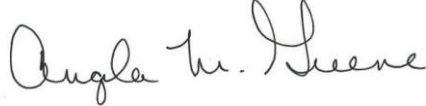
	LEXINGTON POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution ALL PERSONNEL	General Order Number 1.02
		Original Issue Date 01/06/2024	Reissue/Effective Date 01/06/2024
Order Title: LIMITS OF AUTHORITY		CALEA Accreditation Standard: 1.2.1; 1.2.2; 1.2.3; 1.2.4; 1.2.5 VLEPSC: ADM 02.01; 02.02	Section 1
		Rescinds: ADM 02-01; 02-02; 02-03; 02-04; 02-05	
Section Title: DEPARTMENT ROLE & AUTHORITY	 Angela M. Greene, Chief of Police		

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

The purpose of this policy is to establish and provide guidelines regarding limits of authority placed on department personnel.

II. POLICY

It is the policy of the Lexington Police Department (“Department”) to establish and provide guidelines regarding limits of authority for all members of the department as it relates to legal authority, authority to carry weapons, authority to make arrests and conduct searches and seizures, alternatives to arrest and the use of discretion. The department shall provide periodic refresher training on such matters. Lexington Police Department officers must uphold the civil rights of citizens, which are protected by the Constitution of the Commonwealth of Virginia and the Constitution of the United States.

III. DEFINITIONS

Arrest: An arrest may be defined as depriving a person of liberty with the intention of holding him or her to answer to a particular charge or charges.

Bias based profiling: The detention, interdiction, frisk, search or other disparate treatment

of any person *solely* on the basis of race, ethnicity, religion, gender, sexual orientation, economic status, age, cultural group, or some other identifiable common trait or characteristics of such individual.

No-Knock Warrant: A warrant authorizing police officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the property. No-knock warrants are prohibited in Virginia. *See Virginia Code §19.2-56B.*

Probable Cause: Probable cause is more than mere reasonable suspicion, but less than proof beyond a reasonable doubt. Probable cause exists if based on the facts and circumstances, an experienced Officer would reasonably believe that criminal activity has occurred, is occurring, or is about to occur.

Reasonable suspicion: Also known as articulable suspicion. Suspicion that is more than a mere hunch but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion.

This can be based on the observations of a police officer combined with their training and experience, and/or reliable information received from credible outside sources.

IV. PROCEDURE

A. Legally Mandated Authority of Sworn Personnel

1. Sworn Lexington Police Department officers shall support and uphold the Constitutions of the United States and the Commonwealth of Virginia; laws and statutes of the United States and the Commonwealth of Virginia; the Charter and ordinances of the City of Lexington; and the policies, procedures, rules and regulations of the Lexington Police Department.
2. Sworn Lexington Police Department officers derive their power and authority from state and local law, as provided for in the General Statutes of the Commonwealth of Virginia and the Lexington City Charter.
3. The Code of Virginia §15.2-1704 details the legal authority of Virginia law enforcement officers. Sworn Lexington Police Department officers of the Lexington Police Department shall enforce all state and local laws, including the ordinances of the City of Lexington.

B. Authority to Carry and Use Weapons

1. Virginia Code §15.2-1704 authorizes police officers to use force when the officer reasonably believes it necessary to protect the officer or third party from the imminent use of force, effect an arrest or prevent the escape of an arrested or detained person. The Chief of Police, by City Ordinance, is responsible for the operation of the police department and is authorized to establish rules, regulations, policies, and procedures, as necessary, including the authorization of department employees to carry and use weapons. All sworn officers, and non-sworn personnel as determined by the Chief of Police, are authorized to carry authorized firearms and other weapons, and to use them while acting within the scope of their duties, consistent with the laws of the United States, the Statutes of the Commonwealth of Virginia and the written directives of the Department.

C. Compliance with Constitutional Requirements

Officers shall ensure that the constitutional protections are afforded to all citizens during the search and arrest process including those that are non-English speaking and those that are hearing impaired. In such situations, officers shall ensure that the constitutional protections are provided to these individuals in a manner which is clearly understood by them.

