



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 402.1

Subject: Arrest

Topic: Arrest Procedure

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I. PURPOSE

The purpose of this General Order is to identify and unify arrest procedures throughout the Loudoun County Sheriff's Office.

II. POLICY

It is the policy of the Loudoun County Sheriff's Office to serve legal process of a criminal nature and affect arrests as necessary, both with and without warrants, in accordance with the provisions of the Code of Virginia. All arrests and related services shall be performed only by sworn deputies of the Sheriff's Office in accordance with law.

III. TERMINOLOGY

- A. Arrest: When a person is taken into custody in order that he or she may answer for an offense or when there is a deprivation or restraint of another's liberty in any significant way by a law enforcement officer.
- B. Probable Cause: Where facts and circumstances are such so as to cause a person of reasonable caution to believe that an offense is being or has been committed, and that the person to be arrested has committed the offense.
- C. Reasonable Belief: Facts and circumstances which, taken together with rational inferences, would cause a law enforcement official to reasonably suspect that the person named on the warrant is currently present inside the dwelling in which they live.

IV. PROCEDURE

A. Classification of Offenses

Criminal offenses for which an individual may be arrested are divided into felony and misdemeanor categories, as follows:

- 1. A felony arrest may be affected:
 - a. If the offense is observed by the arresting deputy
 - b. If probable cause exists

- c. With a valid arrest warrant
 - d. Upon knowledge of the existence of a warrant
 2. A misdemeanor arrest may be affected:
 - a. If the offense is observed by the arresting deputy
 - b. With a valid arrest warrant
 - c. Under the provisions of Section §19.2-81, Code of Virginia
- B. Warrants
 1. Warrant Service
 - a. Whenever possible, arrests will be made after the issuance of a warrant. Deputies may attempt service or serve routine misdemeanor warrants and summons between 0500 – 2300 hours.
 - b. Sworn personnel executing arrest warrants shall not search a third party residence for a suspect unless there is probable cause to believe the suspect is present on the premises. In addition, one of the following situations must exist:
 1. A deputy is in hot pursuit of a suspect
 2. Consent is given by the owner or person occupying the premises to be searched
 3. There exists a justifiable fear of injury to people or property if the arrest is delayed
 4. Other exigent circumstances are present, i.e. those circumstances requiring immediate action

If one of the aforementioned situations does not exist, a search warrant shall be obtained.

These criteria do not apply to property owned or leased by the person named in the warrant. Reasonable belief that the person named in the warrant is present on his/her own premises is sufficient reason to conduct the search.

 2. Warrant Control Procedures
 - a. Records Section Responsibility

- i. Prior to service, all warrants, summons, capiases, detention orders, etc. of a criminal nature shall be routed through the Sheriff's Office Records Section for proper recording and issuance. This includes criminal processes originating in Loudoun County and those received from outside jurisdictions. Only under the most urgent of circumstances, and with the consent of the ranking on-duty supervisor, will warrants be served without first being routed through the Records Section.
 - a. If any criminal process is served prior to being entered into the CAD system, the serving deputy shall make a copy of the executed paperwork and forward it to the Records Section by the end of his/her shift.
- ii. Upon receipt of a criminal process, the Records Section shall ensure the following steps are taken:
 - a. Assign the document a warrant control number
 - b. Execute and attach a Warrant Control Form (Attachment A), indicating the control number
 - c. Enter the warrant, capias, etc. in the wants/warrants file of the Records Section computer system, including the following information
 - i. Date/time received
 - ii. Type of legal process (warrant, capias, summons, etc.)
 - iii. Charge/nature of document
 - iv. Name and full information on person named in document
 - v. Under "remarks" any pertinent information on the subject
 - vi. Bail/bond, as indicated on document
 - vii. Originating/issuing jurisdiction (court)
 - viii. Court docket number or warrant number assigned by the originating jurisdiction
 - ix. Deputy/shift assigned for service
 - x. Date assigned
 - xi. Date service due

