

PRINCE WILLIAM COUNTY POLICE DEPARTMENT MANUAL OF GENERAL ORDERS			
General Order: 19.06	Effective: 05/13/2020	Supersedes: 12/31/2018	Number of Pages: 5
RECORDS CONTROL: ARREST FORMS			

The purpose of this order is to outline what forms are required whenever a member makes an arrest. These forms are in addition to any other required reports.

A. Adult Arrests (Physical Custodial).

1. Persons arrested without a warrant by sworn members of the Department shall not be processed and photographed until such time as a warrant has been issued.

Exceptions to the above policy are:

- a. Supervisors may temporarily suspend the arrest processing policy for reasons such as, but not limited to:
 - 1) Mass arrests.
 - 2) A backup of officers waiting to appear before the Magistrate, which would cause an undue delay of officers returning to patrol service.
 - b. No member will assist in the processing of any prisoner for any other agency prior to an arrest warrant being issued.
2. Members shall process all arrestees taken into custody and charged for any of the following offenses:
 - a. Felonies.
 - b. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, or any similar ordinance of any county, city or town, (ii) under § [20-61](#), or (iii) under § [16.1-253.2](#) (Typically Class 1 and Class 2 Misdemeanors)
 - c. Misdemeanors under Title 54.1.
 - d. Writs of capias. The underlying offense **MUST** be included in the “Charges” blocks for all Failure to Appear, Contempt of Court, Failure to Pay Fines – type offenses (i.e. “Failure to Appear/Driving While Intoxicated).
 - e. Direct indictments for any offense listed in (a) through (c) above.
 3. Persons who are too intoxicated, too disorderly, or refusing to be processed:

The Mandatory Arrest Information electronic form will be completed by the arresting member and submitted in P1. The form shall also be printed and attached, along with a Buccal DNA kit if necessary, to the warrant with a note to the Magistrate or presiding judge, stating why the subject was not processed, and requesting the subject be processed at arraignment or prior to release. The Magistrate should not release the subject on bond until processing is completed.

4. Persons with injuries preventing processing (i.e. broken hands or arms):

The Mandatory Arrest Information electronic form shall be completed by the arresting member and submitted in P1. The form shall also be printed and forwarded to the Court Liaison Officer with a note explaining what processing needs to be completed and the court date. The Court Liaison Officer will ensure that the individual is processed on the subject's court date.

5. In all cases in which an individual is arrested without a warrant, brought before a Magistrate and the warrant is denied, the member shall complete a Case Report.

- a. In the offense field, "Police Information - *warrant denied*" will be selected.
- b. The report narrative shall include the circumstances of the arrest, to include the original offense, and reasons for the refusal of the warrant.
- c. The patrol supervisor will be made aware of the denial and be responsible for a review of the case. The supervisor shall supplement the original report, by completing an Officer Report, with the results of the review.
- d. The supervisor will ensure that any processing paperwork is destroyed.

6. In all cases in which an individual is arrested and released due to misidentification or other understandable circumstances, the following actions shall be taken:

- a. Obtain the released subject's identification in a polite and non-threatening fashion.
- b. A supervisor should be immediately notified and respond, if appropriate and feasible.
- c. The circumstances of the erroneous arrest should be explained to the subject and contact information for the arresting officer and supervisor should be given to the subject.
- d. The arresting officer will complete a "Police Information" report.
- e. If any arrest processing paperwork or other court documentation has been submitted, the officer should ensure that it is destroyed or expunged, in accordance with court procedures and in cooperation with the Commonwealth's Attorney's Office, if appropriate.
 - 1) If destruction or expungement is necessary, the arresting officer will follow-up and supplement the original report within 30 days.
 - 2) The officer will notify the released subject when verification of destruction is received.

B. Adult Arrests (Physical Custodial – Release on Summons).

1. Whenever a member arrests an adult for a misdemeanor offense and releases the accused in accordance with § 19.2-74 (Release on a Summons for Misdemeanors), the arresting member will complete a Virginia Uniform Summons (VUS) to include the accused's signature. In all misdemeanor criminal offenses where the member releases the subject on a VUS, the member will ask the Mandatory inquiry on physical custodial arrest questions (What is your

place of birth? What country are you a citizen and or/national of? Are you legally present in the United States?). The member shall fill in the responses on page 2 (records copy) of the VUS. If the accused is a suspected criminal illegal alien, follow the procedures set forth in G.O. [45.02 Illegal Immigration: Member Responsibilities](#). No additional processing by the arresting member is required if the accused is not a suspected criminal illegal alien.

