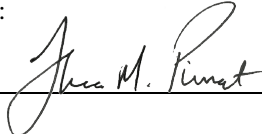


<b>LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL</b>		
General Order Number: 103	Section: ADMINISTRATION	Effective Date: SEPTEMBER 2022
Title: <b>LIMITS OF AUTHORITY</b>		
Accreditation Standards: ADM.02.01, ADM.02.02, ADM.02.03, ADM.25.08		
Review Date: JANUARY 2024	Total Pages: 4	Chief of Police: 

**I. LEGAL AUTHORITY**

- A. The scope and limitations of police authority as it pertains to the enforcement of laws, statutes, and ordinances is defined in the Constitution of the United States, the Virginia Constitution, the Code of Virginia, and the Town of Leesburg Code of Ordinances.
- B. The Code of Virginia, §15.2-1704, provides police officers of cities and towns the authority to enforce ordinances and regulations of the jurisdiction in which they are appointed, and to enforce the criminal laws of the Commonwealth.
- C. Leesburg Police officers are empowered to enforce State laws up to 300 yards beyond the boundaries of the Town, in accordance with the Code of Virginia, §19.2-250.
- D. Officers are empowered to enforce laws on any Town-owned property located outside the boundaries of the Town in accordance with the Code of Virginia, §15.2-1725.
- E. Officers involved in hot pursuits that go beyond the Town limits will follow the guidelines set forth in General Order 205 Pursuit of Motor Vehicles, and General Order 215 Legal Process for all other situations.

**II. CONSTITUTIONAL REQUIREMENTS**

- A. Officers shall not coerce or obtain involuntary confessions from persons suspected of criminal involvement. Prior to custodial interrogation of a suspect, a reading of the subject’s rights as defined by *Miranda v. Arizona*, 1966 shall be performed. If the officer has any doubt whether the interrogation is custodial in nature, the officer shall read the subject his or her rights. All officers will ensure all constitutional safeguards are provided to non-English speaking and/or hearing-impaired persons in a manner that is clearly understood. Interrogations of persons suspected of having an intellectual or developmental disability shall be in accordance with General Order 134 Interactions With Individuals With Intellectual And Developmental Disabilities and General Order 139 Interactions With Victims and Suspects With Disabilities.
- B. A reading of the subject’s rights is not needed:
  - 1. Before questioning a person who was a witness to a crime or who has knowledge about a crime but is not a suspect;
  - 2. Before questioning a suspect who realizes and understands that the questions do not have to be answered and that they are free to leave at any time during the questioning;
  - 3. Before questioning a motorist stopped for a traffic offense;
  - 4. Before asking questions motivated by concerns for public safety;
  - 5. When a suspect is taken into custody but the officer poses no questions to the suspect concerning the case investigation.
- C. Once a person makes a clear request for an attorney, the questioning of that person shall cease. Questioning may not resume until either (1) the person is able to obtain counsel or (2), if the

person initiates and provides unsolicited relevant information to officers before the person's counsel is present.

- D. Upon discovery of contraband or weapons, the arresting officer shall take the appropriate action relevant to seizing evidence and securing warrants.
- E. Pretrial publicity could prejudice a fair trial. All personnel will follow the guidelines and requirements in General Order 118 Public Information regarding disseminating information to the public.

### III. ARREST PROCEDURES

- A. Adult felony arrests can be effected in any of the following instances:
  - 1. If the offense is observed by the arresting officer;
  - 2. If probable cause exists;
  - 3. With a valid warrant;
  - 4. Upon knowledge of the existence of a warrant.
- B. Adult misdemeanor arrests can be effected in any of the following instances:
  - 1. If the offense is observed by the arresting officer;
  - 2. With a valid warrant;
  - 3. Upon knowledge of the existence of a warrant;
  - 4. In certain limited circumstances enumerated in the Code of Virginia, §19.2-81. All warrantless arrests shall be executed under these guidelines.
- C. Search of Prisoners.
  - 1. Officers shall search persons in their custody for contraband, weapons, or other objects which could be used to inflict harm or effect an escape.
  - 2. A systematic search of the person shall be conducted as soon as possible after the arrest, and unless conditions dictate otherwise, prior to transporting the person in a police vehicle.
  - 3. Officers that accept temporary custody of a prisoner shall conduct a search of that person assuming that the subject has not been searched previously.
  - 4. A strip search shall be conducted by a member of the same sex. Body cavity searches other than the mouth shall not be performed except pursuant to a warrant under the supervision of medically trained personnel. Strip searches shall not be permitted except when:
    - a. An officer has reasonable cause to believe the prisoner is concealing a weapon;
    - b. Upon the authority of a valid search warrant. See also Code of Virginia, 19.2-59.1.
  - 5. All valuables and potential weapons shall be removed from the prisoner and delivered to the deputies at the detention facility. The officer should assist or observe the deputies search the prisoner prior to detention.
  - 6. Upon discovery of contraband or weapons, the arresting officer shall take the appropriate action relevant to seizing evidence and securing warrants.
- D. Transporting Prisoners.
  - 1. All persons shall be searched for weapons, evidence, and/or contraband prior to being transported.
  - 2. Persons placed under arrest shall be taken to the nearest magistrate without undue delay.
  - 3. The use of handcuffs or similar restraining devices will be in accordance with General Order 214 Prisoner Transportation. Seat belts shall be worn by the prisoners unless physical or medical conditions prohibit their use.
- E. Arrest Processing.
  - 1. All adults arrested for the following offenses shall be processed under CCRE reporting procedures:
    - a. Treason;
    - b. Any Felony;
    - c. Any misdemeanor under the Code of Virginia, Title 18.2, or Leesburg Code of Ordinances, punishable as a Class 1 or 2 misdemeanor except DWI, disorderly conduct, or trespassing.
  - 2. Persons arrested for misdemeanors which are reportable to the CCRE and are released on a summons shall not be processed until a disposition of guilt is entered in court. After court the officer responsible for the case shall ensure the defendant is processed.
  - 3. CCRE Processing.