- d. Enter the individual named in the document into the wanted files of NCIC and VCIN, if appropriate; and
 - e. Forward the document, along with the Warrant Control Form, to the appropriate station for service.
 - f. If the defendant may be released on a summons where fingerprints are required, a LiveScan form will be attached to the Warrant Control Form.
3. Warrants and other criminal processes originating/issued in Loudoun County which are to be forwarded to a foreign (outside) jurisdiction for service, including police agencies of incorporated towns within the County, will be handled in the same manner as above, with the following exceptions:
- a. In addition to executing and attaching a Warrant Control Form, a form letter requesting service (Attachment B) will be executed and attached
 - b. Said warrant, capias, etc. will be forwarded to the appropriate jurisdiction for service
 - c. Entries in the Records Section computer wants/warrants file will be the same except the name of the agency to which process was forwarded shall appear in the area where the "deputy assigned" is normally listed
4. On occasion, ECC staff will fax a copy of a Loudoun County warrant, capias, etc. to an outside jurisdiction for service. Once the copy has been executed and the outside jurisdiction has faxed the return to ECC, ECC staff shall send a copy of the served warrant, capias, etc. to the Records Section by the next business day.
5. Upon return of the Warrant Control Form and/or original form letter requesting service that indicated service was made, the Records Section will make the following entries in the computerized system:
- a. Date/time of service
 - b. Location of service
 - c. Executing deputy

The Warrant Control Form and/or the form letter requesting service will be retained on file as proof of service for sixty (60) days. The Records Section shall query the NCIC/VCIN wanted person files to ensure that the subject has been removed after service.

6. Upon return of a criminal process indicating non-service, the Records Section shall make an entry in the wants/warrants computer file indicating the deputy assigned as "file". Said document, along with the Warrant Control Form will be forwarded to the ECC, where it will be placed in the active warrant pending service file.
 7. Deputies may make wants/warrant inquiries on a twenty-four hour a day basis. These inquiries can be made by the individual deputy utilizing the Records Section computer terminal located in the Sheriff's Office administration building or by contacting the Emergency Communications Center via telephone or radio.
 8. The Records Section shall constantly review the status of on-file warrants, capiases, summons, etc. Quarterly status reports shall be prepared and sent to the Sheriff for review and forwarded to the Commonwealth's Attorney for a disposition determination in accordance with §19.2-76.1, Code of Virginia.
- b. Deputy Responsibility
1. Immediately upon receipt of a warrant/legal process, the assigned deputy shall review the document for accuracy and completeness. It is the responsibility of the deputy attempting service to ensure that the warrant, capias, etc., is valid and properly executed, in accordance with §19.2-72, Code of Virginia.
 2. The deputy assigned the warrant, capias, etc. shall proceed as soon as possible to serve the document, as demands for service allow.
 3. If the subject named in the legal process is found, the deputy shall execute the document and either effect an arrest, or release the individual on a summons, as appropriate and in accordance with law. The executing deputy shall complete the Warrant Control Form indicating the date/time of service, location of service, and method of service (arrest/summons), along with other documentation as required in the remainder of this General Order. The completed Warrant Control Form shall be returned to the Records Section for processing.
 4. In the event that service is attempted and not made, the deputy shall record the date/time, location and disposition of each such attempt on the Warrant Control Form. If service cannot be made before the end of the shift, the assigned deputy shall turn the document in to the shift supervisor. Under no circumstances shall a deputy retain a legal process past his or her tour of duty.
- c. Field Operations Supervisor Responsibility

