



*Alexandria Police Department*  
Directive 10.1



## ADULT ARRESTS

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### CONTENTS

- 10.1.01 PURPOSE AND POLICY
- 10.1.02 GENERAL
- 10.1.03 RESPONSIBILITIES
- 10.1.04 ARRESTS BY OTHER JURUSDICCTIONS
- 10.1.05 ARREST BY SUMMONS
- 10.1.06 MASS ARRESTS
- 10.1.07 ILL OR INJURED ARRESTEES
- 10.1.08 ILLEGAL ALIENS / FOREIGN NATIONALS

#### 10.1.01 PURPOSE AND POLICY

The purpose of this directive is to establish procedures for recording and reporting arrests of adults by officers of this Department. **[82.3.7]**

It is the policy of this Department that officers will fully observe the civil and constitutional rights of arrested persons, while simultaneously being mindful of their own safety. **[1.2.3]**

This Department is committed to a mutually cooperative relationship with the Office of Sheriff, with the goal of accurate administrative recording of arrests as required by law.

#### 10.1.02 GENERAL

- A. The arresting officer will bring persons placed under arrest, with or without a warrant, forthwith before a magistrate. If a warrant is to be executed on a defendant who is currently incarcerated, the defendant and arresting officer must appear

before a magistrate forthwith. In an arrest with a warrant, the officer will not execute the warrant and leave it with the booking staff. The officer must appear before the magistrate with the warrant and the defendant.

- B. An officer making a custodial arrest of an adult will transport the suspect to the booking area where the booking process will be completed.
- C. See Police Directive 10.25, Search Incident to Arrest, for specific guidelines for conducting searches incident to arrest, including strip and body cavity searches.
- D. When making arrests, officers will strictly observe the laws of arrest.
- E. **Use of force:** Officers will only use the force necessary to accomplish lawful objectives i.e., restraint necessary to ensure the safe custody of a suspect and the safety of the officer. **[1.3.1]**
- F. **Safety of Arrestee:** The arresting officer is responsible for the safety and protection of arrested persons in their custody. **Arrested persons will not be left unattended i.e., in a police vehicle or interview room.** The officer's immediate supervisor will be notified as soon as practical of any ill or injured arrestees. The watch commander will be notified if the officer's immediate supervisor is not working or is unavailable.
- G. **Arguments During Arrest:** When making an arrest or issuing a traffic summons or citation, employees will not become involved in any arguments or discussions on the merits of the case. Employees will courteously give any information requested by the offender as to the procedure for handling a summons, citation, or arrest.
- H. **Treatment of Arrestees:** Officers having custody of arrestees will observe all laws and Department directives regarding this activity. Any irregularity indicating that the arrest may be contrary to law or Department procedure will be immediately brought to the attention of the watch commander.
- I. **Transportation of Arrestees:** Transportation of arrestees will be in accordance with current Department procedures. Arrestees that are to be charged on a summons and released may be handcuffed when deemed necessary by the arresting officer. All arrested persons who are to be transported will be searched for weapons and handcuffed to ensure the safety of the officer. Except in emergency situations, officers will not search persons of the opposite sex unless there is no officer of the same sex as the arrestee available. When it is necessary for an officer to search a person of the opposite sex, a second officer will be present.
- J. **Recommending Attorneys, Bail Bond Services Or Other Services Prohibited:** Employees will not suggest, recommend, advise or otherwise counsel the retention of any attorney, bail bond services or any other specific service to any person coming to their attention as a result of police business.

- K. **Acting as Bailor Prohibited:** Employees cannot act as bailors for any person in custody except relatives.
- L. **Notification of Rights:** Officers shall comply with the following policies regarding advising arrestees of their 5<sup>th</sup> Amendment rights, commonly referred to as Miranda rights: **[1.2.3]**
1. The advice of Miranda rights is required when:
    - a. A person is under arrest or its functional equivalent, **and**
    - b. A law enforcement officer asks questions of the person likely to get the person to incriminate themselves or engages in conduct likely to get the person to incriminate themselves.
  2. Both elements are necessary for the Miranda requirement. This means that:
    - a. A patrol officer **does NOT need to advise a person of their Miranda rights** if they do not intend on questioning them – regardless of whether the person is in handcuffs or being transported in a police car. In cases where a patrol officer does not intend on questioning the person – i.e., in cases where the patrol officer intends on allowing CIS to conduct the interview – the patrol officer should NOT advise the person of their rights. Instead, the detective conducting the interview should complete the advice of rights.
    - b. Patrol officers **who DO intend on questioning a person should advise the person of their rights** when a reasonable person in the suspect's position would feel that they are "under physical arrest or its functional equivalent." This analysis is conducted by looking at the force applied to the suspect. Higher levels of force – such as active countermeasures, the use of impact weapons or Tasers, or the application of handcuffs – are consistent with physical arrest. Lower levels of force – such as mere officer presence or verbal commands – are inconsistent with physical arrest and do not require Miranda warnings.

