Fairfax County Police Department
Fairfax, Virginia
September 17, 2013

Case Number: 2013-2410242

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This is August 29, 2013; it is 1948 hours. I'm Detective Hinson, Cold Case and, uh, Sergeant Thea Pirnat and Sergeant Chantel Cochrane, Chantel Cochran Internal Affairs. And Officer what say your name for us.

QUARTO: Anthony Quarto.

HINSON: Ok. Anthony what was your designator?

QUARTO: 731 Bravo.

HINSON: Ok and what was your assignment today?

QUARTO: Um, I got there pretty late into the call. I showed up with K-9 Seven and the other K-9, I'm not sure what his designator was, um, I met up with K-9 Seven, he was right in front of me, we walked behind a bunch of townhouses, um, we got to what we thought was, you know, the front of the house where everything was taking place but there was a big island like, like a, you know like some, some of these, um, cul-da-sacs in the center of them they'll have like a, like a sidewalk area of grass and trees and stuff . . .

HINSON: Ok.

QUARTO: And it was behind there and we weren't really sure where it was, where everything was going but we could hear yelling and, uh, then we saw to our right was, uh, Lieutenant Fish and Lieutenant Joca so we went over there and, um, then me and, uh, K-9 Seven went back to the left side of the house if you're facing the house but we were still behind that island kind of. I could see through to, um, Torres and, um, Barnes; I couldn't really see, you know, much detail cause I had so much foliage in the way from, you know, this island in-

between me and them I was using, trying to use the trees concealment I guess, it's not really cover, but, um, so me and, uh, K-9 Seven we just stood there seemed like we were there forever and you can hear, I'm not sure if it was Barnes or Torres talking to the, the suspect, uh, going back and forth, um, the suspect said something about I know my rights, he said something like that. Um, then, um, a citizen came out, um, and I turned to Riccio and I said I'm, I'm gonna tell that person to go inside; it's not safe for them to be out here and they had a video camera when I was walking up to him, like hey, just for your safety, can you please go back inside and they were, they were fine. No, uh, they didn't give me any, you know, any worry about it; they just went back in their house. And then I went back to where I where I was posted up in a tree with, uh, K-9 Seven and that's when I heard the gunshot and I saw, um, you know, I didn't, I couldn't, I didn't see, you know, any like really detailed; I couldn't see detail very good cause I have all this foliage in between me and, uh, you know, what was actually going on. You know I saw, you know, what I thought was smoke coming from, you know, where Torres was standing after I heard the shot and then I saw Torres run to the left and then Barnes was in front of him and they kind of took cover to the left of the house and that's all I saw. I heard when after the shot, um, I heard I think it was Torres scream and I heard the guy scream and it looked like he shut his door and maybe fell backwards; I couldn't really tell, um, but that's, that's all I saw.

HINSON: Let me just catch up on my notes, ok, and then I'll go back over some stuff and make sure . . .

QUARTO: Ok.

HINSON: I'm accurate with what, with what I've got. Ok, what type of call was it; do you remember?

QUARTO: Uh, I believe it was a domestic dispute.

HINSON: And was there any information, um, that you recall receiving about, you know, nature of, of what was going on?

QUARTO: Um, I was actually on my way to another call when it came out and, uh, it was an alarm call, um, I was trying to listen to that and pay attention to the call I was on at the same time. I did hear that there, the guy said he had a gun and I recall, um, Office Neil saying that the gentleman said something about using it if he had to. Um, that, that's all I really knew. Um, before I could get to the alarm, uh, I was cleared, it was cancelled and I made my way over to the actual scene. By this time, there was I, I assumed there was a lot of people there just because I had, you know, I've been trying to get to this other call, it sounded like there was a lot of people there, I didn't actually, um, click on the event and I don't recall looking to see exactly how many people were already there.

HINSON: Ok, so either you heard that the guy said he'd have a gun and use it or, or did you say Officer Neil said that.

QUARTO: Yes, Officer Neil said that over the, the radio.

HINSON: Ok, ok. And you had an alarm call previous to this that was cancelled?

QUARTO: Yes.

HINSON: All right. Um, are you familiar with this area at all or any of the people involved with it?

QUARTO: I wasn't familiar, I was familiar with the area, but not with any of the people involved.

HINSON: Ok, all right, so we'll go back and, and correct me if I've got any of this wrong. Uh, what time was it that you arrived approximately?

QUARTO: Uh, I have no idea. I, I mean, I can guess but I don't, I don't . . .

HINSON: Did you mark on scene?

QUARTO: I hit on scene . . .

HINSON: Did you mark, ok.

QUARTO: But I don't remember looking at the time when I got there.

HINSON: All right. Ok and you arrived there with K-9 oh seven which you identified as, uh, Officer Riccio.

QUARTO: Yes, as Officer Riccio.

HINSON: And then you and Officer Riccio walked behind some townhouses?

QUARTO: Yeah. When, uh, we got there my cru, my cruiser was parked, uh, right behind his, uh, Suburban, um, went up and I talked to him and we, we developed a plan. We were gonna, he wanted me to go with him and his dog and, um, I think Officer Hanidias went with, uh, K-9 Officer Kunstel and his dog and, uh, we walked – there was a block of townhouses to our left that facing the townhouse in front of, the townhouse is straight down that way.

HINSON: Uh, ha.

QUARTO: At the time we didn't know exactly where it was so we made a left, cut in behind all these townhouses, you know, we came out to like an open, open lot.

HINSON: Ok. And the, the other officer that you mentioned, I'm sorry; I don't know a lot of people down here. What was the other officer that went with the other K-9?

QUARTO: Uh, Hanidias H-A-N-I-D-I-A-S.

HINSON: Ok and he went with which K-9 officer; do you know?

QUARTO: Um, Officer Kunstel K-U-N-S-T-E-L and they went the opposite way we did.

HINSON: Ok. So whereas you guys broke left and went behind the townhouses they went to the right. . .

QUARTO: They broke right and went to the other town, other side.

HINSON: Ok. And you thought that, uh, the townhouse was in front of the cul-de-sac?

QUARTO: In front of the island?

HINSON: Uh, ha.

QUARTO: Yes, that's where we had thought it was; that's where the screaming was coming from, uh, well not, they were yelling. I had, I guess I don't know if it was his family member there or something but he was trying to yell to him like what are you doing or I don't know.

HINSON: Ok, the suspect was yelling?

QUARTO: Yeah and I heard what I think was the suspect yell back. I'm sorry if I'm a little scattered; it all happened too quick and I . . .

COCHRANE: That's fine, you're doing great.

HINSON: You just, you're doing great. Do the best you can. Cause you heard the suspect yelling back and forth with another, another involved person, the citizen, is that right?

QUARTO: Yeah, it was, it was a citizen, it wasn't another officer.

COCHRANE: Was the citizen inside the house or?

QUARTO: No, no, no, no, no he was out standing by, uh, Lieutenant Fish and Lieutenant, um, Joca. I think he might have been his dad maybe, I think maybe I heard someone say that; I don't know, I'm not sure.

HINSON: So Lieutenant Fish and Lieutenant Joca are down towards the townhouse.

QUARTO: To the, yeah, they're to the like they're still behind the island but they're lined up with it straight on looking at it.

HINSON: Ok, basically in front of it.

QUARTO: Yeah.

HINSON: But by the island.

QUARTO: Yeah, the island's in between them and the townhouse.

HINSON: And was this, uh, the subject that was doing the yelling, is he inside the house at this time?

QUARTO: I couldn't see him at that point.

HINSON: All right. Um, so you, you end up to the left of the house behind that island is that correct?

QUARTO: Yeah, to the, um, do you mind can I draw you a picture of how I was.

HINSON: Sure, sure.

QUARTO: It might be easier if I explain it that way.

COCHRANE: I'll get a piece of paper. Here you go.

QUARTO: All right. I'll label it for you. That's where I was and that's the suspect's home there, that's the island, that's me, that's K-9 Seven.

HINSON: Ok, so when you saw Joca and Fish, they're basically right here?

QUARTO: Oh, no.

HINSON: Or they were back in there?

QUARTO: They were back in there and then at that point when we met with Joca and Lieutenant Fish, me and, uh, Riccio went around to here and that's where we stayed until the shooting happened basically.

HINSON: Ok. Anthony would you mind putting your name on top of that just in case it gets separated from my notes I'll know who, who to attribute those to.

QUARTO: Ok.

HINSON: And would you mind marking and labeling where you saw the Lieutenants Joca and Fish?

QUARTO: Ok.

HINSON: And the citizen.

QUARTO: They moved too. They moved to a different spot.

HINSON: Ok.

QUARTO: To, I don't know when they did it; I just know they moved prior to us leaving the scene.

HINSON: Ok.

QUARTO: But the last place I saw them when I went over here, I was right kind of right in there.

HINSON: So this drawing here depicts your initial deployment from behind the townhouses.

QUARTO: No audible response.

HINSON: Ok.

QUARTO: Yes.

HINSON: Did there come a time where you saw the gentleman inside the townhouse?

QUARTO: I could see him. He was standing inside of his door, you know, I couldn't see; it looked like he had his hands on his head . . .

HINSON: Uh, ha.

QUARTO: Um, just behind his head like this, you know, I couldn't make out really much of what he was saying; I did hear him say I know my rights. That's about all I can, I could make out, um, and like I said, I couldn't, I couldn't really discern any movement because of the foliage. I couldn't really tell exactly what was going on. Yeah, that's . . .

HINSON: At, at what point in the encounter was it that you, you were able to observe him in the doorway with his hands up like that?

QUARTO: Um, when I was at this position right here. (Taps on table)

HINSON: Ok.

QUARTO: Once we got there, it took me a minute to, you know, see where everything laid at and then finally, you know, as I got set in there . . .

HINSON: Ok.

QUARTO: I could see where just about where everyone was at.

HINSON: So if I, I remember correctly, this is about the time that you see Barnes and Torres engaging the suspect verbally where he's saying that he knows what his rights are and that you see him in there.

QUARTO: Yeah, yeah.

COCHRANE: So was he behind a screen door?

QUARTO: Yeah, he was behind a screen door too, I could kind of make out the screen door and it looked like he was wearing white shirt maybe.

HINSON: Did you ever see if he came out of the townhouse or did he stay in or?

QUARTO: It looked like to me he was, you know, just standing right there. I was trying to just scan as I'm there and just try to keep an open field of vision; I wasn't really focused on one thing or another. I was so far away from him, um, I couldn't really make out small objects around him so I didn't even know where the gun was or anything like that.

COCHRANE: How far do you think you were away?

QUARTO: Um, man, maybe, maybe like between 25 and 50 yards away maybe. It's a pretty good distance. I know that, uh, if I had to shoot someone from that distance, I would not be comfortable taking a shot at them, let's put it that way.

HINSON: And do we, you deploy a rifle or anything like that?

QUARTO: No, I, at this time, um, I didn't have anything deployed yet. Um, I didn't want to alarm, you know, the neighbors or maybe, you know, he sees a K-9 Officer and another officer and they got their guns out; I didn't want to, you know, put fuel under the fire. He's already got, you know, I think there was at least, least two other guns pointed at him while I was down there so I figured, you know, I'm far away even if I have my gun out it's probably not, I'm not gonna be able to hit him; I'm not gonna be able to do anything so I didn't have my gun out yet.

HINSON: Ok. And are you assigned a rifle?

QUARTO: No, sir.

HINSON: Shotgun?

QUARTO: Yes.

HINSON: So your handgun was in your holster?

QUARTO: Yes, sir.

HINSON: And your shotgun?

QUARTO: Was in my cruiser.

HINSON: Ok. And after, uh, after you see Barnes and Torres engaging the suspect and he's telling them that he knows, I know my rights and he's got his hands up behind his head, he's behind the screen, the citizen comes out and you told Riccio, hey, I'm gonna tell the guy to go inside . . .

QUARTO: Yeah.

HINSON: You approach the guy, he has a camera . . .

QUARTO: Uh, ha.

HINSON: He doesn't give you any trouble.

QUARTO: Yeah.

HINSON: Do you know where this, um, citizen came from or where he went to?

QUARTO: I don't know, I don't know where he came from; I'm thinking it was the apartments behind me, or the townhouses apart, uh, behind me and to the left it kind of looked like the path that he went, came from and went back on but I didn't look to see what specific house he went into. I'm not even sure it was a guy or girl, guy or girl.

HINSON: Uh, ha.

QUARTO: I know they were African/American.

HINSON: Anything distinguishing about, uh, the person in case we have to try to talk to them afterwards?

QUARTO: Uh, I think they might have had like really short dreadlocks maybe.

HINSON: Ok.

QUARTO: Uh, heavy set, uh, maybe an inch taller than me maybe.

HINSON: And how tall are you?

QUARTO: Uh, five, seven so then probably about five, eight, five nine maybe.

HINSON: Ok, all right. So they go away.

QUARTO: Yeah.

HINSON: And then you rejoin Riccio.

QUARTO: Yes.

HINSON: And about, and about that time is when you hear the shot or was there a length of time that went by?

QUARTO: Um, I, I can't really say how long went by or not. It seemed like we were out there forever, like I said, uh, my adrenaline was pumping, um, but it's not long after that that, you know, heard the shot, saw the smoke, around where Torres was, um, the guy screamed then I heard Torres yell, maybe it was Torres maybe it was Barnes, maybe it was the guy, I don't know; there's definitely two people screaming. Um I saw Torres and Barnes go to the left of the house right after the shot.

HINSON: And you say that's where they took cover together?

QUARTO: That's where they took cover - together.

HINSON: Ok.

QUARTO: Barnes in front of Torres.

HINSON: Ok and what's the, uh, the next thing that, that happens?

QUARTO: Um, next thing I remember, uh, Riccio left me to go back to Lieutenant Fish and Lieutenant Joca and, um, I took his spot on the island there, uh, took his vantage point there cause at the time that was the only real spot where you could, you could see the door from there so like maybe I was thinking if that's guy comes back out, um, I'll know before anyone else does because the door opens in and they might not be able to see that cause they're parallel with the house, um, uh, Barnes and Torres. Um, I noticed that a few houses down almost parallel with me to my left was, uh, Dave Parker and, uh, Hanidias, um, Parker had his rifle out, uh, it was like that for a while and then, um, Officer Neil drove a cruiser around in front of the island and it was like right in front of where I was and they started calling him over the PA System. Somebody called dispatch, they had them call the house and talk to the gentleman that was, uh, had just

been shot, um, he didn't answer, um, Officer Barnes said he could hear noises coming from inside, he yelled that and he said it over the radio. I'm not sure he yelled it or he said it over the radio but I definitely heard him say that. Um, I felt like I was there for a while and then, um, the hostage negotiator got there, um, he got on the PA and then, um, I think trying to remember what order everything happened in; the hostage negotiator got on the PA at this point I think the command post was just about to set up and everything, all the Commanders were there and, um, Captain Hill called for the officer involved to come to the command post. So Parker went in and filled, um, went in and filled Torres spot, um, which left Erit Hanidias all alone for a brief minute. Uh, I can't remember; at some point Erit was sent behind the house to get the guy's wife or girlfriend or something . . .

HINSON: This is Hani, Hanidias?

QUARTO: Hanidias was sent back there. I can't remember if it was before or after they called Torres away but eventually I went to where Hanidias and Parker was and Neil went up there with me a few houses down behind, um, Parker and Barnes. Um, I was there for a little bit with, uh, Neil then, uh, Hanidias came back Neil went somewhere else, I don't know where he went but it was me and Hanidias there at that spot in front of the house, um, we were there for a while. I was just waiting, waiting for him to come out of the house and engage us, uh, me and Hanidias we al, he already came up with a plan what we were gonna do if he came out and engaged us, um, and not long after that, um, the TAC Team showed up and, um, they kind of just waved us off and then all of us, I think the TAC guys told us, you know, stay out of view of the house. I think that's what they said; I'm not sure. Um, I couldn't really tell, um, they waved us off and we went back to the island where we were. That was all of us; there was me, uh, Barnes, Parker, Neil and Hanidias were all where I had just came from on the island.

HINSON: So you, Barnes, Neil, Hanidias and Parker or just you Barnes, Hanidias and Parker?

QUARTO: No, me, Barnes, Neil, Hanidias and Parker.

HINSON: Ok and what'd you guys do?

QUARTO: We just waited for TAC kind of just stood there watched TAC take care of everything.

HINSON: Oh. Um, did there ever come a time that you saw anything else important?

QUARTO: Uh, not; I, I saw, I saw him with; I could kind of see the robot where it was and I saw them pull that big truck up and bash in the door. Uh, I saw them make entry to the house and then they said they found him and he was dead, well, they didn't say he was dead, just said he was down. It wasn't until later on I found out that he was dead.

HINSON: Anything else you can think of that you should tell us or that we should know?

QUARTO: No, I wish I could; you know that's all I know, that's all I saw. I wasn't that, I wasn't very close . . .

HINSON: Uh, ha.

QUARTO: And what I did saw was a lot of it was blocked by that foliage.

HINSON: Ok, all right. Do you have anything?

COCHRANE: I just have a couple of questions. Uh, you said when you walked up you said you heard yelling going on.

QUARTO: Uh, ha.

COCHRANE: Could you make out any of the yelling?

QUARTO: I, you know I can't really say definitely what they were saying back and forth.

COCHRANE: Was it but who you believe to be the father with Lieutenant Fish . . .

QUARTO: Yeah . . .

COCHRANE: And . . .

QUARTO: And . . .

COCHRANE: The guy.

QUARTO: What, what I think was the guy, um; it wasn't anybody else over there that would have been yelling back at the father.

COCHRANE: Do you even hear what the father's saying?

QUARTO: I think he said something like what are you doing; something like that, you know. It was, uh, it was clear to me that he was upset with what his son or whoever this was to him was doing. I could, I kind of got that vibe from him.

COCHRANE: So someone that had vested interest in it.

QUARTO: Yeah, exactly.

COCHRANE: And then, um, uh, when you said they were, when you heard the gun; did you hear the gunshot or did you see the smoke?

QUARTO: I heard, I heard the gunshot, then I saw the smoke.

COCHRANE: And did you hear a yelling going on before from our officers and after or do you not really remember that?

QUARTO: I don't remember if I heard yelling or not, you know, I heard some talking and stuff going on all throughout and I kind of just, kind of just tuned it out, you know, I, I couldn't tell exactly what they were saying in the first place so I was just trying to be vigilant see what was going on.

COCHRANE: You didn't like a gun or anything.

QUARTO: I didn't hear; not specifically I didn't hear anything like gun. If I would have heard gun, I know I would have, I would have heard something like that. It's, you know . . .

COCHRANE: You would recognize it.

QUARTO: I would recognize that.

COCHRANE: And when they were speaking to him on the PA, do you remember what they were saying to him?

QUARTO: Um, Officer Neil was telling me we're here to help you, uh, come to the door with your hands up slowly, we're not, we're not here to hurt you, just leave all your weapons there and stuff like that, you know.

PIRNAT: You only heard one gunshot, right?

QUARTO: Yes, that's all I heard was one gunshot.

PIRNAT: Ok.

HINSON: Did Crime Scene get with you; take your picture or anything?

QUARTO: Yes, sir.

HINSON: Ok. Anymore?

COCHRANE: That's it.

HINSON: Ok, uh, there may come a time, uh, Anthony, that we'll have to sit down again or there may not, um, so uh is all your information up to date?

QUARTO: Uh, let me give you all my phone numbers just in case. Uh . . .

HINSON: What's the best number to reach you?

QUARTO: The best number to reach me at is [redacted] .

HINSON: Uh, ha.

QUARTO: [redacted]

HINSON: Uh, ha.

QUARTO: [redacted] that's my cell phone.

HINSON: Ok.

QUARTO: Um, my house phone . . .

HINSON: That cell phone is that the one you use?

QUARTO: That's the one I use.

HINSON: That, that will be more than enough.

QUARTO: Ok.

HINSON: Ok, all right, um.

COCHRANE: Are you a PFC?

QUARTO: No, ma'am, officer.

COCHRANE: Officer. How many years do you have on?

QUARTO: Um, almost a year; maybe ten months maybe.

COCHRANE: Is this your first, uh, office involved shooting?

QUARTO: Yes, ma'am.

COCHRANE: Did a good job.

QUARTO: Thank you.

HINSON: Any previous experience?

QUARTO: No, sir.

HINSON: Uh, ha. All right, ok, it is 2016; I'm going to end the recording.

Date of Interview: August 29, 2013
Typist: Linda Powers

Fairfax County Police

Case Number: 2013-2410242

Transcribed on September 18, 2013

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Hinson: This is August 29, 2013. Detective Jeremy Hinson, Cold Case Squad, interviewing Michael Riccio, MPO, K-907, with Sergeant Chantel Cochrane and Sergeant Thea Pirnat. Reference Officer Involved Shooting down in Station 7's area, 7907 Pebble Brook Court. ..... Alright, could you, uhh, tell me what you're patrol assign.... or your assignment was today?

Riccio: I – I was signed on as K-9 seven.

Hinson: Uh-um.

Riccio: There was two of us signed on, myself and K-910. Uhh, pretty much we cover the entire county. Sharing it amongst ourselves as to who goes to what calls, but, uhmm, we're not really assigned to any particular area patrol area, we're just monitoring the radio.

Hinson: And where you the K-9 Officer that was dispatched to support, uhh, the Station 7 Units?

Riccio: We were never dispatched; we self-initiated on it.

Hinson: Both of you?

Riccio: Yes.

Hinson: Ok. And who was the other K-9 Officer?

Riccio: K-910, Matthew Kunstel .... or Kyle as we call him.

Hinson: Kunstel?

Riccio: Kunstel. K-U-N-S-T-E-L.

Hinson: Thank you. .. And is – is he MPO as well?

Riccio: He's a PFC I believe.

Hinson: Ok. ..... So, where you guys in separate areas when you saw the initiated and just went down there ..-..

Riccio: Actually, ..-..

Hinson: ..-.. or ..-..

Riccio: ..-.. we were – we just finished having lunch. We got called out earlier this morning for a robbery with a bail out, down in Mount Vernon. Uhh, since we were here prior to our shift hours we decided to get lunch together. We just finished lunch over at Spartans... off of Burke Road when this call came out. And when I heard the, uhh, Lieutenant asking for a shield unit .. we started rolling down there. .....

Hinson: And which Lieutenant ... Do – do you know which Lieutenant?

Riccio: I – I wanna say it was ... I believe it was Joca, but I'm not sure which one was asking for a shield. .....

Hinson: So, after you heard that you both went down?

Riccio: Correct. ....

Hinson: Separate vehicles .. I assume?

Riccio: Yes.

Hinson: And when you were – when you get there, when you get on scene, uhh, walk me through what happens when you arrive on scene.

Riccio: Uhh, basically, as we driving down there, I'm listening to the radio as to what's going on and I'm getting a clear picture of the … One officer has a rapport with the subject who's standing at the door. Uhmm, the subject is making threats, that if we ramp-up any kind of enforcement action, it's gonna get – it'll get messy. He's making threats of violence with weapons. Claims that he has a gun nearby him. That it's not on him, but it's very close. It's what we're getting. Uhmm, so all I know at this time is that an officer is at the front door talking to him .. through the screen door of the front door. I'm assuming he's got cover – a cover officer with him. Uhmm, as we're getting closer, I think it was 741 … Charlie or Baker, I'm not … I think it was Charlie though, that started making reference that he's gonna go to the back of the house to obtain a cover position back there and set up a perimeter so in case he runs out the back door. At that point I got on the radio and had him stand-by for that, we had two K-9's enroute. One would go back with him and hold the rear containment with him; with the dog. Uhh, that was all

acknowledged and confirmed on the radio. We got to the scene. As you come down Pebble Breek – Pebble Creek, Pe...., right Pe.... – Pebble – Pebble Creek .....

Hinson: Pebble Creek.

Riccio: Ok.

Hinson: Pebble – Pebble Brook.

Riccio: Pebble Brook. As you come down Pebble Brook I wasn't sure what side of the road 741 was going to be on, so I got on the radio and ask what side he was going to be on. He said he's going to be on the right side in the tree line. Uhmm, ... as we marked on scene I got out and quickly briefed up with ... K-910 that the guy was at this point being cooperative. He was talking to officers. I didn't want the presence of K-9 getting this thing to start ramping up. By us escalating our force that he would start getting upset. So, I thought it would be more prudent that we keep the dogs out of sight .. and let the – and let's see how this thing un.... starts unraveling. So we actually .... Kyle went to the right, I went to the left. We used the backs of the townhouses. I set up to the front .. of the target location and Kyle went to the back with 741 Charlie. At the front of the address I met up with, uhmm, ...

Hinson: I'm sorry, did you said he went right?

Riccio: He went to the right ..-..

Hinson: Ok.

Riccio: ..-.. and walked behind those townhouses, I went to the left and walked behind those ..... until we could both get to our – our positions.

Hinson: Ok.

Riccio: Alright we popped out at the ... As you come down Pebble Brook there is like a square .. a rounded island that you can drive around. We came up on the top, as you're coming down Pebble Brook, the top left side ..-..

Hinson: Uh-um.

Riccio: ..-.. is where we popped up behind ... from behind the townhouses and got our bearing as to where the scene was. Where the gentleman was talking to everybody through the door. Where the house was. I confirmed K-910 was in lo... position. Uhmm, is that point that I pretty much married-up with ... Quarto, uhmm, and we answered ... I let Lieutenant Joca and Lieutenant Fish know that we were here .. that we're there. Uhmm, I told them we take up a position on the left side on that middle island, where there's a nice berm that we can use for cover and I can conceal the dog from the view of the – the suspect. Once we got to that position, I can see the suspect standing in the doorway

talking to the officer who's standing in front of him. Uhmm, ... the subject was wearing tan shorts, tan shirt .. short sleeve shirt look like. Uhmm, I saw the way the door opened from the right to the left. I then got on the radio again making, uhh, plans with K-910 as to if he runs my way I'll take him, if he runs towards the delta side it would be his responsibility or if he comes out of the back he would also be K-910's responsibility. We're putting all that plan together. Uhmm, the subject was standing in the doorway kinda, looked like he had his hands up on the top of the frame of the door, uhmm, and the door was partially opened, not – not all the way, but probably a good – a good foot. And it looked like he was almost standing in the threshold of the door. Uhmm, it was an officer standing in front of him right on that walkway up to the house who had him at gunpoint, but was talking to him. And then there another officer behind the tree for cover that also had his gun out, uhh, providing, uhmm, cover support. Uhmm, I couldn't hear what they were saying, 'cause of the distance, it was all muffled, uhmm, ... but I – they were – they were engaging in conversation ... that's – that's the best I can tell you. Uhmm, at some point I saw the door start to come open, just a little movement, like the guy is kinda swinging back and forth, uhmm, ... and then I heard a shot ring out. I didn't know at that point if it

came from out..... inside the house or outside ... in. Uhmm, I saw the subject kinda take a step or two back into the house and then the door come closed. Uhmm, it was at that point I thought we'd be making entry into – into the house, uhmm, so I started tightening-up a little bit, but then I realized Quarto wasn't coming with me or ... and then I saw the two officers in front of the house kinda backing off the cover. So I realized that we were not making entry at that point, uhmm, so I went back to a cover position. Uhmm, as you can imagine, at this point that the radio is erupting with information getting out. Uhmm, I asked Quarto if he's good to stay where we were at, which was a good piece of cover and good eyeballing the house. He said he was fine. And at that point I went over to Lieutenant Joca's location, which was just up the street from the house but right in front of the house. We had good cover behind the car. I wanted to get with him to start talking tactically about how we were going to approach the situation. Uhmm, ... get – had K-910 behind the house still, uhmm, knew he would need to relieve soon. Realized at this point this is probably turn into a long ..... Since we didn't make the initial entry that this gonna turn into a long – long haul. Uhmm, so, once everything was secured at the front of the house I went ... We initially parked way up on top ... end of Pebble

Brook. Uhmm, I went up, put my dog back in the car, brought my car down closer to the scene, if you're looking at the house we were parked on the far left hand corner, uhmm, of that parking lot area. And then went to the rear of the house, got Kyle's keys from him. Went up and got his car and brought it down to the same location. This way we can start rotating dogs in and out from the rear containment. Uhmm, I put us on like a 30 minute rotation. Uhmm, ... once I got his car set, I got geared up in my swat gear, helmet, gloves and started getting different leads ready for Comack to – my dog – to, ... if we had to make entry into the house. Then I went back and relieved Kyle from his position. Uhmm, gave him a 30 minute time range said, "I'll see you in thirty." He left the wooded area. I held that position till the Swat Team showed up and entry was made. .....

Hinson: And where were you when you were holding your position when Swat came in?

Riccio: If you're looking at the, (sigh), back of the house now, it's off in the woods.... it's about a hundred feet into the woods behind a good size oak tree. Uhmm, from the back of the house probably about the eight o'clock position. .....

Hinson: You said that was until TAC made entry?

Riccio: Yes.

Hinson: Ok.

Riccio: And I had two officers back there with me, one with a shotgun, one with a pistol. .....

Hinson: When you're originally deployed, uhmm, since you got the dog there, what, uhh, what weapons you deploy with when – when you're coming to the scene initially?

Riccio: It's, if I have the dog with me, it's just my sidearm. .....

Hinson: And where you – did you have your weapon out at any time, uhh, before the shooting?

Riccio: Neither ... Never at any point did it come out today. .....

Hinson: And .. Let's go back to the point, uhh, before the shooting takes place.

Riccio: Ok.

Hinson: So, you have a pretty good view of – of the door.

Riccio: I can see his ..-..

Hinson: The way it opens you're seeing a little more.

Riccio: It opens right to left and I was way off to the left.

Hinson: Ok.

Riccio: Uhmm, ... I can see his lower .... I couldn't see his face. .... Uhmm, by his body posture I can see his arms are up on top of the frame of the door. But I couldn't see – I was blocked by, uhh, foliage .....

Hinson: Uh-um.

