person or through the appropriate embassy via the Department of State. If the vehicle presents an immediate hazard or is obstructing traffic, it may be moved off the roadway. Vehicles may be impounded in accordance with established procedures if all other efforts to secure the vehicle fail.
 - 4) Criminal offenses involving diplomats must be developed and documented precisely and in detail. Although a physical arrest cannot be made, the Department of State may seek approval for prosecution or termination of immunity for unusual cases which ensure successful prosecution.
 - 5) Officers may exercise the option to obtain a warrant of arrest. Although it cannot be served, it can be entered into the records of the U. S. immigration authorities and thus serve to bar the subsequent issuance of a U.S. visa permitting such person to reenter the United States.
 - 6) Police authorities may intervene, to the extent necessary, to halt such activity in those circumstances where public safety is in imminent danger or a serious crime may otherwise be committed.

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- 7) In addition to personal immunity, the private residence, automobile or other property is inviolable and cannot be searched or seized. However, in circumstances where public safety is in imminent danger or it is apparent that a serious crime may otherwise be committed, officers may intervene to the extent necessary to halt such activity.
- b. In any case in which a question arises concerning a person's diplomatic immunity or what action might be appropriate, the following offices shall be contacted:

Department of State Operations Command Center (24 hours) - 202-647-1512 or Diplomatic Security Command Center at 202-647-7277

Department of State Office of Protocol - Immunity Status during normal business hours, 202-647-1985 or 202-647-1727

Department of State - Status of Vehicle Registration 202-895-3521

Department of State - Status of Driver Licenses (0900-1700 Monday - Friday) 202-895-3521

Reporting of traffic incidents/crashes, issuance of summonses, etc., involving foreign missions personnel 202-895-3538
- c. The Department of State is interested in all incidents, including traffic incidents/crashes, summonses and criminal complaints involving a diplomat or consular officer. The Bureau of Diplomatic Security will be notified via NLETS of any incident involving resident foreign officials or diplomats, their families, or their properties. Within 24 hours of such an incident, the deputy handling the matter will send a message to the Department of Public Safety Communications Service Desk providing them with the information to send an NLETS message to the Department of State. The deputy's incident report shall reflect that an NLETS message was forwarded to the Department of State.

B. Arrest and Detention of Foreign Nationals

1. A foreign national is any person who is not a U.S. citizen, including lawful permanent resident aliens. Except for a brief detention such as a routine traffic stop, a foreign national must be advised of the right to have his/her consular officer notified whenever he/she is taken into custody or detained. In some cases, the consular officer must be notified regardless of the foreign national's wishes. Notification requirements vary depending on the country of citizenship of the detained person. Notification, when requested or required, shall be made by the arresting deputy without delay and as soon as possible after completing the detention or arrest process.

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2. CAD system General Reference files listing the consular/embassy phone numbers and mandatory notification countries have been developed. To access the files from any CAD terminal or any MCT, deputies must type GR S/ and the first four letters of the country of origin (i.e. "GR S/GERM" for a foreign national from Germany). Those countries that require notification of arrest or detention regardless of the national's wishes are identified as "Mandatory Notification" in the CAD General Reference files.
 3. Notification may be made by personal phone call or fax. The notification shall be documented on a Consulate Notification Form provided at the Booking Desk. A copy of the Consulate Notification Form shall be placed in the inmate's administrative file (Inmate Records jacket) for documentation purposes. Deputies do not need to disclose the reason for the detention or arrest unless specifically requested by the consular officer or authorized by the foreign national. Deputies should, however, provide the following information:
 - a. Deputy's name, agency, address, and telephone number.
 - b. National's name, date of birth, place of birth, passport number, and date and place of passport issuance.
 - c. Current location of national and contact phone number.
 4. An arrested or detained foreign national shall be advised of his/her right to have their consular officer notified. If the consular office is notified, the foreign national shall be advised. Notice shall be documented in a Sheriff's Office incident report. Notification regarding the death of any foreign national shall be reported to the appropriate Consular Officials and shall be documented in a Sheriff's Office incident report.
 5. Notification shall be made to the appropriate consular officials when a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent.
 6. In addition to the NCIC wanted person checks required for all arrested and detained persons, foreign nationals under physical custody arrest shall have a US Immigrations and Custom Enforcement (US-ICE) name check made via teletype through the US-ICE Law Enforcement Support Center (LESC).
 7. The US Immigrations and Custom Enforcement (US-ICE) maintains a 24-hour, 7-day-a-week service center for law enforcement inquiries and assistance. The law enforcement telephone number is 571-642-2525.
- C. Consular Access to Detained Foreign Nationals
1. Detained foreign nationals are entitled to communicate with their consular officers. Any communication by a foreign national to his/her consular representative must be forwarded by the appropriate local officials to the consular post without delay.
 2. Foreign consular officers must be given access to their nationals and permitted to communicate with them. Such officers have the right to visit their nationals, to converse and correspond with them, and to arrange for their legal representation.