1. Warrants and other legal documents arriving at a station will be received and reviewed by the Field Operations Supervisor assigned to that station for roll call.
2. Each document will be evaluated for inclusion in one of the four listed categories and then logged, noting the date the document was received:
 - a. Urgent: Documents in this category will receive immediate attention from all three shifts with multiple service attempts over the course of the entire day. Emergency and Preliminary Protective Orders and violent felony warrants are examples of these urgent documents and will be identified with a red coding label.
 - b. Summons Permitted: Documents in this category include summons and misdemeanor warrants that carry a "Summons Permitted" designation. These papers will primarily be assigned to day shift for service attempts. These papers will be identified with a green coding label.
 - c. Custodial: Documents in this category require a custodial arrest and will be assigned primarily to both evening and midnight shifts. These papers will be identified with a yellow coding label.
 - d. Papers Generated by Deputies: Generally, Field Operations Division deputies will be responsible for serving his/her own papers. These will be identified with a blue coding label.
3. Upon receipt of an unserved warrant, capias, etc., the shift supervisor shall review the Warrant Control Form and determine what action should be taken to ensure service.
 - a. If the warrant is of an urgent nature, the supervisor may transfer the document to the on-coming shift supervisor for service, return to the Records Section or hold at the substation. The action shall be noted on the Warrant Control Form.
 - b. If the document is not urgent and it is believed that service can be made on the following day, the shift supervisor may place the document in the shift warrant file and re-issue it the next day.
 - c. Warrants that cannot be served or that must be forwarded to another jurisdiction shall be returned to the Records Section for appropriate action.
4. Occasionally warrants will be issued that require immediate service

and cannot be processed through the Records Section prior to assignment. Such instances may include cases where there is reason to believe that the suspect may flee if not apprehended immediately, the suspect possess an imminent danger to himself or someone else, or as so directed by the court. If a warrant or other legal document is served prior to processing, a copy of the executed paperwork shall be forwarded to the Records Section by the end of the shift of the deputy who executed the service.

Shift supervisors shall monitor the issuance and execution of all warrants and legal processes to ensure that whenever possible, all such documents are first routed through the Records Section by the next business day or as soon as possible in accordance with this General Order.

C. Search of Persons

In order to ensure the safety of the arresting deputy and prevent possible harm to the arrestee or other persons, deputies shall search persons in their custody for weapons or other objects that could be used to inflict harm or affect an escape.

1. Search incident to arrest - In affecting the arrest of a suspect, deputies should perform a systematic search of the person at the earliest possible time and, unless conditions dictate otherwise, prior to transporting prisoners in Sheriff's Office vehicles.
2. Deputies accepting temporary custody of a prisoner for transporting, detention, interview, or interrogation should take it upon themselves to conduct a search of the person under the assumption that the subject has not been searched.
3. Strip searches shall not be permitted except in the following situations:
 - a. A deputy has reasonable cause to believe an arrestee is concealing a weapon;
 - b. A deputy has reasonable cause to believe an arrestee is concealing contraband;
or
 - c. Upon the authority of a valid search warrant.

A strip search consists of the removal or re-arrangement of any clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of an arrestee.

A strip search shall only be conducted by a member of the same sex as the arrestee.

Body cavity searches other than the mouth shall not be performed except pursuant to a warrant and under the supervision of medically trained personnel.

4. Stop and Frisk - In accordance with the provisions of §19.2-83 of the Code of

Virginia, the deputies may detain a person in a public place when the deputy reasonably suspects that the person is committing, has committed, or is about to commit a felony, or possesses a concealed weapon. In addition, if a person is detained under these circumstances and the deputy reasonably believes that the person intends to do him or her bodily harm, the deputy may conduct a limited pat down search of the person's outer clothing to detect a concealed weapon. The standard used in cases of investigative detention is reasonable suspicion, not probable cause.

5. Upon Detention - Prior to incarceration in the Adult Detention Center, all valuables and potential weapons will be removed from prisoners. All articles will be placed in a sealed property envelope with the contents accurately listed. Upon release, a deputy shall return the property to the prisoner after ascertaining that all described property is accounted for.
6. Deputies delivering individuals to the Adult Detention Center for incarceration shall assist in, or visually observe, the search of their prisoner(s).

Upon discovery of contraband or weapons, the arresting deputy shall take the appropriate action relevant to the seized property and the securing of warrants as outlined in General Order 402.3 and General Order 414.1.

