



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 402.4

Subject: Arrest

Topic: Stop and Frisk

Enacted: 07/30/2015

Last Review: 07/22/2025

Review: 07/01/2026

I. PURPOSE

The purpose of this General Order is to establish policies and procedures for the detention of suspicious persons and to define the necessary elements for a search that extends beyond the person to the passenger compartment of a motor vehicle during the lawful investigatory stop of the occupant of a vehicle.

II. POLICY

It is the policy of the Loudoun County Sheriff's Office to comply with the Code of Virginia, Federal statutes and county ordinances when detaining, stopping, searching, frisking, etc. persons and property.

III. STOP AND FRISK

Under the provisions of the Code of Virginia, a law enforcement officer may temporarily detain a person in a public place if reasonable suspicion exists that a crime has been committed, is being committed, or is about to be committed; or the deputy reasonably suspects that a person is illegally carrying a concealed weapon in violation of Section 18.2-308 of the Code of Virginia.

A temporary detention as recognized by the United States Supreme Court in Terry v. Ohio, 392 U.S. 1 (1968), is a seizure as controlled by the Fourth Amendment. The court recognized that law enforcement officers must be able to take action even when probable cause to arrest does not exist. The Virginia Supreme Court supported the necessity of stops and frisk in a 1977 case, Simmons v. Commonwealth, 217 Va. 552, 231 S.E. 2d, 218, when it stated:

"The Fourth Amendment does not require a policeman who lacks the precise level of information necessary for probable cause to arrest to simply shrug his shoulders and allow a crime to occur or a criminal to escape. On the contrary, Terry recognizes that it may be the essence of good police work to adopt an intermediate response. A brief stop of a suspicious individual in order to determine his identity or to maintain the status quo momentarily while obtaining more information may be most reasonable in light of the facts."

Within stop and frisk, two distinct acts exist: (1) the stop and (2) the frisk of the person(s) stopped. Each is presented individually:

- A. Stop - The detention of a subject for a brief period of time for the purpose of suspect identification and attempts to gather additional information. In order to make the stop, the deputy must have and be able to articulate reasonable suspicion to believe that criminal activity is afoot and that the individual to be stopped is involved. The courts have ruled

that the following factors may be considered in building a foundation for [reasonable suspicion](#):

1. Deputy has valid knowledge that a person has a prior felony record.
 2. A person fits the description of a wanted notice.
 3. A person has exhibited furtive conduct, such as fleeing from the presence of a deputy or attempting to conceal an object from the deputy's view.
 4. Clothing worn by a person is similar to a description given in a lookout for a known offense.
 5. A vehicle is observed that is similar to a broadcast description for a known offense.
 6. A person exhibits unusual behavior, such as staggering or appearing to need medical attention.
 7. The area and time of day, such as a person observed in a public area that has a history of recurring crime during the same time period as the time of the temporary detention.
 8. Hearsay information is acceptable. In order for the information to be credible, the deputy must have some means to gauge the reliability of the informant's knowledge
- B. Frisk - Should the deputy reasonably believe that the person stopped may be presently armed and dangerous, the deputy may conduct a limited search of the person's outer clothing. The courts have held that, in the case where the subject was wearing a heavy overcoat, the deputy was proper in having the subject remove the coat so that he may be patted down.
- C. Protective Search Beyond The Person - The United States Supreme Court held in Michigan v. Long, 463 U.S. 1032 (1983) that although Terry v. Ohio involved the stop and subsequent pat down search for weapons of a person suspected of criminal activity, it did not restrict the protective search to the person of the detained suspect. The Court recognized that protection of police and others can justify protective searches when there exists a reasonable belief based on specific and articulable facts that the suspect is dangerous and may gain immediate control of weapons. Thus, the protective search of an automobile is permissible but limited to those areas in which a weapon may be placed or hidden and that the suspect might gain immediate control over. A lawful protective search for weapons that extends to an area beyond the person in the absence of probable cause to arrest must have all of the following elements present:
1. A lawful investigative stop or lawful vehicle stop.

2. A reasonable belief that the suspect poses a danger. As defined by the court in Michigan v. Long, reasonable belief is based on: "specific and articulable facts, which taken together with the rational inferences from those facts, reasonably warrant the deputy to believe that the suspect is dangerous and the suspect may gain immediate control of weapons."
3. The search must be limited to those areas in which a weapon may be placed or hidden.
4. The search must also be limited to areas within the subject's immediate grasp.

The Court added in Michigan v. Long that, although the subject was under the control of two officers during the investigative stop, it did not render unreasonable a belief that he could injure them.

- D. Period of Detention - Courts have generally held that the period of detention is a brief intrusion upon a person's movement. Once the detaining deputy determines that his/her basis for reasonable suspicion no longer exists, the person detained should be immediately released. Should the suspicion be reinforced with additional information or the deputy develops probable cause, the period of detention could be lengthened. Legal decisions have construed a period of 20 minutes to be too long to reasonably detain a subject absent probable cause.

The deputy is required to quickly evaluate the circumstances present and determine whether probable cause exists to arrest. If not, the subject should be released from detention. The detention of a subject should be as brief as possible and terminated immediately upon deciding that probable cause does not exist. It is incumbent upon the deputy to be able to articulate the circumstances that aroused his/her suspicions leading to the detention.

- E. Documentation: Upon termination of the detention, the deputy should document the circumstances in the CAD notes of the call to serve as a reminder for possible future questioning of the detention. Should an arrest or seizure of evidence result from the detention, the deputy should document the circumstances of suspicious actions that led to the initial detention in an IBR.
1. Deputies shall document all field interrogation stops utilizing the Sheriff's Office community policing data collection system.