

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing crime analysis to support the overall law enforcement efforts of the Falls Church Police Department. It addresses the collection, annalysis, and dissemination of crime-related data that is useful towards long-range planning and that can assist in identifying enforcement priorities, strategies, and tactics.

800.2 POLICY

It is the policy of the Falls Church Police Department to utilize crime analysis as a tool in crime control and prevention efforts. This entails gathering, analyzing and correlating data to effectively deploy the resources of this department.

800.3 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Incident and supplemental reports.
- Internal intelligence.
- Area agency crime alerts and bulletins.
- Field Interview (FI) cards.
- Parole and probation records.
- Activity records from Emergency Communications Center.
- Virginia Criminal Information Network (VCIN).
- Traffic Records Electronic Data System (TREDS).
- LINX
- CLEAR

800.4 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect and victim vehicle descriptors
- Method of operation
- Physical evidence information

Falls Church Police Department

General Orders Manual

General Orders Manual

Crime Analysis

800.5 CRIME ANALYSIS DISSEMINATION

Information produced through crime analysis will be disseminated to the appropriate division(s) such as Operations Division, Services Division and administrative Division.

The Falls Church Police Department should respond to requests for relevant data to crime prevention groups, community regulatory agencies involved with community development and other interested entities. This data should be used to improve community design and construction to mitigate the risk of criminal activity.

800.6 CRIME ANALYSIS APPLICATION

Crime analysis efforts should be aligned with identified public safety needs of the community. Annual assessments should occur to assess the effectiveness of programs and activities targeting public safety and to identify areas for improvement or adjustment.

The Falls Church Police Department should maintain a relationship with community crime prevention groups and provide two-way discourse for the dissemination of the appropriate crime analysis data and collection of community feedback. Community outreach efforts should integrate all available data with crime analysis techniques to assist the Department in guiding effective community crime prevention group activities.

Emergency Communications Center

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Emergency Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

801.2 POLICY

It is the policy of the Falls Church Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between the Emergency Communications Center and department members in the field.

801.3 EMERGENCY COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Emergency Communications Center, its members and its equipment must be a high priority. Special security procedures, including but not limited to the protection of the Emergency Communications Center equipment, should be established in a separate operations manual for Emergency Communications Center.

Access to Emergency Communications Center shall be limited to Emergency Communications Center members, the Watch Commander, command staff and department members with a specific business-related purpose.

801.4 RESPONSIBILITIES

801.4.1 EMERGENCY COMMUNICATIONS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Emergency Communications Supervisor. The Emergency Communications Supervisor is directly responsible to the Services Division Commander or the authorized designee.

The responsibilities of the Emergency Communications Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Emergency Communications Center in coordination with other supervisors.
- (b) Scheduling and maintaining emergency communications technician time records.
- (c) Supervising, training and evaluating emergency communications technicians.
- (d) Ensuring the radio and telephone recording system is operational.
 1. Recordings shall be securely stored and maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Emergency Communications Center information for release, under supervision of the Services Division Commander.
- (f) Maintaining Emergency Communications Center database systems.

Falls Church Police Department

General Orders Manual

General Orders Manual

Emergency Communications Center

- (g) Maintaining and updating Emergency Communications Center procedures manual.
 - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
 - 2. Procedures for circumstances that require the presence of a supervisor at the scene may be necessary (e.g. notification of a supervisor to request his/her presence at an incident).
 - 3. Ensuring emergency communications technician compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel or appropriate utility company to be notified in the event of a public works related or utility service emergency.
- (j) Maintaining and updating the following information:
 - 1. A roster containing the contact telephone number of every sworn agency member.
 - 2. Visual maps detailing the Falls Church Police Department's service area.
 - 3. Written procedures and telephone numbers for procuring emergency and necessary external services to the Falls Church Police Department.

801.4.2 EMERGENCY COMMUNICATIONS TECHNICIANS

Emergency Communications Technicians report to the Emergency Communications Supervisor.

The responsibilities of the emergency communications technician include, but are not limited to:

- (a) Receipt and handling of all incoming and transmitted communications, including:
 - (a) Emergency 9-1-1 lines.
 - (b) Business telephone lines.
 - (c) Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 - (d) Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 - (e) Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Emergency Communications Center, department and other law enforcement database systems (e.g., VCIN, DMV, NCIC).
- (d) Monitoring City video surveillance systems.

Falls Church Police Department

General Orders Manual

General Orders Manual

Emergency Communications Center

- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Watch Commander of emergency activity, including, but not limited to:
 1. Vehicle pursuits.
 2. Foot pursuits.
 3. Assignment of emergency response.

801.5 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the emergency communications technician will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the emergency communications technician determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the emergency communications technician determines that the caller is a limited English proficiency (LEP) individual, the emergency communications technician should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Emergency Communications Center, the emergency communications technician should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the emergency communications technician is unable to identify the caller's language, the emergency communications technician will contact the contracted telephonic interpretation service and establish a three-party call connecting the emergency communications technician, the LEP individual and the interpreter.

Emergency Communications Technicians should be courteous, patient and respectful when dealing with the public.

801.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the emergency

Falls Church Police Department

General Orders Manual

General Orders Manual

Emergency Communications Center

communications technician has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

801.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the emergency communications technician to handle a higher priority or emergency call.