Riccio: I could see his, … probably his chest down, and part of his legs. …… At that point I was still trying to remain out of sight, so we didn't – we didn't escalate the issue. ……

Hinson: And ….. if you could get back over what you did see prior to the shot ringing out. You mentioned some movement. If you ..-..

Riccio: Yeah, it lo….. ..-..

Hinson: ..-.. If you could do that.

Riccio: ..-.. looked like he was just kinda …. and – and I don't even know how to …. it's kinda like swinging in the door. Like he was talking to the officer. I – I couldn't, again, I couldn't hear what they were saying, but they were definitely engaged in a conversation. Uhmm, it didn't sound …. erratic at all, it sounded just like they were .. conversing about options, maybe. Uhmm, and he was kinda – it looked like he was – it looked like he had his hands up on top of the door, and just kinda like swinging back and forth, like he's contemplating whatever he's gonna do, uhmm, …. it's just – it wasn't just standing still, there was – there was motion involved.

Hinson: Ok.

Riccio: That's the best I can give you.

Hinson: Ok. And what about the – the door. You said it's partially open.

Does ..-..

Riccio: From my prospective it looked like it was not open ... wide enough for an officer to actually go and grab the guy, but it was probably about a foot and a half/two feet open. .....

Hinson: Did you notice any other movements, uhh, or hear any escalation of anything prior to the shot?

Riccio: I – I didn't hear any esca.... esca.... escalate ..... The word you used. ..... Thank you. ..... (laughs)

Hinson: Was, uhh, ... Was that door, was that your – your focal point ... when the shot rang out .....?

Riccio: Well, I ..-..

Hinson: ..... or where you ..-..

Riccio: ..-.. I was – I was paying attention to a couple things. I had to pay attention to the door. I – I was looking at his ave..... - looking for his avenues of escape, where he would possibly run to, ... if he decides to run. Uhmm, and I was also being ... had to be mindful of my dog, uhmm, who at this point wants to get up and see what's going on himself, but he's a .....

Cochrane: How far away do you think you are from the conversation that went on?

Riccio: Of .... Uhmm, fifty yards. .....

Hinson: So, did you – did you see or could you tell which officer had

shot?

Riccio: No. ..... Again I didn't know if the shot came from ... inside the house out or went the other way until officers started talking on the radio about .... what they saw, that – that I know what happened. .....

Hinson: Anything you think that .. we should know about that we haven't gone over .. and things that you would've seen or heard?

Riccio: No, I – I ..... No. .... The radio traffic was a little bit of an issue after it all happened. .... Uhmm, you know, we had a guy just ..... rolled back into his house and possibly heading towards the back of the house .. and the radio is all tied up with what was happening in the front of the house, so we – we had no idea if could've already gone out of the back door. K-910 was dealing with him, 'cause the radio was so tied up. .....

Hinson: That was init.. initially?

Riccio: Yeah. Uhh, yes.

Hinson: Or, uhh, uhh, I mean, initially to the gunshot .....

Riccio: Uhh, ... P.....

Hinson: ..... or prior to that?

Riccio: Well, po.... – post-gunshot. Pre-gunshot we had good open lines of communications. .....

Cochrane: Pre-gunshot did you hear that there were multiple guns .....

Riccio: Yes, ..-..

Cochrane: ..... inside the house?

Riccio: ..-.. I knew there were weapons in the house. And I heard the – the subject had stated that he had a gun very close to him and was prepared to use it. ..... Where would've – If we send anybody in the back door he would – he would use it and he wouldn't mind shooting officers that came into his house. ..... Which was pretty much what concreted our, even though we weren't requested, concreted our idea to be down there in the first place. .....

Cochrane: I just want to make sure you were in full uniform, I mean, what you wearing now is what you were ..-..

Riccio: Uhh, uhh, minus the ball cap, yes. I was wearing a green ball cap.

Cochrane: Ball cap that .....

Riccio: It has – it has police patch .....

Cochrane: Ok, and ..-..

Riccio: ..... badge on it.

Cochrane: ..-.. you have a police patch on your side and on your front?

Riccio: Yes, I do. ..... But I – I didn't, again, I didn't want him seeing me or Kyle. That extra show of force. You know, who's these guys in green uniforms and .....

Cochrane: So you never let your dogs star.... bark or anything like that ..-..

Riccio: No.

Cochrane: ..-.. to let him know?

Riccio: No, ..-..

Cochrane: Ok.

Riccio: ..-.. I didn't want him to know at all we were there.

Cochrane: And Kyle was also in the same uniform?

Riccio: Yes, yes, he is. .....

Hinson: And just to clarify too, after the shots and after you moved your car, you transitioned into like into a full swat ..-..

Riccio: Swat.

Hinson: ..-.. equipment ..-..

Riccio: Right.

Hinson: ..-.. look.

Riccio: The helmet, ... gloves. That's really ... And then different leads hanging from my belt instead of ... a long line and a short line and .....

Hinson: Ok. Uhmm, .. Mike what's your vehicle number?

Riccio: 5391.

Hinson: Ok. ... And does crime scene done the photo – photograph interview as you were outfitted?

Riccio: They ... I – I was told that's not gonna be necessary to

photo....photograph me.

Hinson: Ok.

Riccio: But .....

Hinson: Alright, the only thing different with the way you look now, ..-..

Riccio: I was wearing a green ball cap

Hinson: ..-.. is the ball cap. .. Ok. .. Before we leave we might revisit that.

Riccio: Ok.

Hinson: Ok.

Cochrane: And you received a gag-order .....

Riccio: Yes, I do.

Cochrane: ..... from Internal Affairs? ..... Thank you.

Hinson: Ok. Uhmm, ... these – these guys that – that you're assisting on this call, are these any other people that you know. I know you referred to Quarto, but I assume that was because.. **INAUDIBLE**

Riccio: I – I learned that name tonight.

Hinson: Ok.

Riccio: Uhmm, ... and the two guys in the front door I didn't even realized who that was until it was all said and done.

Hinson: Ok. I know you know Joca.

Riccio: Yes. Yeah, I recog..... I worked with him several years ago.

Hinson: Ok. ... Uhh, so basically, the .... Your knowledge of the people on the scene is what you've learned from coming out on this?

Riccio: Yes.

Hinson: Right. Ok. Uhmm, had you had any knowledge of the person that the call was in reference too? The – the ..-..

Riccio: No.

Hinson: ..-.. complainant or the …….. Ok.

Riccio: No.

Hinson: Alright. Uhmm, …. anything that you saw any of the other officers do that you – that we haven't talked about that you think we should know, uhh, that may clarify or .. lead to further …….

Riccio: No, I think they did a bang up job. I, you know, I think I would have changed is probably should have taken the door as soon as it started coming closed on us.

Hinson: Alright if no one has any other questions? Alright. Im going to end the interview recording. It is 21:44 hours.

****

Transcribed on 09/18/2013

By Annemarie Carr, Administrative Assistant

Mar 2006						
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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		3/6 Monday	3/7 Tuesday	3/8 Wednesday	3/9 Thursday	3/10 Friday
		Day 1	**Day 2**	**Day 3**	**Day 4**	**Day 5**
7 AM	:00	0700-0800 Staff and Student Introductions	0700-1100 Drivers Training Orientation	0700-0900 Introduction to Legal	0700-1100 Ethics	0700-0900 Introduction to Patrol
	:30			Mr. Ross		MPO Ponsart
8 AM	:00	0800-1000 Academy Rules and Regulations		0900-1100 Nutrition		0900-1100 Use of Force Model
	:30					
9 AM	:00					
	:30	2Lt. Hersey	EVOC Staff	MPO Ranck	Major Morrow	MPO Davlia
10 AM	:00	1000-1100 Academy Standards				
	:30	Mr. Wang				
11 AM	:00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
	:30	1130-1330 Introduction to Defensive Tactics	1130-1230 Firearms Orientation	1130-1230 Deferred Compensation	1130-1530 NCIC/VCIN	1130-1330 Custody Procedures
12 PM	:00		Firearms Staff			
	:30		1230-1530 Community Policing	1230-1530 Physical Fitness Assessment Pre-Test		MDS Mellom
1 PM	:00	MPO Davila				
	:30	1330-1430 Formation / Inspection Orientation				1330-1530 Crime Prevention
2 PM	:00	2Lt. Hersey				
	:30	1430-1530 Meet with Squad Leaders	MPO Davila		Mr. Wang	MPO Davila
3 PM	:00					
	:30					

Mar 2006

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		3/13 Monday	3/14 Tuesday	3/15 Wednesday	3/16 Thursday	3/17 Friday
		Day 6	**Day 7**	**Day 8**	**Day 9**	**Day 10**
7 AM	:00	0700-1000 Bloodborne Pathogens	0700-0900 Legal	0700-1330 Preliminary Investigations	0700-0900 Legal	0700-1530 Survival Communication and Conflict Resolution
	:30					
8 AM	:00		Mr. Ross		Mr. Ross	
	:30					
9 AM	:00	MPO Ranck	0900-1330 Introduction to PD42		0900-1100 Radio Procedures	
	:30					
10 AM	:00	1000-1330 Problem Solving, Conflict Resolution, Stress Management, Crisis Management			Mr. Wang	
	:30					
11 AM	:00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
	:30				1100-1330 Map Reading	
12 PM	:00					
	:30	MDS Mellom	MPO Hepler	MPO Hepler MPO Ponsart		
1 PM	:00				MPO Jensen	
	:30	1330-1530 Physical Agilities Course	1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training	
2 PM	:00					Mr B. Patterson
	:30					
3 PM	:00	P.T. Staff				
	:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		3/20 Monday	3/21 Tuesday	3/22 Wednesday	3/23 Thursday	3/24 Friday
		Day 11	**Day 12**	**Day 13**	**Day 14**	**Day 15**
7 AM	:00	0700-0730 Intro. to Breakout	0700-1100 Baton	0700-1330 Handcuffing	0700-1530 First Aid / CPR	0700-1330 First Aid / CPR
	:30	0730-1330 Unarmed Control				
8 AM	:00					
	:30					
9 AM	:00					
	:30					
10 AM	:00		MPO Ponsart MPO Murray			
	:30					
11 AM	:00	**Lunch Break Breakout Day 1**	**Lunch Break Breakout Day 2**	**Lunch Break Breakout Day 3**	**Lunch Break Breakout Day 4**	**Lunch Break Breakout Day 5**
	:30		1130-1530 Ground Defense			
12 PM	:00					
	:30	MPO Davila PFC Longerbeam		MPO Ponsart PFC Longerbeam		MPO Ranck
1 PM	:00					
	:30	1330-1530 Pressure Points/Stuns		1330-1530 P.T. Activity		1330-1530 P.T. Activity
2 PM	:00					
	:30	MPO Ponsart MPO Murray	Mr. Allen MPO Davila MDS Mellom	P.T. Staff	MPO Ranck	P.T. Staff
3 PM	:00					
	:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		3/27 Monday	3/28 Tuesday	3/29 Wednesday	3/30 Thursday	3/31 Friday
		Day 16	**Day 17**	**Day 18**	**Day 19**	**Day 20**
7 AM	:00	0700-1000 CDU Training	0700-1530 Searches	0700-1330 Traffic Direction / Point Control	0700-1100 Knife Defense / Disarms	0700-1100 Personal Weapons
	:30					
8 AM	:00					
	:30					
9 AM	:00	MDS Mellom MPO Ponsart				
	:30					
10 AM	:00	1000-1330 Chemical Agents			MPO Davila MDS Mellom	MPO Davila MDS Mellom
	:30					
11 AM	:00	**Lunch Break Breakout Day 6**	**Lunch Break Breakout Day 7**	**Lunch Break Breakout Day 8**	**Lunch Break Breakout Day 9**	**Lunch Break Breakout Day 10**
	:30				1130-1530 Ground Defense	1130-1330 D.T. Testing
12 PM	:00					
	:30	MPO Miller		MPO Jensen MDS Mellom		D.T. Staff
1 PM	:00					
	:30	1330-1530 Exposure Training		1330-1530 P.T. Activity		1330-1530 P.T. Activity
2 PM	:00					
	:30		MPO Murray PFC Longerbeam	P.T. Staff	Mr. Allen MPO Davila MDS Mellom	P.T. Staff
3 PM	:00	MPO Miller				
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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		4/3 Monday	4/4 Tuesday	4/5 Wednesday	4/6 Thursday	4/7 Friday
		Day 21	**Day 22**	**Day 23**	**Day 24**	**Day 25**
7 AM	:00	Firearms Introduction	Review Day #1	Review Day #2	Review Day #3	Review Day #4
	:30		Range Exercises	Shotgun Classroom	Immediate Action Classroom	Shooting Timed Drills
8 AM	:00	Safety at Home and on the Range				
	:30					
9 AM	:00	Nomenclature			Range Exercises	
	:30					
10 AM	:00			Shotgun Loading and Unloading Drills	Range Exercises: Ball and Dummy	Shotgun Range Exercises
	:30					
11 AM	:00	**Lunch Break Breakout Day 1**	**Lunch Break Breakout Day 2**	**Lunch Break Breakout Day 3**	**Lunch Break Breakout Day 4**	**Lunch Break Breakout Day 5**
	:30	Fundamentals of Marksmanship	Cleaning and Maintenance	Shotgun Practice	Student Practice	Remedial Training
12 PM	:00					
	:30	Modern Techniques and Practical Exercises	Recruit Weapons Cleaning	Shotgun Live Fire Exercise	Shooting Exercises, Timed Drills	
1 PM	:00					
	:30	Combat Shooting and Loading	Recruit Practice Time			Night Fire Classroom
2 PM	:00					
	:30			Weapon Cleaning	Weapons Cleaning	Night Fire Practice Exercise
3 PM	:00					
	:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

	4/10 Monday	4/11 Tuesday	4/12 Wednesday	4/13 Thursday	4/14 Friday
	Day 26	**Day 27**	**Day 28**	**Day 29**	**Day 30**
7 AM :00	Review Day #5	Review Day #6	Review Day #7	Weapon Cleaning	Review and Written Test
:30	Weapons Cleaning	Weapons Cleaning	Weapons Cleaning	Courses of Fire Test	
8 AM :00					Cover and Concealment
:30					
9 AM :00	Range Exercises	Range Exercises: Ball and Dummy	Course of Fire: Pre-Test and Practice		Tactical and Practical Exercises
:30					
10 AM :00		Shotgun Range Exercises			
:30					
11 AM :00	**Lunch Break Breakout Day 6**	**Lunch Break Breakout Day 7**	**Lunch Break Breakout Day 8**	**Lunch Break Breakout Day 9**	**Lunch Break Breakout Day 10**
:30	Shotgun Remedial Training	Flying While Armed	Course of Fire: Pre-Test and Practice	Confiscated Weapons	Tactical and Practical Exercises
12 PM :00					
:30	Night Fire Review Shooting Test	Night Fire Shooting Test		Test Review	Stress Shooting Drills, Plate Range
1 PM :00					
:30			Recruit Practice		
2 PM :00					
:30				Weapons Cleaning	Course Critique
3 PM :00					
:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		4/17 Monday	4/18 Tuesday	4/19 Wednesday	4/20 Thursday	4/21 Friday
		Day 31	**Day 32**	**Day 33**	**Day 34**	**Day 35**
7 AM	:00	Basic Rules	Student & Veh. Inspections Skid Recovery & Cone Course	Student & Veh. Inspections, Cone Course Practice	Student & Veh. Inspections, Cone Course Practice	Student & Veh. Inspections Line Review
	:30					
8 AM	:00	Vehicle Inspections Behind the Wheel	Skid Pan Demo Cone Course Demo	Cone Course Practice	Cone Course Practice Cone Course Grading	Evaluation Ride Full Track
	:30					
9 AM	:00	Vehicle Dynamics	Skid Pan Exercise & Cone Course Practice	Cone Course Practice	Cone Course Grading	Instructor Demo. E.V.R.C.
	:30					
10 AM	:00	Braking Lecture	Skid Pan & Cone Course Practice	Circuit Objectives Circuit Training	Line of Travel	E.V.R.C. Practice
	:30		Skid Pan & Cone Course Practice	Circuit Training	Short Course Demo and Drive	E.V.R.C. Eval Ride
11 AM	:00	**Lunch Break Breakout Day 1**	**Lunch Break Breakout Day 2**	**Lunch Break Breakout Day 3**	**Lunch Break Breakout Day 4**	**Lunch Break Breakout Day 5**
	:30	Instructor Demo of Circuits	Circuit Objectives	Circuit Objectives	Short Course Laps	E.V.R.C. Practice 2 Runs
12 PM	:00					
	:30	Circuit Training	Circuit Training	Circuit Training	Short Course Laps	E.V.R.C. Practice
1 PM	:00					
	:30	Instructor Evaluation Lap	E.V.R.C. Lead Around	Circuit Training	Full Course Demo	E.V.R.C. Practice
2 PM	:00					
	:30	Refuel, Debrief and Secure	Refuel, Debrief and Secure	E.V.R.C. 2nd Drivers Refuel, Debrief & Secure	Refuel, Debrief and Secure	Refuel, Debrief and Secure
3 PM	:00					
	:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		4/24 Monday	4/25 Tuesday	4/26 Wednesday	4/27 Thursday	4/28 Friday
		Day 36	**Day 37**	**Day 38**	**Day 39**	**Day 40**
7 AM	:00	Student & Veh Inspections	Student & Veh Inspections	Student & Veh Inspections	Student & Veh Inspections	(Evening Shift) Student Inspections
	:30	EVOC & Gen. Orders	Decision Making	Pursuit Review	Written Exam	Tire Change Exercise
8 AM	:00	EVOC & Gen. Orders	Decision Making	Stop Stick Lecture	E.V.R.C. Practice	Veh. Inspections
	:30	Break	Break	Stop Stick Demo Stop Stick Exercise		Competition Course
9 AM	:00	EVOC & Gen. Orders	Decision Making	Stop Stick Exercise	E.V.R.C. Practice	Fire Extinguisher Lecture
	:30	Break	Break			Test Review
10 AM	:00	EVOC & Gen. Orders E.V.R.C. Practice	Decision Making Lap Practice C.C.W.	E.VR.C. Eval Ride	E.V.R.C. Exam	Test Review
	:30	E.V.R.C. Practice	Lap Practice C.C.W.	E.V.R.C. Eval Ride		
11 AM	:00	**Lunch Break Breakout Day 6**	**Lunch Break Breakout Day 7**	**Lunch Break Breakout Day 8**	**Lunch Break Breakout Day 9**	**Lunch Break Breakout Day 10**
	:30	E.V.R.C. Eval Ride	Mock Pursuit Briefing	E.V.R.C. Practice	E.V.R.C. Exam	Lap Practice
12 PM	:00					Lap Practice
	:30	E.V.R.C. Practice	Mock Pursuits	E.V.R.C. Practice	E.V.R.C. Exam	Lap Practice
1 PM	:00					
	:30	E.V.R.C. Practice	Mock Pursuits	E.V.R.C. Practice	E.V.R.C. Exam	Light Demo Siren Demo
2 PM	:00					
	:30	Refuel, Debrief and Secure	Refuel, Debrief and Secure	Refuel, Debrief and Secure	Refuel, Debrief and Secure	Cleanup, Refuel & Closing Remarks
3 PM	:00					
	:30					

May 2006						
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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		5/1 Monday	5/2 Tuesday	5/3 Wednesday	5/4 Thursday	5/5 Friday
		Day 41	**Day 42**	**Day 43**	**Day 44**	**Day 45**
7 AM	:00	0700-0900 Legal	0700-0900 Legal	0700-0830 Academy Test #1	0700-1100 Building Search	0700-0900 Legal
	:30			Mr. Wang		
8 AM	:00					
	:30	Mr. Ross	Mr. Ross	0830-1230 Report Writing Narrative		Mr. Ross
9 AM	:00	0900-1330 Radio Procedures	0900-1100 Aggressive Patrol			0900-1330 Aggressive Patrol
	:30				PFC Longerbeam MDS Mellom	
10 AM	:00					
	:30		MPO Ponsart PFC Longerbeam			
11 AM	:00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
	:30		1130-1330 RIPP		1130-1530 Building Search Practice	
12 PM	:00			MPO Hepler		
	:30	Mr. Wang	PFC Longerbeam	1230-1330 Hostage Barricade		MPO Ponsart PFC Longerbeam
1 PM	:00			PFC Longerbeam MDS Mellom		
	:30	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics		1330-1530 Defensive Tactics
2 PM	:00	Intro to Airsoft	Contact Cover	Building Search		- or -
	:30	PFC Longerbeam MDS Mellom	PFC Longerbeam MDS Mellom	PFC Longerbeam MDS Mellom		Physical Training
3 PM	:00	Both Squads	Both Squads	Both Squads		
	:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		5/8 Monday	5/9 Tuesday	5/10 Wednesday	5/11 Thursday	5/12 Friday
		Day 46	**Day 47**	**Day 48**	**Day 49**	**Day 50**
7 AM	:00	0700-1100 Interview and Interrogations	0700-0900 Legal	0700-1330 Practical Test #1	0700-1330 Practical Test #2	0700-0900 Legal
	:30			Larceny	Mental	
8 AM	:00		Mr. Ross			Mr. Ross
	:30					
9 AM	:00		0900-1030 Larceny Investigation			0900-1330 Interview and Interrogation
	:30		MPO Ponsart			
10 AM	:00	MPO Hepler				
	:30		1030-1330 Mental Cases			
11 AM	:00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
	:30	1130-1230 Class Speeches				
12 PM	:00					
	:30	1230-1330 Class Elections	MDS Mellom			MPO Hepler
1 PM	:00	2Lt. Hersey				
	:30	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics
2 PM	:00	- or -	- or -	- or -	- or -	- or -
	:30	Physical Training	Physical Training	Physical Training	Physical Training	Physical Training
3 PM	:00					
	:30					

May 2006						
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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

	5/15 Monday	5/16 Tuesday	5/17 Wednesday	5/18 Thursday	5/19 Friday
	Day 51	**Day 52**	**Day 53**	**Day 54**	**Day 55**
7 AM :00	0700-0800 Authority to Enforce PFC Hill	0700-0900 Legal	0700-0900 Academy Test #2	0700-0900 Legal	0700-1530 Practical #3 Traffic Stop
:30					
8 AM :00	0800-0900 O.L. & Registration PFC Hill	Mr. Ross	Mr. Wang	Mr. Ross	
:30					
9 AM :00	0900-1100 Traffic Code Speeding Habitual Offender Reckless Driving	0900-1100 Regulation of Traffic	0900-1330 Traffic Stops	0900-1330 Traffic Stop Practice	
:30					
10 AM :00	PFC Hill	PFC Hill			
:30					
11 AM :00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
:30	1130-1330 County Code Traffic	1130-1330 Virginia Uniform Summons Warning Tickets		All Staff	
12 PM :00				1230-1330 Traffic Stops	
:30		MPO Murray	MPO Murray		
1 PM :00	PFC Hill			MPO Murray	
:30	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics	
2 PM :00	- or -	- or -	- or -	- or -	
:30	Physical Training	Physical Training	Physical Training	Physical Training	
3 PM :00					
:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		5/22 Monday	5/23 Tuesday	5/24 Wednesday	5/25 Thursday	5/26 Friday
		Day 56	**Day 57**	**Day 58**	**Day 59**	**Day 60**
7 AM	:00	0700-1000 Legal	0700-0900 Legal	0700-1530 DWI	Evenings 1500-2330	Evenings 1500-2330
	:30				1500-2330 DWI	Practical #4 DWI
8 AM	:00	Mr. Ross	Mr. Ross			
	:30					
9 AM	:00	0900-1000 Death Notification	0900-1330 DWI			
	:30	MPO Jensen				
10 AM	:00	1000-1100 Peer Support				
	:30	MPO Jensen				
11 AM	:00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
	:30	1130-1330 Vehicle Searches				
12 PM	:00					
	:30	PFC Hill				
1 PM	:00		MPO Miller			
	:30	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics			
2 PM	:00	- or -	- or -			
	:30	Physical Training	Physical Training	MPO Miller	MPO Miller	
3 PM	:00					
	:30					

May 2006

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		5/29 Monday	5/30 Tuesday	5/31 Wednesday	6/1 Thursday	6/2 Friday
			Day 61	**Day 62**	**Day 63**	**Day 64**
7 AM	:00	Holiday	0700-0900 Legal	0700-0900 Legal	0700-0900 Legal	0700-0900 Mid-Term Evaluations
	:30					
8 AM	:00					
	:30		Mr. Ross	Mr. Ross	Mr. Ross	Squad Leaders
9 AM	:00		0900-1100 Introduction to Crash Investigation	0900-1100 Crash Scene Management Investigation	0900-1100 Hazmat	0900-1330 Crash Scene Measurement
	:30					
10 AM	:00					
	:30		MPO Murray	MPO Murray	MPO Edwards	
11 AM	:00		Lunch Break	Lunch Break	Lunch Break	Lunch Break
	:30		1130-1330 FR300 (Crash) Report Form	1130-1330 Hit and Run	1130-1330 Diplomatic Immunity Consular Notification	
12 PM	:00					
	:30		MPO Murray	MPO Murray	MPO Murray	MPO Murray
1 PM	:00					
	:30		1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training
2 PM	:00					
	:30					
3 PM	:00					
	:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

	6/5 Monday	6/6 Tuesday	6/7 Wednesday	6/8 Thursday	6/9 Friday
	Day 65	**Day 66**	**Day 67**	**Day 68**	**Day 69**
7 AM :00	0700-1530 Practical #5 Crash	0700-0830 Legal Test #1 Mr. Wang	0700-1330 Practical #6 Civil Dispute & Vehicle Search	0700-1100 Biased Based Policing	0700-1530 Sex Crimes
:30					
8 AM :00					
:30		0830-1230 Landlord/Tenant Dispute			
9 AM :00					
:30					
10 AM :00				MPO Davila	
:30					
11 AM :00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
:30				Law Enforcement Torch Run	
12 PM :00					
:30					
1 PM :00		MDS Mellom			
:30		1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training		
2 PM :00					
:30					MPO Ranck
3 PM :00					
:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		6/12 Monday	6/13 Tuesday	6/14 Wednesday	6/15 Thursday	6/16 Friday
		Day 70	**Day 71**	**Day 72**	**Day 73**	**Day 74**
7 AM	:00	0700-1530 Practical #7	0700-1330 Handling Evidence	0700-1330 Handling Evidence	0700-0900 Legal	0700-0900 Academy Test #3
	:30	Sex Crimes				
8 AM	:00				Mr. Ross	Mr. Wang
	:30					
9 AM	:00				0900-1330 Latent Fingerprints	0900-1330 Interview and Interrogation
	:30					
10 AM	:00					
	:30					
11 AM	:00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
	:30					
12 PM	:00		MPO Miller	MPO Miller	MPO Miller	MPO Hepler
	:30					
1 PM	:00					
	:30		1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training
2 PM	:00					
	:30					
3 PM	:00					
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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

	6/19 Monday	6/20 Tuesday	6/21 Wednesday	6/22 Thursday	6/23 Friday
	Day 75	**Day 76**	**Day 77**	**Day 78**	**Day 79**
7 AM :00	0700-1530 Practical #8 Burglary	0700-0900 Legal Mr. Ross	0700-0900 Legal Mr. Ross	0700-1530 Practical #9 Interview and Interrogation	0700-0900 Legal Mr. Ross
:30					
8 AM :00					
:30					
9 AM :00		0900-1000 Follow-up Investigation MPO Ponsart	0900-1330 Fingerprint Impressions Fingerprint Cards		0900-1330 Practical #10 Fingerprinting
:30					
10 AM :00		1000-1330 Warrant Service			
:30					
11 AM :00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
:30					
12 PM :00					
:30					
1 PM :00		MPO Hepler	MPO Russell		
:30		1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training		1330-1530 Defensive Tactics - or - Physical Training
2 PM :00					
:30					
3 PM :00					
:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		6/26 Monday	6/27 Tuesday	6/28 Wednesday	6/29 Thursday	6/30 Friday
		Day 80	**Day 81**	**Day 82**	**Day 83**	**Day 84**
7 AM	:00	0700-1330 Vice/Narcotics	0700-0900 Legal	0700-0900 Legal	0700-1330 Domestic Violence and Domestic Dispute	0700-1330 Practical #11
	:30					Domestic
8 AM	:00		Mr. Ross	Mr. Ross		
	:30					
9 AM	:00		0900-1100 Vice/Narcotics	0900-1000 Stalking		
	:30			MPO Ranck		
10 AM	:00		PFC Longerbeam	1000-1330 Domestic Violence and Domestic Assault		
	:30					
11 AM	:00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
	:30		1130-1330 Hate Crimes			
12 PM	:00					
	:30	PFC Longerbeam	MPO Ranck	MPO Ranck	MPO Ranck	
1 PM	:00					
	:30	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics	1330-1530 Defensive Tactics
2 PM	:00	- or -	- or -	- or -	- or -	- or -
	:30	Physical Training	Physical Training	Physical Training	Physical Training	Physical Training
3 PM	:00					
	:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

	7/3 Monday	7/4 Tuesday	7/5 Wednesday	7/6 Thursday	7/7 Friday
	Day 85		**Day 86**	**Day 87**	**Day 88**
7 AM :00	0700-0900 Legal	Holiday	0700-1330 Handling Various Calls	0700-0900 Academy Test #4	0700-0900 Legal
:30					
8 AM :00				Mr. Wang	
:30	Mr. Ross				Mr. Ross
9 AM :00	0900-1100 Suicide Intervention			0900-1330 Criminal Investigation (Death Scene)	0900-1100 Stolen Auto Recovered Vehicles Abandoned Vehicles Assault
:30					
10 AM :00					
:30	MPO Jensen				MPO Davila
11 AM :00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
:30	1130-1330 Handling Various Calls				1130-1330 Lost, Missing, Abducted Persons
12 PM :00					
:30	MPO Ponsart PFC Longerbeam		MPO Ponsart PFC Longerbeam	MPO Jensen	MPO Murray
1 PM :00					
:30	1330-1530 Defensive Tactics - or - Physical Training		1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training	1330-1530 Defensive Tactics - or - Physical Training
2 PM :00					
:30					
3 PM :00					
:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