2. Whenever a member must take a person into custody for an offense for which the accused would normally be released on a summons, the arresting member shall complete the following:
 - a. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, or any similar ordinance of any county, city or town, (ii) under § [20-61](#), or (iii) under § [16.1-253.2](#) (typically Class 1 and Class 2 Misdemeanors) or Title 54.1 will be processed as provided for in section E of this General Order.
 - b. Class 3 and 4 misdemeanors and all misdemeanor offenses under Title 46.2 – Complete a Virginia Uniform Summons, excluding the signature of the accused. In the signature space the member shall write “*Arrested.*” No additional processing is required to be completed by the arresting member.
3. Magistrate Summons or Warrants Serviceable as a Summons.
 - a. All summons or warrants serviceable as a summons shall be served on the accused personally.
 - 1) The accused shall not be required to sign a magistrate summons.
 - 2) The accused shall be required to sign a warrant serviceable as a summons.
 - b. The serving member will complete a Virginia Uniform Summons, excluding the signature of the accused, to document the service. The signature block shall appropriately reflect either “*Magistrate Summons*” or “*Warrant Served as a Summons.*”
 - c. Generally, members will not request a magistrate to change any warrant not permitted to be served as a summons to a warrant serviceable as a summons. A supervisor may grant permission to make such a request under unusual circumstances (medical conditions, etc.).
4. The Court Liaison Officer will be responsible for ensuring the processing of any person arrested under section B-1 or B-3 only after the accused has been convicted in court of an offense reportable to CCRE.

C. Juvenile Arrests

1. Any juvenile who is petitioned to appear before the Juvenile Court for any offense that, if committed by an adult, would be reportable to CCRE [as set forth in General Order 19.06 (A-2), the charging member will ensure the juvenile is processed immediately upon being found delinquent or the entering of a deferred disposition as defined by § 16.1-278.8, *Code of Virginia*.

2. Any juvenile who is charged with a traffic violation or other violation of law for which they may be released on a summons will be issued a Virginia Uniform Summons (VUS). The juvenile's signature is required.

D. Arrest Processing Forms:

1. Electronic Processing

- a. Members using Live-Scan (optical ridge scanning) technology shall follow the manufacturer's protocols concerning general operation.
- b. The arresting member shall complete the Mandatory Arrest Information form prior to the optical scanning process.
- c. The warrant/petition shall be scanned in to pre-fill biographical data. All additional information shall be input by the member. Once completed, the impressions will be recorded, and the card shall be submitted for search in the NOVARIS (Northern Virginia Regional Identification System) database. The arresting member will ensure that the information entered into Live-Scan is consistent with information provided on the Mandatory Arrest form. If any information is different the arresting officer will seek clarification and make amendments to the appropriate forms to ensure accurate reporting.
- d. Upon completion of the search adult arrests shall be forwarded to CCRE for processing and retention. All forms shall be printed and distributed per section F of this General Order.

2. Manual printing

Every effort shall be made to process arrestees electronically. Be mindful there are several locations in the County where this technology is available (i.e. Eastern District Station and Adult Detention Center). In the event there is a long-term outage of the electronic processing system, the following shall be followed.

a. One FBI fingerprint card

All applicable information will be completed, except the blocks for "Reply Desired" and "Send Additional Copy To" will be left blank. There is no limit, except by space, to the number of charges that may be listed on the FBI card (i.e. Burglary – 10 counts). The case number is to be included in the "Local Identification/Reference" block.

b. One Virginia CCRE form SP-180 with fingerprint card per charge.

All applicable information will be completed in accordance with current CCRE guidelines. Only **one** charge shall be listed on each CCRE form. When completing a SP-180 for any capias arrest, the CCRE form will reflect the original offense for which the capias was issued. The Sector, Beat, Court, and Court Date shall be placed in the open area below the UCR Code block. When a member serves a warrant obtained by a citizen, the phrase, "Citizen Warrant" shall be inserted on the upper margin of the CCRE form. When a warrant, petition, or writ of capias from another jurisdiction is served, the member shall insert, "Warrant Service – No Further Interest" in the upper margin of the CCRE form.

- c. One photograph (frontal view). Included on the photograph will be name, race, sex, DOB, social security number, case number, and date of photograph.
- d. One palm print card (both sides).
- e. Buccal DNA swab, if required.
- f. The member's code number must be included with his or her name on all applicable arrest paperwork or forms.
- g. Offenses charged should be listed in full verbiage, rather than acronyms such as: FTA, FTPF, DOS, etc. CCRE and FBI employees are often not familiar with local acronyms or abbreviations.
- h. The Mandatory Arrest Information form will be completed by the arresting member and submitted to the PST or ADC staff who will then distribute it according to section F of this General Order. The member will make sure all arrestee information is consistent between the CCRE and Mandatory Arrest form to ensure accurate reporting.

E. Distribution of Completed Forms.

1. The buff/yellow copy of the CCRE form SP-180 is to be attached to the warrant or petition. The arresting member will ensure this is done.
2. The Mandatory Arrest Information form will be printed and submitted to the PSST or ADC staff for forwarding to the Records Section. All remaining cards and photographs shall be submitted to the PSST or ADC staff and forwarded to the Records Section.
3. The Virginia Uniform Summons (VUS) will be distributed as specified on each copy of the form.