D. Transporting Prisoners

Persons placed under arrest should be taken to the Adult Detention Center without undue delay; however certain precautionary measures must be taken before prisoners are transported:

1. All persons will be searched for weapons, evidence or contraband prior to being transported in any Sheriff's Office vehicle. In extenuating circumstances, prisoners may be taken from the immediate scene of arrest prior to being searched.
2. If a deputy other than the arresting deputy transports the prisoner, the transporting deputy shall also search the prisoner for weapons.
3. In all situations handcuffs shall be used and they shall be double locked; however, handicapped, sick, or injured prisoners will be restrained and transported in accordance with General Order 402.5.
4. Those individuals arrested and/or incarcerated who have visual, speech, or hearing impairments shall be provided the available equipment necessary for communication. This equipment may be as simple as paper and a pencil for those who have speech or hearing impairments. A representative of the Blue Ridge Speech and Hearing Center may be contacted at 703-777-5050 for individuals who communicate by sign language. It is imperative that handicapped individuals receive understandable instructions and guidance regarding arrest procedures, bond hearings, Miranda Warnings, implied consent, etc. Handicapped individuals are guaranteed the same constitutional rights as all other citizens and these rights shall not be

abridged.

E. Arrest of Persons on Court Capias who are Under Contract for Bail with 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 that is issued as a result of a bondsman's application to a court that is returnable only to a bondsman shall not be served by any agency member, nor shall any agency member assist in such service.

3. Sheriff's Office members shall recognize that no bondsman is authorized to carry a concealed weapon unless the Chief Judge of the Twentieth Judicial Circuit has issued a permit to him or her to do so. Agency members shall also recognize that bondsmen are criminally and civilly liable for any injury to third parties who are harmed as a result of the bondsman's actions while affecting an arrest.

F. Reporting Procedures – Identification Processing

1. All adults arrested for the following offenses shall be processed under CCRE reporting procedures:

- a. Treason
- b. Any felony
- c. Any Class 1 or 2 misdemeanor under Title 18.2, Code of Virginia, to include DUI, (except Disorderly Conduct, §18.2-415 and Trespassing, §18.2-119)
- d. Any misdemeanor under Title 54, Code of Virginia

NOTE: Arrests for traffic violations, Class 3 and 4 misdemeanors under Title 18.2, Code of Virginia are not reportable to CCRE.

2. As specified in this General Order, persons arrested for misdemeanors that are reportable to the CCRE and are released on a summons shall not be processed until after a disposition of guilt is entered in court. Therefore, the arresting deputy shall attach a LiveScan form to the summons then submit the summons and form to the court. If the arrested person is found guilty in court, the court clerk and/or bailiff should know to

complete the fingerprint form prior to release.

3. When fingerprints are processed manually for persons arrested on felony or misdemeanor warrants which are reportable to the CCRE, and the person arrested is not released on a summons:
 - a. Complete the CCRE form and submit it with the necessary fingerprint records indicated above;
 - b. CCRE copy distribution - White, green and fingerprint cards - attach all together and forward to Records Section. Buff - left with court copy of the arrest warrant. Pink - retained by arresting deputy.
 - c. The FBI green disposition form shall be left with the court copy of the arrest warrant. The right side of this form shall not be completed by the arresting deputy with the exception of the four fingerprints. Always complete the left side of this form.

4. When fingerprints are processed through LiveScan for persons arrested on felony or misdemeanor arrests which are reportable to the CCRE, and the person arrested is not released on a summons, the arresting deputy shall:
 - a. Complete the LiveScan form
 - b. Forward the completed yellow CCRE form to the designated court along with the remainder of the arrest paperwork

5. Misdemeanor arrests and traffic offenses in which the person arrested is released on a Virginia Uniform Summons (and no warrant is involved) shall be completed and processed as follows:
 - a. Traffic Offenses
 - i. Court Copy - Original - Complete all applicable sections; do not remove the five part summons pack
 - ii. DMV Copy - Page 2 - Do not remove from the five-part summons pack
 - iii. Defendant Copy - Page 3 - shall be given to the violator after written promise to appear has been received
 - iv. Agency Copy - Page 4 - for all traffic offenses, complete the lower portion. Do not remove from the five-part summons pack
 - v. Officer Copy - Page 5 - Retained by the arresting deputy
 - vi. All pages that are not removed from the five-part summons pack shall

be forwarded to the appropriate supervisor as follows:

1. Pages 1 and 2 will be forwarded to the appropriate court by the civil process section
2. Page 4 shall be forwarded to the Records Section
- vii. An arrest report will not be required when serving an adult defendant with a traffic summons
- b. Misdemeanor Arrest (Non-Traffic)