	7/10 Monday	7/11 Tuesday	7/12 Wednesday	7/13 Thursday	7/14 Friday
	Day 89	**Day 90**	**Day 91**	**Day 92**	**Day 93**
7 AM :00	0700-0900 Legal	0700-0900 Legal	0700-1530 Practical #12 Robbery In Progress	0700-0900 Legal	0700-0900 Legal
:30					
8 AM :00					
:30	Mr. Ross	Mr. Ross		Mr. Ross	Mr. Ross
9 AM :00	0900-1100 Police Suicide	0900-1100 Arson/Suspicious Fires		0900-1330 Crime Scene Sketch	0900-1330 Courtroom Preparation
:30					
10 AM :00					
:30	MPO Jensen	Captain Sobota			
11 AM :00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
:30	1130-1530 Deadly Force	1130-1230 Surveillance			
12 PM :00					
:30		MPO Murray			
1 PM :00		1230-1330 Animal Control		CSS Detective	MPO Hepler
:30		PFC Longerbeam ACO Zambrono			
2 PM :00		1330-1530 Defensive Tactics		1330-1530 Defensive Tactics	1330-1530 Defensive Tactics
:30		- or -		- or -	- or -
3 PM :00	MPO Davila	Physical Training		Physical Training	Physical Training
:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

	7/17 Monday	7/18 Tuesday	7/19 Wednesday	7/20 Thursday	7/21 Friday
	Day 94	**Day 95**	**Day 96**	**Day 97**	**Day 98**
7 AM :00	0700-0900 Legal	0700-1530 Practical #14	0700-0900 Child Services	0700-0900 Legal	0700-0900 Legal Test #2
:30		Death Scene			
8 AM :00			CIB Detective		
:30	Mr. Ross			Mr. Ross	Mr. Wang
9 AM :00	0900-1530 Practical #13		0900-1100 Arrest and Detention of Juveniles	0900-1230 Dealing with the Elderly	0900-1330 Weapons of Mass Destruction
:30	Stolen Auto Felony Assault				
10 AM :00					
:30			PFC Hill		
11 AM :00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
:30			1130-1530 NIMS Training		
12 PM :00				MPO Ranck	
:30				1230-1330 Front Desk	EOD Cotone
1 PM :00				MPO Jensen	
:30				1330-1530 Defensive Tactics	1330-1530 Defensive Tactics
2 PM :00				- or -	- or -
:30			Law Enforcement Training Unit	Physical Training	Physical Training
3 PM :00					
:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		7/24 Monday	7/25 Tuesday	7/26 Wednesday	7/27 Thursday	7/28 Friday
		Day 99	**Day 100**	**Day 101**	**Day 102**	**Day 103**
7 AM	:00	0700-1530 MCT/CICS Training	0700-1530 MCT/CICS Training	0700-1530 MCT/CICS Training	Evenings 1500-1900	Evenings 1500-2330
	:30	-or-	-or-	-or-	1500-1900 Multiple Subject Encounters	1500-2330 Practical #15
8 AM	:00					Felony Vehicle Stop
	:30	VCIN	VCIN	VCIN		Front Desk
9 AM	:00					Elderly
	:30	Cultural Diversity/Active Countermeasures	Cultural Diversity/Active Countermeasures	Cultural Diversity/Active Countermeasures		Courtroom Testimony
10 AM	:00				MPO Davila	
	:30	Mr. Wang PSCC TAC	Mr. Wang PSCC TAC	Mr. Wang PSCC TAC		
11 AM	:00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
	:30	Ground Defense	Ground Defense	Ground Defense	1930-2330 Felony Vehicle Stop	
12 PM	:00					
	:30					
1 PM	:00					
	:30					
2 PM	:00					
	:30	Mr. Allen	Mr. Allen	Mr. Allen	MPO Ponsart	
3 PM	:00					
	:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

		7/31 Monday	8/1 Tuesday	8/2 Wednesday	8/3 Thursday	8/4 Friday
		Day 104	**Day 105**	**Day 106**	**Day 107**	**Day 108**
7 AM	:00	070-0900 Academy Test #5	0700-1100 DCJS Test Review	0700-0800 FTI Program	0700-1100 State Mandated Test	Evenings 1500-2330
	:30			Lt. Davis		1500-2330 Tactical Training
8 AM	:00	Mr. Wang		0800-0900 Patrol Bureau		
	:30			Patrol Bureau Major		
9 AM	:00	0900-1100 DCJS Test Review		0900-1100 Meet with FTI's		
	:30					
10 AM	:00					
	:30					
11 AM	:00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
	:30	1130-1530 DCJS: Physical Agility Course	1130-1530 Use of Force (Officer Accounts)	1130-1330 Director's Remarks	1130-1530 Physical Fitness Assessment Post Test	
12 PM	:00					
	:30			Major Morrow		
1 PM	:00					
	:30			1330-1530 Meet with Station Commanders at Assigned Stations		
2 PM	:00					
	:30	P.T. Staff	MPO Ponsart		P.T. Staff	All Staff
3 PM	:00					
	:30					

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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

	8/7 Monday	8/8 Tuesday	8/9 Wednesday	8/10 Thursday	8/11 Friday
	Day 109	**Day 110**	**Day 111**	**Day 112**	**Day 113**
7 AM :00	0700-1530 Active Shooter	0700-1530 Gangs	0700-1530 Prism Training or Simunition Training	0700-1530 Holocaust Museum Visit 9:15 Arrival 9:30-11:30 Lunch and Discussion (**Brown Bag) 12:45-2:00 Survival Testimony	Evenings 1500-2330
:30					1500-2330 Tactical Training
8 AM :00					
:30					
9 AM :00					
:30					
10 AM :00					
:30			All Staff		
11 AM :00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
:30			Courthouse Orientation		
12 PM :00					
:30					
1 PM :00					
:30					
2 PM :00					
:30	Tac Team	Gang Unit	All Staff	Mr. Art Brown	All Staff
3 PM :00					
:30					

Aug 2006						
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Fairfax County Criminal Justice Academy

49th Session

"Training is Everything"

	8/14 Monday	8/15 Tuesday	8/16 Wednesday	8/17 Thursday	8/18 Friday
	Day 114	**Day 115**	**Day 116**		
7 AM :00	0700-1530 Multi-Cultural Diversity	0700-0900 Equipment Turn-in	0700-0900 Graduation Photographs		
:30					
8 AM :00					
:30					
9 AM :00		0900-1330 Final Evaluations	0900-1100 Graduation Preparation		
:30					
10 AM :00					
:30					
11 AM :00	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
:30			1200-1400 Open House		
12 PM :00					
:30					
1 PM :00					
:30		1330-1530 Immunization Shots			
2 PM :00					
:30	MPO Davila		1930-2130 Graduation Ceremony		
3 PM :00					
:30					

CQB CLASS DESCRIPTION

The CQB class consists of a classroom safety brief and a discussion of the techniques and drills that will be run on line. Once on line, the students are run through both dry and live fire exercises, utilizing various modified hip shooting techniques. The drills are designed to familiarize the officers with numerous different shooting positions that can be employed when engaging a threat at very close distance. The majority of the shooting is done from distances of five (5) yards and in. The drills include deploying from the holster and from various ready gun positions. Creating distance and seeking cover are also covered. The class ends with weapons cleaning and a quick debrief.

Firearms – CQB Training

Afternoon Session

1200-1300 Safety briefing, fundamentals, classroom overview

1300-1530 Dry and live fire range exercises

1530-1600 Weapons cleaning and debriefing

Evening Session

1930-2030 Safety briefing, fundamentals, classroom overview

2030-2300 Dry and live fire range exercises

2300-2330 Weapons cleaning and debriefing

FAIRFAX COUNTY POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME TORRES ADAM **DATE** 3-4-10
(Last) (First)

EIN 3681 **DUTY STATION** WEST SPRINGFIELD

WEAPON MAKE/MODEL SIG SAUER **SERIAL #** U809956

TRAINING

(X) SQUAD ( ) DIVISIONAL ( ) SPECIALITY UNITS _____

LECTURE

1) Cardinal Rules of Safety. **2)** Sighted Shots. **3)** Reflex Shooting. **4)** Elbow Tuck. **5)** Forearm Tuck. **6)** Wrist Tuck. **7)** High Tuck. **8)** 3rd. Eye. **9)** CAR – Center Axis Relock.

TYPE OF TRAINING

(X) PISTOL/CQB ( ) RIFLE ( ) LOW LIGHT ( ) BUILDING SEARCH

TOTAL HOURS OF TRAINING: 4.0

OFFICER SIGNATURE A D Torres

INSTRUCTOR'S SIGNATURE B# 2557

PD RANGE TRAINING FORM (01-03-10)

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

CJA School and Session # Inservice E learning

Course Name: 2009 Legislative Updates **Course Length:** 1 hour

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Instructor's Name: Mr. Robert Ross -L (Print) **Signature:** _____

Instructor's Name: (Print) **Signature:** _____
L-Lead Instructor A-Assistant Instructor or Apprentice

Date of Preparation: June 22, 2009

Date of Update:

Reviewed by: (Academy School Coordinator) _____ **Date:** 6-24-09

Reviewed by: (Academy Director or Designee) _____ **Date:** 6-29-09

Date of Instruction: July 1-30, 2009 SDJ ~~June 22, 2009~~

Testing Instrument:	X	Yes ✓	No
Evaluation Instrument:	X	~~Yes~~	No
Safety Protocols Taken or Safety Matrix Completed: (Explain Safety Protocols or list page #'s of the Lesson Plan where the required information can be located)	NA-Lecture Only	DVD e-learn	

Course Reference / Resources:
Selected Acts- State Code

Student Training Objective (s) – list TO #s
N/A

DEF000862

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Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

Instructional Goal:
After video lecture, students will be able to answer test questions for DCJS credit hours.

Instructional Objective:
Inform officers of legislative changes for 2009

Instructional Aids:
Windows Media Player - Video

DVD Roll Out VIA NETWORK FROM CJA.

DEF000863

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708
Lesson Plan Supplement

Lesson Outline	Instructional Activities
Selected Acts - 2009 Legislative Updates **Most changes to take affect July 1, 2009** **§ 18.2-266.1 amended.** **Underage DUI; penalties.** Clarifies that punishment for underage drinking includes, but is not limited to, license forfeiture and either a mandatory minimum fine of $500 or 50 hours of community service. HB 1868 CH. 660 **§ 46.2-1078.1 added.** **Text messaging and emailing while driving.** Prohibits operation of a motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to manually enter multiple letters or text or to read a text message. This bill provides exemptions for using global positioning systems (GPS), reading caller identification information, and using a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles. HB 1876 CH. 661 **§ 18.2-308.2 amended.** **Possession of ammunition by convicted felons; penalty.** Prohibits a convicted felon from possessing ammunition for a firearm and adds a definition of ammunition. A violation is a Class 6 felony. HB 2178 CH. 236 **§ 18.2-460 amended.** **Obstruction of justice; animal control officers.** Includes animal control officers in the misdemeanor provisions of the obstruction of justice statute. HB 2393 CH. 242 **§§ 32.1-45.1 and 32.1-116.3 amended.** **Exposure to communicable diseases; first responders.** Requires that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a manner that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. This bill removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his bodily fluids. Also, when a first responder is asked to transport someone with a communicable disease, this bill removes the transferring facility's discretion in deciding if the responder must be notified as to the general condition of the patient and any precautions to be taken, and instead always requires such notice. HB 2449 CH. 478; SB 1107 CH. 552 **§ 18.2-308 amended.** **Carrying concealed weapons; retired law-enforcement officers.** Allows retired law-enforcement officers who are qualified under federal law to carry	Bluenet - Video

DEF000864

concealed firearms to carry a concealed handgun into a restaurant that serves alcohol. SB 877 CH. 779

§§ 19.2-152.8, 19.2-152.9, and 19.2-152.10 amended.
Protective orders; sexual battery. Expands the authority of a magistrate or judge to issue any stalking protective order to include issuance when a warrant is issued for sexual battery or aggravated sexual battery. Currently, issuance of such an order predicated on a criminal act is limited to criminal offenses resulting in serious bodily injury or stalking. HB 1842 CH. 341

§§ 19.2-45, 19.2-71, and 19.2-72 amended.
Power of magistrates to issue felony arrest warrants. Provides that a magistrate may not issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer without prior consultation by the magistrate with the attorney for the Commonwealth or, if no attorney for the Commonwealth is available, without prior consultation with a law-enforcement agency. The bill also provides that a written complaint shall be required whenever practicable if the complainant is not a law-enforcement officer. HB 1874 CH. 344

§ 18.2-374.1:1 amended.
Venue for possession of child pornography. Adds a venue provision to the statute that punishes possession, transmission, and reproduction of child pornography to include the jurisdiction where the unlawful act occurs or where any child pornography is produced, reproduced, found, stored, received, or possessed in violation of the statute. HB 2397 CH. 379

§ 18.2-371.4 added.
Novelty lighters. Defines "novelty lighter" and provides that any individual who sells a novelty lighter to a person he knows or has reason to know is a juvenile is subject to a civil penalty of no more than $100. HB 2578 CH. 668

The mandatory minimum fine for underage DUI is $500 or 50 hours of community service.

T/F **TRUE**

Possession of ammunition by convicted felon is a;

a) class 6 felony
b) class 5 felony
c) class 1 misdemeanor
d) class 2 misdemeanor

Class 6 felony

This bill removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his bodily fluids.

a) First Amendment to the Constitution
b) Exposure to communicable diseases; first responders
c) The "Good Samaritan Law"
d) 1964 Privacy Act

Exposure to communicable diseases; first responders

Text messaging and emailing while driving: This bill provides an exemption for;

a) Law Enforcement Personnel
b) Using global positioning systems (GPS)
c) Emergency Response Personnel
d) Extrigent Circumstances

Novelty lighters: Any individual who sells a novelty lighter to a person he/she knows or has reason to know is a juvenile is subject to a civil penalty of:

a. no more than $100.00
b. no more than $500.00
c. no more than $50.00
d. none of the above

no more than $100.00

FAIRFAX COUNTY CRIMINAL JUSTICE ACADEMY
14601 Lee Rd
Chantilly, Virginia 20151

LESSON PLAN COVER SHEET

COURSE:

Driving While Intoxicated

COURSE LENGTH:

(20) Hours

INSTRUCTOR'S NAME:

MPO Tim Miller TM
Assisted by MPO George Murray, MPO Bill Murray, MPO Bobby Patterson, PFC Dave Parker

DATE OF PREPARATION:

May, 2006

SGT. [signature]
#2052
6-2-06

DATE OF INSTRUCTION:
May 23-26, 2006
Basic School/Fairfax County Criminal Justice Academy, Session 49

COURSE REFERENCE/RESOURCES:

Police Crime and Offenses and Motor Vehicle Laws of Virginia, 1999, Volume 1, the Michie Company, Charlottesville, Virginia.

Virginia Criminal Law and Motor Vehicle Handbook, 2003 edition, Gould Publications of Florida, Inc., Longwood, FL.

Title 18. 2, Chapter 7, Article 2, 18.2-266 through 18.2-273; Title 46.2, Chapter 3, Article 6.1, 46.2-341.24 through 46.2-341.31, Virginia Motor Vehicle Codes

Film "Unusual Diction of Driving While Intoxicated", U.S. Department of Transportation, N.H. T. S. A.

"DWI Detection and Standardized Field Sobriety Testing Student Manual" National Highway Traffic Safety Administration.

General Assembly Legislative Changes Summary 2005

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D.C.J.S. Training Objectives Covered:

2.27.1, 2.27.2, 2.27.3, 2.27.4, 2.27.5, 2.27.6, 4.46.1(a, b, c, d, e, f, g) 4.46.6(b), 4.46.7, 4.46.8,

Academy Training Objectives Covered:

15.4.1A, 15.4.2A, 15.4.3A,

FAIRFAX COUNTY CRIMINAL JUSTICE ACADEMY
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INSTRUCTIONAL GOAL:

The student will understand what steps must be taken in order to identify, arrest, and convict those who violate the DWI statute.

Performance Outcome Related to 4. 46.

Respond to and conduct preliminary or follow-up investigation of Driving Under the Influence -- Intoxicants/ Drugs.

Training Objectives Related to 4. 46.

A. Given a written exercise, identify the elements of Driving Under the Influence (DUI) related statutes of the Code of Virginia and the procedures for obtaining a blood test.
B. Given a practical exercise, conduct investigation of events related to Driving Under the Influence - intoxicants/drugs.

Criteria: The trainee shall be tested on the following:

* Definition of Driving Under the Influence - (intoxicants/drugs) and elements of the crimes with Code citations
* Observation of operator behavior to evaluate capability to operate vehicle safely
* Communication with dispatch
* Initiation of traffic stop
* Initial contact and observation for signs of impairment

* Conduct field sobriety test
  a. If driver agrees, administer field sobriety breath test
  b. If driver disagrees, evaluate for probable cause for a Driving Under the Influence arrest, if probable cause exists then arrest and advise of implied consent rights
* If unable to obtain breath sample and driver agrees, follow these procedures for obtaining a blood sample:
  a. take to hospital or lab
  b. have blood sample taken by certified medical personnel
  c. blood vials to be packaged, handled and submitted in accordance with the Division of Forensic Science ABreath Alcohol Rules and Regulations
* If driver has been arrested, take to magistrate and request blood sample again. If driver refuses in front of magistrate, charge and take to jail.

Additional Objectives:

List why the DWI arrest rate is so low.

List the peak days of the week, and hours of the day for finding intoxicated drivers.

List the legal presumptions for blood alcohol content.

Recite the proper procedures for administering a preliminary breath test (PBT).

List how a driving record and a certified copy of a prior DWI conviction can be obtained.

List what procedures must be followed to obtain an accurate blood or breath sample.

Through practical testing administer validated divided attention psychophysical tests.

The student will know the elements of the following codes:
Drunk in public; Drinking in public; Unlawful operation of a motor vehicle after illegal consumption of alcohol; Drinking while operating a motor vehicle; Unlawful sale of alcoholic beverages; and Possession of an open alcoholic beverage container.

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LESSON PLAN COVER SHEET

I. COURSE:
Driving While Intoxicated

II. LESSON
Intro and Course Objective

III. OBJECTIVES:

IV. TOTAL TIME
(1) Hour

V. INSTRUCTIONAL METHODS
Lecture

VI. TRAINING AIDS:
OVERHEADS

VII. STUDENT MATERIALS:
Notebook, Student manual

VIII. SPECIFIC RESOURCES:

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
I. Introduction	Overheads(NHTSA)
A. Each year tens of thousands people die in traffic accidents and alcohol is a major contributor to traffic deaths.	Nationally
1. More than half the drivers who die in crashes have been drinking.	
2. Most dead drinking drivers are legally intoxicated	

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
3. Alcohol related crashes are about nine times more likely to result in death than are similar crashes that do not involved alcohol	Due to increased risk taking and slowed reactions Because of excessive risk taking such as speeding – can't slow down as quickly before crashing. Show Fairfax statistics handout
B. National average is 2% of all drivers on the road at any given time are DWI	
1. The DWI problem is not the work of a few problem drinking and drug user drivers many people commit DWI at least occasionally.	
a. 1981 Psychology Today survey 41% of respondents reported that they sometimes drove while drunk.	Opinion survey
b. Random survey of drivers stopped at all hours during one week, 12% had been drinking and 2% were DWI (BAC. 10% or higher)	

LESSON OUTLINE		INSTRUCTIONAL ACTIVITIES
c.	Random surveys of driver stopped during late evening to early morning weekend hours about 10% were DWI.	With BAC .10% or more any given time, certain hours it goes up.
d.	Survey of drivers leaving bars between 9pm and 2am Friday and Saturday 1 in 7 are DWI.	Other times for high DWI rates: after Redskins games Saturday and Sunday near the boat launches. T.Q.
2.	It is estimated that the average DWI violator commits the offense about 80 times a year, and only caught about every fourth or fifth year.	From ASAP program statistics
a.	This figure is an average, it includes everyone who runs the risk of being involved in an accident while DWI.	
b.	An average from those who are DWI only one in their lives to those who are habitually DWI.	

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
II. How do we deter this problem?	Deterrence - based on public fear of being arrested
A. We must arrest enough violators to convince the general public that they will get caught if they drive while under the influence	-good chance of being caught and arrested - some will not drive so have to convince public they will get caught
B. Studies have shown that deterrence can be achieved by arresting one out of ever 500 DWI violators	Overhead (Fx. Co. Statistics)
C. Now the arrest rate is 1 in 2,000. Why is the arrest rate so low?	Approx. figure
1. DWI violators outnumber police officers.	
2. Some officers are not skilled at DWI detection; they fail to recognize and arrest many DWI violators.	
3. Some offices are not motivated.	

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
D. Arrest Rates	
1. Other studies show that for every DWI arrest, three others are stopped but not arrested.	Overhead #2
E. Arrest rates can be improved by:	This course is designed to give you the basic skill.
I. officers who are skilled at detection.	
2. willing to arrest every DWI violator detected.	
3. and have the support of their departments.	Selected Enforcement Teams Keep manpower levels up Jerry Stemler programs [redacted]
a. this arrest rate raises the cumulative probability that the violator will be arrested.	
b. it creates the fear of being arrested.	
c. it is negative reinforcement.	

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
F. Law Enforcement officers have the primary burden in detecting and apprehending the DWI violator; without the patrol officer's skill and motivation in apprehending the DWI violator, the problem of the drinking driver will never be solved.	Overhead #3 - do this for ultimate goal of increased DWI deterrence: decrease accidents, deaths and injuries.

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LESSON PLAN COVER SHEET

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
I. COURSE: Driving While Intoxicated	IV. TOTAL TIME: (3) Hours
II. LESSON: Legal Authority In DWI Enforcement	V. INSTRUCTIONAL METHODS: Lecture
III. OBJECTIVES:	VI. TRAINING AIDS:
	VII. STUDENT MATERIALS
	VIII SPECIFIC RESOURCES:

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
	4.46.1
1. 18.2-266 - Driving While Intoxicated (82-1-6) 18.2-266	Reading Assignment State Code 18.2-266 through 18.2-271.3 46.2-301,389,391,341.24-341.31
A. It shall be unlawful for any person to drive or operate any motor vehicle, engine, or train:	Worksheet TQ

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LESSON OUTLINE		INSTRUCTIONAL ACTIVITIES
1.	With a BAC of 0.08% or more (blood alcohol concentration) as indicated by chemical test administered in accordance with 18.2-268.2	charge under Fairfax County Code for DWI 82-1-6 (18.2-266) Cover 4 subsections in code Charge is "Driving While Intoxicated"
2.	While under the influence of alcohol	In signature block on summons write "ARRESTED"
3.	While under the influence of any narcotic drug or any other Self-administered intoxicant or drug or whatever nature	marijuana, PCP, cocaine, prescription drug, over the counter drugs. NOW specific amounts in code for certain drugs (specific)
4.	While under the combined influence of alcohol and any drug.	
5.		
B.	Which impairs his ability to drive or operate any motor Vehicle, engine, or train safely	
C.	Mopeds operated on the public highways are included in motor vehicles for this section.	

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LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

Notes:

An arrest for:

Manslaughter while DWI, DWI, CMV DWI, and offender has 3 prior convictions of any of these offenses- no bail to be set.

Effective 7-1-04: Exemption from CCRE reporting has been removed for DWI.

Warrantless arrest: Under 19.2-81 can arrest for DWI(accident involved) at:

Scene
Hospital
At any location within 3 hours of offense

If driver transported to medical facility for treatment, may release on summons (effective 7-1-05) in lieu of obtaining warrant (if convicted Driver would have to be CCRE'd at court).

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LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

II. 18.2.-266.1 - Juvenile Under 21 - Zero Tolerance (7-1-94)

A. It shall be unlawful for any person under the age of 21 to operate any motor vehicle after illegally consuming alcohol.

B. Such person with a B.A.C. of 0.02% but less that 0.08% as indicated by a chemical test shall be in violation under this section.

C. Punishment - forfeiture of driver's license for a period of six months, and

D. Fine not more than $500.00.

E. Can attend A.S.A.P. and is eligible for a restricted license.

F. Charge will be:
Drive after illegal consumption of alcohol.

Note: Seven day Admin. Suspension now applies to this charge(if BAC .02 and up). Effective 7-01-03

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
Case law defining drive or operate:	
1. Drive: <u>means the vehicle is in motion</u>.	*Gallagher v. Commonwealth 1971 - defendant was arrested after officer found him sitting at the steering wheel. Stuck in a ditch with motor running and right rear tire spinning (Not limited to movement)
2. Operate: <u>means to be in actual physical control</u>.	
a. Engine running and suspect behind the wheel	*Nicholls v. Commonwealth 1971 - State Trooper observed a vehicle in lane of travel (completely) on pavement. Motor on. It was snowing, roads slippery, driver was slumped over wheel. Hands at side-not limited to movement.
b. Car can even be disabled due to a crash or stuck In a ditch	
C. Arrests may be made for an offense committed on public highway or private property open to the public; <u>moped</u> must be on public highway.	Parking lots; shopping centers.

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
D. Burden of Proof	
Commonwealth must show that the:	1992 - Stevenson vs. City of Falls Church; Def. asleep in back seat, key in ignition(off); Court of Appeals of VA overturned.
1. Suspect was <u>driving</u> or <u>operating</u> a motor vehicle.	
2. Suspect was <u>intoxicated</u>, or under influence of intoxicants while he was driving or operating	through actions, odors, statements (What if no chemical test taken)?
3. And <u>Impaired</u>	Nicholls vs. Commonwealth: Driver stopped in travel lane, snowy, arms at side, motor running. (VSP)
There can be no conviction unless there is evidence tending to establish the erratic behavior .	
E. Miranda Warning	
1. Investigative Stop - don't need Miranda	
2. Once under arrest, Mirandize if you continue to question about offense	

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
III. 18.2-267 - Preliminary Analysis of breath to determine alcoholic content of blood	Also-sensor (P.B.T); Show PBT advice card; Or County Code TQ 4.46.6a 4.46.6b(refuses PBT)
A. Any person suspected of a violation 18.2.-266/266.1/272 shall be entitled, if such equipment be available, to have his breath analyzed to be determine probable alcoholic content of his blood.	
B. Shall be entitled, upon request to observe the process and reading.	
C. Has right to refuse and failure to submit shall not be evidence (can't be admitted)	preliminary analysis
D. Shall advise citizen of this right if suspected of violating 18.2-266/ 18.2-266.1 or other similar ordinance of city, county, or town.	
IV. 18.2-268.2 - Implied consent to post arrest chemical test to determine drug or alcohol content of blood.	Show Implied Consent Card
A. any person, whether licensed by Virginia or not, who operates a motor vehicle upon the private or public highways in the Commonwealth shall be deemed as a condition of such operation to have a sample of his breath taken for a chemical test to determine the alcoholic content.	Virginia and out of state (TQ) public highways for refusal 4.46.7 Edwards V Va Beach (does not apply to private property - Chic Fl-A)

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
B. Shall submit to a breath test. If breath test is unavailable or the person is physically unable to submit to the breath test, a blood test shall be given.	
C. The accused shall, prior to administration of the test, be advised by person administering the test that he has a right to observe the process of analysis, and to see the blood-alcohol results on the equipment used to perform the breath test. If produces a printout, the accused shall be given a copy.	
D. Person may be required to submit to a blood test to determine the drug or both drug and alcohol content of his blood, even when a person submits to a breath test in accordance with law, or refuses to take or is incapable to taking such a test to determine the drug or both the drug and alcohol content of his blood if law enforcement officer has reasonable cause to believe person was driving under the influence of any drug or combination of drugs and alcohol.	
E. If arrest for any violation of 18.2-266, 18.2-266.1, 18.2-272 or similar ordinance within three hours of alleged offense (three hours effective 7-1-02)	T.Q.

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LESSON OUTLINE	**INSTRUCTIONAL ACTIVITIES**

V. 18.2-268.3 - Refusal of Tests

A.	You are advised that the unreasonable refusal to submit to a chemical test shall constitute grounds for the revocation of the privilege to operate a motor vehicle upon the highways of the Commonwealth (1 year)	Refusal can be admitted only to explain lack of BAC results
B.	Accused is then asked to sign an Implied consent form. Officer will then check if subject refusing test or not. If subject refuses test then summons/warrant is obtained/issued for refusal.	Show Implied Consent form T.Q. (4.46.8) Complete Consent form 4.46.8
C.	The accused may be required to take both a breath and blood test if the arresting officer has reasonable cause to believe the person was under the influence of any other drug or combination of drugs or the combination of alcohol and drugs. Could take breath, then refuse blood.	Charge 18.2-268.3(A)
D.	Refusal form is documentary evidence; the officer will sign it, and get witness to sign(normally magistrate)	Eff. 7-1-05 only complete for subject that refuses, but read to all arrestees.

E. 1st Offenses : License suspended for 1 year(18.2-268.4)
F. 2nd Offense within 10yrs of DWI/refusal conviction: Class 2 Misd.
G. 3rd Offense within 10yrs of 2 prior DWI/refusal convictions: Class 1 Misd.

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LESSON OUTLINE	**INSTRUCTIONAL ACTIVITIES**
VI 18.2-268.4 - Sanctions for Refusal	
A. Court suspends privilege to drive for a period of <u>one</u> year, which is in addition to any suspension for original DWI charge.	1st: 1 year 2nd/ 3rd: 3 years (prior DUI/Ref)
B. If defendant pleads guilty to D.U.I the court may dismiss the warrant or summons.	
VII 18.2-268.5 - Qualifications of persons authorized to take blood samples.	4.46.7
A. Only physician, registered nurse, licensed practical nurse, graduate lab technician, phlebotomist, or technician or nurse certified by the Circuit Court may draw blood for the test.	
B. Must use <u>soap</u> and <u>water</u> or products as as specified in code.	
VIII 18.2-268.6 - Transmission of samples	4.46.7
A. Blood shall be placed in vials provided by the Division of Forensic Science	DFS kit (show Pic)
B. Vials shall be <u>sealed</u> by the person drawing blood.	
C. Person drawing sample completes the Withdrawal Certificate(attached to vials).	

LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

D. Officer mails vials to Division of Forensic Science 4.46.7

E. One vial analyzed, second vial held for 90 days.

F. Defendant(Attorney) has 90 days to request court order for state lab to send remaining sample to independent lab(Eff. 7-1-03).

IX. 18.2-268.7 - Transmission of Blood Test Results, Use as Evidence

A. Certificate of analysis with the withdrawal certificate shall be returned to the clerk of the court where charge will be heard.

B. Vial and blood shall be destroyed by lab upon completion of analysis.

C. Same goes for defendant's sample.

D. Certificates are admissible in a court as evidence of the facts (7-1-94)

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LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

X. 18.2-269 Presumptive Levels of Blood Alcohol

A. 0.05% or less presumed that the accused was not under the influence of alcohol.

B. Excess of 0.05% to less than 0.08% shall not give to any presumption but can be presented with other competent evidence to determine guilt or innocence.

C. 0.08% or more accused shall be presumed to have been under the influence of alcohol intoxicants.

D. It is not necessary to have a chemical test to obtain conviction.

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LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

XI. 18.2-270 - Penalty for DWI

A. First conviction is punishable as a class 1 misdemeanor.

1. Not more than 12 months in jail
   - .15 to .19 min 5 days additional
   - .20 & up 10 days additional
2. Not more than $2,500.00 fine. Mandatory Min. $250 Eff. 7-1-03
3. Or both

B. For a second conviction within less than five years after the first DWI conviction:

1. Fined not less than $500.00 nor more than $2,500.00.

2. Confinement in jail not less than one month nor more than one year.

3. Twenty days of jail confinement shall be mandatory minimum sentence not subject to suspension by the court.

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES

C. Second conviction between five and 10 years of the first conviction.

1. Fine not less than $500 nor more than $2,500.00, or confinement in jail for not less than one month nor more than one year in jail(10 days Mand. Min.)

A.S.A.P. - 1st or 2nd charge

Ignition Interlock system (Effective 7-1-95)

Any 2nd offense within ten years of first: .15-.19: 10 days; .20 & up: 20 days

D. For a third conviction within ten years of the first conviction:

1. Minimum $1,000 fine
2. Punishable as Class 6 Felony (1-5 years in prison); Min. 90 days.
3. Third within five years, min 6 months.

Correctional Guidelines:
Must Serve:
Felony 85%
Misd 50%

E. Fourth conviction within 10 years of first conviction:

1. Mandatory minimum 1 yr prison term (no part can be suspended)
2. Probation for period of OL suspension not to exceed 3 years
2. Mand. $1,000 fine

LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

F. Felony conviction for DWI

1. Veh. solely owned/operated by accused subject to seizure and forfeiture
2. If vehicle sold prior to seizure Commonwealth has right to action for proceeds of sale

2. Conviction of 18.2-266 with Juvenile 17 or younger in vehicle at time of arrest:
   1. Additional fine of $500-1,000
   2. Eff. 7-1-03 Min. 5 day jail sentence

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LESSON OUTLINE	**INSTRUCTIONAL ACTIVITIES**
XII. 18.2-270.1 Ignition Interlock System	Explain system
A. May be required by court as part of sentencing for 18.2-266/46.2-341.24 Not less than 6 months(for Restr. Lic.).	For each veh. owned by defendant.
B. Required on 2nd offense	
C. Req'd. for any BAC over 0.15% on 1st or 2nd	
XIII. 18.2-271 - Forfeiture of Driver's Licenses	TQ 4.46.1
A. First Conviction	
1. License suspension for a period of one year from the date the license is surrendered tot he court or DMV.	1st and 2nd can go to ASAP
B. Second Conviction within ten years of the first.	
1. License suspension for three years from the date the license is surrendered to the court or D.M.V.	
2. Two years may be suspended upon completion of ASAP	1 year suspended last 2 years restricted license
C. Third conviction (or subsequent) conviction within ten years	
1. Not eligible for referral to ASAP	
2. License revoked indefinitely and license surrendered to court	May petition court after 5 yrs for Restr. Lic. w/ ignition Interlock device

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LESSON OUTLINE	**INSTRUCTIONAL ACTIVITIES**
XIV 18.2-271.1 Probation, Education, & Rehabilitation	
A. For 1st and 2nd offense shall enter ASAP 1. Unless ASAP decides not appropriate	May voluntarily enter prior to court date
B. Authorizes restricted licenses for those entering and complying with ASAP	2nd within 5 yrs can require ignition interlock system
C. Court issuing restricted license maintains jurisdiction over case.	
XV 46.2-301 Driving while suspended/revoked	TQ 4.46.1
A. Conviction for DOS can result in up to additional 90 day impoundment of driver's vehicle if vehicle impounded under 46.2-301.1; In addition to any other penalties. First offense class 1 misdemeanor; Second offense class 1 misdemeanor.	
B. 46.2-301.1 If arrested for 46.2-301 and suspension was alcohol related, vehicle is admin. impounded for 30 days, 1. Except rental/lease vehicles a. must notify rental company 2. Vehicle owned by another person can petition court for release.	
C. 18.2-272 1. Anyone who drives after being deprived of their right shall be guilty of a Class 1 Misd. 2. Violation to drive on Restricted Lic. w/ BAC of 0.02% or more(entitled to PBT).	

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES

XVI 46.2-389 Required 1 year revocation/not reissued for certain convictions(from VA and other states): TQ 4.46.1

1. 18.2-266 DWI
2. 18.2-272 Driving after forfeiture for DWI
3. 18.2-51.4 Maiming while DWI*
4. 18.2-36.1 Manslaughter while DWI*
5. 46.2-341.24 CMV DWI

* Conviction carries 10 year term

XVII 46.2-391 Revocation of license for 2nd / 3rd DWI TQ 4.46.1

1. Second conviction; three year revocation
2. Third conviction; ten year revocation
   1. Can petition court for restricted license after 5 years

XVIII 46.2-391.2 Administrative License Revocation (ALR)

A. Automatic suspension of driver's license for 7 days:

1. If unreasonably refuse to submit to a test to determine alcohol content, or
2. If takes test and in indicates alcohol content 0.08% or higher, and
3. Warrant is issued for 18.2-266/266.1
4. Zero Tolerance(under 21/ 0.02-0.07% BAC)
5. 2nd Offense: 60 days or until trial date — Not less than 7 days
6. 3rd Offense: until trial date — Not less than 7 days

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LESSON OUTLINE	**INSTRUCTIONAL ACTIVITIES**
XIX 46.2-341.24 CMV DWI	TQ 4.46.1
1. CMV DWI (0.08% and up); or DUI (0.04% to 0.07%); or see 46.2-341.31 (any alcohol)	GVWR 26,001 or more 16 passenger vehicle any haz-mat carrier
2. 46.2-341.26:3 CMV refusal to submit to test.	
XX 18.2-51.4 Maiming resulting from DWI	
1. Class 6 felony 2. License revoked for 10 yrs.	
XXI 18.2-36.1 Involuntary manslaughter resulting from DWI	NOW Boating DUI (Eff 7-1-05)_
A. Involuntary <u>if</u> no reckless behavior 2. Aggravated Involuntary if there was disregard for human life 1. Felony 2. 1-20 yrs, with 1 yr minimum C. OL suspended indefinitely (10 yrs.)	

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LESSON OUTLINE | **INSTRUCTIONAL ACTIVITIES**

Other Alcohol Related Codes:

I 4.1-308 Drinking in Public — TQ 2.27.2
County Code: (5-1-27)

A. Any person takes a drink of alcoholic beverages or tenders a drink to another whether accepted or not in any public place (public has access) highway, park, etc.

B. Class 4 Misdemeanor not more than $250.00

II 4.1-309 Drinking or Possessing Alcoholic Beverage in or on School Grounds — TQ 2.27.6

A. No person shall possess or drink alcoholic beverages in or upon the grounds of any public elementary or secondary school,

B. During school hours, or school activities.

C. Class 2 Misdemeanor.

III 18.2-323.1 Drinking While Operating A Motor Vehicle. — TQ 2.27.1

A. Unlawful to consume an alcoholic beverage while driving a motor vehicle upon a public highway.

B. Class 4 Misdemeanor

Open container in passenger area (partially consumed) and driver has consumed alcoholic beverage

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
IV State 18.2-388 - Drunk in Public County 5-1-1	TQ 2.27.5 no sobriety tests req'd
A. Intoxicated in public	
B. Whether cause by any drugs, alcohol or narcotic drug.	
C. Class 4 Misdemeanor	Possible alternative: Fx Co Detox Center
V. 5.1-25 - Possession of Open alcoholic beverage container	County Code
A. Not required person(s) in possession be actually observed drinking it.	
B. Public property (not home or yard)	
C. Traffic stop and try to hide it.	
D. Or dead end - around car with Beer cans	
E. Class 4 Misdemeanor.	

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LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

VI 4.1-305 Possession of alcohol by minor TQ 2.27.3

1. No person under 21, interdicted or intoxicated

B. Shall possess alcohol, except
1. Delivery for employment
2. Delivery ordered by parent
3. For law enforcement purposes

C. Class 1 Misdemeanor
1. Min. $500 fine or
2. Min.50 hrs Comm. Service
3. Up to 1 yr OL suspension(Restr. Lic. Possible)

Monitored by ASAP or Community based Probation Program

7-01-06 Mandatory min. 6 months on O.L. for one who provides alcohol

VII 4.1-304 Unlawful sale of alcoholic beverages TQ 2.27.4

Unlawful to sell/provide/assist in providing to persons who you have reason to believe are:

A. less than 21 years of age
B. interdicted
C. intoxicated

Class 1 misdemeanor.
Effective 7-1-05: Loss of Drivers License for up to 1 year.

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LESSON PLAN COVER SHEET

LESSON OUTLINE

I. COURSE
Driving While Intoxicated

II. LESSON:
Detection and Pre-arrest Testing

III. OBJECTIVES:

INSTRUCTIONAL ACTIVITIES

IV. TOTAL TIME:
(2) Hours

V. INSTRUCTIONAL METHODS:

VI. TRAINING AIDS:
Overhead, Video

VII. STUDENT MATERIAL:

Student Manual
NHTSA Tape

VIII. SPECIFIC RESOURCES:

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES

I. DWI Detection

A. The entire process of identifying and gathering evidence to determine whether or not a suspect should be arrested for a DWI violation. — Overhead

B. The detection process begins when the police officer first suspects that a DWI violation may be occurring and ends when he officer decides to arrest or release the suspect.

1. The arrest/no arrest Decision is based on all The evidence that is gathered.

2. A good officer would proceed Carefully through a series of Steps in an attempt to obtain The best evidence possible to Support his case.

C. Detection Phases

1. Phase One - vehicle in motion — Overhead

2. Phases Two - personal contact

3. Phase Three - pre arrest screening

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES

D. Task and decision

1. Each phase usually involves two major tasks and one major decision. — Overhead

   a. Phase one, vehicle in motion 2 tasks, 1 decision

      1. Observe the vehicle in operation
      2. Decide whether or not to stop the vehicle
      3. Observe the stopping sequence

   b. Phase two, personal contact — Overhead

      1. Contact and interview The driver
      2. Decide whether or not to have the driver exit the car.
      3. Observe the driver's exit and walk.

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
c. Phase three, pre-arrest	Overhead
1. Conduct formal psycho-physical test	mental process/body performs
2. Decide if there is sufficient probable cause to arrest	
3. Administer preliminary breath test	
2. Decision can have one of three outcomes	Overhead
a. yes, do it now	
b. wait to look for additional evidence	
c. no, don't do it	
II. Vehicle In Motion	
A. Drivers who are under the influence of alcohol, drugs , or both frequently exhibit certain symptoms of impairment	Overhead

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
1. Slowed reactions 0.03%	
2. Impaired judgment risk asking 0.05%	
3. Impaired vision 0.08%	
4 Poor coordination 0.10%	
B. Visual DWI detection clues	
These symptoms manifest themselves in predictable driving maneuvers	
The visual clues presented on this guide are listed in a descending order of probability that the person observed is driving while intoxicated.	4.46.2
1. Turning with wide radius	(Video #1 (20 Minutes)
2. Straddling center or lane marker	1-20 T.Q.
3. Appearing to be drunk - sits forward in seat	
4. Almost striking objects or vehicle	Film-Visual Detection of Driving While Intoxicated
5. Weaving	
6. Driving on other that designated roadway - down the shoulder, median, sidewalk	

LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

7. Swerving - sudden jerking of wheel.

8. Slow speed (more than 10 MPH below limit)

9. Stopping (without cause in traffic lane)

10. Following to closely

11. Drifting

12. Tires on center or lane marker

13. Braking erratically

14. Driving into opposing or crossing traffic

15. Signaling inconsistent with driving actions

16. Slow response to traffic signals

17. Stopping inappropriately (other than in lane)

18. Turning abruptly or illegally

19. Accelerating or decelerating rapidly

20. Headlights off

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES

C.. Divided Attention

1. Safe driving demands the ability to divide attention among the various tasks needed to operate an automobile: steering, controlling the acceleration, signaling, braking, clutch, gear shift, other traffic, signal lights and signs.

2. As a result of alcohol or drug impairment, the driver tends to concentrate on only the most important task and disregard the less important takes.

D. Decision to stop(4.46.4)

Pick a safe location
Advise PSCC(4.46.3)

E. Stopping Sequence

1. Reinforcing Clues

   a. an attempt to flee
   b. no response
   c. slow response
   d. abrupt swerve
   e. sudden stop
   f. striking curb or other object.

LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

2. Stopping itself requires the driver to deal with a new situation.

    a. recognize and react to the emergency equipment
    b. simultaneously turn and slow the car
    c. all of this done on someone else's command

3. The officer must be able to recognize and describe these actions.

4. This phase may not occur in accident scenes.

III. Personal Contact (second phase)

A. Task one, it begins as soon as the suspect vehicle comes to a complete stop. It continues through the officer's approach and involves all the conversation with the suspect prior to the driver's exit from the vehicle.

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
1. During face to face contact the officer uses three senses to gather evidence.	4.46.5 Overhead
a. Sight	
1. bloodshot eyes	
2. soiled clothing	
3. fumbling fingers	
4. alcohol containers	
5. drugs or paraphernalia	
b. Hearing	Overhead
1. slurred speech	
2. admission of drinking	
3. inconsistent responses	
4. abusive language	
5. unusual statements	
c. Smell	
1. alcoholic beverages	
2. marijuana	
3. PCP	
4. unusual odors	
2. Pre-exit test	
a. asking for two things simultaneously	divided attention
1. license and registration forgets to produces both documents.	

LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

2. produces documents
   other than those requested.
3. fails to see license
   or registration while searching
   through wallet, purse, or
   glove box.
4. fumbles or drops documents
   or throws other papers
   on seat, lap, or floor

b. asking interrupting or distracting question during the search for the documents

1. where are you coming from
   And where are you going
2. without looking at your watch,
   do you know what time it is.
3. where are you now?
4. are you tired, ill,
   taking any medication?
5. have you been drinking
   how much, when?

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
c. Clues to look for: 1. ignores the question and concentrates only on obtaining the license 2. forgets to resume the search. 3. after answering the question, supplies a grossly, incorrect answer.	At this time no Miranda rights
B. Decision - does driver exit the car or not	Request driver exit 4.46.6(a) agrees (b) disagrees
C. Exit sequence	Task Two
Cues: 1. Shows angry or unusual reactions 2. Cannot follow instructions 3. Cannot open the door 4. Leave the vehicle in gear 5. Climbs out of the vehicle 6. Leans against the vehicle 7. Keeps hand on the vehicle for balance.	

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
IV. Pre-Arrest Screening	
A. Task one - administer structured psychophysical sobriety test	
1. Tests are designed to assess a suspect's mental and physical impairment	Mental being - comprehension of verbal instructions, processing of information, recall of memory
2. Are designed to simulate the divided attention characteristics of driving	Physical being - balance, coordination and recall
3. The test uses the same mental and physical capabilities that are required when driving	Must ask as if driver has any physical condition that could effect test, or could have effected driving (disability diabetic, epilepsy, etc.) Important Ref. American with Disabilities Act.
a. information processing	
b. short term memory	
c. judgment and decision making	
d. balance	
e. sure reactions	
f. clear vision	
g. small muscle control	
h. coordination	

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
4. Test must be simple enough for a sober person to perform	
B. Walk and turn. Two stages: instruction and walking	Overhead
1. Instruction Stage	
a. Initial positioning and verbal instructions	only need 2 clues out of 8 68% accurate Overhead
1. Place your left foot on the line.	
2. place your right foot against the toe of your left foot (demonstrate) and keep your hands at your side.	
3. maintain this position until I tell you to start walking.	
4. Do you understand the instructions.	

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
b. Demonstration and instructions for the walking stage	
1. When I tell you to start, you will take nine heel-to-toe steps down the line, turn around and take nine heel-to-toe steps back up the line (Demo 2-3 steps)	
2. When you turn, keep your front foot on the line and turn by taking a series of small steps with the other foot, like this.	Demo
3. While you are walking keep your arms to your sides, watch your feet at all times and count your steps out loud.	
4. Once you start walking don't stop until you have completed the test.	
5. Do you understand the instructions.	
6. You may begin and count your first step as one.	

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LESSON OUTLINE			INSTRUCTIONAL ACTIVITIES
	2.	Walking Stage Observe and note how the suspect performs	
	3.	Test interpretation	Overhead
	a.	cannot keep balance while listening to instructions	2 out of 8
INSTRUCTION PHASE		Do not score a point if the person uses arms for balance only if they step out of the heel-to-toe position. Break in legs	
	b.	starts before the instructions are finished.	
	c.	stops while walking	
	d.	does not touch heel-to-toe more than1/2 inch space	
	e.	steps off the line	
	f.	uses arms for balance more than six inches from sides	
	g.	improper turn	
	h.	incorrect number of steps	

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES

i. Automatic failure if steps off line 3 or more times nearly falls, or leg lock
j. cannot do the test

4. Test Conditions

a. hard, level surface, with straight line.
b. persons 50 + pounds over weight could have trouble — 60 years of age
c. check shoes, give opportunity to remove if heels two inches or more.

5. Scoring and Notes — 68% correctly classifies

a. record how many times suspect exhibited a cue — Overhead
b. describe suspect's performance (stumbled, flapping arms, etc)
c. exhibits two or more cues BAC .10% +

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LESSON OUTLINE			INSTRUCTIONAL ACTIVITIES
C.	One leg stand - two stages		Instructional
			balance & counting
	1.	Instruction Stage	Overhead
			65% accurate
		a. stand with your heels together and your arms to your sides, like this demonstrate to suspect.	
		b. do not start until I tell you to begin the test	think officer safety
		c. do you understand	
		d. when I tell you to start raise one foot off the ground, with your knee straight and your heel 6 inches off ground about six inches off the ground, demonstrate to suspect.	
		e. with your leg in that position, I want you to count from one to 30 like this, 1000-1, 1000-2 1000-3, etc. All the way to 30.	
		f. when I tell you to begin, raise either foot you choose watch that foot, keep your arms to your side , count out loud, and do not stop until you have completed the test.	
		g. do you understand.	
		h.. you may begin	

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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
2. Test Interpretation	2 out of 8 Overhead
a. sways while balancing	65% accurate
b. uses arms for balance	
c. hopping	Overhead O-L-S Scoring
d. puts foot down	can terminate if puts foot down
e. cannot do test	3 or more times or nearly falls
	(30 second lapse)
3. Test Condition	60 years of age
a. same as with walk and turn.	
4. Field Notes	Show film of field test
	Video # 2
a. describe suspect's performance	Video # 3
b. record how many times each clue is exhibited	
D. Other Field Tests	Handout
1. Alphabet	
2. Counting backwards	
3. Finger count	
4. Finger to nose	
5. Pick-up the coin	

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
E. Horizontal case nystagmus commonly determines alcohol use, PCP, certain inhalants & CNS - depressants 1. Involuntary jerking of the eyes as eyes gaze toward the side, it is natural and normal - alcohol does not cause it - exaggerates of magnifies it. 2. Physiological - most common, keeps eyes form tiring.	See Manual handout

OVERVIEW OF NYSTAGMUS

Nystagmus

Nystagmus is defined as an involuntary jerking of the eyes. Alcohol and certain other drugs cause Horizontal Gaze Nytagmus.

Categories of Nystagmus

There are three general categories of nystagmus:

1. Vestibular Nystagmus is caused by movement or action to the vestibular system.

   A. Types of vestibular nystagmus:

   - Rotational Nystagmus occurs when the person is spun around or rotated rapidly, causing the fluid in the inner ear to be disturbed. If it were possible to observe the eyes of a rotating person, they would be seen to jerk noticeably.

   - Post Rotational Nystagmus is closely related to rotational nystagmus: when the person stops spinning, the fluid in the inner ear remains disturbed for a period of time, and the eyes continue to jerk.

   - Caloric Nystagmus occurs when fluid motion in the canals of the vestibular system is stimulated by temperature as by putting warm water in one ear and cold in the other.

   - Positional Alcohol Nystagmus (PAN) occurs when a foreign fluid, such as alcohol, that alters the specific gravity of the blood is in unequal concentrations in the blood and the vestibular system.

2. Nystagmus can also result directly from neural activity:

   - Optokinetic Nystagmus occurs when the eyes fixate on an object that suddenly moves out of sight, or when the eyes watch sharply contrasting moving images.

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Examples of optokinetic nystagmus include watching strobe lights, rotating lights, or rapidly moving traffic in close proximity. The Horizontal Gaze Nystagmus test will not be influenced by optokinetic nystagmus when administered properly.

- Physiological Nystagmus is a natural nystagmus that keeps the sensory cells of the eye from tiring. It is the most common type of nystagmus. It happens to all of us, all the time. This type of nystagmus produces extremely minor tremors or jerks of the eyes. These tremors are generally too small to be seen with the naked eye. Physiological nystagmus will have no impact on our Standardized Field Sobriety Tests, because its tremors are generally invisible.

- Gaze Nystagmus occurs as the eyes move from the center position. Gaze nystagmus is separated into three types:

  (1) Horizontal Gaze Nystagmus occurs as the eyes move to the side. It is the observation of the eyes for Horizontal Gaze Nystagmus that provides the first and most accurate test in the Standardized Field Sobriety Test battery. Although this type of nystagmus is most accurate for determining alcohol impairment, its presence may also indicate use of certain other drugs.

  (2) Vertical Gaze Nystagmus is an up and down jerking of the eyes which occurs when the eyes gaze upward at maximum elevation. The presence of this type of nystagmus is associated with high doses of alcohol for that individual and certain other drugs. The drugs that cause Vertical Gaze Nystagmus are the same ones that cause Horizontal Gaze Nystagmus.

  Note: There is no drug that will cause Vertical Gaze Nystagmus that does not cause Horizontal Gaze Nystagmus. If Vertical Gaze Nystagmus is present and Horizontal Gaze Nystagmus is not, it could be a medical condition.

  (3) Resting Nystagmus is referred to as a jerking of the eyes as they look straight ahead. Its presence usually indicates a pathology or high doses of a drug such as PCP. If detected, take precautions. **(OFFICER SAFETY.)**

3. Nystagmus may also be caused by certain pathological disorders. They include brain tumors and other brain damage or some diseases of the inner ear. These pathological disorders occur in very few people and in even fewer drivers.

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Medical Impairment

The examinations that you can conduct to assess possible medical impairment include:

- o Pupil size
- o Resting Nystagmus
- o Tracking ability

PROCEDURES

Procedures to Assess Possible Medical Impairment

Prior to administration of HGN, the eyes are checked for equal pupil size, resting nystagmus, and equal tracking (can they follow an object together). If the eyes do not track together, or if the pupils are noticeably unequal in size, the chance of medical disorders or injuries causing the nystagmus is present.

Procedures of Horizontal Gaze Nystagmus Testing: The Three Clues

The test you will use at roadside is "Horizontal Gaze Nystagmus" -- an involuntary jerking of the eyes occurring as the eyes gaze toward the side. Some jerking will be seen if the eyes are moved far enough to the side.

1. The Lack of Smooth Pursuit (Clue Number One) - The eyes can be observed to jerk or "bounce" as they follow a smoothly moving stimulus, such as a pencil or penlight. The eyes of an unimpaired person will follow smoothly, i.e., a marble rolling across a smooth pane of glass, or windshield wipers moving across a wet windshield.

2. Distinct and Sustained Nystagmus At Maximum Deviation (Clue Number Two) - Distinct and sustained nystagmus will be evident when the eye is held at maximum deviation for a minimum of four seconds. People exhibit slight jerking of the eye at maximum deviation, even when unimpaired, but this will not be evident or sustained for more than a few seconds. When impaired by alcohol, the jerking will be larger, more pronounced, sustained for more than four seconds, and easily observable.

3. Onset of Nystagmus Prior To 45 Degrees (Clue Number Three) - The point at which the eye is first seen jerking. If the jerking begins prior to 45 degrees it is evident that the person has a BAC above 0.08, as shown by recent research.

   The higher the degree of impairment, the sooner the nystagmus will be observable.

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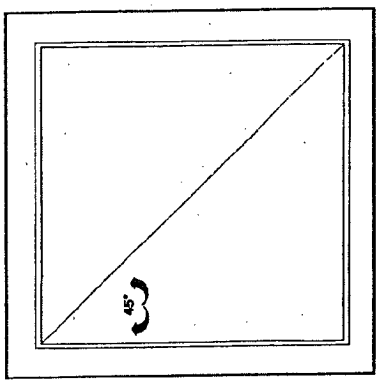
Estimating a 45-Degree Angle

It is important to know how to estimate a 45-degree angle. How far you position the stimulus from the suspect's nose is a critical factor in estimating a 45-degree angle. (i.e., If the stimulus is held 12" in front of the suspect's nose, it should be moved 12" to the side to reach 45 degrees. Likewise, if the stimulus is held 15" in front of the suspect's nose, it should be moved 15" to the side to reach 45 degrees.)

For practice, a 45-degree template can be prepared by making a 15"-square cardboard and connecting its opposite corners with a diagonal line.



To use this device, hold it up so that the person's nose is above the diagonal line. Be certain that one edge of the template is centered on the nose and perpendicular to (or, at right angles to) the face. Have the person you are examining follow a penlight or some other object until suspect is looking down the 45-degree diagonal. Note the position of the eye. With practice, you should be able to recognize this angle without using the template.

Specific Procedures

If the suspect is wearing eyeglasses, have them removed.

Give the suspect the following instructions from a safe position. **(FOR OFFICER SAFETY KEEP YOUR WEAPON AWAY FROM THE SUSPECT):**

- "I am going to check your eyes."
- "Keep your head still and follow this stimulus with your eyes only."
- "Keep following the stimulus with your eyes until I tell you to stop."

Position the stimulus approximately 12-15 inches from the suspect's nose and slightly above eye level. Check to see that both pupils are equal in size. If they are not, this may indicate a head injury. You may observe Resting Nystagmus at this time, then check the suspect's eyes for the ability to track together. Move the stimulus smoothly across the suspect's entire field of vision. Check to see if the eyes track the stimulus together or one lags behind the other. If the eyes don't track together it could indicate a possible medical disorder, injury, or blindness.

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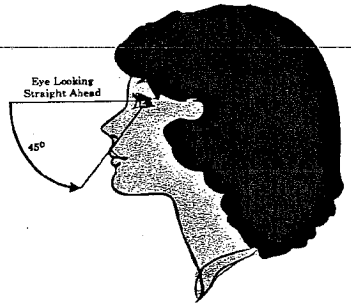
Check the suspect's left eye by moving the stimulus to your right. Move the stimulus smoothly, at a speed that requires approximately two seconds to bring the suspect's eye as far to the side as it can go. While moving the stimulus, look at the suspect's eye and determine whether it is able to pursue smoothly. Now, move the stimulus all the way to the left, back across suspect's face checking if the right eye pursues smoothly. Movement of the stimulus should take approximately two seconds out and two seconds back for each eye. Repeat the procedure.



After you have checked both eyes for lack of smooth pursuit, check the eyes for distinct and sustained nystagmus at maximum deviation beginning with the suspect's left eye. Simply move the object to the suspect's left side until the eye has gone as far to the side as possible. Usually, no white will be showing in the corner of the eye at maximum deviation. Hold the eye at that position for a minimum of four seconds, and observe the eye for distinct and sustained nystagmus. Move the stimulus all the way across the suspect's face to check the right eye holding that position for a minimum of four seconds. Repeat the procedure.

Note: Fatigue Nystagmus. This type of nystagmus may begin if a subject's eyes are held at maximum deviation for more than 30 seconds.

Next, check for onset of nystagmus prior to 45 degrees. Start moving the stimulus towards the right (suspect's left eye) at a speed that would take approximately four seconds for the stimulus to reach the edge of the suspect's shoulder. Watch the eye carefully for any sign of jerking. When you see it, stop and verify that the jerking continues. Now, move the stimulus to the left (suspect's right eye) at a speed that would take approximately four seconds for the stimulus to reach the edge of the suspect's shoulder. Watch the eye carefully for any sign of jerking. When you see it, stop and verify that the jerking continues. Repeat the procedure. NOTE: It is important to use the full four seconds when checking for onset of nystagmus. If you move the stimulus too fast, you may go past the point of onset or miss it altogether.

If the suspect's eyes start jerking before they reach 45 degrees, check to see that some white of the eye is still showing on the side closest to the ear. If no white of the eye is showing, you either have taken the eye too far to the side (that is more than 45 degrees) or the person has unusual eyes that will not deviate very far to the side.