1. Interviews:

Although interviews are generally non-accusatory conversations, officers engaged in interviews shall be aware of the nature of questions, the location of the interview, and the conditions present when conducting interviews to ensure that the subject should not reasonably believe they are in custody.

2. Interrogations:

An interrogation is a procedure designed to elicit an incriminating response from an arrestee. Prior to interrogating suspects that are in custody, officers must consider specific legal issues, including providing suspects with Miranda warnings. The test for determining if persons are being subjected to custodial interrogations is whether their freedom is being physically deprived in a manner beyond an Investigative Detention and equal to a Custodial Situation.

3. Access to Counsel:

Persons in custody shall be advised of the right to speak to counsel prior to questioning. Once a suspect or defendant has expressed a desire to exercise their right to counsel, they shall not be questioned until the defendant has

obtained counsel, even if the questioning had already begun, unless the arrestee alone initiates the conversation and expresses a desire to speak to an officer and is again advised of their constitutional rights.

Detainees may waive their right to counsel. Documentation of the waiver shall be on the appropriate form(s) and noted in the narrative portion of the officer's report. If they later request counsel at any time during the interview, the interrogating officer shall not subject them to further questioning until a lawyer has been made available or the suspects freely reinitiate the conversation.

If the arrestee invokes their right to remain silent the officer shall scrupulously honor such right and cease any attempt to further question the arrestee. After the passing of fourteen days, the officers may ask the arrestee if they wish to answer questions again. At no time should an officer attempt to elicit information through coercion, threat, or force.

Specific Policy and Procedures concerning Interview and Interrogation issues is covered in General Order [6.17: Interview and Interrogations](#).

4. Seizure Defined:

In Virginia, a person is seized when, by means of physical force or a show of authority, their freedom of movement is restrained. A seizure occurs when, in view of all of the circumstances, a reasonable person would believe that he was not free to ignore the officer's questions and leave. Relevant factors include the display of weapons, content and tone of language indicating that compliance is required, physical touching, blocking tactics or aggression, and use of sirens and/or flashing lights. Absent physical force, a seizure under the 4th Amendment requires a show of authority and submission to the authority by the individual.

An officer's subjective intentions are irrelevant to the seizure inquiry unless that intent has been conveyed to the person confronted. Mere presence does not constitute a seizure. Although it is recognized that a uniformed law enforcement officer is necessarily cloaked with an aura of authority, this cannot, in and of itself, constitute a show of authority sufficient to constitute a seizure. For a seizure to occur, some indication must be given to the subject that they are not free to leave. Absent such an indication, allowing police officers to approach and interact with citizens on foot and in vehicles to make minimal inquiries serves important law enforcement purposes without jeopardizing constitutional rights.

5. Search Defined:

For constitutional purposes, a search is an intrusion into an area in which an individual has a reasonable expectation of privacy, with the specific intent

of discovering evidence of a crime. A person possesses a reasonable expectation of privacy in a particular area or item if: (1) he exhibits an actual subjective expectation of privacy; and (2) that expectation is one that society is prepared to recognize as reasonable. Only persons possessing a reasonable expectation of privacy in an area or item have the right to legally challenge its being searched.

6. Warrantless Search and Seizure:

Law enforcement officers are required to obtain a search warrant issued on probable cause before conducting a search, including that of homes, persons, and vehicles. However, the courts have recognized warrantless search and seizure exceptions as follows:

a. Automobile Exception

- 1) Officers may conduct a warrantless on-the-scene search of a motor vehicle based on probable cause to believe that it contains contraband or evidence of a crime. The scope of the search is defined by the nature of probable cause and includes any place in the vehicle which is capable of containing the contraband or evidence. The search may also include the personal effects of any occupant capable of containing the item(s), whether or not probable cause was developed specifically as to a particular occupant. Whenever a search of a motor vehicle is anticipated for the purpose of seizing contraband, controlled substances, or criminal evidence, a warrant should be utilized, unless probable cause exists and vehicle is moving, has recently been moved, or the officer has reason to believe that the vehicle may be moved
- 2) Under the Virginia constitution, an automobile exception search is valid only if conducted on-the-scene of the stop. Once the vehicle is removed from the scene - for whatever reason - the authority to conduct an automobile exception search ends. A subsequent search of the vehicle must be conducted pursuant to a warrant or another exception to the warrant requirement, such as an inventory search.
- 3) Where probable cause develops as to a specific container **before** it is placed into a motor vehicle, once it is placed in the vehicle, officers are permitted, absent further justification, to search the suspect container only, and not the entire vehicle.
- 4) Motor Vehicle Exception – Odor of Marijuana
 - a) Officers may not stop, search, or seize any person, place, or thing solely on the basis of the odor of marijuana, and no evidence discovered or obtained as a result of such unlawful search or

seizure shall be admissible in any trial, hearing, or other proceeding in pursuant to VA Code. 1.4-1105.1.

b. Community Caretaking Function

The Community Caretaking Function is action taken by the police that is totally separate from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute and does not constitute a “search” for constitutional purposes. Such action is commonly referred to as “community caretaking” and relates to the safety and welfare of the community. For example, if an officer views jewelry on the front seat of an unlocked vehicle, the officer can secure the jewelry without having violated any right to privacy.

In order to prove that a particular search or seizure was justified under the emergency aid exception, an officer must be able to show that:

- 1) The officer had objectively reasonable grounds to believe that there was an emergency at hand and there was an immediate need to protect life or property;
- 2) There was probable cause to associate the emergency with the area to be searched; and
- 3) The search was not a subterfuge to arrest a person or seize evidence.

c. Consent Searches

- 1) A warrantless entry or search is permitted on the basis of the free and voluntary consent of an authorized person. An authorized person is someone with an interest in the property, usually the owner, the lessee, or a possessor. Even where officers have sufficient probable cause, they are not obligated to obtain a search warrant before trying to obtain consent.
- 2) Officers should, when practical, attempt to obtain written consent on a [Consent to Search Form](#), which shall be attached to the officer's report. It is not coercion to advise a person that the officer will seek, apply for, or ask a judge to issue a search warrant if consent is not given. Whether or not consent is obtained in writing, the officer should carefully document the circumstances surrounding the consent in the police report, indicating that consent was obtained and that the consent was voluntary and without coercion. Facts to be included in the police report include:

- a) Who was present;
 - b) Information given to the arrested party by officers when requesting consent;
 - c) What the arrested party did in response to the officer's request for consent, including questions asked or gestures made;
 - d) The arrested party's age and any notable characteristics or impairments;
 - e) Whether the arrested party had prior experience with the police; and
 - f) The general tone of the interaction between the officers and the arrested party.
- 3) Officers should be aware that the person giving consent can legally withdraw or limit consent at any time, and the search must then stop. However, officers will retain any items already discovered that are subject to seizure, and may apply for a search warrant, if deemed necessary, to complete the search. Consent lawfully may be obtained from persons who are detained or in custody.

d. Exigent Circumstances

- 1) Officers may make entry and conduct a limited search on the basis of exigent circumstances. Exigent circumstances exist where the police reasonably believe that if an immediate arrest, search or seizure is not made, the accused would be able to destroy evidence, flee or otherwise avoid capture, or might, during the time necessary to procure a warrant, endanger the safety or property of others. The scope of any search is strictly limited by the demands of the exigency. In addition, once the exigency justifying the search has dissipated officers must secure the scene and obtain a warrant before conducting any further searches.
- 2) When an officer makes a lawful arrest and, in addition, has reasonable suspicion to believe that the premises contain another person or persons who pose a danger to the officer, a brief protective sweep may be made of the area.

e. Search Incident to Custodial Arrest

- 1) A lawful custodial arrest permits officers to conduct a full search (not just a frisk) of the arrestee's person and the area within their immediate control. The search may occur on-scene at the time of arrest or be conducted after arrest at the detention destination (Inventory Search). The authority to conduct a search incident to arrest derives solely from the fact of custody and is not dependent upon the nature or seriousness of the charge.