- a. The Loudoun County Sheriff's Office shall be responsible for processing all prisoners utilizing the Livescan machine located in the Adult Detention Center.
  - b. For misdemeanor arrests and traffic offenses in which the person arrested is released on a Virginia Uniform Summons, see General Order 602 Records.
4. In all cases where an arrested person is taken before a magistrate, the officer shall initiate a VCIN/NCIC wanted check on that person. On a check that is positive, the arresting officer is responsible for ensuring that notification to the originating agency is accomplished.

F. De-Arrest.

1. Officers may find probable cause and arrest an individual only to find out after the arrest that the individual did not commit the crime, or that the event that occurred was not in fact a crime. The officer shall terminate the arrest process immediately upon discovering facts that reveal the arrest was not proper and that further prosecution would not be fruitful. If probable cause ceases to exist, the arrest process shall also cease concurrently.
2. Officers shall contact their supervisor or designee immediately upon discovering that a de-arrest situation may exist.
3. Officers shall ensure that the de-arrested person is restored to their location prior to arrest, or to a better location with their consent.
4. Officers will document their action in an incident report. The report shall include:
  - a. Date and time of arrest;
  - c. Person arrested;
  - d. Location of arrest;
  - e. Location and time of de-arrest;
  - f. Whether the person was transported or not;
  - g. Reason or discovery of information which led to de-arrest;
  - h. Witnesses to the alleged crime or to the event which led to the arrest;
  - i. Location where the person was restored.

IV. ALTERNATIVES TO ARREST

A. Authority.

1. The Code of Virginia, §19.2-74, mandates that police officers will issue a summons and release from custody, persons charged with certain misdemeanor criminal offenses. All officers shall issue a summons for a misdemeanor violation unless one of the following conditions exist:
  - a. Charges of Driving While Intoxicated or Drunk in Public;
  - b. Charges of Remaining at a Place of Riot or Unlawful Assembly after Warning to Disperse;
  - c. If person charged fails or refuses to discontinue the unlawful act;
  - d. If person charged is likely to disregard a summons;
  - e. If person charged is likely to cause harm to themselves or any other person;
  - f. If person charged fails to properly identify themselves.

D. Pretrial Release.

1. Procedures for releasing persons from custody by summons will be in accordance with the Code of Virginia, § 19.2-73, 74 and 82. See also General Order 215 Legal Process.

V. USE OF DISCRETION

A. Officers will encounter people in need of help that could best be provided by another criminal justice agency or social service agency. Exercising sound discretion based on the following criteria should assist the officer when referring those in need of help to the appropriate agency.

1. Assess the person's needs through discussion and observations.
2. Listen to the person's request for specific assistance.
3. Weigh the need for immediate aid.
4. Emotionally disturbed persons, domestic disputes, juvenile problems, and problems with transient persons are each distinct in nature; they each require specialized referral to different social agencies.
5. Assess the interests of the community when dealing with minor criminal violations. If in the judgment of the officer a more appropriate solution to the problem will be achieved by a referral instead of the filing of criminal charges, then the officer may issue a warning and suggest a referral.

6. When determining if a warning should be issued, officers should consider the seriousness of the offense, the likelihood the violator will heed the warning, and what is in the best interest of the community.
  - B. The Department provides all officers with written policy and procedures, training, departmental orders, and specific assignments in order to provide proper guidance to aid all officers in making decisions that involve the use of discretion. Further, the actions of all officers are subjected to the specifics of Federal, State, and local laws.
  - C. When using discretion, officers must take into consideration the goals and objectives of the Department, the best interests of the community, mitigating circumstances, and the volatility of their situation.
  - D. A supervisor or designee shall be consulted when the officer is unsure of what decision would be appropriate. The officer that extends their discretionary powers beyond the described parameters will be held accountable for their actions.