The Watch Commander shall be notified of pending non-emergency calls for service when department members are unavailable for dispatch. The reporting person should be advised if there will be a delay in the emergency communications technician returning to the telephone line or when there will be a delay in the response for service.

801.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by emergency communications technicians to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the emergency communications technician with their radio identification call signs and current location.
- (b) Emergency Communications Technicians acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the emergency communications technician advised of their status and location.
- (d) Member and emergency communications technician acknowledgements shall be concise and without further comment unless additional information is needed.

The Emergency Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Falls Church Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

801.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Emergency Communications Technicians shall identify themselves on the radio as Headquarters, and identify the department member by his/her call sign. Members should use their call signs when initiating communication

Falls Church Police Department

General Orders Manual

General Orders Manual

Emergency Communications Center

with the emergency communications technician. The use of the call sign allows for a brief pause so that the emergency communications technician can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

801.7 DOCUMENTATION

It shall be the responsibility of Emergency Communications Center to document all relevant information on calls for service or self-initiated activity. Emergency Communications Technicians shall attempt to elicit, document and relay as much information as possible from the call source in order to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Relevant information should include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Any relevant medical information.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.
- A log of the data captured by the computer system, if using a Computer Aided Dispatch (CAD) system.
- Vehicle mileage and transport time when a member is transporting a juvenile or a person of the opposite sex.

All appropriate data will be retained in accordance with an established retention schedule. Data will be purged when it has exceeded the established retention time.

All CAD data will be retained in accordance with an established retention schedule. CAD data will be purged when it has exceeded the established retention time.

801.8 CONFIDENTIALITY

Information that becomes available through Emergency Communications Center may be confidential or sensitive in nature. All members of Emergency Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Falls Church Police Department

General Orders Manual

General Orders Manual

Emergency Communications Center

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Transmitting confidential information over the radio shall only be done in accordance with CJIS and VCIN policies, and ECTs should ensure that the channel is secure when broadcasting.

801.9 TRAINING AND CERTIFICATION

Members of Emergency Communications Center whose duties include dispatching law enforcement personnel and who were hired on or after July 1, 1988, must meet compulsory minimum training standards and shall be certified by the Virginia Department of Criminal Justice Services within 24 months of employment (Va. Code § 9.1-102; 6 VAC 20-60-30).

Members of Emergency Communications Center must meet the compulsory minimum training standards for telecommunicator cardiopulmonary resuscitation and emergency medical dispatch developed by the Virginia Department of Health Office of Emergency Medical Services as required by Va. Code § 56-484.16:1. The Chief of Police or authorized designee should provide any necessary equipment for telecommunicator cardiopulmonary resuscitation instruction and establish procedures to maintain the quality of the department's program as required by Va. Code § 56-484.16:1.

801.10 EMERGENCY COMMUNICATIONS CENTER ALTERNATIVE POWER SOURCE

The Falls Church Police Department shall:

- (a) Maintain an alternate electrical power source sufficient for continued operations of emergency communications equipment absent primary power.
- (b) Maintain energy resources adequate for 3 days operation of the alternate power source.
- (c) Ensure readiness of the alternate source through scheduled routine testing.
- (d) Provide and inspect security measures to protect the power source and control/service panels.

Property Room

802.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

802.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property Room, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence and items taken for safekeeping under authority of law.

802.2 POLICY

It is the policy of the Falls Church Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

802.3 PROPERTY ROOM SECURITY

The Property Room shall maintain secure storage and control of all property in the custody of this department. A primary evidence custodian shall be appointed by and will be directly responsible to the Services Division Commander or the authorized designee. The evidence custodian is responsible for the security of the Property Room.

802.3.1 REFUSAL OF PROPERTY

The evidence custodian has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence custodian refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required for acceptance into the Property Room.

802.3.2 KEY CONTROL

Property Room keys should be maintained by the primary evidence custodian and members assigned to the Property Room. Property Room keys shall not be loaned to anyone and shall be

Falls Church Police Department

General Orders Manual

General Orders Manual

Property Room

maintained in a secure manner. If a Property Room key is lost, all access points shall be re-keyed and new keys issued as necessary.

Only authorized members shall have access to secure property storage areas when the Property Room is closed.

802.3.3 ACCESS

Only authorized members assigned to the Property Room shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be approved by the primary evidence custodian and accompanied by an evidence custodian. Each individual must sign the Property Room access log and indicate:

- (a) The date and time of entry and exit.
- (b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying department member.

Only authorized members shall have access to secure property storage areas when the Property Room is closed.

802.4 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the evidence custodian and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

802.4.1 PROCESSING AND PACKAGING

All property must be processed by the responsible member prior to the member going off-duty, unless otherwise approved by a supervisor. Members shall process and package property as follows:

- (a) A property voucher shall be completed describing each item. List all known information, including:
 1. Serial number.
 2. Owner's name.
 3. Finder's name.
 4. Other identifying information or marking.
- (b) Each item shall be packaged and labeled, and the package sealed with evidence tape or zip ties and marked with the member's initials and date.
- (c) Property shall be packaged in a container suitable for its size.
 1. Large self sealing items (I.e. suitcases, backpacks, purses, etc) that are too large for or bulky for packaging, may be sealed with a zip tie and property tag, without packaging.