- 2) As long as the two events occur contemporaneously, the search may occur momentarily before the actual arrest. Following a lawful arrest, personal effects may be taken from the arrestee and kept in official custody without any additional probable cause.
- 3) The police are authorized to search the interior compartment of a vehicle incident to the arrest of a recent occupant only if: (1) the arrestee is unsecured and within reaching distance of the vehicle at the time of the search; or (2) there is reason to believe that the vehicle contains evidence of the offense of arrest. Absent one of these two situations, a search of the vehicle is unreasonable unless the police obtain a search warrant or show that another exception to the warrant requirement applies.
- 4) Under the Virginia Constitution, the vehicle search is permitted *only while the arrestee remains at the scene of the arrest*. Once the arrestee is removed from the scene, for whatever reason, the authority to search the vehicle's interior under this exception ends. Where a vehicle is stopped, and the officer is authorized to make a custodial arrest, but elects instead to issue a summons or citation, a ***non-consensual*** search of the vehicle is not permitted. Even where a summons or citation is issued, and the stop technically over, the officer may attempt to secure consent to search the vehicle without informing the operator that the stop is effectively over.

f. Inventory Search

- 1) Officers are permitted to inventory vehicles and other items lawfully in their custody so long as the inventory is conducted pursuant to a standardized departmental procedure. Refer to General Order [5.28: Motor Vehicle Inventory Policy](#). An inventory search derives from physical possession by the police, not probable cause or other legal authority. The purpose of the search is to ensure that the item is safe and to protect the police from claims of loss. Consequently, always complete the inventory, even upon the discovery of contraband or evidence.
- 2) The owner or possessor of a motor vehicle may, but does not have to, be given an opportunity to make arrangements to have the vehicle removed in lieu of impoundment unless being held for evidence processing by Lexington Department.

g. Plain View and Plain Feel

- 1) Plainview

An item in the plain view of an officer may be seized without a warrant if: (a) the officer is lawfully in a position to view the item; (b) the discovery of the evidence must be

inadvertent; and (c) the incriminating nature of the evidence must have been immediately apparent. Regarding motor vehicles, police may, without any need of justification, lawfully stand beside a vehicle and look inside, even with the aid of a flashlight.

2) Plain Feel

An item detected lawfully through the sense of touch may be seized absent a warrant if it is *immediately apparent*, without removal, visual inspection or further manipulation, that the item is contraband. The plain feel exception does not apply where the touching is itself unlawful.

h. Abandoned Property

No reasonable expectation of privacy exists in property that has been abandoned. Consequently, such property may be seized and searched without a warrant. Property that is disposed of as a result of unlawful police pursuit is not deemed abandoned. Similarly, property that is left unattended in a public place more or less out of necessity is not deemed abandoned.

i. Other Authorized Search Situations

Other situations where a warrantless search and seizure may be authorized by state and federal constitutional provisions include the following:

1) Hot Pursuit

When an officer attempts to make a lawful arrest and is in immediate pursuit of the individual, but the person flees into a home or other building, exigent circumstances exist, and the officer may enter the premise to effectuate the arrest. Officers are limited to searching the location only for the fleeing suspect and are reminded to use extreme caution in such circumstances.

Officers are not authorized to enter the home of any person without a warrant or the consent of the homeowner and/or occupant except for lawful purposes that include hot pursuit and exceptions to the warrant rule.

2) Protective Sweep

Police are permitted to conduct a limited protective sweep of an area adjoining an arrest to ensure their own safety and the safety of others.

a) First Tier Sweep

Arresting officers may, as a precautionary matter and without further justification, examine areas and places *immediately adjoining* the place of arrest from which an attack could immediately be launched.

b) Second Tier Sweep

Arresting officers may sweep areas beyond those immediately adjoining the place of arrest based on a reasonable and articulable belief that the area poses a danger to individuals on-scene.