ADMINISTRATIVE PROCEDURES

1. CHECK FOR EYEGLASSES
2. VERBAL INSTRUCTIONS
3. POSITION STIMULUS (12-15 INCHES)
4. EQUAL PUPIL SIZE AND RESTING NYSTAGMUS
5. TRACKING
6. LACK OF SMOOTH PURSUIT
7. DIST. & SUSTAINED NYSTAGMUS @ MAX. DEV.
8. ONSET OF NYSTAGMUS PRIOR TO 45°
9. TOTAL THE CLUES
10. CHECK FOR VERTICAL GAZE NYSTAGMUS

DEF000922

NOTE: Nystagmus may be due to causes other than alcohol. These other causes include seizure medications and some other drugs. A large disparity between the performance of the right and left eye may indicate a medical condition.

Test Interpretation

You should look for three clues of nystagmus in each eye.

1. The eye cannot follow a moving object smoothly.
2. Nystagmus is distinct and sustained when the eye is held at maximum deviation for a minimum of four seconds.
3. The angle of onset of nystagmus is prior to 45 degrees.

Based on the original research, if you observe four or more clues it is likely that the suspect's BAC is above 0.10. Using this criterion you will be able to classify about 77% of your suspects accurately. This was determined during laboratory and field testing and helps you weigh the various field sobriety tests in this battery as you make your arrest decision.

Vertical Gaze Nystagmus

The Vertical Gaze Nystagmus test is simple to administer. During the Vertical Gaze Nystagmus test, look for jerking as the eyes move up and are held for approximately four seconds at maximum elevation.

1. Position the stimulus horizontally, about 12-15 inches in front of the suspect's nose.

2. Instruct the suspect to hold the head still, and follow the object with the eyes only.

3. Raise the object until the suspect's eyes are elevated as far as possible.

4. Hold for approximately four seconds.

5. Watch closely for evidence of jerking.

Horizontal and Vertical Gaze Nystagmus can be observed directly and does not require special equipment. You will need a contrasting stimulus for the suspect to follow with their eyes. This can be the tip of your index finger, penlight, or pen. The stimulus used should be held slightly above eye level, so that the eyes are wide open when they look directly at it. It should be held approximately 12-15 inches in front of the nose. Remain aware of your position in relation to the suspect at all times.

DEF000923

FAIRFAX COUNTY CRIMINAL JUSTICE ACADEMY
14601 Lee Rd
Chantilly, Virginia 20151

LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

F. Preliminary breath testing

1. To be administered after Field testing.

2. Advantages of P.B.T.

   a. corroborate other evidence
   b. disclose possibility of impairment due to drug

3. Limitation of P.B.T.

   a. residual - alcohol remains in mouth tissue; 15 minutes for residual to evaporate from mouth(average).
   b. can react to certain substances other than alcohol ether, chloroform, acetone ,cigarette smoke
   c. if allowed to cool some of captured alcohol vapor can turn liquid and precipitate out of sample.
   d. composition of breath sample tidal breath is upper lungs and mouth, alveolar deep in lungs
   e. Calibration

4. Arrest Decision — Show DWI arrest notes Overhead
   based on all the evidence
   place in rear passenger seat, protect head — 4.23.2.1(d)
   while placing in. adjust mirror to watch. — 4.23.2.2

FAIRFAX COUNTY CRIMINAL JUSTICE ACADEMY
14601 Lee Rd
Chantilly, Virginia 20151

LESSON PLAN COVER SHEET

LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

I. COURSE
Driving While Intoxicated

II. LESSON:
Post Arrest Procedures

III. OBJECTIVES

IV. TOTAL TIME
(2) Hours

V. INSTRUCTIONAL METHODS:
Lecture

VI. TRAINING AIDS:
Overheads

VII. STUDENT MATERIALS:
Student Worksheet

VII. SPECIFIC RESOURCES:

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
I. Chemical Test Procedures	
A. Advise subject of implied consent	Review with students(read verbatim)
1. The arrested person shall submit to breath test.	
2. May be required to take blood test in addition if drugs suspected.	

LESSON OUTLINE		INSTRUCTIONAL ACTIVITIES
3.	Person cannot eat, drink, or smoke.	Don't let subject put anything in or near mouth.
B.	Blood Test	4.46.7
1.	At alcohol test unit or hospital	4.46.7(a)
2.	Only physician, RN, graduate laboratory technician or a lab tech or nurse designated by order of a circuit court my conduct the test.	18.2-268.5 4.46.7(b)
3.	Officer observes the following:	Worksheet
a.	arm cleansed with soap and water.	Make note of cleaning agent
b.	use disposable syringe and needle taken from package.	
c.	blood divided into two vials and vials had been sealed in cellophane prior to use.	18.2-268.6 4.46.7(c)
d	vials are sealed and labeled by person taking sample and completes certificate of blood withdrawal.	
e.	officer should initial vial after it is sealed and certified.	

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
f. Suspect's atty can get court order to have 2nd vial analyzed	
g. Court order must be obtained within 90 days of arrest.	
h. officer takes possession of vials and mails them, must put in mailbox.	
i the person who drew the blood and tested it are not required to testify if the procedures are followed and compliance is established in court.	
j. suspect shall not be required to signed a waiver of liability for the withdrawal of blood.	
4. Blood Test for Drugs	
a. steps remain the same as for alcohol test with the Following additions:	
b. breath test shows a B.A.C. of less than 0.09%	State Lab now screens for drugs
c. officer has reason to believe drugs are involved.	

LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

f. Def.'s atty can get court order to have 2nd vial analyzed within 90 days of arrest.

C. Breath Test

1. At alcohol test unit or stations.

2. Test conducted by a person licensed by Division of consolidate Laboratory services

3. Suspect observed by technician for at least 20 minutes before the test person cannot eat drink or smoke.

LESSON OUTLINE **INSTRUCTIONAL ACTIVITIES**

4. Breath sample is analyzed and a reading is produced; the technician records the reading on the form.

5. Officers review form; check that it is complete and initial it.

6. Give suspect his copy.

7. In Fairfax, the form does not have to be sworn to by the technician.

8. Form is self-authenticating if procedures compiled with

II. Complete Criminal Complaint Form — Overhead of Form

III. Obtain Warrant

IV. Complete Administrative License Suspension for subject — Overhead of Form

1. Take VA License (out of state -don't take)
2. Send Fax of ALS form to teletype

FAIRFAX COUNTY CRIMINAL JUSTICE ACADEMY
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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
V Records Check	
A. Virginia driving records	
1. Computer print out form P.M.I.S., use F.N.T. 1 for complete record.	
2. Form letter for record with abstract of prior conviction	If 2nd or subsequent send copy of summons to Jerry Stemler, OSB and he will get prior arrest documents for you (280-0570)
B. Out of state records	
1. Use form letter	
2. Teletype request to out of state DMV	
C. Teste Copies	
1. Use for prosecution of second or subsequent offense.	
2. Must show conviction and person represented by or waived counsel.	
3. Out-of-state convictions must show that law substantially similar	

FAIRFAX COUNTY CRIMINAL JUSTICE ACADEMY
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LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
VI. Complete CCRE	
VII. Prepare field notes for prosecution Include everything you observed, heard, or smelled from beginning to end.	

FAIRFAX COUNTY CRIMINAL JUSTICE ACADEMY
14601 Lee Rd
Chantilly, Virginia 20151

LESSON PLAN COVER SHEET

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
I. COURSE: Driver, While Intoxicated	IV. TOTAL TIME: (2) Hours
II. LESSON: Practical Exercise with controlled Drinkers	V. INSTRUCTIONAL METHODS Student practice/ Instructor Critique
III. OBJECTIVES:	VI. TRAINING AIDS; PBT Waiver Forms for volunteers
	VII. STUDENT MATERIALS: Student Manual
	VIII. SPECIFIC RESOURCES:

LESSON OUTLINE	INSTRUCTIONAL ACTIVITIES
I. Review Pre-Arrest Test	
A. (WAT; OLS; HGN)	
B. P.B.T. (Alco Sensor)	Demonstrate Alco Sensor
II. Students Administer Test to subjects	Allow class to critique student performance on administering test
III. Review	For : Practical Written Test

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

CJA School and Session # In-Service

Course Name: Crisis Intervention Training **Course Length:** 40 Hours

Instructor's Name: Charles Mauer and Staff **Signature:**

Instructor's Name: (Print) **Signature:**
L-Lead Instructor A-Assistant Instructor or Apprentice

Date of Preparation: March 7, 2011

Date of Update: March 7, 2011

Reviewed by: (Academy School Coordinator) #153 **Date:** 03-07-11

Reviewed by: (Academy Director or Designee) **Date:** 11/29/11

Date of Instruction: ~~October 3, 2011~~ Nov 14-18, 2011

Testing Instrument:		Yes	X	No
Evaluation Instrument:	X	Yes		No
Safety Protocols Taken or Safety Matrix Completed: (Explain Safety Protocols or list page #'s of the Lesson Plan where the required information can be located)	Lecture Only			

Course Reference / Resources:

Student Training Objective (s) – list TO #s

DEF000933

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

Instructional Goal:
To provide training to law enforcement officers in how to effectively, safely, and compassionately respond to individuals experiencing serious mental health crisis.

Instructional Objective:
To recognize the signs and symptoms of mental illness
To recognize signs of substance abuse
To recognize intellectual and developmental disabilities
To identify crisis intervention and de-escalation techniques
To discuss the importance in active listening skills
Cover assessments of suicide risk
Discuss assessments of violence
Cover cultural, adolescent and geriatric issues
Discuss different psychiatric symptoms related to medical conditions
Discuss mental health resources that are available
Cover Virginia mental health laws and procedures

Instructional Aids:
Power point

DEF000934

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

CJA School and Session # In-Service

Course Name: Crisis Intervention Training **Course Length:** 40 Hours

Instructor's Name: Charles Mauer and Staff **Signature:**

Instructor's Name: (Print) **Signature:**
L-Lead Instructor A-Assistant Instructor or Apprentice

Date of Preparation: March 7, 2011

Date of Update: March 7, 2011

Reviewed by: (Academy School Coordinator) **Date:** 03-07-11

Reviewed by: (Academy Director or Designee) **Date:** 11/28/11

Date of Instruction: ~~October 3, 2011~~ Nov 14-18, 2011

Testing Instrument:		Yes	X	No
Evaluation Instrument:	X	Yes		No
Safety Protocols Taken or Safety Matrix Completed: (Explain Safety Protocols or list page #'s of the Lesson Plan where the required information can be located)	Lecture Only			

Course Reference / Resources:

Student Training Objective (s) – list TO #s

DEF000935

Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

Instructional Goal:
To provide training to law enforcement officers in how to effectively, safely, and compassionately respond to individuals experiencing serious mental health crisis.

Instructional Objective:
To recognize the signs and symptoms of mental illness
To recognize signs of substance abuse
To recognize intellectual and developmental disabilities
To identify crisis intervention and de-escalation techniques
To discuss the importance in active listening skills
Cover assessments of suicide risk
Discuss assessments of violence
Cover cultural, adolescent and geriatric issues
Discuss different psychiatric symptoms related to medical conditions
Discuss mental health resources that are available
Cover Virginia mental health laws and procedures

Instructional Aids:
Power point

DEF000936

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

CJA School and Session # In-Service

Course Name: CSI - Crash Data Retrieval **Course Length:** 40 Hours

Instructor's Name: Rusty Haight **Signature:**

Instructor's Name: (Print) **Signature:**
L-Lead Instructor A-Assistant Instructor or Apprentice

Date of Preparation: January 28, 2010

Date of Update: January 28, 2010

Reviewed by: (Academy School Coordinator) **Date:** 9-12-11

Reviewed by: (Academy Director or Designee) **Date:** 9/19/11

Date of Instruction: September 26-30, 2011

Testing Instrument:		Yes	X	No
Evaluation Instrument:	X	Yes		No
Safety Protocols Taken or Safety Matrix Completed: (Explain Safety Protocols or list page #'s of the Lesson Plan where the required information can be located)	Lecture Only			

Course Reference / Resources:

Student Training Objective (s) – list TO #s

DEF000937

Fairfax County Criminal Justice Academy

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Lesson Plan Cover Sheet

Instructional Goal:
To be able to image and preserve data in a format such that the CDR Data Analyst would be able to use the collected data together with a situationally complete reconstruction.

To use traditional reconstruction techniques and apply them to Data Analysis.

Instructional Objective:
Be able to function the CDR program
Be able to access troubleshooting and solve hardware and software issues.
Familiarize oneself with legal considerations related to CDR data admissibility
Be familiar with the different types of data collected.

Instructional Aids:
Power point, handouts, computer software, Bosch CDR system

DEF000938

FAIRFAX COUNTY CRIMINAL JUSTICE ACADEMY
14601 LEE ROAD, CHANTILLY, VA.

LESSSON PLAN COVER SHEET

COURSE NAME:
Landlord/Tenant
Labor Disputes
Civil Disputes

COURSE LENGTH:
4 Hour

INSTRUCTORS NAME:

MDS Darren Mellom

UPDATED:

May 24, 2006

DATE OF INSTRUCTION:

49th Session, Basic Academy
June 6, 2006

SGT. [signature]
#2052
6-12-06

REFERENCES:

Code of Virginia section 40.1-53, 40.1-54, 40.1-55
Bailey, Richardson C., Officer Survival: An approach to Conflict Management (New York, Harper and Row, 1977
Krech, David et al., Elements of Psychology, (Alfred A. Knopf: New York 1969
Fairfax County Department of Consumer Affairs/Fairfax Co. Tenant-Landlord Commission, A Tenant Handbook, (Fairfax County 1989)
DCJS Lesson Plan Outline, 1998

Training Objectives: T.O's 3.8, 3.13.1, 3.13.2, 3.13.3, 3.13.4, 3.13.5
A.T.O's 9.21.1, 9.2.2

Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Virginia 20151-1703

Goal & Objective Sheet

Instructional Goal:

The trainee will be able to satisfactorily handle a tenant/landlord dispute using methods taught in class.

Lesson Objectives:

1. Identify the provisions of law applicable to the handling of Landlord/ Tenant disputes. ATO 9.21.1

2. The student will be able to demonstrate two calming techniques in a conflict management practical.(ventilation and firm direction) ATO 9.2.2
   The student will understand the importance of positive verbal skills and language to talk with people who are emotionally upset. T.O. 3.8

3. The student will define negotiation, mediation and arbitration, and identify the steps of each conflict management technique. T.O. 3.13.1, .2

4. The student will successfully handle a role-played Landlord-Tenant dispute while maintaining officer safety precautions. The student will utilize calming techniques and negotiate/mediate or arbitrate the conflict or crisis situation. T.O. 3.13.3-5

Performance Objectives:

Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Virginia 20151-1703

Lesson Plan Page One

I. COURSE: PATROL

II. LESSON: LANDLORD/TENANT
LABOR DISPUTES
CIVIL DISPUTES

III. OBJECTIVES:

IV. TOTAL TIME:

V. INSTRUCTIONAL METHODS
LECTURE

VI. TRAINING AIDS:
FILM/DEMO

VII. STUDENT MATERIALS:
HANDOUTS

VIII. SPECIFIC RESOURCES:

Lesson Outline	Instructional Activities
I. Labor Law Laws Va law enforcement officers need to be familiar with.	Copy of Code handout
A. 40.1-53 Preventing persons from pursuing lawful vocations: a.k.a. illegal picketing	
(It is illegal to picket in such a way as to block the *ingress and egress* to a place of work from any premises or obstruct or interfere with free use of public streets, sidewalks, or other public ways. People who do so are guilty of a misdemeanor.	*What does ingress and egress mean* *Ingress: act of entering* *Egress: act of leaving*

B. 40.1-54.1 Public policy as to strikes and work stoppages at hospitals. It is hereby declared to be the public policy of the state that hospitals be free from strikes and work stoppages.

Strike: refuse to continue to work until grievances are met.

Picket: person stationed outside a building often carrying a sign to demonstrate or protest; keep the strike breakers out and the public from buying goods or services.

C. 40.1-54.2 Strikes and work stoppages at hospitals are prohibited.

(This section prohibits any employee of a hospital from striking or impeding in any way the operation of the hospital. Class 1 misdemeanor.)

D. 40.1-55 Strikes by government employees

Q: Who decides when someone is impeding hospital operations?

A: Hospital administrator.

II. Landlord/Tenant Disputes

A. Law-CIVIL

ATO 9.21.1 T.O. 2.3.3
Unless a party creates a criminal act as part of a dispute.

B. Lease: Legally binding contract between landlord and tenant which sets forth what each can and cannot do...who pays for which services...conditions to be followed etc.

Consumer Affairs Commission
222-8435

III. Police Response- Safe approach Tactics

Same as domestic disputes

A. Approach the scene as one of high risk.

Why?
weapons, drugs, attitudes

B. Premise history
1. Get all available info from dispatcher prior to marking out.

C. Notify dispatch by voice or MDT upon arrival

D. Don't park in front of address.

Why?

E. Whenever possible, wait for back-up.

F. Approach the door in a non-aligned manner.

Why?

G. Before knocking, stop to listen. *Gather intelligence*
   1. How many disputants?
   2. Any weapons?
   3. How heated is dispute?
   4. Dogs?
   5. Language barrier?

H. Stand to the side of the door when knocking. ANNOUNCE YOURSELF.

I. If windows are available, use them. *Communicate with partner!*

J. Wait for the door to be opened, be insistent about admittance. *You are there for a lawful purpose...you are not leaving until you can verify the safety of the occupants.*

IV. Basic responsibilities at scene of dispute.

A. Keep the peace.

B. Determine if a crime has been committed.

C. Provide safety to individuals and property.

D. Attempt to find solutions to problems. *These may be short term solutions...our goal is to steer the disputants in a more positive direction.*

E. Be tactful.

F. Retain reasoning powers. (Don't give the appearance of taking sides, or become emotionally involved in dispute.)

V. Three basic goals of conflict management in Landlord/tenant and Civil disputes. *ATO 9.21.2*

1. Gain control of the situation.

2. Restore calm. *We will discuss in depth specific calming and resolution techniques.*

3. Begin working towardresolutionon of dispute.

VI. Five basic steps for handling Landlord/tenant and Civil disputes (once inside.) *Review..same as domestics.*

A. Establish control.
   1. Stop any active fighting.
   2. Use voice commands and presence.

Command presence

B. Separate the parties.
   1. Maintain visual contact w/partner.
   2. Attempt to remove the disputants from visual contact with each other.

Why do we separate parties?

Does separating the parties present any risk to officers?

C. Introduce yourself.

D. Get both sides of the story.
   1. Interview one party, partner interviews other.
   2. Determine nature of dispute and obtain general information.
   3. Listen carefully to identify common interests.
   4. Confer w/partner.

any violation of law?
5 pieces

Maintain officer safety.

E. Unite the parties.
   1. Seated, if possible.
   2. One officer handles negotiation, Other officer acts as cover.

Adequate distance.
set rules for talking

LEGAL APPLICATION FOR CIVIL DISPUTES
IF NO VIOLATION OF LAW, AN NOT A DOMESTIC DISPUTE, THE MATTER IS CIVIL IN NATURE.

VII. Conflict resolution techniques for Landlord/tenant or Civil disputes.

T.O. 3.13.1-5

A. Mediation:
The most preferred technique for long term results. Here, the officer acts as a go-between. The aim is to help the disputants arrive at their own solution.
   1. Officer briefly states each disputant's position.
   2. Elicit suggestions from the disputants as to how the problem may be realistically resolved.
   3. Check proposed solution with the other disputant, working towards compromise.
   4. Avoid criticizing solutions, even if you don't agree.
   5. Summarize the agreement that is reached.
   6. Encourage disputants to act on the resolution, and provide referrals, if appropriate.

Remain neutral

you don't have to live with it.

Know when to leave.

B. Negotiation:
Confer, discuss or bargain to reach an agreement. Here, the officer makes the suggestions.

1. Officer briefly states each disputants position.
2. Officer offers possible resolution or compromise to the disputants in a neutral, non-defensive way.
3. When compromise is reached, summarize the agreement and provide referral, if appropriate.

Uses if mediation fails.

LEAVE

C. Arbitration:
A neutral third party (officer) hears both sides of the dispute and imposes a resolution.

Use as a last resort.

Why is this method less preferred?

D. Referral:
Officer identifies an agency which may be able to help. This should be combines with any of the other techniques.

1. Consumer affairs offers mediation services to assist both.
2. Commission offers binding arbitration
3. Legal advice. (Advise civil remedies.)
4. Sheriff's Department/Court Services Branch

Consumer Affairs Landlord/tenant commission 222-8435

Va Dept of Consumer Affairs 1-800-552-9963

Possible eviction or civil process 246-3227

VIII. Calming techniques

T.O. 3.8.1
ATO 9.2.2
Constructive, maintain control

A. Ventilation
1. Here, the officer allows the person to "blow off steam."
2. The officer should allow the person to express himself for awhile, until the officer feels that person is calm enough to handle a rational discussion.

B. Firm Direction
The officer/deputy gives the person specific calming instruction such as "sit down", "take a deep breath". Try to avoid using, "Calm down" when excited.

These techniques may be used in combination w/each other. Important skills for deputies working confinement.

C. Voice
The officers voice is a determining factor in the direction the conversation will take.

1. Volume — *Louder when you are attempting to establish control or gain attention.....Softer when you establish rapport/interview.*

2. Tone — *Is yours sarcastic, condescending, Understanding?*

3. Control — *Don't let your temper show. Never argue with them.*

D. Language Use

1. Use direct, commonly used terms — *Avoid police terms*

2. Avoid slang or jargon.

3. State information factually.

4. Offer assistance.
   a. Call someone to aid person
   b. Take them somewhere, if appropriate

E. Cultural awareness (Customs) — *Be aware of potentially offensive remarks etc...*

F. Body stances — *What does our body language say?*

G. Eye contact — *shows respect, is indicative of a good listener.*

IX. Active listening skills:

Good listening skills are important in dispute resolution. If the speaker believes he is not being listened to or heard, he will shut down and stop the communication process. It may additionally cause him to escalate back to argument. Examples:

A. Non-directive responses:

1. Can be verbal or non-verbal response that encourages the person to keep speaking; doesn't address specific issues. — *ex: "uh-huh", "I see"*

B. Reflective statements
These statements try to "mirror" the feeling the person is trying to communicate.

ex: "It sounds as though you are very angry at your Landlord."

Also a good method for confirming information.

X. Disputes involving other civil matters

A. First, determine if their is a violation of "Criminal" law.

Ex: Assault, trespassing, Phone violation, Destruction of property, etc.

B. If not, advise citizens of "civil" remedies, and recommend an agency that could help.

Ex: Consumer Affairs, Zoning, Attorney, etc.

C. Example of civil situations you may encounter in patrol:
1. Boundary disputes

Putting up a fence, planting a tree...

2. Utility co. On property for work/repairs.

3. Disputes at cleaners.

Didn't get the stain out, Charged too much overcharged, didn't fix problem

4. Garages

D. 10-99C CAD disposition
1. If there is no violation of law.
2. If parties are excessively aggressive, threatening, or requiring a great deal of intervention, it may be wise to document the incident on a 42.

FAIRFAX COUNTY CRIMINAL JUSTICE ACADEMY
WORKSHEET FOR
LANDLORD/TENANT, LABOR
AND CIVIL DISPUTES

I. Labor laws:
Virginia Law Enforcement Officers need to be familiar with:

A. 40.1-53: Preventing persons from pursuing lawful vocations: _____ _____.

1. Illegal to picket in such a way as to block the _____ and _____ to a place or work from any premise or

2. _____/_____ with free use of public streets, sidewalks or other public way.

3. Violation of any provision is a _____.

*Ingress:_____.

*Egress:_____.

*Picketing:_____
_____
_____
_____.

B. 40.1-54.1: Public policy as to strikes and work stoppages at hospitals:

1. Public policy of the Commonwealth states that _____ shall be free from strikes and Work stoppages.

C. 40.1-54.2: Strikes and work stoppages at hospitals prohibited.

1. No _____ of any hospital shall engage in any strike or work stoppage at such hospital which interferes with the operation of a hospital.

2. Any violation shall be a _____.

* ***who decides if ingress or egress is being impeded at a hospital?*** _____.

D. 40.1-55: Strikes by government employees.

II. Landlord/Tenant disputes

A. Law: _____ unless a party creates a criminal act as part of a dispute.

B. Lease: _____
_____
_____
_____.

III. Police Response to Landlord/ tenant disputes-
Safe approach tactics. ***(Review...same as domestics.)***

A. Approach the scene as one of high risk.

B. Premise history.

C. Notify dispatch by voice or MDT upon arrival.

D. Don't park in front of address.

E. Whenever possible, wait for back-up.

F. Approach in a non-aligned manner.

G. Before knocking, stop to listen. Communicate!

H. Stand to side of door when knocking.
ANNOUNCE YOURSELF!

I. If windows are available, use them!

J. Wait for the door to be opened, be insistent about admittance.

IV. Responsibilities at the scene of Landlord/tenant dispute.
(Review...same as domestics).

A. Keep the peace.

B. Determine if a crime has been committed.

C. Provide safety to individuals and property.

D. Attempt to find solutions to problems.

E. Be tactful.

F. Retain reasoning powers.

V. Goals of conflict management:

1. _____.

2. _____.

3. _____.

VI. Basic steps (once inside) for handling Landlord/tenant disputes.

A. _____.

B. _____.

C. _____.

D. _____.

E. _____.

VII. Conflict resolution techniques

A. Mediation: _____
_____
_____.

B. Negotiation: _____
_____.

C. Arbitration: _____
_____.

D. Referral: _____
_____.

VIII. Calming techniques

A. Ventilation

1. Officer allows disputant to _____ _____ _____.

2. The officer allows the person to _____ _____ for a while, until the officer feels that person is calm enough to handle a rational discussion.

B. Firm direction

1. _____/_____ gives the person specific calming instruction such as, "sit down", or "take a deep breath." Try to avoid, "Calm down."

C. Voice

1. _____.

2. _____.

3. _____.

D. Language use

1. Use direct, commonly used terms.

2. Avoid _____, or jargon.

3. State information _____.

4. Offer assistance.

E. Cultural awareness/ Customs.

F. Body stances.

G. Eye contact.

IX. Active listening skills

A. Non-directive responses:

1. Can be _____ or _____ responses that encourage the person to keep speaking. Doesn't address specific issues.

   Ex: _____.

B. Reflective statements:

1. _____ which try to "mirror" the feeling the person is trying to communicate.

   Ex: _____.

X. Disputes involving other civil matters.

A. First, determine if their is a violation of _____ law.

B. Advise citizens of civil remedies.

C. Examples of civil situations you may encounter on patrol:

1. _____.
2. _____.
3. _____.
4. _____.

D. 10-99C CAD disposition.

§40.1-28.5. Exceptions to application of §§40.1-28.1 through 40.1-28.4.

The provisions of §§40.1-28.1 through 40.1-28.4 shall not apply to persons engaged in any of the industries or businesses enumerated in §18.2-341 A (1) through (19), except (15).

CHAPTER 4
LABOR UNIONS, STRIKES, ETC.
(Selected Articles)

Article
1. In General. (Secs. 40.1-53 to 40.1-54.2)
2. Strikes by Government Employees. (Secs. 40.1-55 to 40.1-57.3)
2.1. Prohibition Against Collective Bargaining by Government Employees. (Secs. 40.1-57.2 to 40.1-57.3)
3. Denial or Abridgement of Right to Work. (Secs. 40.1-58 to 40.1-69)
4. Mediation and Conciliation of Labor Disputes. (Secs. 40.1-70 to 40.1-75)

ARTICLE 1
IN GENERAL
(Selected Sections)

Section
40.1-53. Preventing persons from pursuing lawful vocations, etc.; illegal picketing; injunction.
40.1-54. Payment of certain charges by carriers or shippers to or for benefit of labor organization.
40.1-54.1. Public policy as to strikes and work stoppages at hospitals.
40.1-54.2. Strikes and work stoppages at hospitals prohibited; penalty.

§40.1-53. Preventing persons from pursuing lawful vocations, etc.; illegal picketing; injunction.

No person shall singly or in concert with others interfere or attempt to interfere with another in the exercise of his right to work or to enter upon the performance of any lawful vocation by the use of force, threats of violence or intimidation, or by the use of insulting or threatening language directed toward such person, to induce or attempt to induce him to quit his employment or refrain from seeking employment.

No person shall engage in picketing by force or violence, or picket alone or in concert with others in such manner as to obstruct or interfere with free ingress or egress to and from any premises, or obstruct or interfere with free use of public streets, sidewalks or other public ways.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and punished accordingly.

Notwithstanding the punishments herein provided any court of general equity jurisdiction may enjoin picketing prohibited by this section, and in addition thereto, may enjoin any picketing or interference with lawful picketing when necessary to prevent disorder, restrain coercion, protect life or property, or promote the general welfare.

§40.1-54. Payment of certain charges by carriers or shippers to or for benefit of labor organization.

(1) As used in this section, the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(2) It shall be unlawful for any carrier or shipper of property, or any association of such carriers or shippers, to agree to pay, or to pay, to or for the benefit of a labor organization, directly or indirectly, any charge by reason of the placing upon, delivery to, or movement by rail, or by a railroad car, of a motor vehicle, trailer, or container which is also capable of being moved or propelled upon the highways, and any such agreement shall be void and unenforceable.

(3) It shall be unlawful for any labor organization to accept or receive from any carrier or shipper of property, or any association of such carriers or shippers, any payment described above.

(4) Any corporation, association, organization, firm or person who agrees to pay, or who does pay, or who agrees to receive, or who does receive, any payment described hereinabove shall be guilty of a misdemeanor and shall be fined not less than $100 nor more than $1,000 for each offense. Each act of violation, and each day during which such an agreement remains in effect, shall constitute a separate offense.

§40.1-54.1. Public policy as to strikes and work stoppages at hospitals.

It is hereby declared to be the public policy of the Commonwealth that hospitals shall be free from strikes, and work stoppages.

§40.1-54.2. Strikes and work stoppages at hospitals prohibited; penalty.

No employee of any hospital shall engage in any strike or work stoppage at such hospital which in any way interferes with the operation of such hospital.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and punished accordingly.

Notwithstanding the penalties herein provided, any court of general equity jurisdiction may enjoin conduct proscribed by this section.