### **10.1.03 RESPONSIBILITIES**

#### **A. Arresting Officer Responsibilities**

1. Because of the operational needs of the Office of Sheriff, they must establish certain rules and procedures. Officers of this Department will be affected by these while in their building and must cooperate for the mutual benefit of all concerned.
2. When a custodial arrest is made, the arresting officer(s) will:
  - a. Conduct a search for weapons. When an arrestee is taken into the booking area, a booking deputy conducts another search of the individual. See Police Directive 10.25, Search Incident to Arrest, for further information.
  - b. Examine items that will accompany the arrestee (e.g., purses and jackets).

- c. Not take any weapons into the booking area. Prohibited items include but are not limited to firearms, bullets, OC spray, batons, knives or pocket knives.
- d. Ensure that arrestees being brought into the booking area are handcuffed with their hands behind them, unless prevented by the arrestee's physical condition.
- e. Stay with the arrestee while the deputy completes a search of the arrestee.
- f. Advise the deputy upon entering the booking room:
  1. What charges have been placed against the arrestee,
  2. Any claims of injury or requests for medical treatment by the arrestee,
  3. Any medical treatment received prior to arrival at the Detention Center.
- g. Advise Information Services (ISS) immediately upon arrival in the booking areas, so that appropriate checks can be made prior to the arrestee's release. Advise the booking deputy the location where the arrest was made and the name of the ISS employee who was given the arrest information.
- h. Obtain a criminal history information (CCH) from ISS and provide it to the magistrate any time they make a physical arrest with or without a warrant, except when a summons is issued, and except for a drunk in public whether arrested or taken to detox. Arresting officers will contact ISS upon arrival at the Intake Center and request a CCH in the name of the magistrate, and then present it to the magistrate in whose name it was run.
- i. Take the arrestee before the magistrate as soon as possible after entering the booking area.
- j. After the magistrate issues a warrant, complete the required Central Criminal Records Exchange (CCRE) or Virginia Uniform Summons (VUS) information when needed and execute writs of arrest. Normally the booking deputy will complete any required CCRE electronically, except that arresting officers will manually complete a CCRE for drunk in public (DIP) arrests.
- k. In the event that an officer must complete a CCRE manually (whether for a DIP charge, electrical outage, computer malfunction, etc.) the following procedure is required *to complete the **Adult CCRE (SP-180)***:
  - Complete a CCRE for all offenses except Class 3 and 4 misdemeanors, driving while intoxicated, trespassing, and disorderly conduct.
  - Complete the CCRE either by typing with a black ribbon, or printing with a black ballpoint pen *only*. Enter only one offense or one count on each CCRE. Use additional CCREs for additional offenses or counts. Items #1-37 must be completed on each additional CCRE. Enter the type of offense (misdemeanor or felony) *and exact code section for the offense*.
  - *The booking deputy will enter the information and take mugshot photos with the AJIS computer.*
  - *The booking deputy will manually record the right thumb print on page 1-3 of the CCRE(s) and take a complete set of fingerprints on page 4 of the CCRE. If there are additional CCRE(s), then the deputy will put thumb impressions on page 4 of each additional CCRE.*
  - *The booking deputy will manually ink three (3) red FBI fingerprint cards and a set of palm prints. They will "sign" the completed CCRE(s).*