3) Probationers Search

Police are permitted to search a probationer's private residence based upon a reasonable suspicion of criminal activity where the probationer has agreed, as a condition of probation, to submit to warrantless searches by probation or law enforcement officials.

4) Traffic Stops

- a) A routine motor vehicle violation stop constitutes a seizure of all of the occupants, so each may challenge the constitutionality of the stop. Following a valid routine motor vehicle stop, an officer may, without further justification, order the operator and/or any passengers out of the vehicle.
- b) After a vehicle is lawfully stopped for a routine motor vehicle violation, an officer may conduct a pat down of a passenger if the officer reasonably suspects that the passenger is armed and dangerous, even if the officer does not have reasonable grounds to believe that the passenger is committing, or has committed, a criminal offense. The suspicion may develop during interactions on matters unrelated to the basis of the stop.
- c) Areas of the passenger compartment capable of concealing a weapon may be searched if police have a reasonable and articulable suspicion that the person is dangerous and might access the vehicle and gain control of a weapon.

- d) Officers may not request consent to search a vehicle during the course of the stop if the request is inconsistent with the initial justification for the stop and the officer has not developed further information that would justify the request.

5) Crime Scene Searches

a) A search warrant must be obtained for a crime scene if:

- i. The suspect resides at the place to be searched, regardless of if the victim is the owner.
- ii. The officers leave the scene and later wish to return to conduct a search or otherwise collect evidence, or if the search will continue for an extended time after the premises are secured.
- iii. The area to be searched or evidence to be seized does not fall under one of the exceptions noted below:
 - 1. Consent to search has been obtained by a party authorized to give consent;
 - 2. If the evidence to be seized could be destroyed prior to obtaining a warrant or
 - 3. If the evidence to be seized is otherwise subject to a warrant exception.

6) Stop and Frisk Searches

- a) An officer may stop a person for the purpose of conducting an investigatory stop only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling but does not need to meet the threshold required for probable cause to make an arrest.
- b) A frisk is authorized only when the officer has reasonable, articulable suspicion to fear for their safety and the scope of the frisk is narrowly tailored to those specific reasons. For Additional directions regarding stops and frisks refer to General Order [1.06: Investigatory Stops](#).

7. Search Warrants

- a. Officers wishing to obtain a search warrant, in accordance with Virginia Code, Federal, and local laws, must develop and be able to articulate probable cause under conditions that would lead a reasonable and prudent person to believe that a criminal offense has been or is being committed. There are two key components to a search warrant: (1) particularity as to the descriptions of what is to be searched and what is to be seized; (2) probable cause to believe that the items sought are (a) connected with criminality and (b) presently in the space to be searched. A deficiency in any area will render the warrant unconstitutional and invalid.
- b. When an officer believes that they have developed sufficient probable cause and wishes to obtain a search warrant, the officer will first discuss the matter with their immediate supervisor. If, in the opinion of the supervisor, there is probable cause and sufficient evidence to obtain a search warrant, they will assist the officer in completing the necessary forms. A search warrant affidavit must contain sufficient information to establish probable cause to believe that the items sought: (1) are contraband, or otherwise connected with criminal activity, or will assist in an apprehension or conviction; and (2) are presently located in the place(s) to be searched.
- c. In addition to probable cause, officers attempting to secure a search warrant must have specific, reliable information to:
 - 1) Describe the place to be searched and the item(s) to be seized with sufficient detail so that the person executing it is able to determine with reasonable certainty what place is to be searched and what item(s) is to be seized.
 - 2) Describe the items as precisely as the circumstances and the nature of the criminal activity at issue permit. General descriptions should be coupled with particular criminal activity: e.g., items used in the manufacture, operation, maintenance, or detonation of explosive devices.
 - 3) Identify which law(s) are being violated, including any evidence that identifies the person or location to be searched.
 - 4) In the case of motor vehicle searches, furnish the name of the owner (if known), registration plate, make, model, VIN, color and body style of the vehicle to be searched.
 - 5) The name of the person to be searched, when there is reason to believe that such person will be concealing items named in the warrant.