Falls Church Police Department

General Orders Manual

General Orders Manual

Property Room

- (d) A property tag shall be completed and attached to the property or container in which the property is stored.
- (e) The case number, officer's name, date, time, and property description shall be indicated on the property tag or container.
- (f) The property voucher shall be submitted with the case report.
- (g) The property voucher shall be printed and submitted with the property directly to the evidence custodian or placed in a temporary property locker. Items too large to fit in a temporary property locker may be placed in a designated storage area that can be secured from unauthorized entry, and the property control card placed in a temporary property locker.

802.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area located at the City property yard.

Biological and related items - Evidence that may contain biological samples shall be indicated as such on the property voucher and packaging.

Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property voucher and packaging.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

Cash - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary.

Explosives and fireworks - Explosives will not be retained in the police facility. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area located in the bicycle storage area at the City property yard.

The primary evidence custodian is responsible for arranging disposal, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. Knives and sharps shall be packaged in an appropriate container. Receipts should be provided for firearms surrendered by persons subject to protective orders as provided by Va. Code § 18.2-308.1:4.

Falls Church Police Department

General Orders Manual

General Orders Manual

Property Room

- (a) For all firearms coming into the custody of the Police Department, a Virginia Criminal Firearms Clearinghouse form (SP-187) and an ATF Trace Request Form ATF E-Form 3312.1 shall be completed by the Primary Evidence Custodian. The recovering officer shall make certain that Communications personnel, make a recovered firearm entry into VCIN.
- (b) The recovering officer will request a check against NCIC/VCIN stolen files for all firearms coming into the custody of the department, with a paper copy of the return submitted with the firearm.

Sharps - Syringe tubes should be used to package syringes and needles.

802.4.3 CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

- (a) Controlled substances and dangerous drugs shall not be packaged with other property.
- (b) The member processing controlled substances and dangerous drugs shall retain such property in his/her possession until it is weighed, packaged, tagged and placed in the designated locker, accompanied by the property voucher and request for a lab examination if appropriate.
- (c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the result of the test shall be included in the crime report.
 - 1. The member shall package controlled substances and dangerous drugs as follows:
 - (a) Maintain the property in the container in which it was seized and place it in a property envelope/container of appropriate size.
 - (b) Seal and initial the property envelope/container.
- (d) Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The evidence custodian shall monitor stored marijuana for growth of mold.

802.5 RECORDING OF PROPERTY

The evidence custodian receiving custody of property shall ensure a property report for each item or group of items is created. The property report will be the permanent record of the property in the Property Room.

A unique property number shall be generated for each item or group of items from the property log. This number shall be recorded on the property report and property tag. The property report shall document the following:

- (a) Property number
- (b) Case number
- (c) Property tag number
- (d) Item description

Falls Church Police Department

General Orders Manual

General Orders Manual

Property Room

- (e) Item storage location
- (f) Receipt, release and disposal dates

Any change in the location of property held by the Falls Church Police Department shall be noted in the property report.

802.6 PROPERTY CONTROL

The evidence custodian temporarily relinquishing custody of property to another person shall record on the property report his/her signature, the date and time the property was released, the name and signature of the person accepting custody of the property and the reason for release.

Any member receiving property shall be responsible for such property until it is returned to the Property Room or released to another authorized person or entity.

The return of the property to the Property Room should be recorded on the property form, indicating the date, the time, the name and the signature of the person who returned the property and the name and signature of the person to whom the property was returned.

The property and evidence should be entered into the appropriate databases for automated and electronic searching and identification.

802.6.1 EVIDENCE

Every time evidence is released or received, an appropriate entry on the property form shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from the investigating officer or a property custodian.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted on the property form, stating the date, time and to whom it was released. Requests for items of evidence needed for court proceedings shall be submitted to the evidence custodian at least one day prior to the court date.

Requests for laboratory analysis shall be completed on the appropriate lab form and submitted to the evidence custodian. This request may be submitted any time after the property has been processed.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The evidence custodian releasing items of evidence for laboratory analysis must complete the required information on the property form. The transporting member will acknowledge receipt of the evidence by indicating the date and time on the property form. The lab form will be transported with the evidence to the examining laboratory. Upon delivering the item, the member will record the delivery time on the lab form, and obtain the signature of the person accepting responsibility for the evidence. The original copy of the lab form will remain with the evidence and a copy of the form will be returned to the Property Room for filing with the case.

Falls Church Police Department

General Orders Manual

General Orders Manual

Property Room

802.6.3 CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

The primary evidence custodian will be responsible for the storage, control and destruction of all controlled substances and dangerous drugs coming into the custody of this department.

802.6.4 UNCLAIMED MONEY

The primary evidence custodian shall be responsible for transferring all unclaimed money to the Virginia Department of Treasury / Unclaimed Property Division (Va. Code § 55.1-2500 et seq.).

802.7 RELEASE OF PROPERTY

The investigating officer or property custodian shall authorize the release of all property coming into the care and custody of the Department.

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing officer, and must conform to the items listed on the property control card or must specify the specific items to be released. Release of all property shall be documented on the property form.

All reasonable attempts shall be made to identify both the rightful owner of found property and items held for safekeeping, and all required notices shall be given (Va. Code § 15.2-1719).

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Property Room members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented on the property form.

A evidence custodian shall release such property when the owner presents proper identification and an authorized property release form has been received. The signature of the person receiving the property shall be recorded on the property form.

