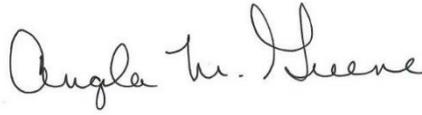


	LEXINGTON POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution	General Order Number
		ALL PERSONNEL	5.07
		Original Issue Date	Reissue/Effective Date
		01/06/2024	01/06/2024
Order Title: ARREST PROCESSING	CALEA Accreditation Standard: 1.2.5; 1.2.6; 72.5.1 72.5.2; 72.5.6; 72.5.7; 72.7.1 a and b VLEPSC ADM 02.02; 02.03; 25.08	Section 5	
	Rescinds: ADM 02-01; 02-07		
Section Title: PATROL FUNCTIONS	 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 the responsibility and standards for arrest processing by the Lexington Police Department (“Department”).

II. POLICY

It is Lexington Police Department policy to process those persons so accused of committing a crime or violation without unnecessary delay, and to determine qualifications for release as soon as possible.

III. DEFINITIONS

Arrestee: A person taken into custody by a Lexington Police Officer, with or without a warrant.

Booking: A procedure for admitting a person charged with an offense to the Lexington holding facility, including searching, fingerprinting, photographing, medical screening, collecting personal history data, and inventorying and storing a person’s property.

Contraband: Any item that is illegal to possess, to include items that are not permitted within a holding facility because of their possible use to disrupt security measures within the facility.

Custody: Legal or physical control of a person in an area or facility or while in transit; legal, supervisory, or physical responsibility for a person.

Detainee: A person in the custody of Department personnel and whose freedom of movement is at the will of agency personnel.

Disabled Detainee: A detainee with an anatomical, physiological, or mental impairment that hinders mobility.

Inventory: A detailed, itemized list, report, or record of items in one's possession or the process of making such a list, report, or record.

Processing: Pre-booking and booking activities involving detainees in custody, after which detainees may either be released from the custody of or held by Lexington.

Restraining Devices: Equipment used to restrain the movement of the prisoner, such as handcuffs, flex-cuffs, waist chains, ankle chains, restraining straps, strait jackets, or tie-down stretchers.

Strip Search: A strip search is defined as having an arrested person remove or arrange some or all of his or her clothing, or, if an arrested person refuses to remove or arrange his or her clothing, having a peace officer or employee of the police department remove or arrange the clothing of the arrested person so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments used to clothe said anatomical parts of the body.

IV. PROCEDURES

A. Arrests With A Warrant

1. Sworn Officers are authorized to make arrests with and without a warrant as described in General Order [1.02: Limits of Authority](#), Section B-9.
2. Arrest warrant statute of limitation restrictions include:
 - a. Prosecution is subject to the following limitations:
 - Felonies have no statute of limitations;
 - Misdemeanor; generally one (1) year from date of incident, unless explicitly provided for by statute.
3. When an officer possesses a valid felony arrest warrant for a suspect and reasonably believes the suspect is inside their residence the officer may force entry to make an arrest. Unless there are exigent circumstances officers will normally not force entry to serve a misdemeanor warrant.
4. Officers are not authorized to serve an arrest warrant at a third-party residence unless the officer has secured a search warrant along with the arrest warrant.

B. Arrests Without A Warrant

1. Arrests without a warrant for felony and misdemeanors may be made in conformance with Virginia Code §19.2-81.
2. Officers may arrest without a warrant any person who commits any crime in the presence of the officer.
3. Felony arrests may be made without a warrant whenever the officer has probable cause to believe the person detained has committed a felony.
4. Misdemeanor arrests may be made without a warrant

Pursuant to Virginia Code §19.2-81:

B. Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another officer, who may obtain a warrant based upon statements made to him by the arresting officer.

C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest. For purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public.

D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether or not the offense was committed in such officer's presence. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of operating a watercraft or motorboat in violation of an order issued

pursuant to § 29.1-738.4, whether or not the offense was committed in such officer's presence.

E. Such officers may arrest, without a warrant or a capias, persons duly charged with a crime in another jurisdiction upon receipt of a photocopy of a warrant or a capias, telegram, computer printout, facsimile printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably accurate description of such person wanted and the crime alleged.

F. Such officers may arrest, without a warrant or a capias, for an alleged misdemeanor not committed in his presence when the officer receives a radio message from his department or other law-enforcement agency within the Commonwealth that a warrant or capias for such offense is on file.

G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii) carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such property is located on premises used for business or commercial purposes, or a similar local ordinance, when any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense. The arresting officer may issue a summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

5. Case Law: Criminal arrests by sworn personnel of this Department will be made in compliance with the specific judicial decisions of the United States Supreme Court, the Virginia Supreme Court, other courts, and legislation governing the rights of the accused, procedures for the arrest, and procedures for the search and seizure of evidence.