- 6) No Lexington police officer shall seek, execute, or participate in the execution of a no-knock search warrant. A search warrant for any place of abode authorized under Virginia Code §19.2-56 shall require that a law-enforcement officer be recognizable and identifiable as a uniformed law-enforcement officer and provide audible notice of his authority and purpose reasonably designed to be heard by the occupants of such place to be searched prior to the execution of such search warrant. After entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing law-enforcement officer shall give a copy of the search warrant and affidavit to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place to be searched is unoccupied, the executing law-enforcement officer shall leave a copy of the search warrant and affidavit in a conspicuous place within or affixed to the place to be searched.
- 7) Search warrants authorized under this section for the search of any place of abode shall be executed by initial entry of the abode only in the daytime hours between 8:00 a.m. and 5:00 p.m. unless (i) a judge or a magistrate, if a judge is not available, authorizes the execution of such search warrant at another time for good cause shown by particularized facts in an affidavit or (ii) prior to the issuance of the search warrant, Lexington officers lawfully entered and secured the place to be searched and remained at such place continuously. Lexington police officers shall make reasonable efforts to locate a judge before seeking authorization to execute the warrant at another time, unless circumstances require the issuance of the warrant after 5 p.m., pursuant to the provisions of this subsection, in which case the Lexington police officer may seek such authorization from a magistrate without first making reasonable efforts to locate a judge. Such reasonable efforts shall be documented in an affidavit and submitted to a magistrate when seeking such authorization.
- 8) Any evidence obtained from a search warrant executed in violation of Virginia Code §19.2-56, shall not be admitted into evidence for the Commonwealth in any prosecution.

d. Supervisor Review of Search Warrants

- 1) Supervisors may be accountable for the actions of subordinate personnel. Officers and Supervisors are not relieved of liability simply because a search warrant has been reviewed by a magistrate or prosecutor. The supervisory review process is intended to ensure that warrants submitted are based on sufficient facts that establish probable cause, properly identify the person(s), places and things to be searched for, and are made out in a technically appropriate form.
- 2) Prior to serving any search warrant, the warrant must be reviewed by a supervisor, using a multi-step process that shall include, at a minimum, the

following:

- a) A review of the initial investigation and verification of probable cause;
 - b) Review of the 3 key components involved in a search warrant (search warrant affidavit, search warrant, and inventory return);
 - c) Assurance that the person or place to be searched and the items seized are addressed with specificity and correlate with information developed in the investigation;
 - d) The warrant contains the correct address to be searched; and
 - e) The warrant properly addresses issues regarding nighttime and/or no-knock warrants.
- 3) The lead investigator, or officer serving the search warrant, shall document in their report that supervisory review of the process was completed. The documentation shall include the identity of the supervisor conducting the review and any other appropriate information.

e. Supervisory Notification for Execution of Search Warrants

A supervisor must be notified when a search warrant will be served and must coordinate the service of the warrant. The lead investigator or officer involved in obtaining or serving the warrant may execute the actual search and associated duties, subject to the supervisor's approval.

f. Threat Assessment

The Supervisor is responsible for assuring that a "Threat Assessment" review is completed prior to executing a search warrant, a violent misdemeanor arrest warrant, or a violent felony arrest warrants where a threat to officer safety may potentially exist with unknown individuals, known violent offenders, and/or unknown habitats. (*See General Order [1.02b: Threat Assessment Matrix](#)*). The purpose of the threat assessment is to identify issues such as appropriate number of personnel, need for tools such as ram, halogen, bunker, etc. and need for other resources such as SWAT team, ambulance, ACO, etc.