802.7.1 DISCREPANCIES

The Watch Commander shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The Watch Commander will interview the person claiming the shortage. The Watch Commander shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

802.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

Falls Church Police Department

General Orders Manual

General Orders Manual

Property Room

802.7.3 RELEASE OF FIREARMS

Firearms or ammunition should be released within any time periods provided by law and should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item (Va. Code § 18.2-308.1:4; Va. Code § 19.2-152.15; Va. Code § 52-25.1).

802.8 DESTRUCTION OR DISPOSAL OF PROPERTY

The primary evidence custodian shall approve the destruction or disposal of all property held by this department.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization. The disposition of all property shall be entered on the property form. The final disposition of property or evidence should be completed within six months after legal requirements have been satisfied or completed.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess
- Unclaimed or surrendered firearms or other weapons (Va. Code § 15.2-1721; Va. Code § 18.2-308.1:4; Va. Code § 19.2-152.15)
- Controlled substances or dangerous drugs declared by law to be illegal to possess without a legal prescription (Va. Code § 19.2-386.23)
- Seized property from illegal transactions (Va. Code § 19.2-386.15 et seq.)

802.8.1 BIOLOGICAL EVIDENCE

The evidence custodian shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable (Va. Code § 19.2-11.8):

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Criminal Investigation Section Commander
- (f) The applicable court

Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever time period is greater (Va. Code § 19.2-11.8). Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this department within

Falls Church Police Department

General Orders Manual

General Orders Manual

Property Room

90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigation Section Commander.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Criminal Investigation Section Commander should be consulted and the sexual assault victim should be notified.

802.8.2 VICTIM OBJECTION

If a sexual assault victim makes a written objection to the destruction of biological evidence, the evidence shall be retained for a period of 10 years after receipt of the objection. Upon the expiration of this 10-year period, the victim should be notified prior to the destruction of the evidence unless the victim has made a written request not to be contacted for this purpose. Once the victim has been notified, the evidence may be destroyed if the victim does not respond within the time period designated in this policy or if the victim consents to the destruction (Va. Code § 19.2-11.8).

802.8.3 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the evidence custodian shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The evidence custodian should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

802.8.4 MEDICAL MARIJUANA

The investigating member should advise the evidence custodian and the prosecutor if the party from whom the marijuana was seized holds a valid medical permit to possess marijuana or claims that the possession of the marijuana is for medical purposes (Va. Code § 18.2-251.1).

The evidence custodian shall store marijuana, drug paraphernalia or other related property that is seized from a person engaged in or assisting with the use of medical marijuana in a manner that is consistent with the provisions of the Medical Marijuana Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

802.9 INSPECTION OF THE PROPERTY ROOM

The Property Room shall conduct quarterly documented inspections to ensure the adherence to applicable policies and procedures.

Falls Church Police Department

General Orders Manual

General Orders Manual

Property Room

The Services Division Commander shall ensure that periodic, unannounced inspections of the Property Room operations and storage facilities are conducted at least twice a year to ensure adherence to appropriate policies and procedures. The Services Division Commander also shall ensure that an audit is conducted annually, or as directed by the Chief of Police. Inspections and audits shall be conducted by a member of this department who is not routinely or directly connected with the Property Room operations.

Whenever there is a change of assignment for any member with authorized access to the Property Room, an inventory of all property shall be conducted by a person who is not associated with the Property Room or its function. This is to ensure that all property is accounted for and the records are correct.

Whenever the primary manager assigned to the Property Room is reassigned, the new manager and a designee of the Chief of Police shall conduct a joint inspection to ensure all property is accounted for and records in proper order.

Records Section

Effective Date:	6/7/22
Revised Date:	5/1/23
Issuing Authority: Chief Mary Gavin	

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Falls Church Police Department Records Section. The policy addresses department file access and internal requests for case reports.

803.2 POLICY

It is the policy of the Falls Church Police Department to maintain department records securely, professionally and efficiently (Va. Code § 15.2-1722).

803.3 RESPONSIBILITIES

803.3.1 ADMINISTRATIVE DIVISION COMMANDER

The Chief of Police shall appoint and delegate certain responsibilities to an Administrative Division Commander, which include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
 1. Homicides
 2. Cases involving department members or public officials
 3. Any case where restricted access is prudent

803.3.2 RECORDS SECTION

The responsibilities of the Records Section include, but are not limited to:

- (a) Maintaining a records management system for case reports.

Falls Church Police Department

General Orders Manual

General Orders Manual

Records Section

1. The records management system should include a process for numbering, identifying, tracking and retrieving case reports.
 - i. A process for numbering, identifying, tracking and retrieving case reports.
 - ii. An alphabetical master name index, physical or electronic, to serve as a cross reference to all documents in which a person has been named.
 - iii. A process for documenting incident by type of offense or report, incidents by location, stolen property and recovered property.
 - iv. A case file management system for criminal investigations to include case status, assigned coordinator, types of records, and authorized access.
- (b) Entering case report information into the records management system.
 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to electronic case reports 24 hours a day via the Records Management System.
- (d) Maintaining compliance with federal, state and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor (upon request).
- (g) Preparing and maintaining an annual report of the department's activities and statistical data summaries.