ARTICLE 2
STRIKES BY GOVERNMENT EMPLOYEES
(Complete Article)

Section
40.1-55. Employee striking terminates, and becomes temporarily ineligible for, public employment.
40.1-56. Department head, etc., to notify employee of such termination, etc.
40.1-57. Appeal by employee from declaration of ineligibility.
40.1-57.1. Appeal by employer for reemployment of terminated employee.

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§40.1-55. Employee striking terminates, and becomes temporarily ineligible for, public employment.

Any employee of the Commonwealth, or of any county, city, town or other political subdivision thereof, or of any agency of any one of them, who, in concert with two or more other such employees, for the purpose of obstructing, impeding or suspending any activity or operation of his employing agency or any other governmental agency, strikes or willfully refuses to perform the duties of his employment shall, by such action, be deemed to have terminated his employment and shall thereafter be ineligible for employment in any position or capacity during the next twelve months by the Commonwealth, or any county, city, town or other political subdivision of the Commonwealth, or by any department or agency of any of them.

§40.1-56. Department head, etc., to notify employee of such termination, etc.

In any such case the head of any department of the state government, or the mayor of any city or town, or the chairman of the board of supervisors or other governing body of any county, or the head of any other such employing agency, in which such employee was employed, shall forthwith notify such employee of the fact of the termination of his employment and at the same time serve upon him in person or by registered mail a declaration of his ineligibility for reemployment as before provided. Such declaration shall state the fact upon which the asserted ineligibility is based.

§40.1-57. Appeal by employee from declaration of ineligibility.

In the event that any such employee feels aggrieved by such declaration of ineligibility he may within ninety days after the date thereof appeal to the circuit court of the county or the circuit court of the city in which he was employed by filing a petition therein for a review of the matters of law and fact involved in or pertinent to the declaration of ineligibility. A copy of the petition shall be served upon or sent by registered mail to the official signing the declaration, who may file an answer thereto within ten days after receiving the same. The court or the judge thereof in vacation shall, as promptly as practicable, hear the appeal de novo and notify the employee and the signer of the declaration of ineligibility of the time and place of hearing. The court shall hear such testimony as may be adduced by the respective parties and render judgment in accordance with the law and the evidence. Such judgment shall be final.

§40.1-57.1. Appeal by employer for reemployment of terminated employee.

Notwithstanding any provision of law to the contrary, in the event that the employer of an individual terminated under this article deems it necessary for the protection of the public welfare that such individual be reemployed within the twelve months following his termination, the employer may, within ninety days after the date of the declaration of ineligibility, appeal to the circuit court of the county or the circuit court of the city in which the individual was employed by filing a petition therein setting forth the reasons why the public welfare requires reemployment. A copy of the petition shall be served upon or sent by registered mail to the former employee, who may file an answer therein ten days after receiving the same. The court or the judge thereof in vacation shall notify the employer and former employee of the time and place of the hearing on the appeal, such hearing to be de novo and to be held as promptly as possible. The court shall hear such testimony as may be adduced by the respective parties and render judgment in accordance with the law and the evidence. Such judgment shall be final.

ARTICLE 2.1
PROHIBITION AGAINST COLLECTIVE BARGAINING BY GOVERNMENT EMPLOYEES
(Complete Article)

Section
40.1-57.2. Prohibition against collective bargaining.
40.1-57.3. Certain activities permitted.

§40.1-57.2. Prohibition against collective bargaining.

No state, county, municipal, or like governmental officer, agent or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service.
Added by L.1993, chs. 868, 879, eff. 7/1/93.

§40.1-57.3. Certain activities permitted.

Nothing in this article shall be construed to prevent employees of the Commonwealth, its political subdivisions, or of any governmental agency of any of them from forming associations for the purpose of promoting their interests before the employing agency.
(Added by L.1993, chs. 868, 879, eff. 7/1/93.)

ARTICLE 3
DENIAL OR ABRIDGEMENT OF RIGHT TO WORK
(Selected Sections)

Section
40.1-58. Policy of article.
40.1-58.1. Application of article to public employers and employees.
40.1-59. Agreements or combinations declared unlawful.
40.1-60. Employers not to require employees to become or remain members of union.
40.1-61. Employers not to require abstention from membership in union.
40.1-62. Employer not to require payment of union dues, etc.
40.1-63. Recovery by individual unlawfully denied employment.
40.1-64. Application of article to contracts.
40.1-65. Agreement or practice designed to cause employer to violate article declared illegal.
40.1-66. Conduct causing violation of article illegal; peaceful solicitation to join union.
40.1-69. Violation a misdemeanor.

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County of Fairfax
Office of The Sheriff
Sheriff Carl Peed
4110 Chain Bridge Road
Fairfax, Virginia 22030-4041
(703) 246-3227

EVICTION PROCEDURES

STEP 1

Notice to Tenant

EITHER OF THE FOLLOWING:

a). 5 day pay or quit notice. Give them 5 days from receipt to pay the entire balance owed or vacate the premises.

OR

b). 30 day notice to quit. A notice to the tenant giving them 30 days from receipt to vacate premises.

NOTE: Proof of service will be required in court.

REQUIREMENTS FOR SHERIFF'S SERVICE

The notice must include

1. The address of the rental property.
2. The original notice for return, plus a copy for each person we are to serve.
3. A self addressed stamped envelope to sent back your proof of service.
4. A $12.00 service fee for each person we are serving.

STEP 2

Summons in Unlawful Detainer

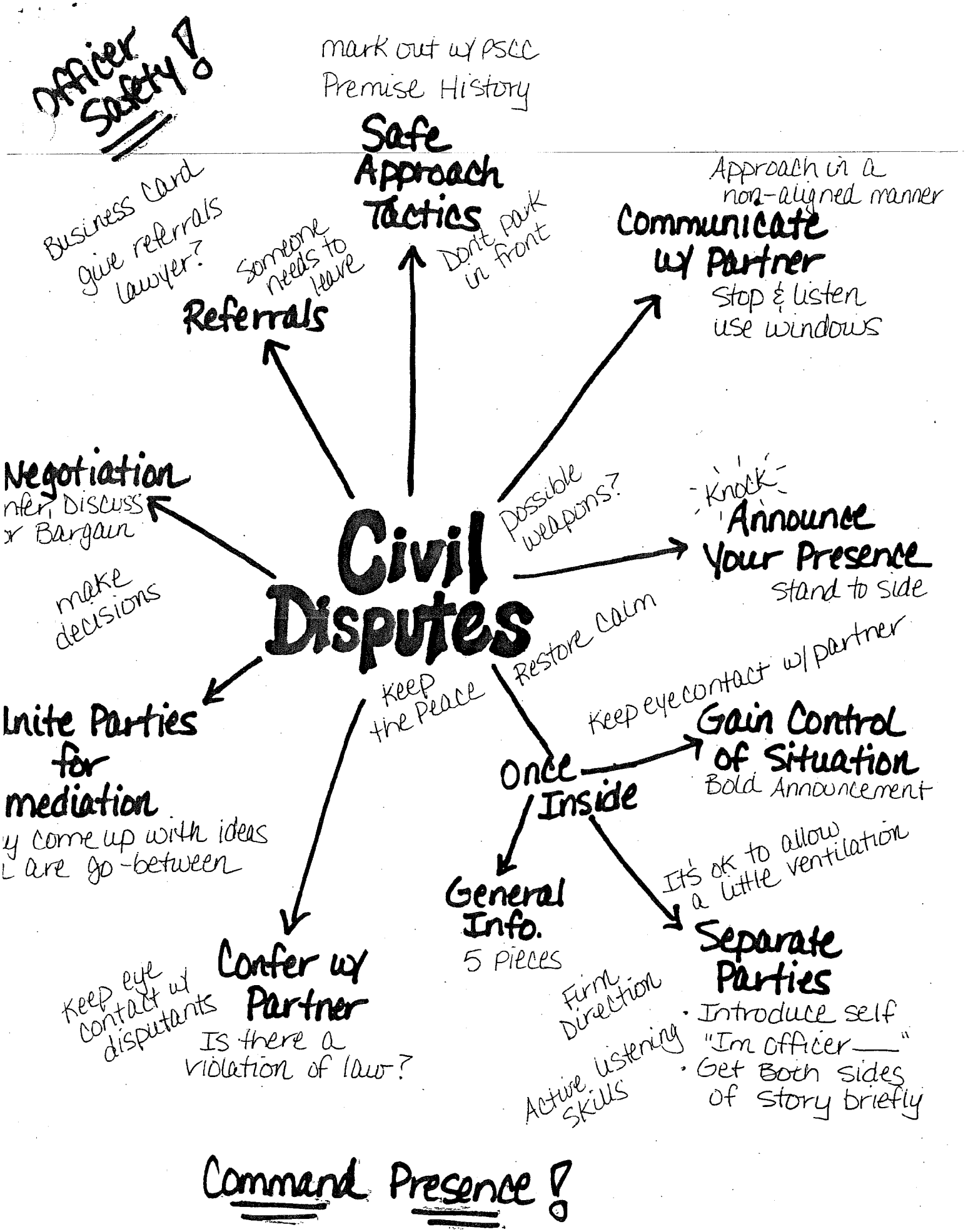
a). This document may be obtained and filed in the General District court.
b). The court will arrange for service of this document.
c). You will be assigned a court date.
d). After judgment is rendered there is a 10-DAY APPEAL PERIOD.

STEP 3

Writ of Possession in Unlawful Detainer

a). This is the actual order of eviction. It is obtained and filed in the court where you won judgment.
b). Upon receipt of the writ by this office, a deputy will contact the landlord. The deputy will set a date and time, according to his/her schedule. The deputy will also explain the landlord's responsibilities and the Sheriff's responsibilities.
c). The deputy will give the tenant a minimum of 72 hours notice. Law requires this notice.

If you have any questions concerning your eviction, call 246-3227.


Officer Safety!
mark out w/ PSCC
Premise History
Safe Approach Tactics
Business Card
give referrals
lawyer?
Someone needs to leave
Referrals
Don't park in front
Approach in a non-aligned manner
Communicate w/ Partner
Stop & listen
use windows
Negotiation
nfer, Discuss
r Bargain
make decisions
Civil Disputes
Possible weapons?
Knock
Announce Your Presence
stand to side
Restore calm
Keep the Peace
Keep eye contact w/ partner
Gain Control of Situation
Bold Announcement
Once Inside
Unite Parties for mediation
y come up with ideas
L are go-between
General Info.
5 pieces
It's ok to allow a little ventilation
Separate Parties
Introduce self
"Im officer ___"
Get Both sides of story briefly
Firm Direction
Active Listening Skills
Keep eye contact w/ disputants
Confer w/ Partner
Is there a violation of law?
Command Presence!

DEF000957

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

Course Name: Domestic Violence **Course Length: 10** hr

Instructor's Name: MPO V. Ranck

Date of Preparation: June, 2006

Date of Instruction: June 28-29, 2006 49th session

Course Reference / Resources:

DCJS Sample Lesson Plan
Virginia State Code
FCPD G.O's S.O.P's and Command Staff memos
DCJS, "Law Enforcement Response to Domestic Violence"
Virginia Commission on Family Violence, "Family Violence Manual"
Law Enforcement Resource Center, Minneapolis, MN, " Domestic Violence: The Law Enforcement Response"

T.O.'s
4.13
4.13.1-4
4.13.1.1-1.4
4.13.2
4.13.2.1-2.3
4.13.3.1-3.3
2.29.2.6
2.29.2.10
3.9
3.9.1-3.9.4

2LT. R. Hensley
#1505
08.14.06

DEF000958

Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Virginia 20151-1703

Goal & Objective Sheet

Instructional Goal:

THE STUDENT WILL IDENTIFY THE LAWS PERTAINING TO DOMESTIC VIOLENCE . THE STUDENT EXPLORE THE APPROPRIATE LAW ENFORCEMENT RESPONSE TO CALLS OF FAMILY DISTURBANCES.

Lesson Objectives:

1. EXPLORE THE DYNAMICS OF DOMESTIC VIOLENCE.
2. EXAMINE RELATED DEFINITIONS *(T.O. 4.13.1)*
3. DEFINE THE MEANING OF THE OF THE FOLLOWING LEGAL PAPERS: *(T.O. 4.13.2)*
   A. EMERGENCY PROTECTIVE ORDER
   B. PRELIMINARY PROTECTIVE ORDER
   C. PERMANENT PROTECTIVE ORDER
4. IDENTIFY THE CORRECT PROCEDURES FOR SERVICE OF SAME LEGAL PAPERS. *(T.O. 4.13.3)*
5. DISCUSS THE APPROPRIATE LAW ENFORCEMENT RESPONSE TO THESE CALLS, DEFINING SPECIFIC TASKS. *(T.O. 4.13.4)*
6. DESCRIBE CIRCUMSTANCES UNDER WHICH AN ARREST MAY BE MADE WITHOUT A WARRANT IN A DOMESTIC ASSAULT.(*T.O. 2.29.2.13-14)*
7. IDENTIFY DEPARTMENT POLICY REGARDING RESPONSE TO CALLS OF FAMILY DISTURBANCES.

Performance Objectives: THE STUDENT WILL CONDUCT A PRELIMINARY INVESTIGATION

A. DOMESTIC VIOLENCE: *A PATTERN OF PHYSICALLY, SEXUALLY AND/OR EMOTIONALLY ABUSIVE BEHAVIORS USED BY ONE INDIVIDUAL TO ASSERT POWER OR MAINTAIN CONTROL OVER ANOTHER IN THE CONTEXT OF AN INTIMATE OR FAMILY RELATIONSHIP. NOTE: ALSO REFERRED TO AS FAMILY ABUSE*

T.O. 4.13.1.3

B. FOUR SPECIFIC FORMS OF BATTERING *PART I OF FILM*

1. PHYSICAL ABUSE: *INCLUDES A WIDE RANGE OF BEHAVIORS WHICH INCLUDE AGGRESSIVE BEHAVIOR DONE BY THE OFFENDER TO THE VICTIM'S BODY. (PUSHING, PINCHING, SPITTING, PULLING HAIR, KICKING, HITTING, CHOKING, CLUBBING BURNING, STABBING, SHOOTING,ETC...)*

2. SEXUAL ABUSE: *INCLUDES AGGRESSIVE SEXUAL ACTS DONE TO THE VICTIM'S BODY.*
   a. *Attacking the breasts , buttocks and genitals*
   b. *Sexual activity preceded or accompanied by physical assault.*
   c. *Forced sexual activity.*
   d. *Forced sexual activity with an object or a third party.*

3. PSYCHOLOGICAL ABUSE- INVOLVES THE USE OF VERBAL, EMOTIONAL AND PSYCHOLOGICAL WEAPONS RATHER THAN PHYSICAL ATTACKS. USUALLY OCCURS WHERE PHYSICAL VIOLENCE HAS ALREADY BEEN EMPLOYED.
   a. *Threats of suicide or violence, custody fights.*
   b. *Forcing the victim to do degrading things.*
   c. *Controlling the victim's activities (eating, sleeping, Social relationships , money)*
   d. *Constant attacks on victim's self-esteem; blaming the victim for the abuse.*

4. DESTRUCTION OF PROPERTY/PETS- INVOLVES NO CONTACT WITH THE VICTIM'S BODY, BUT BEHAVIOR IS STILL MEANT TO INTIMIDATE VICTIM. DESTRUCTION IS NOT RANDOM OR FOR VENTILATION. HAS THE SAME EMOTIONAL IMPACT AS PHYSICAL ASSAULT.
   a. *Destroying the victim's favorite objects or property.*
   b. *Torturing and/or killing of pets.*

C. SIMILARITIES OF FOUR FORMS

1. DONE WITHOUT CONCERN FOR THE MENTAL OR PHYSICAL WELL-BEING OF THE VICTIM.
2. DONE TO PUNISH, INDUCE FEAR, AND SHOW DOMINATION. THE VICTIM IS CONTROLLED.
3. RECURRING; OFTEN ESCALATES IN SEVERITY AND FREQUENCY. THE DANGER TO THE VICTIM INCREASES.

II. CHARACTERISTICS OF VICTIMS AND BATTERERS

A. VICTIMS

1. *The greatest single risk factor for becoming a victim of Domestic violence is being female. Research indicates Women of every age, race, religion, ethnicity, social class, And marital status can become victims of domestic violence.*

2. *Numerous studies show only a few identifiable traits of Victims. Some of these traits are attributable to the Dynamics of the battering relationship and were not Present before the cycle of abuse was established.*
   - *a. A paralyzing fear of their abuser which prevents them From leaving.*
   - *b. A belief in traditional gender roles.*
   - *c. Psychological and/or economic dependence on abuser.*
   - *d. Finding self-worth in the belief that their partners need Their help.*
   - *e. Low self-esteem.*

B. BATTERERS

1. SOME COMMON CHARACTERISTICS OF BATTERERS.

   a. <u>BEHAVIORAL TRAITS</u>

   - *Extremely jealous/possessive of their spouse or partner.*
   - *hypersensitive/often overreacting to perceived slight.*
   - *controlling/often attributing these behaviors to concern* or love.
   - *displaced anger(usually at authority figures) directed at partner.*
   - *public behavior different than private behavior.*
   - quick involvement in intimate relationships.

B. FAMILY BACKGROUND

- *abused or neglected as a child.*
- *witnessed abuse as a child.*
- *learned violent behavior from family of origin.*

C.. PSYCHOLOGICAL TRAITS

- *low self -esteem.*
- *low assertiveness.*
- *feels masculinity is inadequate.*
- *projects blame onto victim.*
- *external centers of control. Believes in luck, fate. Sees Self as victim. Feels misunderstood.*
- *inappropriate expectations and distorted perceptions of* Victim.
- *denial and minimization of abusive behaviors*

2. FOUR PERSONALITY TYPES OF BATTERERS

a. Sociopathic batterers-5%

Extremely abusive physically, can be violent outside the Family, may have an arrest record.

b. Antisocial batters-32%

Extremely abusive physically, can be violent outside the Family, may have an arrest record.

c. Chronic batterers-30%

Physically abusive regularly, severely verbally abusive, Little or no violence outside the home. No arrests

d. Sporadic batterers-33%

Physically abusive occasionally, often verbally abusive, Often apologetic after assault.

3. Treatment programs are rarely effective for sociopathic and antisocial BATTERERS.

III. DYNAMICS AND THEORIES OF DOMESTIC VIOLENCE

A. WHY DO MEN BATTER?

ASK CLASS FOR IDEAS

1. Single factor theories fall into three categories.

   Individually they cannot explain why men batter, but Together they may provide some insight.

   a. *INTRA PSYCHIC: the problem is in the psyches of the Individuals. Therapists and social workers tend to Use these theories.*
   b. *GENETIC: men are naturally aggressive and act Violently when threatened. Behaviorists and some Traditional religions tend to use these theories.*
   c. *CULTURAL: violence is used to support male dominance. Male violence is learned and determined by social values. Feminists and sociologists tend to use these theories.*

2. Men batter because *IT WORKS!* Violence and the threat of Violence are effective means of control.
   a. *Victims will expend a great deal of energy trying to Avoid abuse and violence, including attempts to satisfy Every need, wish and whim of their abuser.*
   b. *Abusers have an over-inflated sense of entitlement. An abuser may believe he has a right to control "his Woman."*
   c. *Men who batter often report their wives or partners Will not do what they say, therefore, they must be Disciplined.*

3. Men batter because *THEY CAN!*
   a. *Society has not sent a clear message to BATTERERS that Their behavior is unacceptable. Recent research Suggests that violence is less likely to recur once that Message is sent.*
   b. *BATTERERS are not held accountable for their violent behavior. Penalties for assaults on spouses and other Family members are usually less than assaults on Strangers or acquaintances.*

IV. WHY DO WOMEN STAY?

A. A BATTERED WOMAN'S EXPERIENCE CAN BE LIKENED TO *ASK CLASS FOR*

THAT OF A HOSTAGE OR A PRISONER OF WAR.

IDEAS

1. *She is subjected to random violence.*
2. *She is isolated from friends, family and support.*
3. *She is frequently threatened with increased violence If she tries to leave or take action against her abuser.*
4. *She never knows when the reality of violence could lead To death. She is immobilized by fear.*

B. A BATTERED WOMAN'S LIFE CAN BE COMPARED TO A POLICE OFFICERS.

1. *Both abused women and police officers know that future Attacks are inevitable, but both "stay on the job" despite Certain danger and possible death.*
2. *Like police officers on patrol, abuse victims must remain Alert and combat ready, while appearing relaxed to Others.*
3. *Both must constantly suppress anger when being Verbally abused and physically assaulted.*
4. *Both police and battered women receive less support From the criminal justice system when they are assaulted Because many judges believe it is just part of the job.*

C. A BATTERED WOMAN OFTEN FEELS POWERLESS. THIS HAS BEEN REFERRED TO AS LEARNED HELPLESSNESS.

1. *This theory was derived from animal research-dogs were Shocked randomly and unpredictably, regardless of any Response that they gave. When nothing the dogs did Stopped the shock, they just stopped trying to avoid it. They made no attempt to escape, even when shown the Way out. It took repeated dragging of the dogs to the Exit to teach them how to voluntarily respond.*

2. *This theory postulates that victims learn that their Responses do not affect what happens to them. Repeated Beatings diminish the motivation to respond. Over time, Some victims become passive and believe they are unable To achieve a favorable outcome. Battered women often Need to be shown a safe way out repeatedly before Change is possible.*

D. THE VICTIM OFTEN BLAMES HERSELF AND FEELS SHAME AND GUILT ABOUT HER ABILITIES....

As a wife or a girlfriend, probably because of adherence To rigid gender roles...i.e.it is a wife's duty to make a

Marriage work.

E. ECONOMIC DEPENDENCE

1. *Without a job or skills, an abused woman must rely on The batterer. Some batterers isolate their partners by Not allowing them to attend school or work outside the Home.*

2. *Emergency shelter is not always available. When it is, It is only a temporary solution.*

F. SHE MAY BE IMMOBILIZED BECAUSE OF FEAR, PHYSICAL RESTRAINTS, OR PSYCHOLOGICAL TERRORISM.

1. *The batterer may threaten her with injury or death.*
2. *The batterer may threaten to take the children.*

G. LEAVING MAY INVOLVE TREMENDOUS DISADVANTAGES.

ASK CLASS FOR IDEAS

1. *Loss of shelter.*
2. *Loss of money/financial support for victim and children*
3. *No credit.*
4. *No car.*
5. *No job.*
6. *No skills for survival as a result of isolation.*

H. THE VERY QUESTION, "WHY DO WOMEN STAY?" MAKES THE ASSUMPTION THAT THE BATTERED WOMAN <u>CAN</u> LEAVE.

HANDOUT #2

A MORE ACCURATE QUESTION WOULD BE, "WHY WON'T HE LET HER GO?"

V. THE CYCLE OF VIOLENCE THEORY.

(*Postulates that* battering *is cyclic in nature, and the phases are identifiable.)*

HANDOUT #3

I. TENSION BUILDING PHASE

- financial, emotional, and/or physical stress is present.
- conflicts arise between the partners, and are not resolved.
- the abuser uses verbal and emotional abuse.

- the victim is compliant and accommodating to pacify the abuser and avoid abuse.
- children in the household are aware of the rise in tension.
- this phase may last for weeks or months.
- law enforcement is occasionally called in during this phase.

II. VIOLENT INCIDENT PHASE

- the abuser assaults the victim, Earlier stage beatings are Typically less severe. Later stage assaults may involve serious injury or death.
- the abuser blames the victim for the assault...."teaches her a lesson."
- the victim does not know when the assault will stop, and adapts to survive.
- some victims disassociate. Some escape and return when the crisis is over.
- children know when violence has occurred. They sometimes try to intervene to protect their mothers, and are at risk for injury as well.
- this phase typically lasts for 2-24 hours or intermittently for a few days. Law enforcement is often called during this phase.

III. HONEYMOON OR CALM PHASE

- in early stages, the abuser rationalizes violence and promises to change. Some may ask for forgiveness. In later stages, the abuser may never explain the violence, but the abuse will temporarily stop.
- in early stages the victim will believe the violence will not recur. In later stages, she is worn down physically and emotionally and will accept promises, if offered.
- children take on the role of care giver and try to "keep the peace."
- this phase may last for days or weeks. In later stages, this phase may disappear altogether.
- if an assault and battery charge is filed, it is likely to be heard in court during this phase.

IV. EFFECTS OF THE CYCLE

ASK CLASS FOR IDEAS

A. On the victim:

1. The honeymoon phase instills a sense of hope. The victim believes she is to blame, and has the illusion that she can control his moods and behavior.

2. The victim may develop Post Traumatic Stress Disorder

(PTSD), if she has no opportunity to talk about what happened to her, and how it affects her. Symptoms include :

numbing of physical and emotional responses,
Denial
guilt
Self-blame
Nightmares
Flashbacks
Tendency to be drawn into situations where the trauma may be repeated

3. *The victim may develop "Stockholm Syndrome", sometimes called "traumatic bonding." The abuse and Control cause some victims to revert to a childlike state of dependence on the abuser and to feel protective of him*

ASK CLASS IF THEY ARE FAMILIAR W/THIS CONCEPT

B. EFFECTS ON THE ABUSER

1. The abuser learns that there are no negative consequences for the assault. This makes the next assault easier.

2. Since there are no negative consequences, it is also easy For the abuser to deny to himself and to others that he Did anything wrong. He may also feel like a victim himself, blaming his partner for the abuse and other problems, in a manner similar to alcoholics.

V. POWER AND CONTROL THEORY

HANDOUT #4

Violent behavior is only one tactic in an array of abusive strategies used by the batterer to maintain power an control in the relationship. Physical and sexual violence are the most extreme of these strategies. The threat of these violent acts and their occasional use gives power to the abuser's verbal And emotional threats.

A. DEVELOPMENT OF THE POWER WHEEL

In 1983, police in Duluth, Minnesota began making mandatory arrests in cases of domestic violence. Offenders were offered the option of participating in a 26 week educational program, or going to jail. Participants were told that any new physical assault would result in immediate Jail time.

Program staff members were surprised that women whose partners were in the program did not seem as relieved as

OFFENDERS CONFIRMED THAT WHEN DENIED THE

they expected. The staff listened to these women describe Other tactics besides physical assault that kept them feeling powerless. These tactics were organized on the "Power Wheel".

OPTION OF PHYSICAL FORCE, OTHER METHODS TO CONTROL WERE INCREASED.

B. A CONTINUUM OF VIOLENCE

An abuser uses violence or the threat of violence to give Power to his psychologically abusive behaviors. An abuser may often use non-criminal strategies on the lower end of the continuum as long as they work to control the victim

1. *Psychological abuse is particularly effective if backed up With the memory of real physical or sexual violence.*

2. *This tactic of intermittent physical assault accompanied By psychological abuse is the same control method used Against hostages and prisoners of war.*

3. *It is important to understand that much abusive behavior is not criminal, BUT IS AN ABUSE IF IT PRODUCES FEAR IN THE VICTIM. Abuse stems from the batterer's over-whelming need to control.*

SHOW PART 2 OF FILM

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Supplemental Page

Lesson Outline

Activities

SUMMARY/BRIDGE

So far, we have defined domestic violence, and have looked at some of the factors that have shaped society's response to it. As we are all aware, this response has changed significantly over the past 20 years. We will now look at Virginia law and Fairfax County policy regarding domestic violence and domestic disputes. Our goal is to respond safely, and act decisively in an effort to protect victims, and assure that perpetrators of family violence pay swift and appropriate consequences.

I. INTRODUCTION

Domestic violence is a crime that differs from other crimes because of the intimate relationship between the victim and the accused. Responding to a family dispute (or domestic violence) is always a potentially dangerous assignment for the police officer. These calls are dangerous for the following reasons:

ATO 9.20.1

A. Those involved have lost control of their actions may resent the presence of an officer, and become even more aggressive.

B. Heavy consumption of alcohol /drugs sometimes accompanies or escalates the crisis, increasing the likelihood of hostile behavior.

C. In many cases wither one or both of the parties do not want police intervention.

D. There may be weapons in the home.

ASK FOR EXAMPLES OF HOUSEHOLD WEAPONS

E. Parties involved could unite and turn against the police

II. DEFINITIONS

A. Domestic Assault (18.2-57.2)
Any person who commits an assault and battery against a family or household member shall be guilty of a Class 1 Misdemeanor. Third or subsequent conviction is a Class 6 Felony.

OFFICERS MUST MAKE A REPORT, REGARDLESS OF WHETHER ARREST IS MADE AND SHALL PETITION FOR EMERGENCY PROTEDTIVE ORDER WHEN ARREST IS MADE.

B. Arrest without warrant authorized (19.2-81.3)
In cases of assault and battery against a family or household member and stalking and for violations of Protective Orders.

C. Family Abuse **t.o. 4.13.1.3**
Any act of violence, including forceful detention which results in physical injury or places one in reasonable apprehension of serious bodily injury, and is committed by a person against a family/ household member as defined in (16.1-228).

D. Family Disturbances (Also Domestic Disputes) **t.o 4.13.1.1**
Any incident, not involving a criminal incident as in 18.2-57.2, in which the parties appear to have a covered relationship. See definition below.

