



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations	Section: 402.2	
Subject: Arrest	Topic: Alternatives to Arrest/Use of Discretion	
Accreditation: ADM.02.05	Revised:	Reaffirmed:
Enacted: 07/30/2015	Last Review: 07/24/2015	Review: 01/30/2016

I. POLICY

It is the policy of the Loudoun County Sheriff's Office that employees shall be afforded the use of discretion based on sound judgment. Because of the nature of law enforcement, and the desire to best serve the citizens, deputies shall frequently be required to make discretionary decisions as to alternatives to arrest that may better serve the public interest and the individual being dealt with.

II. USE OF DISCRETION

Deputy Sheriffs, by the nature of their office, are constantly afforded opportunities and are required to exercise discretion in the performance of their duties. The Loudoun County Sheriff's Office provides deputies with written policies and procedures, agency orders, directed patrol assignments, and training in order to aid them in making decisions which call for the use of discretion.

With the exception of agency rules and regulations, agency policy generally gives deputies factors or guidelines to consider in exercising their discretion. It is up to the individual deputy to consider the situation and the relevant factors pertaining to it. They shall, using previous knowledge, training, and good judgment, make appropriate decisions. A deputy exercising such discretionary judgment will not usually be held wrong by a supervisor, although the supervisor may point out factual errors or other alternatives that might have been more appropriate. It is from this learning experience that a deputy's discretion improves and develops.

III. ALTERNATIVES TO ARREST/PREARRAINGMENT CONFINEMENT

- A. Under certain circumstances, deputies are faced with situations where an arrest and confinement will not present an adequate solution to the problem. When these situations arise, deputies may elect to exercise certain alternatives such as issuance of summonses, referral to a social service agency, or a simple warning.
- B. Section 19.2-74 of the Code of Virginia authorizes deputies to issue summonses in lieu of arrest for persons charged with certain offenses. In determining whether a summons should be issued, the deputy should:
 - 1. Decide whether the offense committed is of a serious nature
 - 2. Make a judgment as to whether the accused poses a danger to the public or themselves

3. Decide, based on circumstances at the time, whether the person may disregard a summons

IV. INFORMAL HANDLING OF CRIMINAL MATTERS

Deputies often deal with situations where the interests of the citizens would be better served by social institutions, crisis centers, or professional organizations. When, in the judgment of the deputy, a better solution to a problem will be achieved, the person or persons should be referred to these agencies. General Order 401.19, "Relationships with other Agencies/Referrals", provides a quick reference to those non-law enforcement agencies to which citizens may be referred.

V. USE OF WARNINGS AS AN ALTERNATIVE TO ARREST

The use of warnings may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the agency. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to certain minor criminal offenses. In determining if a warning should be issued, the deputy should consider the following:

1. Seriousness of the offense.
2. The likelihood that the violator will heed the warning.
3. The reputation of the violator, i.e., known repeat offender, has previous warnings, etc.