803.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area accessible only by authorized members.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions. Records or reports relating to active vice, drug and organized crime investigations shall be maintained in a secure manner separate from the central records system. The Administrative Division Commander will ensure that procedures are in place for the separation of juvenile criminal arrest records from adult criminal arrest records pursuant to Virginia law.

803.4.1 ORIGINAL PAPER INCIDENT REPORTS

Generally, original paper incident reports shall not be removed from the Records Section. Should an original paper incident report be needed for any reason, the requesting department member shall first obtain authorization from the Administrative Division Commander. All original paper

Falls Church Police Department

General Orders Manual

General Orders Manual

Records Section

incident reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original paper incident report may be removed from the Records Section.

All original paper incident reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original paper incident report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original paper incident report to the file. All records are retained within the Records Management System which tracks distribution, changes, and destruction.

803.4.2 WARRANT FILES

Management of warrant files should be performed by the Records Section in conjunction with the Emergency Communications Center.

- (a) Warrant files maintenance procedure:
 - (a) Warrant files should be stored in a secure file cabinet accessible only by authorized staff.
 - (b) Warrant files should be cross referenced with the Master Name index.
 - (c) Access to warrant files should be available 24 hours a day/ 7 days a week by members tasked with warrant verification/validation.
 - (d) Warrant files should contain at least one original copy of the warrant bearing the seal of the court of jurisdiction and signature of the issuing judge or magistrate. In addition the warrant should have:
 - i. The name, description and known identifying information of the wanted person
 - ii. Date of issue
 - iii. Case number
 - iv. An attached document guaranteeing extradition up to the set limits and identifying the authorizing person
 - v. A separate location for the storage of served or quashed warrants pending return to the court of origination
- (e) All warrants that have been confirmed served or quashed should be removed from the external information systems in which they were entered.
 - i. The subjects name should be run through all systems, including VCIN and NCIC, after the removal to verify that the original entry has been removed or canceled.
 - ii. Upon service of warrant, the on-duty patrol supervisor should ensure a report or supplement is written documenting date, time, location, method, and agency in which warrant was served.
 - iii. If the warrant was mailed to other jurisdictions for service, confirm that all copies are recalled to our agency.

Falls Church Police Department

General Orders Manual

General Orders Manual

Records Section

- (f) If the warrant is determined to be non-serviceable, the reason for non-service will be noted in a supplement.
- (g) A copy of the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS) or the Virginia Criminal Information Network (VCIN) conformation of the warrant and a copy of the fax receipt should be attached to the warrant if applicable.
- (h) All warrant entries, removals and transmissions in external information systems should be conducted in compliance with NCIC, NLETS, and VCIN rules and protocols.
- (i) Warrant files should be audited quarterly for out of date or quashed warrants, warrants missing essential information, or extradition guarantee.
- (b) Warrant confirmation occurs when a law enforcement officer on the scene with the person suspected to be the wanted subject has received and matched all of the identifying information from the warrant file with the suspect.
- (c) Warrant service requires:
 1. Resolution of any discrepancies in identifying information is the responsibility and at the discretion of the law enforcement officer on the scene.
 2. Service is completed upon the arrest of the wanted subject.

803.4.3 COMPUTERIZED WARRANT MODULE

All serviceable legal documents (including warrants, summonses, capiases, detention orders, and other legal documents) will be entered in the RMS computerized warrant module by Records personnel. RMS will assign a system ID number in the warrant module to each legal document.

Information to be included in the computerized warrant module:

- (a) Date and time issued and received;
- (b) Case number;
- (c) Jurisdiction that issued the warrant;
- (d) Type of document (i.e. warrant, capias, summons, etc.);
- (e) Charge or nature;
- (f) Status (i.e. served, active, recalled, etc.) and date of status;
- (g) Serving officer and location of service;
- (h) Expiration date;
- (i) Name of suspect/complainant or defendant/respondent; and,
- (j) Note that a warrant was either received for service or should be returned, which may be copied from the report or case supplement narrative.

Falls Church Police Department

General Orders Manual

General Orders Manual

Records Section

803.5 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

The Falls Church Police Department is committed to providing public access to records in a manner that is consistent with the Virginia Freedom of Information Act (FOIA) (Va. Code § 2.2-3700 et seq.).

804.3 CUSTODIAN OF RECORDS

The City of Falls Church shall designate a Custodian of Records (Va. Code § 2.2-3704.2) who will authorize a person or persons to serve as the Departmental records officer. The responsibilities of the Custodian of Records or their designee include, but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Maintaining, updating and complying with the department records retention schedule, including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law (Va. Code § 2.2-3704).
- (g) Preparing and ensuring the following information is made available to the public upon request and posted on the department website as required by Va. Code § 2.2-3704.1.
 1. In plain English, a description of the basic rights of a person who requests public information, the responsibilities of the Department and the procedures, to include the cost of inspecting or obtaining copies.
 2. Contact information for the Custodian of Records.
 3. A general description, summary, list or index of the types of public records maintained by this department and exemptions in law that permit or require such records to be withheld from release.
 4. The policy concerning the type of public records the Department routinely withholds from release as permitted by law.