- If both criminal offenses and traffic offenses are charged, use the *police case* number for the criminal offense. The *police case* number must be shown on all copies of the CCRE and on the fingerprint and palm print cards.
- l. Advise the booking deputy that the CCRE or VUS has been completed, if appropriate. At this point the officer is free to return to service unless it appears that a deputy may need assistance, or the deputy requests assistance because of a disorderly arrestee, in which case the officer will remain for as long as needed.
- m. Complete a Suspect/Arrested Person Report (APD-7B) or supplemental report(s), as appropriate, in all felony arrests; in those misdemeanors that require a report, or in the event that no report was made when the warrant was issued. See Police Directive 10.8, Reporting Guide, for further information.
- n. If the arrested person is released without a warrant being issued by the magistrate, complete an APD-7B with a notation in the narrative that the person was released without a warrant being issued.
- p. Complete a Virginia Uniform Summons (VUS):
  - If the arrest is for a traffic felony (CCRE must also be completed).
  - For all arrests pertaining to the operation of a motor vehicle, including arrests on a warrant for parking violations or failure to appear for a traffic offense.
- q. Use the VUS number as the arrest number for traffic misdemeanors.

**B. Sheriff's Office Responsibilities****[82.3.7]**

1. The Sheriff's Office has agreed to perform the following functions.

***If using the (Livescan) computer system:***

- a. Photograph and fingerprint each arrested person *using AJIS and the Livescan system.*
- b. *The deputy who took the fingerprints will need to "sign" the back of the fingerprint cards with their "signed" signature, and serial number.*
- c. *The paperwork will be forwarded to the Police Department ISS.*
- d. *ISS will forward the fingerprints and livescan paperwork to CSI.*

***If the Livescan computer system is down:***

- e. *The Sheriff Department will take mugshot photographs (3 or 6) using the AJIS mugshot system.*
- f. *Using black fingerprint ink, the Deputy will complete the SP-180 CCRE(s) that the State provides. They will put an inked "right thumb" print on the first three (3) pages of the CCRE. (Original, disposition sheet, and mugshot submission form).*
- g. *The person taking the fingerprints will need to "sign" the CCRE blue fingerprint card in the space "Signature of Printing Official".*
- h. *The Deputy will check the accuracy of all CCRE(s).*
- i. *The Deputy will complete 2 red "FBI" fingerprint cards using black fingerprint ink.*

- j. *If it is a felony offense, they will complete the palm cards.*
- k. *The CCRE yellow disposition sheet and original booking documents will be forwarded to the magistrate who will then forward the paperwork to the appropriate court having jurisdiction.*
- l. *The rest of the documents (CCRE(s), fingerprints, palm prints, livescan AFIS Search Result – Police Copy and all disposition sheets,) are to be forwarded to Police ISS.*
- m. *Police ISS will forward the above paperwork to CSI.*

### **C. Information Services Section (ISS) Responsibilities**

1. When notified by arresting officers, ISS will record the following information on a Local Wanted Check form (APD-29):
  - a. Date and time,
  - b. Arrest number,
  - c. Name of the arrested person,
  - d. Name of the arresting officer,
  - e. Gender, race, date of birth and social security number of the arrestee,
  - f. Offense charged and charge code, and
  - g. Type of arrest (in-field, capias, summons, warrant or detention order).
2. Check the files of this Department to ensure that any outstanding warrants on file for the arrested person are promptly executed.
3. Immediately check VCIN and NCIC for wanted status and notify the booking deputy of the results. Appropriate Teletype notification/responses and/or removal of wanted persons from VCIN/NCIC will be done at this time.
4. The CCRE *fingerprints are* electronically transmitted *using Livescan*.
  - a. *The below documents will be forwarded to CSI:*
    - *All fingerprint cards;*
    - *Alexandria AFIS Search Result- Police Copy:*
    - *“Original” Disposition sheets. Note: Livescan prints out several copies of this sheet. One set is forwarded to the courts by the Sheriff department. The rest are for CSI.*
  - b. *If the computer system is down and the fingerprints are manually completed, distribution is as follows:*
    - *Page 1 (Original CCRE – white) stays in ISS.*
    - *Page 2 (Yellow CCRE disposition sheet) is forwarded to the courts by the Magistrate. Should it come to ISS, then it needs to be forwarded to the courts with the court paperwork.*
    - *Page 3 (Virginia State Police Mugshot Submission Form) is forwarded to CSI.*
    - *Page 4 (Blue CCRE fingerprint form) is forwarded to CSI.*
    - *All FBI red fingerprint cards and palm cards are forwarded to CSI.*