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3. All requests by Consular Officials for visitation with Foreign Nationals shall be referred to the on-duty Squad Commander or his/her designee. The Squad Commander or his/her designee shall ensure that the consular official(s) have appropriate identification before being permitted entry into the Fairfax County Adult Detention Center (ADC). Visitation between consular officials and foreign nationals shall be handled the same manner as a professional visit.
4. The rights of consular access and communication generally must be exercised subject to local laws and regulations. For example, consular officers may be required to visit during established visiting hours. Federal, state, and local rules of this nature may not, however, be so restrictive as to defeat the purpose of consular access and communication. Such rules "must enable full effect to be given to the purposes," for which the right of consular assistance has been established.

D. Arrests of Military Personnel

1. The arrest of an active duty member of the Armed Forces should be reported as soon as possible to the appropriate liaison officer listed below. This shall be done regardless of the hour of day.

<u>Service/Liaison Office</u>	<u>Telephone</u>
U. S. Army Provost Marshal's Office Fort Myer, VA 22211-5050	703-696-3525 or 3526
Ft Belvoir Military Police (Ft Belvoir Personnel Only)	703-806-3104
U. S. Air Force Chief of Security Police Bolling Air Force Base Washington, D. C. 20332-5000	202-767-5000
U. S. Marine Corps Provost Marshal Henderson Hall	703-614-2200
U.S. Navy Chief, Master-at-Arms Anacostia, Building 87 Washington, D. C. 20374-0922	202-433-2193
United States Coast Guard Command Officer of the Day 7323 Telegraph Road Alexandria, VA 22315	703-313-5400 or 5412

2. This notification pertains to cases where the person is taken into physical custody and not released on a summons. The report is to be made irrespective of the arrestee's rank, residence, or current duty station.

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E. Arrest of School Employees

1. Virginia Code [§19.2-83.1: Report of Arrest of Certain School Employees for Certain Offenses](#) imposes certain requirements of law enforcement officers for the reporting of crimes against children by school employees.
2. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or other employee in any public school division in this Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state shall file a report of such arrest with the division superintendent of the employing division as soon as practicable. The contents of the report required pursuant to this section shall be utilized by the local school division solely to implement the provisions of subsection B of Virginia Code [§ 22.1-296.2. Fingerprinting Required; Reciprocity Permitted](#) and [§ 22.1-315. Grounds and Procedure for Suspension](#).
3. Any Fairfax County Sheriff's Office employee who becomes aware of the recent arrest of an individual who occupies a position of public trust shall notify a Confinement Branch Chief, via email, as soon as practical. Positions of public trust include, but are not limited to: teachers, daycare workers, social workers, probation officers, and those who care for vulnerable populations. Vulnerable populations include children, the elderly, persons with special needs and those suffering from mental illness. These specific arrests can occur both within, and outside of the jurisdictional confines of Fairfax County. The Confinement Branch Chief or designee will notify the arresting agency to ensure that proper notification is made to the individual's respective employer.

The Confinement Branch Chief will notify the Division Commander, via email, and document the notification in an incident report in the Sheriff Information Report System (SIRS). The incident report must specifically include: (1) the date and time of notification, (2) the name of the persons to whom notification was made, and (3) the name of the Sheriff's Office employee(s) who made the notification.

F. Domestic Violence Procedures

1. Generally, the Fairfax County Police Department will investigate and act on incidents involving domestic violence. Should a deputy sheriff encounter a situation where domestic violence may have occurred, they shall make every attempt to contact the Fairfax County Police Department for further intervention and utilization of applicable resources.
 - a. When the Police Department is unavailable for intervention, Deputies should follow procedures according to Fairfax County Police General Order 601.4 ([SOP 033 ATT. 1 - FCPD Domestic Violence Policy](#)).

G. Alternatives to Arrest/Pre-Arrest Confinement

1. Under certain circumstances, deputies are faced with situations where an arrest or pre-arrest confinement will not be possible. In this case, deputies may elect to exercise certain alternatives such as the issuance of summonses, referral to a social service agency, or simply a warning.

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2. Virginia Code Section [§ 19.2-74. Issuance and Service of Summons in Place of Warrant in Misdemeanor Case; Issuance of Summons by Special Conservators of the Peace](#) authorizes law enforcement personnel to issue a summons in lieu of arrest for persons charged with a misdemeanor criminal offense except D.W.I. and Drunk in Public.

**02/12/2007
DATE APPROVED**



**11/12/2024
EFFECTIVE DATE**

**STACEY A. KINCAID
SHERIFF**

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