Falls Church Police Department

General Orders Manual

General Orders Manual

Records Maintenance and Release

5. The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia."
 - (h) Acting as the department's FOIA officer, designating additional members as FOIA officers to receive requests from the public, and ensuring updated contact information for the Records Custodian and any additional FOIA officers is maintained on the department's website or otherwise made easily available to the public as required by Va. Code § 2.2-3704.2.
 - (i) Confirming that the online posting requirement relating to the Freedom of Information Advisory Council's comment form has been complied with as required by Va. Code § 2.2-3704.1.

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (Va. Code § 2.2-3704):

- (a) A request for records should be in writing, identify the requested records with reasonable specificity, and include the name of the requester and the requester's legal address.
- (b) The Department is not required to create records that do not exist.
- (c) A request for records shall be responded to promptly but in all cases within five working days of receiving the request. Failure to respond to a request shall be deemed a denial and a violation of FOIA. A request shall be responded to with one of the following:
 1. Provide the requested records to the requester.
 2. If the records are not provided, supply a written response that the requested records are being withheld as exempted by law. The response shall identify the volume and subject matter of the withheld records and include the citation to the specific Code of Virginia statute authorizing the records to be withheld.
 3. If the records are provided in part, supply a written response that the requested records are being provided in part and being withheld in part as prohibited by law. The response shall identify the subject matter of the withheld portions and citation to the specific Code of Virginia statute authorizing the records to be withheld. When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (Va. Code § 2.2-3704.01).

Falls Church Police Department

General Orders Manual

General Orders Manual

Records Maintenance and Release

- (a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- 4. If the records cannot be found or do not exist, supply a written response explaining this. However, if it is known that another public body has the requested records, the response shall include the contact information for the other public body.
- 5. If the records cannot be provided within five working days, supply a written response that it is not practically possible to provide the requested records or to determine whether they are available within the five-workday period. The response shall specify the conditions that make the request impossible. If this response is made within five working days, the Department shall have an additional seven working days, or 60 working days in the case of a request for criminal investigative files under Va. Code § 2.2-3706.1, to provide the requester with a written response to the original request.
 - (a) Records that contain criminal investigative files related to a criminal investigation or proceeding are governed by Va. Code § 2.2-3706.1, which requires victim notification under certain circumstances and provides for when disclosure is mandatory, permissive, or prohibited. Response periods are tolled under certain circumstances when a victim seeks an injunction from disclosure.
 - (b) If additional time is required to respond to a request because the request is for an extraordinary volume of records or an extraordinarily lengthy search is required, the Custodian of Records shall contact the requester to reach an agreement concerning additional time in which to respond to the request. If an agreement is not reached, legal counsel for the Department should be contacted for filing a petition to the appropriate court to obtain additional time to respond to the request.
- (d) If a person seeking records requests a cost estimate, the period for providing those records is tolled for the amount of time that elapses between the provision of that estimate by the Department and the response of the person requesting the cost estimate. If the Department receives no response from the requester within 30 days of sending the cost estimate, the request may be considered withdrawn.
- (e) The time for providing records may also be tolled if the Department determines that the cost of producing the records will exceed \$200 and requests a deposit from the person requesting the records as allowed by law.
- (f) Nonexempt records maintained in an electronic database shall be produced in any tangible medium identified by the requester, if that medium is used by this department in the regular course of business.

Falls Church Police Department

General Orders Manual

General Orders Manual

Records Maintenance and Release

804.4.2 REQUESTS FOR SENSITIVE SECURITY INFORMATION

If a request is received seeking information relating to the prevention or response to terrorist activity or cyberattacks (including information about infrastructure security plans and systems), and the release of the information might jeopardize the safety of any person or reveal the location of security or other sensitive systems or equipment, the Custodian of Records shall notify the Secretary of Public Safety and Homeland Security of the request and the department's response to the request (Va. Code § 2.2-3705.2).

804.4.3 MANDATORY RELEASE

When requested, records of completed suicide, accidental and natural death investigations where no criminal charges will be initiated shall be released to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided the person is not a person of interest or a suspect (Va. Code § 2.2-3706).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver's license identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic accident reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Personnel records containing information concerning identifiable members (Va. Code § 2.2-3705.1).
- (c) Records that would disclose a member's telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to members for use in the performance of their official duties (Va. Code § 2.2-3706).
- (d) Personal information as defined in Va. Code § 2.2-3801, including but not limited to a driver's license number, Social Security number, agency-issued identification number, education, and medical history.
- (e) Personal contact information, as defined in Va. Code § 2.2-3705.1, furnished to the Department for the purpose of receiving electronic mail from this department provided the recipient has requested the non-disclosure.
- (f) Records that contain information related to undercover operations or protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations or protective details (Va. Code § 2.2-3706).
- (g) Background investigation records of law enforcement employment applicants for law enforcement employment, administrative investigations relating to allegations of wrongdoing by members, and other administrative investigations conducted by the Department that are made confidential by law (Va. Code § 2.2-3706).