5. Provide a CCH to arresting officers, using the following procedures.
  - a. Ask the officer if the CCH is for the officer or for the magistrate.
  - b. If the CCH is for the officer, it will be run in the officer's name, which does not require a log entry. It will then be given to the officer.
  - c. If the CCH is for the magistrate, it will be run in the magistrate's name and logged in the CCH record log. The CCH will then be given to the officer so he/she can provide it to the magistrate.
  - d. Only ISS employees will run these CCH requests and release them.

**D. Patrol Sector 1 Commander Responsibilities**

The Patrol Sector 1 commander will assign someone, i.e. the patrol secretary, to keep sufficient police forms in the booking room, to prevent delays in the booking process.

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| <b>10.1.04 ARRESTS BY OTHER JURISDICTIONS</b> |
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- A. Whenever a person is arrested upon a warrant or capias in a county or city other than that in which the charge is to be tried, the officer making the arrest will either:
  1. Bring the arrestee before a judicial officer in the locality where the arrest was made or where the charge is to be tried, or
  2. Commit the arrestee to the custody of an officer from the county or city where the charge is to be tried who will bring the arrestee forthwith before a judicial officer in the county or city in which the charge is to be tried (Virginia Code §19.2-76).
- B. Alexandria officers taking custody of persons arrested in other jurisdictions will obtain from the arresting jurisdiction a copy of any CCRE or other booking form completed by that jurisdiction.
- C. The transporting officer will ensure that:
  1. An APD-7B is completed.
  2. An arrest number is obtained and given to the booking deputy for use on the CCRE, fingerprint card(s), and photographs.
  3. Any CCRE received from the arresting jurisdiction is provided to the booking deputy, who will copy it and attach the copy to the fingerprint cards, and then forward the CCRE to the court.
  4. ISS is notified of the arrest.
  5. The required booking forms are completed if the arresting jurisdiction did not complete them.

**10.1.05 ARREST BY SUMMONS****[74.3.1]**

- A. Whenever a summons is issued in lieu of a custodial arrest, a CCRE will not be completed at that time. The officer will complete the appropriate summons and the APD-7B as required by Police Directive 10.24, Misdemeanant Release. The fact that the suspect was released on a summons will be noted in the narrative of the APD-7B.
- B. The arresting officer will immediately notify ISS of the arrest.
- C. A wanted check **MUST** be done prior to release of the subject. **[5.1.4]**
- D. ISS's copy of the summons will be filed daily with the CCREs.
- E. When a suspect is convicted and ordered to report for booking purposes, an officer will be assigned by the dispatcher to complete the booking process.

**10.1.06 MASS ARRESTS**

In the event of mass arrests, ISS will receive arrest numbers, make wanted checks, and assist booking deputies with administrative and clerical booking tasks as agreed upon by the ISS commander and the Adult Detention Center watch commander. See Police Directive 13.3, Incident Command System, for more information. **[46.1.3]**

**10.1.07 ILL OR INJURED ARRESTEES**

- A. Arrestees, who are unconscious, have a significant physical injury or request medical treatment will be transported to the hospital for treatment before being taken to the booking area of the Adult Detention Center. When appropriate, emergency medical personnel will transport injured arrestees to the hospital, accompanied by the arresting officer. The officer will obtain the name of the treating physician and provide it and copies of all appropriate paperwork to the booking deputy when the arrestee has been transported back to the Adult Detention Center.
- B. An APD-7 will be made each time an arrestee is injured or becomes ill as the result of police action, or while in police custody.
- C. If an injured arrestee refuses medical treatment, the refusal must be made in the presence of a doctor. The arrestee will then be taken to the booking area. The name of the doctor will be given to the booking deputy. A refusal slip completed and signed by medical staff will accompany the arrestee to the Adult Detention Center.