In addition to completing an IBR report with a narrative page, the summons copies will be distributed in the following manner:
 - i. Court Copy - Original - Complete all applicable sections and forward to the appropriate court
 - ii. DMV Copy - Page 2 - Discard
 - iii. Defendant Copy – Page 3 – Shall be given to the violator after a written promise to appear has been received
 - iv. Agency Copy - Page 4 - Forward to Central Records
 - v. Officer Copy - Page 5 - Retained by issuing deputy
6. Misdemeanor arrests and traffic offenses in which the person arrested is not released on a summons shall be completed and processed as follows:
 - a. Traffic Offenses
 - i. Court Copy - Original - Complete all applicable sections and attach to arrest warrant
 - ii. DMV Copy - Page 2 - Attach to arrest warrant
 - iii. Defendant Copy - Page 3 - May be destroyed
 - iv. Agency Copy - Page 4 - For all traffic offenses complete the lower portion. Forward to the Records Section
 - v. Deputy's Copy - Page 5 - Retained by arresting deputy
 - b. Misdemeanor Arrest (Non-Traffic)
 - i. Court Copy - Original - Leave with magistrate or attach to warrant or magistrate summons

- ii. DMV Copy - Page 2 - Discard
- iii. Defendant Copy - Page 3 - May be destroyed or retained by the issuing deputy
- iv. Agency Copy - Page 4 - Forward to Records Section
- v. Officer Copy - Page 5 - Retained by issuing deputy
- vi. In addition, an IBR report with a narrative page will be completed and submitted on these types of traffic offenses and misdemeanor arrests

NOTE: No more than one violation shall be entered on one Virginia Uniform Summons.

- 6. NCIC Check and Clearance Requirements
 - a. In all cases where an arrested person is not released on a summons but is brought before a Magistrate, the arresting deputy shall initiate an NCIC wanted check of the arrested individual.
 - b. If an arrested person appears as wanted in the NCIC, it shall be the arresting deputy's responsibility to contact the Emergency Communications Center to arrange for NCIC removal of the arrested person's name as "wanted" or notification of the arrest to the jurisdiction that made the NCIC entry.

VI. OFF-DUTY INCIDENTS

- A. Any arrests made by deputies while off-duty shall be limited to incidents where a felony is involved, a criminal misdemeanor is committed in the deputy's presence, or a breach of the peace jeopardizing public safety is imminent.
 - 1. Deputies who make an arrest while off-duty shall notify the Emergency Communications Center as soon as possible. The ECC shall contact the on-duty Operations Bureau Duty Officer.
 - 2. If the arrest occurred in Loudoun County or an immediately surrounding county, the appropriate squad supervisor/duty lieutenant will be dispatched to the location, respond and investigate the circumstances of the arrest. The supervisor's findings shall be forwarded to the Sheriff through the affected division commander via memorandum.
 - 3. If the arrest occurred in a county outside of the immediate area, a squad supervisor/duty lieutenant will make contact with a law enforcement supervisor of the police department or Sheriff's Office in the locality where the arrest took place in order to investigate the circumstances of the arrest. The supervisor's findings shall be forwarded to the Sheriff through the affected division commander via

memorandum.

4. An IBR report must be submitted by the off-duty deputy under any of the following circumstances:
 - a. An arrest was made or a warrant obtained
 - b. Any of the involved individuals may attempt to obtain a warrant
 - c. The situation involves any use of force
 - d. The deputy exercised police powers
 - e. The incident may result in further involvement of the deputy and/or agency
 5. The IBR report and all other necessary documentation shall be submitted to the deputy's immediate supervisor by the end of the deputy's next scheduled tour of duty.
- B. While operating a personal vehicle, any off-duty deputy observing a serious traffic violation, which they believe requires enforcement action, should obtain as much information as is prudently possible without jeopardizing public safety by speeding or engaging in other forms of reckless driving and relay that information to ECC for appropriate follow-up by on-duty personnel. If the violator can be identified but not immediately apprehended by on-duty personnel, the proper course of action is to have a warrant issued and served when the deputy returns to duty.