Falls Church Police Department

General Orders Manual

General Orders Manual

Records Maintenance and Release

- (h) The identity of any individual providing information about a crime or criminal activity under a promise of anonymity (Va. Code § 2.2-3706).
- (i) Victim or witness information as provided in Va. Code § 19.2-11.2, as well as certain photographic, audio, video, and other information as provided in Va. Code § 2.2-3706.1.
- (j) Juvenile law enforcement records, except for those authorized to receive such information as provided in Va. Code § 16.1-301 and Va. Code § 16.1-309.
- (k) Criminal investigation files including complaints, court orders, notes, memoranda, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution not required to be disclosed in accordance with Va. Code § 2.2-3706.1 (Va. Code § 2.2-3706).
- (l) Portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature where the release of such information would jeopardize the safety or privacy of any person (Va. Code § 2.2-3706).
- (m) Records relating to neighborhood watch programs (Va. Code § 2.2-3706).
- (n) Confidential records, including victim identities provided to staff of a rape crisis center or a program for battered spouses (Va. Code § 2.2-3705.2).
- (o) Documentation or other information that describes the design, function, operation, or access control features of any department security system used to control access to or use of any automated data processing or telecommunications systems, including the Statewide Agencies Radio System (STARS) (Va. Code § 2.2-3705.2).
- (p) Plans and information to prevent or respond to terrorist activity or cyberattacks, the disclosure of which would jeopardize the safety of any person (Va. Code § 2.2-3705.2).
- (q) Records that contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law enforcement personnel or the general public (Va. Code § 2.2-3706).
- (r) Any other information that may be appropriately denied by Virginia law.

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Commonwealth Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

Falls Church Police Department

General Orders Manual

General Orders Manual

Records Maintenance and Release

804.7 SECURITY BREACHES

Members who become aware that any Falls Church Police Department system containing personal information may have been breached should notify the Administrative Division Commander as soon as practicable.

The Administrative Division Commander shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (Va. Code § 18.2-186.6). Notice shall also be provided to the Office of the Attorney General. Notice shall be in the form and manner specified in Va. Code § 18.2-186.6.

Notice shall be given as soon as reasonably practicable and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the system. Notice may be delayed if notification will impede a criminal or civil investigation or homeland or national security (Va. Code § 18.2-186.6).

If notification is required to more than 1000 persons at one time, notice of the timing, distribution and content of notices sent as a result of the breach shall be provided to the Office of the Attorney General and all consumer reporting agencies as specified in Va. Code § 18.2-186.6.

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with, and linked to, any one or more of the following:

- (a) Social Security number
- (b) Driver's license number or Virginia identification card number
- (c) Full account number, credit, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial accounts
- (d) Passport number
- (e) Military identification number

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Administrative Division Commander should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

804.7.1 BREACH OF TAXPAYER IDENTIFICATION DATA

In the event that both the taxpayer identification number of any department member and the amount of income tax withheld for that member are breached, the Administrative Division Commander shall notify the Office of the Attorney General in accordance with Va. Code § 18.2-186.6(M).

804.8 EXPUNGEMENT AND SEALING

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records or authorized designee. The Custodian of Records shall expunge such records as ordered by the court. Records may include but are not limited to a record of arrest,

Falls Church Police Department

General Orders Manual

General Orders Manual

Records Maintenance and Release

investigation, detention, or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist (Va. Code § 19.2-392.2).

Sealing orders received by the Department shall also be reviewed for appropriate action by the Custodian of Records. Records may include those related to arrests, charges, and convictions. Once a record is ordered sealed, members shall respond to any inquiry as though the record did not exist unless otherwise permitted or required by law (Va. Code § 19.2-392.5 et seq.).

804.9 TRAINING

The Training Coordinator should establish procedures for the Custodian of Records and any additional FOIA officers to receive training on Virginia's FOIA statute from the department's legal counsel or the Virginia Freedom of Information Advisory Council as required by Va. Code § 2.2-3704.2. The procedures should include providing notices and updates to the Council as required by Va. Code § 2.2-3704.2.

Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, and release of protected information by members of the Falls Church Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Falls Church Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the Falls Church Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS) and Department of Motor Vehicles (DMV) records.
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information (Va. Code § 9.1-130; Va. Code § 19.2-389; Va. Code § 19.2-389.1; Va. Code § 38.2-613(B)(5); 6 VAC 20-120-50; 6 VAC 20-120-60).
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

Falls Church Police Department

General Orders Manual

General Orders Manual

Protected Information

805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Falls Church Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Administrative Division Commander for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information so long as proper CJI and radio policies are followed.

805.5.1 REVIEW OF CRIMINAL HISTORY RECORD

A person whose criminal history record is maintained by this department has the right to inspect a copy of his/her information at the Department for the purpose of ascertaining the completeness and accuracy of the information. For offenses that are required to be reported to the Central Criminal Records Exchange (CCRE), the requester shall be referred to the CCRE. For offenses that are non-reportable to CCRE, the Department shall provide the information requested following the dissemination procedures as required by 6 VAC 20-120-50 (Va. Code § 9.1-132).

805.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

Falls Church Police Department

General Orders Manual

General Orders Manual

Protected Information

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities (Va. Code § 2.2-5514).

805.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

805.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.2 POLICY

It is the policy of the Falls Church Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

Officers shall enforce laws relating to animals to the same extent that other laws in the Commonwealth of Virginia are enforced (Va. Code § 3.2-6567).

806.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints, or other ongoing public health matters related to animals and wildlife. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals, quarantine related matters, coordination with health department, and other ongoing animal or wildlife related matters.
- (d) Provide training to law enforcement officers, as needed.

806.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals, members should generally contact Animal Control, if available to seek guidance.

Members who may need to handle or capture any animal should consider :

- (a) If there is a threat to public safety.
- (b) If an animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) If an animal is creating a traffic hazard.
- (d) If an animal is seriously injured.