C. Alternatives to Arrest and Pre-Arrest Confinement

All sworn Lexington Police Department personnel will recognize that other alternatives to in-custody arrests and pre-arrest confinement as described in this General Order and General Order [1.01: Law Enforcement Function](#) are available and may be used.

D. Summons Release in the Field

1. In lieu of a physical arrest for a misdemeanor or violation an officer may instead issue the person a written summons.

E. Exception to Release in the Field

1. An officer making an arrest for the following offenses shall take the arrestee into custody and transport the arrestee to the Rockbridge Regional Jail for formal booking and processing:
 - a. Any misdemeanor offense involving domestic violence;
 - b. Any misdemeanor offense involving physical injury or possible physical injury;
 - c. Any misdemeanor offense involving domestic problems; however, an exception to this procedure would be the case where both parents are subject to arrest and children are present in the home and need to be cared for. A summons to one of the parents may be issued upon approval of a Sergeant or higher-ranking Officer.
 - d. Any misdemeanor offense involving any person not known to the arresting officer and who cannot produce sufficient, credible identification (employee photo ID, driver's license, etc.)
 - e. Any offender taken into custody for Operating Under the Influence.
 - f. In any misdemeanor case involving a person residing in another state or a person known to be a repeat criminal offender.

F. Detainee Search Procedures

1. Officers shall conduct a systematic, thorough, and complete search of all arrested individuals in the custody of Lexington at the time of entry into the Rockbridge Regional Jail. Personnel will wear protective gloves when conducting a search in order to prevent exposure or injury due to the possible presence of bloodborne pathogens, needles, syringes, and other “sharps”. Custody searches will be conducted without removing all detainee clothing. Strip and/or Body Cavity searches will only be conducted pursuant to Lexington General Order [*1.07: Strip and Body Cavity Searches*](#).

G. Arrest Processing – Generally

1. All arrest processing duties are handled by the Rockbridge Regional Jail including processing, fingerprinting, photographing and holding. Issues related to bonds are determined by a magistrate.

H. Fingerprinting and Photographing Arrestees

1. Fingerprinting

- a. Anytime an individual is charged with a felony and/or certain misdemeanors, CCRE (SP-180), FBI Fingerprint Card (FC-249) and an FBI Final Disposition Report (R-84) will be completed along with photographing of the individual.
- b. The Rockbridge Regional Jail uses the Offense Tracking Number (OTN) that is generated through the warrant process for the CCRE (SP-180) and the FBI Final Disposition Report (R-84).
- c. Prior to fingerprinting, the processing officer will place protective examination gloves on both hands. The wearing of the gloves will protect the officer from coming in contact with communicable diseases.
- d. The prisoner will then be fingerprinted using the Livescan/AFIS system. When Livescan/AFIS is not operational, the following fingerprint cards will be utilized:

Uniform Arrest Report, JD-CR 21
Two (2) FBI fingerprint cards, FD249
Final Disposition Report, R-84
Palm Print Card

2. Photographing

- a. Once the prisoner has been fingerprinted and photographed, they will be secured in the appropriate cell by the Rockbridge Regional Jail, if release is not possible.

I. Off Site Arrests and Out of Town Arrest Warrants

1. When serving a Lexington Police Department warrant in another town Lexington personnel will notify the police agency in the town where the warrant is to be served and request that a local officer accompany them while they are executing the warrant.
2. Whenever an officer has reason to believe a suspect is wanted on a warrant from another jurisdiction the officer will ask the dispatcher to confirm the validity of the warrant before transporting the suspect to Booking.

J. Identification of Detainee Prior to Release

1. The arresting officer is responsible for making a positive identification of each

person brought into the custody of Lexington Police Department. The arresting officer has a responsibility to make every effort to identify the arrested party prior to transporting the detainee to the Rockbrige Regional Jail and completing the Incident Report. Personnel assigned to handle the transportation and/or processing of the incoming detainee shall confirm identification of the detainee by checking the identity of the individual against the descriptions contained in the arrest or booking report, including the use of photographs and fingerprints, if necessary, to secure a positive identification. Detainees will again be positively identified prior to release.

K. Release Without Charges

1. If someone is arrested based on the reasonable belief of an officer at the time, but further investigation or additional information reveals that sufficient probable cause no longer exists, the supervisor on duty will be immediately notified.
2. Once this situation is determined the Magistrate will be contacted regarding the incident for approval of release.
3. The primary officer will prepare the supplementary investigation report.
4. A copy of the arrest report, which includes the reason for the release, will be submitted to the Commonwealth's Attorney's Office.

L. Supervisor Responsibility

The on-duty supervisor is responsible for ensuring that all necessary paperwork is fully and properly completed and that all established arrest processing procedures have been followed prior to allowing the detainee to be released.