The "Threat Assessment will include, but is not limited to, assessment of the following factors:

- 1) Suspect(s)' propensity for violence and mental stability;
- 2) Is the suspect on parole or probation and history of weapons;
- 3) Suspect's history of substance abuse;
- 4) Does suspect have a police or military background;
- 5) Suspect's history with violent groups;
- 6) Offenses involved in the current cases;
- 7) Current intelligence concerning weapons or explosives;
- 8) Assessment of the site to include fortification, monitoring devices, dogs, and handicapped persons, elderly or children

8. Arrests with and without a warrant

The following procedures pertain to arrests with, and without, a warrant.

a. Arrests with a Warrant

The issuance of an arrest warrant is based upon an independent finding of probable cause by an impartial judge. Arrest warrants shall only be served by sworn, full-time officers of the Department. The officer taking a subject into custody on the basis of an arrest warrant is responsible for checking that the warrant is valid by requesting confirmation through the Communications Unit and for also verifying that the subject being arrested is, in fact, the person named on the warrant. This may be accomplished by comparing the following information about the person being detained with that indicated on the warrant:

- 1) Subject's name and address, including exact spelling
- 2) The date of birth, social security number and physical description of the subject
- 3) The place of employment or other subject information
- 4) Fingerprint verification when available

b. Prioritization of Warrant Service

Quick action on the part of law enforcement agencies in serving outstanding warrants can significantly increase the likelihood of apprehension. The priority of warrant service is as follows:

- 1) **Felony warrants** - Because of the serious nature of felony offenses, all felony warrants should be served as expeditiously as possible.

- 2) **Misdemeanor warrants** - In the absence of any felony warrants to serve, misdemeanor warrants should be served beginning with the most serious misdemeanors.
- 3) **Failure to appear** - Failure-to-appear (FTA) warrants should be given priority depending upon degree (1st degree versus 2nd degree).
- 4) **Traffic warrants** - Traffic warrants are generally of a less serious nature and may be served anytime there are less pressing warrants waiting to be served.

c. Warrantless Arrests

- (1) Police Officers in the State of Virginia may only make a warrantless misdemeanor arrest for on-sight violations of the law and/or based on “speedy information,” committed within the limits of their political subdivision and in accordance with VA Code 19.2-81(G). Officers may detain a person for a misdemeanor offense committed outside of their jurisdiction until an officer who has jurisdiction over the matter can make the arrest.
- (2) Officers have authority to make a felony arrest within the city boundaries of the Commonwealth of Virginia. Sworn members of the Lexington Police Department will remain aware of elements of offenses which would constitute felony crimes and will bear in mind that an arrest for a felony must be based on probable cause and that the actual offense need not actually be witnessed in order for an arrest to be made. Officers shall complete a Incident Based Report (*IBR*), or other required form(s), for each warrantless arrest made.

9. Searches to be conducted by Members of the Same Sex When Possible:

- a. Whenever possible, searches of suspects will be conducted by members of the same sex as the suspect.
- b. When circumstances require that an officer search a suspect of the opposite sex the officer will include the reasons necessitating such a search in the arrest report.

10. Serving Out of Town Arrest Warrants

- a. The procedures listed below are to be followed whenever an out-of-

town warrant is served or when Lexington arrest warrants are executed by another jurisdiction:

- 1) Confirm by telephone and confirmation messaging that the warrant is valid and that we have the correct individual;
- 2) When an officer makes an arrest based on out-of-town arrest warrants Dispatch will request a faxed copy of the face and back of the warrant so that the arresting officer can sign the back of the faxed warrant.
- 3) When an arrest is made by another department on our warrant dispatch will the arrest warrant to that department requesting that the arresting officer sign it and fax it back to dispatch so that dispatch can document the arrest warrant service;
- 4) Place a signed copy of the faxed arrest warrant with the original arrest warrant and submit a copy of the arrest report as follows:
 - 1.) Copy to the Prosecutor's Office; and
 - 2.) Original reports sent to Records.
- 5) Officers who have reasonable information that an individual has an outstanding felony warrant from another state should arrest the person and charge them as Fugitive from Justice if the following conditions are met:
 - 1) The charges are confirmed to be a felony;
 - 2) The originating agency intends to extradite;
 - 3) The validity of the warrant is confirmed, including the statute number and the bond.