- D. If an arrestee in Alexandria Police Department custody is admitted to the hospital, this Department will provide a guard until booking has occurred. After booking, the Office of Sheriff will provide the guard.
- E. If an arrestee becomes ill or injured after being served with a warrant in the booking area of the Adult Detention Center, a representative of the Office of Sheriff will be notified immediately. The Office of Sheriff is responsible for the treatment of the arrestee. If the warrant has not been executed, the Police Department is responsible for the arrestee.
- F. When handling ill or injured persons, officers will refrain from making any statements or signing any form that might commit this Department to responsibility for the person's medical bills.

### **10.1.08 ILLEGAL ALIENS / FOREIGN NATIONALS**

Determining a suspect's immigration status cannot be the sole purpose to stop a person or to form the basis for an investigation or inquiry. Knowledge of the individual's status must come after you have established reasonable suspicion that he or she has committed or is committing a crime. (See also Police Directive 2.4, Non-Biased Policing)

#### **A. Legal Authority for Enforcement of Immigration Laws**

Warrants and detainers issued by U.S. Immigration and Customs Enforcement (ICE) may be criminal or civil. Whether ICE is proceeding criminally or civilly against the subject controls the response of local law enforcement.

1. POLICE **MAY ARREST** under any of the following conditions:

a. The requirements of §19.2-81.6 Code of Virginia are satisfied.

§ 19.2-81.6 Code of Virginia - All law-enforcement officers enumerated in § 19.2-81 shall have the authority to enforce immigration laws of the United States, pursuant to the provisions of this section. Any law-enforcement officer enumerated in § 19.2-81 may, in the course of acting upon reasonable suspicion that an individual has committed or is committing a crime, arrest the individual without a warrant upon receiving confirmation from the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security that the individual (i) is alien illegally present in the United States, and (ii) has previously been convicted of a felony in the United States and deported or left the United States after such conviction. Upon receiving such confirmation, the officer shall take the individual forthwith before a magistrate or other issuing authority and proceed pursuant to §19.2-82.

- b. An NCIC **Immigration Violator File (IVF)** hit reads “PREVIOUSLY **DEPORTED FELON**,” a hit confirmation is received, AND a Criminal Immigration Detainer from ICE is received and/or issued.
- c. An NCIC IVF hit reads “**OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL**” (such NCIC warrants are considered civil in nature), AND the officer has charged a person for a separate Class 1 or Class 2 misdemeanor or a traffic infraction, for which the law requires the person be released on a summons in accordance with § 19.2-74 Code of Virginia or §46.2-940 Code of Virginia, the NCIC IVF hit, absent extenuating circumstances, shall be considered as a strong factor to proceed under § 19.2-82 Code of Virginia (Arrest without warrant), in determining whether the person is likely to disregard the summons.
- d. **It is highly likely that if the individual is an illegal alien they will have counterfeit or fraudulent identification in their possession, which is a violation of Virginia State law and will subject them to arrest. (18.2-204.1 or 18.2-204.2)**

2. POLICE **MAY NOT ARREST** under the following conditions:

- a. Solely because a person is an illegal alien. This is because the Police Department has no legal authority to independently enforce Federal Immigration Law. When probable cause exists to believe a person may be an illegal alien, a Field Interview Card shall be completed whenever possible and forwarded to the Crime Analysis Unit. The Crime Analysis Unit shall in turn forward the information to Intelligence and Homeland Security Unit.
- b. Solely based upon an NCIC IVF hit which reads “**OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL.**” These are considered civil in nature. Officers have no authority to arrest based solely on **CIVIL** administrative warrants or detainers for immigration issues. A Field Interview Card shall be completed whenever possible and forwarded to the Crime Analysis Unit. The Crime Analysis Unit shall in turn forward the information to the Intelligence and Homeland Security Unit.

**B. Notification to Consul Authorities:**

When foreign nationals are arrested or detained, they must be advised of their right to have their consular officials notified. This is applicable to those persons lawfully in the United States as well as those that are here illegally. The Sheriff’s Office is guided by policy in making this notification. Officers shall notify the booking deputy whenever they bring an arrested person into the detention center that is known or believed to be a foreign national.

**C. Notification to the Intelligence and Homeland Security Unit.**

Should officers develop reasonable suspicion of a subject's possible illegal immigration status during an investigation or arrest for a felony crime or domestic violence arrest they should forward the information to the Intelligence and Homeland Security Unit.

**BY AUTHORITY OF:**

**David Huchler**  
**Acting Chief of Police**