E. Family Offenses
Abuse which may include verbal/psychological involving persons in a covered relationship. examples include Destruction of partner's property or abuse to a family pet. **t.o 4.13.1.2**

F. Family or Household member (Covered Relationship) **t.o. 4.13.1.4**

1. **Spouse (residing together or not)**
2. **Former spouse (residing together or not)**
3. **Parents, stepparents, children, stepchildren, brothers, sisters, grandparents, grandchildren.**
4. **In-laws (mother, father, daughter, son, brother, sister MUST RESIDE IN SAME HOUSE.**
5. **Any two persons sharing a child in common.**
6. **Individuals cohabitating within the last 12 months. Homosexual relationships not covered in Virginia.**

G. **Predominant Physical Aggressor** **formerly "primary"**
Required to be documented in report
Per code 19.2-81.3

The predominant physical aggressor is not necessarily the first disputant to engage in assaultive behavior. Officers shall identify the predominant physical aggressor based on the totality of the circumstances. The following criteria should be used when attempting to determine the predominant physical aggressor:

1. **Who was the 1st aggressor.**
2. **The intent of the law, which is to protect the health and safety of family/household members.**
3. **Prior complaints of family abuse by the allegedly abusing person involving the family/ household member.**
4. **The relative severity of injuries inflicted on persons involved in the incident.**
5. **Whether any injuries were inflicted in self-defense.**
6. **Witness statements.**
7. **Other observations.**

H. **Resondent**
The alleged abusive spouse or family/household member.

I. **Ex Parte Hearing**
A hearing conducted by the court in which only the complaining party appears to give testimony.

J. **Adult Abuse Petition/Protective Order** **t.o 4.13.2.2**
A court order given on behalf of petitioner in a covered relationship. It refrains the abuser from subsequent acts of violence, and may order the abuser to remain away from the residence. (16.1-253.1) Preliminary Protective Order
(16.2-279.1) Final or Permanent Order

K. **Emergency Protective Order (16.1-253.4)**
Order issued when assault has occurred and there is probable danger of another offense. Authorized by Judge or Magistrate.

" OFFICERS KILLED"

III. THE BASIC GOALS OF CONFLICT MANAGEMENT

A. Gain control of the situation.

B. Defuse the situation and restore calm.

C. Provide safety to individuals and property.

IV. INITIAL RESPONSE/PRE-ENTRY PROCEDURAL STEPS

A. Approach the scene as one of high risk. *WHY?*

B. Premise history? *Get all available Info from disp.*

C. Notify dispatch by voice or MDT upon arrival
Prior to arrival!

D. Don't park in front of the address.

E. Whenever possible, wait for your back-up. *Sometimes, the Fight finds you!*

F. Approach door in a non-aligned manner, not side by side.

G. Before knocking, stop to listen *WHY?*
1. How many disputants?
2. Any weapons?
3. How heated is dispute?
4. Presence of dogs?
5. Children?
6. Foreign language.....officer safety issue.

H. Stand to the side of the door when knocking,
ANNOUNCE YOURSELF *DEMONSTRATE*

*if possible, one officer should observe person who answers the door.....COMMUNICATE W/PARTNER

1. Wait for the door to be opened...don't just walk in.

KEEP KNOCKING

1. If refused entry, officers *shall* be persistent about being seen and speaking alone with subject who called.

- CROSS DIRECTORY
CHECK IF 3RD PARTY

2. If access is still refused, officers may consider the totality of the circumstances to determine if an emergency exists which would justify an immediate search for the subject who called

BE PERSUASIVE

3. Supervisory or command personnel assistance should be requested if time permits.

- Generally, a 911 hang-up call ALONE is not sufficient.

K. One officer should enter behind the other after a slight pause (Staggered entry.)

THINK FATAL FUNNEL

COMMUNICATE,ASSESS ENVIRONMENT

V. THE BASIC STEPS FOR HANDLING FAMILY DISPUTES/FAMILY VIOLENCE (ONCE INSIDE.) *T.O. 4.13.4*

A. ESTABLISH CONTROL/EVALUATE THE SCENE

MAKE IT SAFE!
T.O.3.13.3

1. Use voice commands.
2. Stop any active fights.
   a. Restrain assailant if necessary, and remove if arrest Is warranted.
3. Provide aid and assistance as needed.....any injury? CALL RESCUE?

B. SEPARATE THE PARTIES

IDENTIFY AND CONTROL POTENTIAL WEAPONS

1. Attempt to remove the disputants from visual contact w/ each other.

LIST PROS/CONS

2. Why do we separate the parties?

DEMONSTRATE CONFIGURATIONS

   a. To gain control.
   b. To defuse situation and restore calm.
   c. To get both sides of the story.

Male/female officer As a team....discuss.

Cultural differences?

3. Are there dangers in separating the parties?
   a. Might not be able to see partner.
   b. Location.....potential weapons? *Kitchen, bath, bedroom*

4. Try to maintain visual contact with your partner at all times. *What if subj runs into Other room? Never let subj out of Sight!!*

C. INTRODUCE YOURSELF
   1. Use calming techniques/ verbal judo
   2. Remain as impartial as possible.

D. INTERVIEW
   1. Each officer takes a disputant and interviews to find out the following:
      a. Nature of dispute/ Did an assault occur? Injuries? If yes, identify, record, collect and/or preserve physical evidence.
      b. Previous incidents / frequency/severity *Remember , vic may be uncooperative*
      c. Obtain general info.....needed for report.
      d. Basic facts regarding incident.....don't allow disputants To recap their entire relationship history *short term solutions*
      e. Document info on any children present/department policy *COPY TO CPS?*

   2. Officers briefly compare notes: Statements, evidence of Injury etc... *KEEP SAFETY IN MIND*
      *Officers should not tell disputants what decision has been made until all available information has been collected. Stories will differ, so weighing all available info is crucial.

   3. Determine who (if applicable) is the Primary physical aggressor. *SUPERVISOR MUST BE NOTIFIED IF NO ARREST IS MADE*
      *weighing all evidence.....use common sense!

   4. Circumstances under which a dual arrest may be appropriate.
      **No basis to establish primary physical aggressor.* *Document in report*
      * parties pose significant threat to each other

E. REUNITE THE DISPUTANTS (if not arresting, and no one leaving *MAINTAIN CONTROL*
   1. Will depend upon severity of dispute.
   2. Sit disputants down at least a leg's length away from each other.
   3. One officer may sit down to talk, but the other will remain standing.(MAINTAIN OFFICER SAFETY PRECAUTIONS) *T.O.3.13.4*

VI. CONFLICT RESOLUTION TECHNIQUES *(BRIEF OVERVIEW/tested in CIVIL DISPUTES)*

(Negotiation and Arbitration taught at that time.)

A. MEDIATION

T.O 3.13.1

The most preferred technique for long term results. Here the Officer acts as a go-between. The aim is to help the disputants arrive at their own solution.

B. PROCEDURES

1. Officer briefly states each disputant's position (their side of the story.)
2. Elicit suggestions from the disputants as to how the problem may *realistically* be resolved.

T.O.3.13.2

3. Check each proposed solution with the other disputant, until there is acceptance or compromise.
4. Avoid criticizing offered solutions even if you don't agree.
5. Summarize the agreement that is reached.
6. Encourage disputant to act on the solution and leave.

KNOW WHEN TO WRAP IT UP.

MAKE SURE IT APPEARS THINGS ARE UNDER CONTROL.

C. REFERRAL should be combined with any of the other techniques.

HANDOUT

1. Officer identifies agency that may be able to help.
2. In cases of domestic violence, it may be necessary for the Officer to provide transportation for safety purposes.
3. CPS , domestic violence shelters, social services may also need to be notified.

Vic Services card must be given. (Vic Services presentation to follow)

VII. ARREST *(19.2-81.3)*

1. Four ways to make an arrest on domestic violence cases.
   a. Criminal violation observed by the officer.
   b. Valid warrant.
   c. Based on probable cause for an assault not witnessed.
   d. In cases where the conditions of an emergency protective order have been violated.

T.O. 2.29.2.14
DEPT HAS PRO-ARREST POLICY SHALL OBTAIN WARRANT/EPO

Class I misdemeanor

2. It is the officer's responsibility to decide whether an arrest should be made based solely on the facts and circumstances relevant to the criminal violation. *When an arrest is made, the officer shall emphasize that the criminal action thus initiated is at the Commonwealth's discretion, and not the Victim's.*

3. If the officer arrests for the commission of a crime, the officer shall confiscate all weapons used or threatened to be used in the commission of the crimes, and such weapons should be held as evidence.

4. If there is evidence of mutual assault and the officer concludes that one party was acting in self defense, that party should not be arrested.

LOOK FOR DEFENSIVE WOUNDS

5. The provisions of *General Order 601.4*, Domestic Violence shall be followed in all cases.

VIII. PROCEDURE WHEN ARREST IS NOT PERMITTED OR, IF PERMITTED, IS NOT MADE

A. If the nature of an offense does not permit a custodial arrest a summons may be issued, if appropriate and permitted by law.

B. If an arrest is not permitted because of the absence of probable cause to believe that the crime was committed, or if the arrest is permitted but not made the officer shall:

1. Explain to the victim the reasons that the arrest is not being made.
2. Advise the victim of procedures for obtaining a warrant.
3. Encourage the victim to contact the resources available to assist domestic violence victims.

REFERRALS

4. The officer shall not become involved in the disposition of personal property. (*Person leaving residence may pack an overnight bag, for example.* Both parties should be Aware that in the absence of other orders, a magistrate may Impose a 72 hour no contact condition on bond...for vic and home.) 19.2-123
5. In the absence of a warrant or probable cause to believe a crime has occurred, *officers shall remain neutral and be concerned primarily with maintaining the peace and safety of those present.*

DOCUMENT IN REPORT!!

IX. ADULT ABUSE PETITIONS/PROTECTIVE ORDERS/EMERGENCY PROTECTIVE ORDERS

All valid protective orders will be honored.

Officers shall inform the victims of domestic violence of the procedures for obtaining orders: ***HANDOUT***

A. Adult Abuse Petitions- petition is filed at the Juvenile and Domestic Court by petitioner to the Intake officer- case is Then sent to a judge who determines if a Preliminary Protective Order is to be issued.

B. Preliminary Protective Order/Permanent Protective Order Issued by J&DR court: *T.O.4.13.2.2*

T.O.4.12.2.3

1. Petitioner must be in a covered relationship.
2. The applicant must be the victim of an assault, and in fear of repeated assaults- WILL FILL OUT AFFIDAVIT.
3. The applicant must appear before an intake officer and swear to the petition.
4. The petition will be taken before a judge, *ex-parte*, on the same day. The judge will decide whether or not to issue a Preliminary Protective Order in response to the petition. The Preliminary Protective Order shall specify a date for the full hearing which shall be held within *15 days* of the Issuance of the Preliminary Protective Order.
5. *The Preliminary Protective order or Final Protective Order is effective upon personal service on the respondent.* *T.O. 4.13.3.2*

T.O.4.13.3.3

6. A Preliminary Protective order is valid from the date of personal service until the court hearing.

7. A Final Protective order (permanent) is valid for *two years* from the date of the hearing, unless otherwise specified by the court.
8. Both the preliminary and final Protective orders may be rescinded prior to the expiration date by the Juvenile and Domestic Relations Court on a motion filed by either spouse.

C. IMPORTANT INFORMATION REGARDING PROTECTIVE ORDERS (FINAL/PERMANENT) *T.O. 4.12.2.3*

1. A full hearing will be held within *15 days* upon issuance of a PPO where conditions (terms) will be set if allegations

are proven. The clerk's office will provide Court Liaison with copies of final protective orders, issued after a hearing by the JDR court, which specify, "The respondent shall grant the petitioner possession of the residence occupied by the parties to the exclusion of the allegedly abusing spouse."

2. The protective petitioner's address, along with the relevant Information from the order, *shall be entered into the CAD Location of Interest file (LOI).*

3. An expiration date of 99 days from the date of the entry (unless a shorter effective interval is specified by the order) will be established for each LOI record.

4. A file containing copies of final protective orders shall be maintained at the court liaison office *located at the JDR court.*

5. Copies of expired LOI entries shall be provided to Court Liaison each business day by the PSCC staff.

6. Upon receipt of expired LOI entries for final protective Orders, the court liaison office shall contact the clerk's Office to verify the current status of the protective order. If the order is still effective, the information shall be re-entered into the LOI file for an additional 99 days.

7. Should the provisions of a final protective order be modified By the court to include or eliminate the requirement for One person to remain away from the residence, the clerk of the JDR court shall provide such information to the court liaison office. Court liaison personnel shall immediately delete *Or otherwise modify the LOI record to reflect the new information.*

D. EMERGENCY PROTECTIVE ORDERS *T.O.4.13.2.1*

1. Issued to police officer when he has reasonable grounds to believe an assault was committed. *T.O. 4.13.3.1*

2. Is likely to happen again.

The respondent was not arrested and another assault is likely. (The decision to seek an emergency protective Order should not be affected by the fact that the family or household member left the premises to avoid the *GOA??*

danger of another assault.)

The respondent is likely to make bail and poses a threat to the family or household member before they would have an opportunity to respond to the J&DR court, in person, to seek a protective order.

Circumstances dictate that an emergency protective order would be the best solution for all parties involved.

3. *Assault must occur against a person in a covered relationship.*

4. Meet with supervisor, advise, and get approval.

5. Contact magistrate or judge.

6. Upon telephone contact, the officer will provide testimony and any other evidence to the judge or magistrate under oath, which would support the issuance of an emergency protective order. Decision is made by a judge or magistrate whether or not to issue EPO.

7. Once authorization is given, *reduce order to written form.* First copy to court, 2nd to respondent, 3rd to victim, 4th attached to preliminary report.

Magistrate must Sign original within *5 days and return to court.*

8. Serve by one of the following methods:

   a. *Serve on respondent in person.*

   b. *Deliver to family member age 16 or older at normal residence of respondent.*

   c. *Post on front door of normal residence of respondent.*

Expires end up business (up to 72 hrs.)

~~*Expires next day court is in session at 1700hrs.*~~

No court hearing necessary

9. Report written detailing service including attached form for EPO.

10. Officer obtaining EPO will enter the event location into Location of interest file in CAD system.

The LOI entry will have the retention days set to ensure the record remains on file through the next business day. The remarks section will include the respondent's name, conditions of the emergency protective order, and the names of the officer and approving judge.

11. Violation is a class 1 misdemeanor — There must be a charge
12. Document on summons

X. MISCELLANEOUS

A. Firearms

1. The federal gun control act was amended effective September 30, 1996, making it unlawful for any Person convicted on f misdemeanor crime of Dom-Vio to possess, purchase or receive firearms or ammo

2. Virginia (18.2-308.1:4) makes is a class 1 misdemeanor for the subject of a protective order to purchase or transport.

B. Phone Program

Cellular phone provided to vic free of charge through Cell One. Limited number, coordinated through CPO And/or Dom Vio Investigator at station

C. Escort Policy

Fully detailed in dept policy. As a courtesy and a safeguard to the vic, officers will accompany vic's to residence to retrieve property needed for personal use (overnight stay.) Discretion should be used to ensure that officers do not become involved in property battles.

D. Response when officer is offender

Supv. Must investigate

E. Copies of DomVio reports:

Commonwealth Attny
Vic Services (assigned to district stations)
Dom Vio Investigator at station
CPS if applicable

XI. DOMVIO Investigators at District Stations

Introduce Detectives

Detectives will discuss their Function and needs from Patrol Officer as Prelim Investigator

Initiated as a pilot program with the goal of each district station Having its' own investigator responsible for following up all Dom Vio cases.

Fairfax County Criminal Justice Academy

14601 Lee Road
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Lesson Plan Cover Sheet

Course Name:
Handling Various Calls

Course Length:
6 Hours

Instructor's Name:
MPO Charles Ponsart, 1925

Date of Preparation:
July 6th, 2005

Date of Instruction:
July 5th, 2006. Session 49

Course Reference / Resources:
Fairfax County Police Department General Orders
Fairfax County Police Department Standard Operating Procedures
Fairfax County Sheriffs Office Standard Operating Procedures
Department of Criminal Justice Services Training Manual
Department of Criminal Justice Services Training Objectives
Department of Criminal Justice Services Lesson Plans

LT. R. Hersey
#1505
07-09-06

Student Training Objective / Performance Based Objective / Academy Training Objective:
Training Objectives: 4.18 (All)

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Lesson Plan Cover Sheet

Instructional Goal:
Respond to an in progress call

Instructional Objective:
4.18.1. Coordinate response with back-up units
4.18.2. Use tactical approach
- a. vehicle placement
- b. cover and concealment
- c. observe area
- d. avoid "police noises," i.e., jangling keys, squeeky leather, radio.

4.18.3. Security check of area
4.18.4. Contact complainant or responsible party

In-progress alarm:

4.18.5. Coordinate units responding to the call
4.18.6. Use tactical approach
- a. vehicle placement
- b. cover and concealment
- c. observe area
- d. avoid "police noises," i.e., jangling keys, squeeky leather, radio.
- e. methods for responding to crimes in progress and an example for each method
- f. factors to be considered when determining the method to be utilized in response to crimes in progress
- g. factors upon which an officer should base the selection of a response route
- h. tactical responsibilities of the primary unit responding to a crime in progress

4.18.7. Communicate with the manager or person in charge through dispatch or telephone to determine if the suspect is still on the premises or has left
4.18.8. If suspect is still on premises, maintain cover position and treat as hostage situation from this point

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Lesson Plan

4.18

Residential alarm:

1. Coordinate response with back-up units
2. Use tactical approach
    a. vehicle placement
    b. cover and concealment
    c. observe area
    d. avoid "police noises," i.e., jangling keys, squeeky leather, radio.
3. Security check of area
4. Contact complainant or responsible party

Instructor Note: Advise trainees that they will need to identify department policy on false alarms as part of department training.

In-progress alarm:

1. Coordinate units responding to the call
2. Use tactical approach
    a. vehicle placement
    b. cover and concealment
    c. observe area
    d. avoid "police noises," i.e., jangling keys, squeeky leather, radio.
    e. methods for responding to crimes in progress and an example for each method
    f. factors to be considered when determining the method to be utilized in response to crimes in progress
    g. factors upon which an officer should base the selection of a response route
    h. tactical responsibilities of the primary unit responding to a crime in progress
3. Communicate with the manager or person in charge through dispatch or telephone to determine if the suspect is still on the premises or has left
4. If suspect is still on premises, maintain cover position and treat as hostage situation from this point

Lesson Outline	Instructional Activities
VIII. Review problems to in progress calls. 1. Just another routine call 2. Group thin, following actions even though we know it is wrong 3. Fake understanding on communication 4. Stay quiet and out of site 5. Slow things down 6. Focus on outcome not process only he can solve the problem	Tape: Burglaries in Progress

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Instructional Goal:

The trainee will understand the tactical consideration relative to crimes in progress.

Lesson Objectives:

1. Identify the methods for responding to crimes in progress and identify and example of each. 9.14.1
2. Identify the criteria to be considered when determining the method to be utilized in responding to crimes in progress.9.14.2
3. Identify the criteria upon which an officer should make the selection of a response route. 9.14.3
4. Identify the tactical responsibilities of the primary unit responding to a crime in progress.9.14.1
5. Identify the tactical consideration as being those to be in response to a burglary in progress call. 9.15.1
6. Identify tactical considerations as being those to be made in response to a robbery in progress. 9.16.1
7. Identify the procedures to be followed in responding to a prowler call. 9.17.1
8. In a practical situation, the trainee will effectively handle a prowler, burglary in progress, and robbery in progress. 9.18.1, 12.5.1, 12.13.1
9. Identify the physical sign an officer on a burglary call should be looking for first. 9.5.3
10. Identify procedures for investigating different types of missing persons cases. 9.13.2
11. Identify the reasons for making a thorough search of a reported missing small child's house and yard at the outset of the investigation. 9.13.2

Training Objectives: 4.10.1, 4.10.2, 4.18.1, 4.18.2, 4.18.3, 4.18.4, 4.18.5, 4.18.6, 4.18.7, 4.18.8, 4.19.9

Academy Training Objectives:
9.14.1,9.14.2,9.14.3,9.15.1,9.16.1,9.17.1,9.18.1,12.5.1,12.13.1,9.5.3

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Lesson Outline	Instructional Activities
I. Complaint Documentation A. Has a complaint 1. Caller/Victim/Complaint 2. Yourself 3. Unidentified B. Report Types 1. Preliminary Report 42b 2. Supplement Report 4a 3. State Accident Report fr300p 4. Warrant Control Form 5. Home Security Survey C. 10-98 Disposition Voice or CAD	Handout
II. Non Written Complaint 10-99 A. Documentation same as 10-98's notebook B. Accidents 1. On a <u>State</u> road and a. No fatality or personal injury and b. Under $1000 property damage and c. Not a hit and run accident • When a violation exists and a parking ticket is issued • An abandoned vehicle should be documented on a preliminary report • If vehicle is towed it should be documented on a preliminary report 2. On private property and a. no fatality or personal injury and b. not a hit and run accident 3. accident policy 4. when in doubt, write it up 5. CAD format- \form\a	Q. How much does a bumper on a car cost installed? A. $600 ▒ 1200. So you would not 10-99 many accidents.

DEF000986

Lesson Outline	Instructional Activities
C. Parking Violations	10-99v
1. When a violation exists and a parking ticket is issued 2. An abandoned vehicle should be documented a preliminary report 3. If a vehicle is towed it should be documented on a preliminary report.	
D. Unfounded	10-99u
1. Write any complaint where there is suspected criminal activity. 2. No complaint to be seen or indication of service needed.	
E. Civil Dispute	10-99c
1. Civil dispute only no alleged or actual criminal activity 2. Identities of involved persons can be established. 3. Documents relevant information in your notebook	
F. Noise violation	10-99n read DAR
1. Found violation and 2. Received voluntary compliance and 3. Obtain and record identifying information 4. MDT • Supplement person form • Disposition	

DEF000987

Lesson Outline	Instructional Activities
III. Noise ordinance violations, noise prohibited. A. County code section 108-4-1 1. Loudspeakers, amplification devices • Fixed or mobile • Purpose of: 1. Instruction, info 2. Directions, talks 3. Advertising 4. Entertainment. 2. Construction equipment • Outdoors • Between 9pm and 7am 3. Working on vehicles • Outdoors • Between 9pm and 7am	Handout Specific prohibitions
4. Power model vehicles • Outdoors • Between 9pm and 7am 5. Collect trash • Residential areas • Between 9pm and 7am 6. Loading and unloading trucks • Within 100 yards or residence • Outdoors • Between 9pm and 7am	

Lesson Outline	Instructional Activities
B. Nuisance Noise	Section 108-5-1
1. Unlawful to: a. Make-continue to make cause to be made or continue a noise disturbance.	24 hours a day
C. Specific prohibitions	section 108-5-2
1. Device for production sound 11pm to 7am a. Plainly audible across boundary lines b. Audible through partitions common to two people in a building c. Audible at 50 feet from a motor vehicle • Parked • On right of way • In public place 2. Owning, keeping, possession or harboring animals which frequently habitually: a. Howl, bark, meow, squawk, or other b. Audible across property boundaries c. Audible through partitions common to two people in a building.	

Lesson Outline	Instructional Activities
D. Noise ordinance violations	
1. Legal consideration a. review county codes • 108.4.1 • 108.5.1 • 108.5.2 2. Investigative responsibilities and procedures a. Respond to scene and establish if a violation is occurring b. Identify owner or person responsible for the noise c. Advise the person to discontinue the noise and that any further violation would result in a summons being issued.	
d. If the noise continues after an initial summons is issued, the person who received the summons should be arrested and transported to a magistrate	Willful continuation of offense.
e. Document on field investigation report along with summons 3. Loud Party, read DAR a. With or without a complaint; dispatched officer should advise dispatcher and supervisor of approximate number of people and if the situation is out of hand. b. Attempt made to locate owner or sponsor advise them of complaint and attempt to get voluntary compliance. Field investigation report completed.	Read command staff memo 92-303

Lesson Outline	Instructional Activities
c. If additional assistance is needed, supervisor requested, he can determine if additional resources are needed: TAC team, gas, helicopter-illumination, loud speaker, wagon, photographs, psychological actual or simulated. d. Attempt to get voluntary compliance to dispense crowd, supervisor may declare unlawful gathering e. Primary objective is dispersal and prevention of reforming, avoid mass arrest, deplete manpower, document a field investigation along with any summons.	

Lesson Outline	Instructional Activities
4. 10-99n noise violations • The case disposition 10-99n may be used whenever an officer responds to a noise ordinance violation. If a violation is found, the name, address identifying information and any other necessary fact concerning the person responsible shall be reported on the supplement person mask. In the event of a second or subsequent response requiring the issuance of a police summons or a physical arrest, a field investigation report (pd form 42b) will be completed using the original case number. • Under this revision, officers shall continue to seek voluntary compliance with the provisions of section 108 5-2 of the county code. Any example of a typical instance is which 10-99n would be appropriate is as follows: ➢ An officer arrives on the scene and locates a violation of the noise ordinance, identifies the person responsible, and seeks voluntary compliance. The identity of person responsible will be made a part of the cad event history by use of the supplement person mask. In the event of a second or subsequent complaint, the cad premise history and event history will alert the officer to the prior complaint, and identify the individual who has been warned previously. In the event that a summons is issued or a custody arrest is made, a pd form 42b shall be completed.	

Lesson Outline	Instructional Activities
IV. Alarms and crimes in progress- treat them as though they are real. A. Business open 1. Approach-speed for silence • Watch suspicious people as you arrive. • Wait for backup 2. Cover and concealment • Most likely exit 3. Watch the business, wait, watch some more 4. Have pscc contact the business a. Manager comes out • Know the people on your beat • If you don't know the manager, have him raise his hands and open jacket 5. More than one unit • Cover front and rear exits • Position to see all avenues of escape • Area units cover escape routes.	What types of alarms are there? Make a list- Start planning readiness GO 520.1 Q. Why are alarms such a dangerous call to respond to? Types? 1. unk 2. bank burglary 3. bank hold up 4. commercial burglary 5. commercial holdup 6. residential burglary 7. residential panic 8. phone monitor 9. phone alarm • write on board▒ treat all alarms as though they are real▒ q. Why is it good to know the businesses in your area?

DEF000993

Lesson Outline	Instructional Activities
B. Business closed 1. Approach, speed for silence 2. Headlights off 3. Watch for movement • Reflections in glass 4. Check door • Peek method/indexing 5. Roof, if necessary 6. Wall jobs • Through walls of adjoining business 7. Contact owner, station file and computer.	• Start to make plans and practice them. The more you can slow down the events, the better you will be able to contain and control the incident. q. How can you see if entry has been gained through the roof? a. Go to higher ground, fire escape, check ceiling inside.
C. Home alarms 1. Approach, speed for silence 2. Park away and walk 3. Danger, checking backyard with flashlight (most important) 4. Stay in shadows, look and listen, use cover and concealment 5. Call pscc if suspicious	Explain station emergency file q. Why are home alarms dangerous? a. Home owners usually set them off. • Show tape, <u>silent alarm.</u>

DEF000994

Lesson Outline	Instructional Activities
D. Bank alarms 1. Approach, speed for a. Suspicious vehicles leaving area b. Watch most likely exit until pscc makes contact 2. Same as regular alarms 3. Notification a. cib commander b. public information office c. district station commander d. fbi, alexandria field office	Handout-G.O. 520.1 q. When do you get bank alarms? q. How often do you get them? q. How often are they good? • Overhead • Explain FBI role at robbery, can investigate together, let them in.
E. Hi rise alarms 1. Take elevator to floor below 2. Walk to next floor cautiously	• Perfect scenario not always black and white, slow down, adapt. • In progress call one of four actions: physical confrontation, fleeing/shooting felon, gone on arrival, proper color code

DEF000995

Lesson Outline	Instructional Activities
V. Prowler 1. Know your area a. Congestion b. Physical barrier c. Pedestrian d. Know and use alternative routes 2. Silence before speed a. Cruiser engineer and lights b. Cruiser door c. Radio d. Keys 3. Park away and walk to complaint a. Diagram of apartment complex • Mason folder of information, Mt. Vernon locator 4. Flashlight a. Intermittently b. Away from body 5. Searching the area a. Two units, know where the other is, crossfire b. Walk in shadows, crouched c. Avoid being silhouetted d. If you can't find him, look for evidence 6. Locating the subject a. If possible, observe the subject b. Is any crime being committed? • Trespassing • Unlawful entry • Burglary tools • Concealed weapons c. Field interview 1. Proper stance 2. Identification 3. Warrant check d. Subject not located 1. Look for evidence of a crime • Burglary attempt • Peeping tom 2. Check area when leaving 3. Animals or vegetation causing noise?	q. What is a prowler? q. What does a prowler look like? a. Probably prevents or thieves, but could be kids playing tricks, joggers, etc. • Write on board. Silence before Speed. q. How can you get information to make a map? a. Apartment manager, company, tax map, observation. Be aware of police noises, items on belt, beeper on watch. Suspicious Persons Tape q. Will you always use the proper police challenge when you find a person? a. No. When wouldn't you? Give examples. Show quick patdown.

DEF000996

Lesson Outline	Instructional Activities
e. Complaint 1. Get full information 2. Reassure them • Justify noises • Check the area 3. Possible suspect service • Kids causing pranks • Joggers • Vagrants • Anyone	q. When will you meet the complainant, before or after you check the area? a. Depends on what PSCC tells you.
VI. Robbery in Progress, just occurred A. From a person 1. Victims location and description 2. Lookout from pscc 3. Arrive quickly and safely a. Alternate routes to avoid traffic b. Watch for suspect vehicles as you arrive 4. Interview the victim a. Determine if medical attention is needed (number one is preservation of life in all in progress calls) b. Give lookout and time lapses c. Locate and interview witness d. Locate and preserve evidence e. If in a crowd, determine if suspect is still there f. Interview victim again.	Show tape: Response in progress. q. Why would you want the description of the victim in some circumstances? a. Can't locate, shopping center, park, etc. q. What is the first thing you want to learn from the victim? a. Exactly what occurred, it may not be a robbery. Give examples of minute time lapse distance

DEF000997

Lesson Outline	Instructional Activities
B. From a business, handle like an alarm basically. 1. PSCC confirms suspect have gone 2. Obtain lookout 3. Arrive safely and quickly 4. Observe the business a. Keep your cover • Choose good position • Know avenue of escape b. Other units cover escape routes c. Wait for owner to come out d. Determine what happened e. Give lookout f. Locate, identify, and interview witnesses g. Locate, identify, preserve, and then process evidence.	Mention off duty responsibilities, be a good witness, not a dead hero. 90% of hostage situations are caused because of a too visible first response

Lesson Outline	Instructional Activities
VII. Burglary in progress or just. A. Response 1. Analyze information from PSCC 2. Respond cautiously and quickly a. Sacrifice speed for silence 3. Don't park in front of complainants house 4. Cover escape 5. What crime was committed? 6. Accurate description from witnesses 7. Process scene 8. Other circumstances a. Complainant locked herself in bedroom • Check for point of entry • Reassure it is ok to come out • Get their description before they come out • Leave weapons behind • Be prepared in case it is the burglar • Use k9, helicopter B. Physical signs of burglary 1. open door or window 2. screen ajar 3. broken door, window 4. garage door 5. ladder 6. anything out of the ordinary 7. lights on or moving lights 8. business closed?	• Start planning ahead • Readiness q. How do you respond to a burglary in progress? a. Lights, and siren, depending on conditions. Give examples. q. Why should you stop as many people as possible? a. Possible witness description is not what they seem to be. Stay hidden until backup arrives. q. What do you do before you send in k9? a. Give warning, then wait five minutes. Q. What are some signs you look for at a burglary site? a. Overheads.