Falls Church Police Department

General Orders Manual

General Orders Manual

Animal Control

- (e) If the owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal. In such instances, Animal Control should be contacted for follow-up.
 - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
 - 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.
- (f) If a dangerous or vicious dog is found in violation of Va. Code § 3.2-6540 or Va. Code § 3.2-6540.1.

806.4.1 STATE REQUIREMENTS

Members taking custody of a dog or a cat shall ask whether, if known, the animal has bitten a person or other animal, and the date and circumstances of such bite. Members shall document the information in the report of the incident.

Members who subsequently release the animal for adoption, return to rightful owner, or transfer to another agency shall disclose that the animal has bitten a person or other animal and the circumstances and date of such bite (Va. Code § 3.2-6509.1).

806.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced including, but not limited to:

- (a) Care of companion animals by owner (Va. Code § 3.2-6503).
- (b) Care of agricultural animals by owner (Va. Code § 3.2-6503.1).
- (c) Abandonment of animal (Va. Code § 3.2-6504).
- (d) Cruelty to animals (Va. Code § 3.2-6570 et seq.).
- (e) Control of dangerous dogs (Va. Code § 3.2-6540).
- (f) Control of vicious dogs (Va. Code § 3.2-6540.1).

Members should conduct an investigation on all reports of animal cruelty. Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty (Va. Code § 3.2-6564).

806.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

Falls Church Police Department

General Orders Manual

General Orders Manual

Animal Control

806.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

806.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

806.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

806.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

806.11.1 VETERINARY CARE

When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a veterinarian as described below:

Members are authorized to impound and take any animal to a veterinarian when the animal (Va. Code § 3.2-6569):

- (a) Has been abandoned.
- (b) Has been cruelly treated.
- (c) Is suffering a direct and immediate threat to its life, safety or health.

Prior to seizing or impounding any agricultural animal, members shall contact the State Veterinarian who shall recommend the most appropriate action for effecting the seizure or impoundment (Va. Code § 3.2-6569).

Falls Church Police Department

General Orders Manual

General Orders Manual

Animal Control

806.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

When practicable, the assistance of a humane investigator should be obtained to handle the euthanasia of an animal (Va. Code § 3.2-6558; Va. Code § 3.2-6563).

Animal Control or officers may kill a dog that is in the act of killing or injuring livestock or poultry (Va. Code § 3.2-6552).

806.13 REPORTS

Members who take an animal into custody should generate a complete report of the incident, including a description of the animal (species, color, breed, sex, approximate age and weight, and temperament), the reason the animal was taken into custody, the animal's home address, if known, and any identification number, tag information or other identification on the animal (Va. Code § 3.2-6557).

The Chief of Police or the authorized designee should ensure that this policy and any animal intake procedures are filed annually with the State Veterinarian's Office (Va. Code § 3.2-6557).

Jeanne Clery Campus Security Act

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

807.2 POLICY

The Falls Church Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Falls Church Police Department facility. Reports will be accepted anonymously, by phone, via email or on the institution's website.

It is the policy of the Falls Church Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Falls Church Police Department and the administration of the institution.

Supervisors who are assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

807.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Falls Church Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 4. Notify the Falls Church Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
 5. Notify the Falls Church Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the

Falls Church Police Department

General Orders Manual

General Orders Manual

Jeanne Clery Campus Security Act

campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

6. Notify the local attorney for the Commonwealth within 48 hours of any investigation that involves a felony criminal sexual assault as set forth in Va. Code § 18.2-61 et seq. (Va. Code § 23.1-815).
 7. Establish procedures for sharing information between agencies as required by Va. Code § 23.1-815.
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
 - (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
 - (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic or family violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including, but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
 - (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations, in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

807.4 RECORDS COLLECTION AND RETENTION

The Administrative Division Commander is responsible for maintaining Falls Church Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i)):
 1. Murder
 2. Sex offenses, forcible or non-forcible
 3. Robbery
 4. Aggravated assault
 5. Burglary

Falls Church Police Department

General Orders Manual

General Orders Manual

Jeanne Clery Campus Security Act

6. Motor vehicle theft
 7. Manslaughter
 8. Arson
 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(7)). For the offenses of domestic or family violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(12); 34 CFR 668.46(c)(4)):
1. On campus.
 2. In or on a non-campus building or property.
 3. On public property.
 4. In dormitories or other on-campus, residential or student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Falls Church Police Department (34 CFR 668.46(c)(2)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

807.4.1 CRIME LOG

The Administrative Division Commander is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Falls Church Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.

Falls Church Police Department

General Orders Manual

General Orders Manual

Jeanne Clery Campus Security Act

- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
1. Disclosure of the information is prohibited by law.
 2. Disclosure would jeopardize the confidentiality of the victim.
 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

807.5 INFORMATION DISSEMINATION

It is the responsibility of the Administrative Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
 1. Crime statistics.
 2. Crime and emergency reporting procedures.
 3. Policies concerning security of and access to campus facilities.
 4. Crime and sexual assault prevention programs.
 5. Enforcement policies related to alcohol and illegal drugs.
 6. Locations where the campus community can obtain information about registered sex offenders.
 7. Emergency response and evacuation procedures.
 8. Missing student notification procedures.