DEF000999

Handling Various Calls

Part One

Session 49

Team Taught By
MPO Chuck Ponsart
PFC Jewel Longerbeam

There is a Practical assigned to this block of instruction

Practical 12

7/12/06

And a Whole Bunch of Questions on your Next Test

Little Lost T.O.

- Does the state code allow local counties, cities, and towns to establish ordinances that effect loitering / curfew violations?

- YES

CAD Events

Show up for work, and anything Is POSSIBLE.

God help me, I do LOVE THIS JOB!!!!!!!

EVENT DISPOSITIONS

10-99 Dispositions

- 10-99V
  - Parking Violation
- 10-99U
  - Unfounded complaint
- 10-99C
  - Civil Complaint
- 10-99N
  - Noise Violation
- 10-99A
  - Non-Reportable Accident

DEF001000

10-99U Unfounded Complaint

- No complaint to be seen.
- No finding of criminal activity.
- When in doubt write a PD-42, remember INFORMATION has value.
  - At the very least use a field contact card, or memo your CAD event.

10-99A Non-Reportable Crashes

- Combined property damage less than $1,000.00
- Private property regardless of damage amount.
- Crash policy in effect.

10-99C Civil complaint

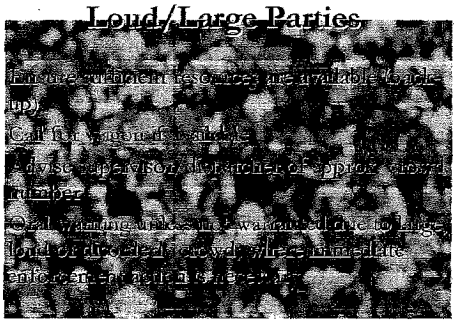
- Civil complaint only, no indication of criminal activity based on your investigation.
  - An attempt is made to resolve the situation.
- Types of Civil disputes.
  - Landlord / Tenant (MPO Ranck)
  - Contractual disputes
  - Disputes between roommates
  - Marital disputes
- *Document your findings in 007.*

10-99N Noise Violation

- Found the violation.
  - Received voluntary compliance
  - There were no more violations during the night / day.
  - Obtained and recorded information on the person you spoke with and warned about the situation. This information will be entered into a special MDT mask.
- Should you, or any other officer have to return a summons will be issued to the person first contacted.
  - Once a summons is issued a PD-42 will be written using the case number from the original call.

Exceptions.
Construction. 0700-2100
Trash pick up. 0600-2100

Loud/Large Parties



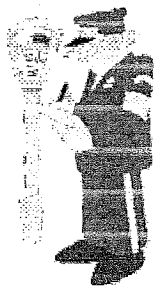
- Ensure sufficient resources are available (back-up)
- Call for wagon if available
- Advise supervisor/dispatcher of approx. crowd number
- Oral warning unless not warranted due to large loud or disorderly crowd, where immediate enforcement action is necessary

Loud/Large Parties

- Physical custody shall be effected only when an officer has reason to believe that the person (s) cited are likely to disregard the summons or the offense is continuing.

10-99V Parking Violations

- Can be used when a parking violation exists, and a parking ticket is Issued.
  - What do you do if there is no violation upon your arrival?
- Cases where you must document a parking ticket on a PD-42.
  - Abandoned vehicles
  - Vehicle is towed
  - You have a complainant



H.V.C.

Part 2

Alarms

- All alarms are closed 10-98
  - Even though alarms are closed 10-98, no report will be written provided a special MDT mask is filled out.
    - MDT mask - MRPT
    - If the MRPT mask is not filled out you will have to write a PD-42.
    - Fill out a FARU Form
  - Response to alarms will be covered in the next block if instruction.

Alarms

- Unknown Alarm
- Automatic Dial Up
- Bank Burglary Alarm
- Bank Hold-Up Alarm
- Commercial Burglary Alarm
- Commercial Hold-Up Alarm
- Domestic Violence Alarm
- Residential Burglary Alarm
- Residential Panic Alarm
- Station Phone Monitor
- School Alarm

Alarms

- Residential
  - Silent
  - Audible
  - Hold up
  - Panic
  - Interior
  - Exterior
  - Glass Breakage
  - Medical
    - Fire / Rescue Department
  - Fire
    - Fire Department

Alarms

- Business
  - Silent
  - Audible
  - Hold up
  - Panic
  - Interior
  - Exterior
  - Fire
    - Fire Department

DEF001002

Alarms

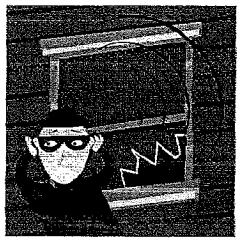
- Car
  - Audible

Alarms

- Bank Alarms
  - Silent / Audible
  - Panic
  - Hold Up.
  - Interior / Exterior
  - Fire
    - Fire Department

Responding to Alarms

- Consider the type of alarm you are responding to.
  - Silent / Audible
- Tactical approach
  - Shielding / Concealment
  - Placement of your Vehicle
- Perimeter
- Observe the location
- Contact

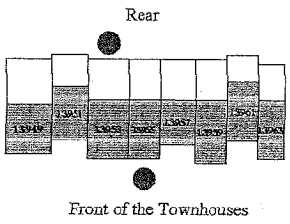


Approach

- Closed / Open Business
  - Tactical approach
  - Headlights off / police noises.
  - Stand off and observe
  - Approach using shielding / concealment
  - Bob and peek / indexing.
  - Check doors and windows
  - Check adjoining businesses
    - Knock throughs
  - Check the roof
    - Skylights

Approach

- Residential
  - Tactical approach
  - Headlights off / police noises.
  - Stand off and observe
  - Approach using shielding / concealment
  - Bob and peek / indexing.
    - Townhouses
  - Check doors and windows
- Why are home alarms dangerous?



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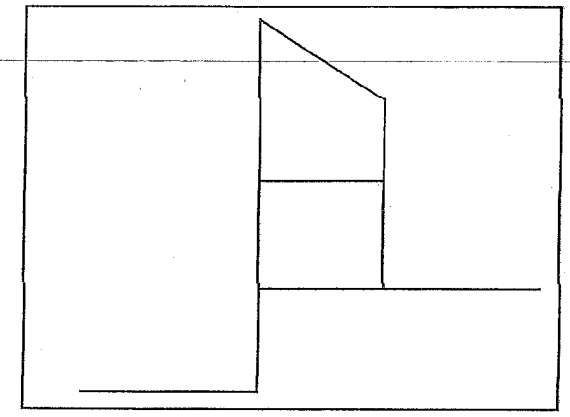

Approach

- High rise building (residential / commercial)
  - Tactical approach
  - Headlights off / police noises.
  - Stand off and observe
  - Approach using shielding / concealment
    - Go to the floor below, walk to the next floor cautiously
      - Be careful of the stairwells
  - Bob and peek / indexing.
  - Check doors and windows
  - Check adjoining businesses / apartments
  - Check the roof

Approach

- Bank alarms (Any Hold up Type of an alarm)
  - Tactical approach
  - Headlights off / police noises.
  - Stand off and observe
    - Have PSCC call the Bank / Business.
      - Have the business employee come to you, do not give up shielding to meet him / her
    - Watch the most likely exit (s)
  - Approach using shielding / concealment
  - Bob and peek / indexing.
  - Check doors and windows
  - Check adjoining businesses
  - Check the roof

Treat all alarms as if they are REAL

Suspicious Events

- What is suspicious ?

(I can't describe it, but I know it when I see it.)

- Vehicle (s)
- Person (s)
- Event
- Noise

Response

- Know your area
  - Streets and terrain
  - People and vehicles.
  - Problem areas
  - Know the laws
- Tactical approach
  - Intelligence gathering
  - Vehicle placement
  - Shielding / concealment
  - Police noises
- Contact
  - Contact / cover principals
- Investigation
  - Warrant checks
  - Field contact cards
- Conclude the incident
- Complainant

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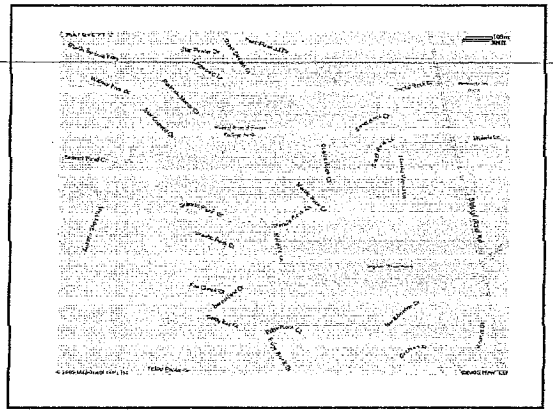


Robbery

- Threat, Force or Intimidation; Take, Steal or Carry away the property of another with the intent to permanently deprive the owner the use there of.

Robbery from a Person

- Victim location / description
- Preliminary lookout information from PSCC
  - Be on the lookout while responding
- Respond quickly and safely
  - One officer to the scene, backup (s) to the perimeter
- Locate victim
  - Medical needs

Robbery from a Person

- Interview the victim
  - Determine type of crime
    - Establish the elements
- Develop / broadcast lookout
  - Request resources
- Locate and preserve evidence
  - On Robberies CSU will respond
- Locate and interview witnesses
- Make notifications
  - On bank robberies you will see the FBI
- Write the report

Robbery from a Business

- Respond the same way you would respond to a commercial alarm.
  - Tactical approach
  - Headlights off / police noises.
  - Stand off and observe
    - Have PSCC call the Business / bank.
    - Watch the most likely exit
  - Approach using shielding / concealment
  - Bob and peek / indexing.

Robbery from a Business

- Type of location determines response
  - Shopping center
    - Mall
    - Stand alone
- Victim location / description
- Locate victim
  - Medical needs
- Interview the victim
  - Determine type of crime
- Develop / broadcast lookout
  - Request resources
- Locate and preserve evidence
- Locate and interview witnesses
- Make notifications
- Write the report

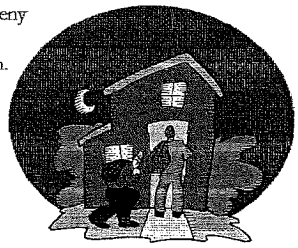
DEF001005

90 % of hostage situations are caused because of a too visible first response.

Be a good witness, not a dead Hero?

Burglary

- Break and Enter with the intent to commit larceny or any other misdemeanor there in.



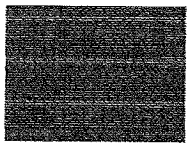
Burglary in Progress

- Respond the same way you would respond to a commercial alarm.
  - Tactical approach
    - All officers to the location to set up the perimeter
  - Headlights off / police noises.
  - Stand off and observe
    - Watch the most likely exit
  - Approach using shielding / concealment
  - Bob and peek / indexing.

Burglary in Progress

- Type of location determines response
  - Shopping center
  - Residential
- Victim location / description
- Locate victim
  - Medical needs
- Interview the victim
  - Determine type of crime
- Develop / broadcast lookout
  - Request resources
- Locate and preserve evidence
- Locate and interview witnesses
- Make notifications
- Write the report

Bomb Response



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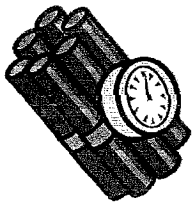
Why do People Bomb?

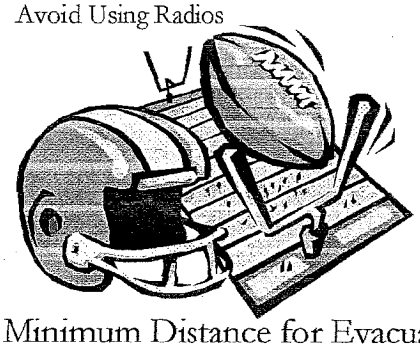
- Revenge
- Statement
- Terrorist
- Fear
- Fun
  - Juveniles most Responsible
- Destruction



Types Of Bombs and Materials

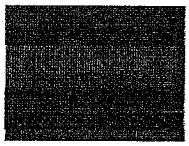
- Black Powder / Smokeless Powder / Pyrotechnics Powder
  - Most common explosive filler
  - Hunting Stores
- Gas
  - Most Common incendiary liquid
- Propane
  - Columbine
- Fertilizer
- Fuel Oil

Avoid Using Radios



Minimum Distance for Evacuation

Response to a Terrorist Act



Atlanta, GA.
Summer 1996

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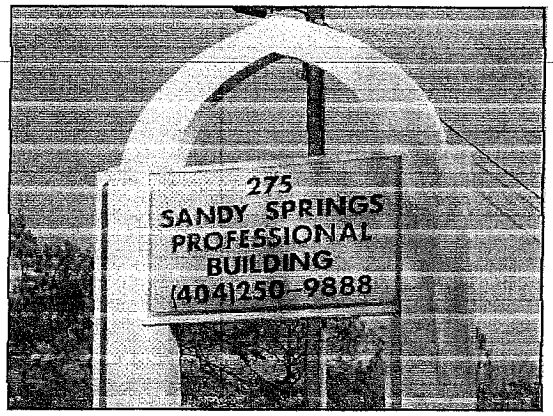
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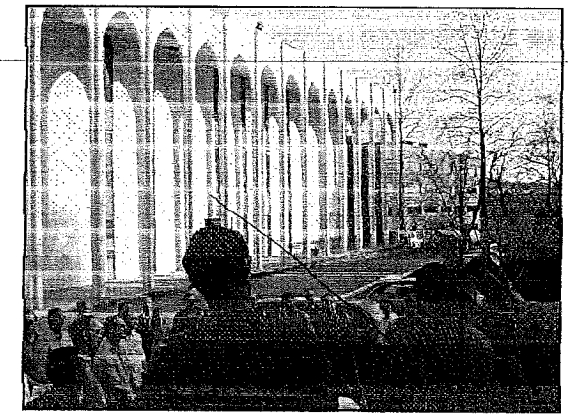
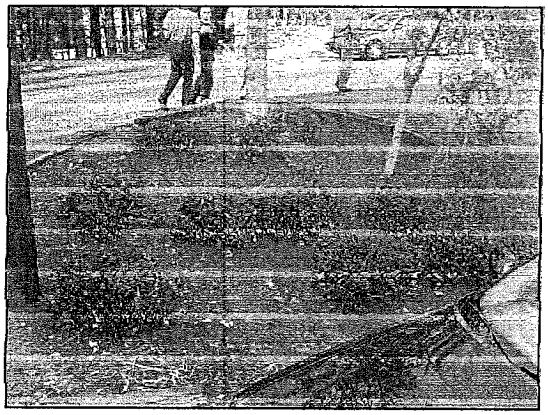
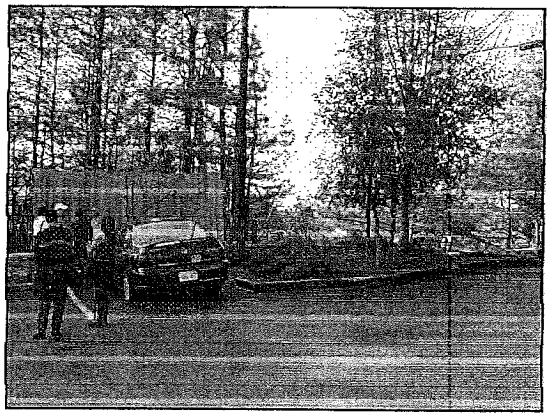
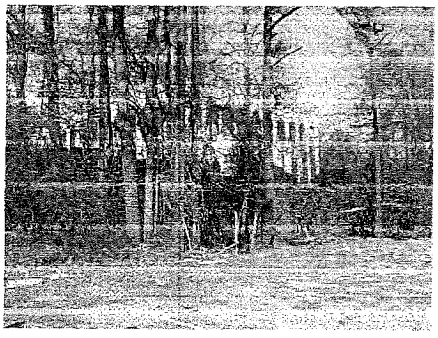
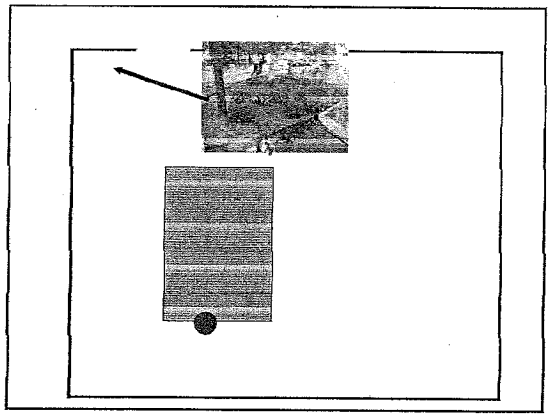
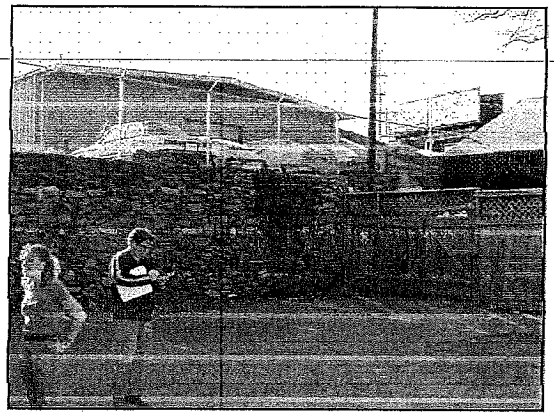


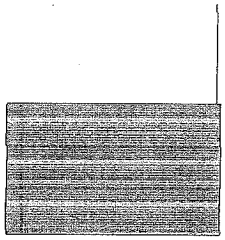








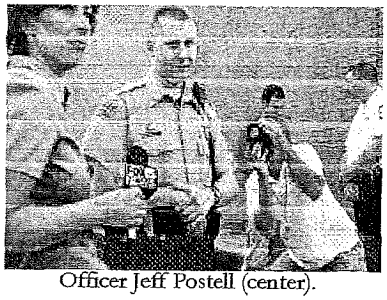




Birmingham, Alabama

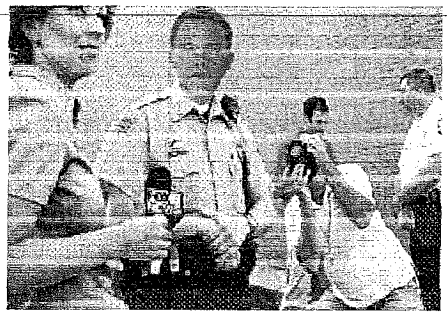
January, 1998
Abortion Clinic
One Officer Dead
One Nurse Maimed

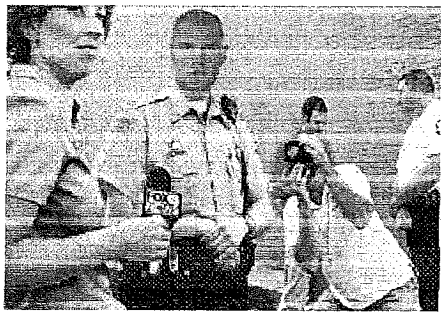
May 31st, 2003

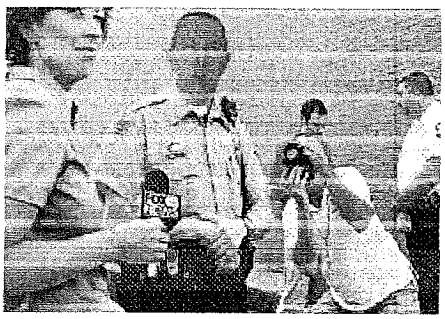


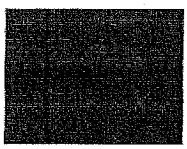
Officer Jeff Postell (center).

DEF001009









First Responder to a Terrorism Act

- When you arrive the terrorist has already anticipated your first move. You are on the terrorist playing field.

DEF001010

Right Place / Right Time
Doing his Job

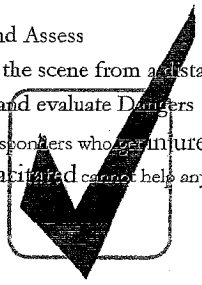
- Mir-Amal Kansi
- January 1993
- Ron Brown
- Missing Person Report

Considerations

- First responders who get injured or incapacitated cannot help any one else.

First Responder Checklist

- Arrive and Assess
- Observe the scene from a distance
- Identify and evaluate Dangers
  - First responders who get injured or incapacitated cannot help any one else.



First Responders Checklist

- Check for signs of chemical of biological attack
  - Dead bugs, birds, dogs, and cats
  - Don protective equipment
  - Note the direction of the wind
  - Victims
    - Number
    - Condition
    - Symptoms

First Responders Checklist

- Broadcast your location and entry point
- Secure the perimeters
- Establish safe lanes and staging areas

First Responders Checklist

- Mark and block any suspicious devices
  - Fire trucks
- Check for Secondary devices
- Treat and transport the victims
  - Terrorist could be a victim
- Scan the crowds
  - Terrorist could be in the crowd

DEF001011

Fairfax County Criminal Justice Academy

Final Evaluation
Session 49

Officer Adam D. Torres , EIN 3681
Fairfax County Police Department

This is the final evaluation for Officer Torres . Officer Torres has been assigned to the 9th squad of the 49th Session of the Fairfax County Criminal Justice Academy. It has been my honor to be his squad leader for the entire time. After graduation on August 16th, 2006 he will be assigned to his duty station for what I believe will be a long and rewarding career in law enforcement.

All of the training paperwork required to graduate has been completed, and turned in for record purposes. The reports are neat, well written, and easy to read. All the paperwork contains the required information. Any and all mistakes initially made when writing the paperwork were easily corrected; and did not carry over from the previous report.

I have reviewed all of the practical sheets for Officer Torres and I find them to meet the standards set by the Department of Criminal Justice Services. In fact most of the practical sheets show Officer Torres accomplishes the training objective in the first attempt. Any and all comments made by the evaluators were either positive or constructive in nature. Officer Torres has completed all the tests required by this academy for graduation, to include the final DCJS State mandated test.

As a member of the defensive tactics team I have been able to observe first hand the progress Officer Torres has made in this training. He has exhibited good officer safety principals, which should assist him in his career. I have spoken with the physical fitness staff and they have assured me his progress here is equally impressive. I am sure that Officer Torres will continue to train in both defensive tactics and physical fitness once he graduates from the academy.

I have enjoyed being Officer Torres's squad leader these past six months. He is highly motivated, and always willing to go the extra yard. For a young officer he possesses skills that some officers take years to develop. On the few practicals that I have evaluated with Officer Torres I have noticed him to be a "take charge" type of person, and I could always count on him making the right decision. Officer will be a welcome addition to his department, and should the time ever come to work the street with him I would consider myself fortunate to have him as a partner.

Officer Torres Adam D. Torres

MPO Ponsart _____

Recruit Supervisor _____

EVOC				Written	Final	EVOC	EVOC
	SSN	Agency	Squad	Track	Run	Average	Ranking
[redacted]							
TORRES Adam		PD	9	96.154	86.000	91.077	*33*
[redacted]							

RANGE	SSN	Agency	Squad	Written Range	NIGHT SHOTGUN	NIGHT PISTOL	MDA	TQC	SHOTGUN	Average	Range Ranking
[redacted]											
TORRES	Adam		PD	9	97.826	100.000%	93.000%	89.833%	91.200%	100.000%	95.310	16
[redacted]											

Session 49		Academy Exam 1		
StudentID	LastName	FirstName	RawScore	PercentScore
[redacted]				

Session 49		Academy Exam 1		
StudentID	LastName	FirstName	RawScore	PercentScore
[redacted]				
TORRES		Adam	127	94.074
[redacted]				

Session 49		*Academy Exam 3*		
StudentID	LastName	FirstName	RawScore	PercentScore
[redacted]				

Session 49		*Academy Exam 3*		
StudentID	LastName	FirstName	RawScore	PercentScore
[redacted]				
	TORRES	Adam	122	90.370
[redacted]				

Session 49	Academy Exam 4	

1 question removed - Handling Various Calls

reference bomb threat evacuation

StudentID	LastName	FirstName	RawScore	PercentScore
[redacted]				

Session 49 | *Academy Exam 4*

1 question removed - Handling Various Calls

reference bomb threat evacuation

StudentID	LastName	FirstName	RawScore	PercentScore
[redacted]				
	TORRES	Adam	120	89.552
[redacted]				

Session 49		*Legal Exam 1*		
StudentID	LastName	FirstName	RawScore	PercentScore

[redacted]

Session 49		Legal Exam 1		
StudentID	LastName	FirstName	RawScore	PercentScore
[redacted]				
TORRES		Adam	87	92.553
[redacted]				

interoffice
MEMORANDUM

[redacted]

To: Bobby Hersey
From: Vince Wang
Date: Friday, May 26, 2006
Subject: Mid-Term Rankings

Attached are several sheets.

The top two sheets lists the recruits' Academy Exam scores and their current overall average and overall ranking. Remember that the average of all spelling quizzes carries the same weight as one Academy exam and with only 1 spelling quiz having been given so far, this can account for some of the low averages seen.

The next sheet lists the recruits' Range scores and their ranking at the Range.

The next sheet lists the recruits' EVOC scores and their ranking at the Track.

The last sheet lists the scores, overall average, and overall ranking in the Combined School for the deputies currently in Session 49.

Recruits [redacted] overall average and ranking have taken into account scores earned by them in previous sessions (in Academy Exams 1 & 2, at the Range, and at the Track).

Recruit [redacted]' overall average and ranking takes into account scores earned by her in previous sessions at the Track (she didn't take any other exams).

EXAMS		SSN	Agency	Squad	Academy 1	Academy 2	OVERALL AVERAGE	Mid-Term Ranking
[redacted]								

EXAMS		SSN	Agency	Squad	Academy 1	Academy 2	OVERALL AVERAGE	Mid-Term Ranking
[redacted]								45
TORRES	Adam		PD	9	94.074	90.370	90.166	20

RANGE		SSN	Agency	Squad	Written Range	NIGHT SHOTGUN	NIGHT PISTOL	MDA	TQC	SHOTGUN	Average	Range Ranking
[redacted]												
TORRES	Adam	[redacted]	PD	9	97.826	100.000%	93.000%	89.833%	91.200%	100.000%	95.310	16

EVOC				Written	Final	EVOC	EVOC
	SSN	Agency	Squad	Track	Run	Average	Ranking
[redacted]							
TORRES	Adam	PD	9	96.154	86.000	91.077	33
[redacted]							

Session 49 - Sheriff's Combined School

			Combined1	Combined2	Average	Ranking
[redacted]						

FAIRFAX COUNTY CRIMINAL JUSTICE ACADEMY

IN-SERVICE REGISTRATION FORM

COURSE TITLE:	DATE:
BALLISTIC SHIELD	11/14/07

LAST NAME:	FIRST:	M.I
TORRES	ADAM	D

EIN: 3681	SOCIAL SECURITY NUMBER: [redacted]

AGENCY:	WORK PHONE:
FCPD	[redacted]

SIGNATURE: John D. Torres

Note: **Sign-in:** All students shall sign-in on the appropriate form upon their arrival to class each day and at any other time they are requested to sign-in. Sign-in forms will be located on the clipboard in each classroom.

Sign-out: Students who must miss class hours are required to complete a sign-in/sign-out form. These forms can be secured from the In-Service office on the first floor of the Academy.

Last Updated 08/27/07

MEMORANDUM OF TRANSMITTAL
APPROVED TRAINING SESSION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES
BUREAU OF OPERATIONS

Academy: Fairfax County Criminal Justice Academy **Date:**

Director's Signature: _____

TYPE OF TRAINING:

In-Service	Court Security/Civil Process In-Service
In-Service	Jailor/Custodial In-Service
In-Service	Law Enforcement In-Service

CLASS NAME: Ballistic Shield School

START DATE: 11/14/2007 **LOCATION:** Main Academy Facility

END DATE: 11/14/2007 *Address:*

Total Program Hours: 8

Legal Hours: 0

Career Development Hours: 8

DAILY SESSION STARTING TIME: **DAILY SESSION ENDING TIME:**

INSTRUCTORS: Academy Staff

DCJS USE ONLY:

DCJS Field Coordinator: _____

Date Received: _____

☐ **Approved** **Received:** _____ **Date:** _____

Send original memo and a copy (two copies if you want an approved copy returned to you) to your designated Field Coordinator.

30 DAYS PRIOR TO THE TRAINING DATE

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

CJA School and Session #

Course Name: Firearms CQB Training **Course Length:** 4 hrs.

Instructor's Name: Range Staff (Print) **Signature:** [signature] 2050

Instructor's Name: (Print) **Signature:** _____
L-Lead Instructor A-Assistant Instructor or Apprentice

Date of Preparation: July 30, 2009

Date of Update: January 2, 2010

Reviewed by: (Academy School Coordinator) [signature] **Date:** 3-17-10

Reviewed by: (Academy Director or Designee) [signature] **Date:** 3-17-10

Date of Instruction: January 3 through March 18, 2010

Testing Instrument:		Yes	X	No
Evaluation Instrument:	X	Yes		No
Safety Protocols Taken or Safety Matrix Completed: (Explain Safety Protocols or list page #'s of the Lesson Plan where the required information can be located)	Range safety protocls			

Course Reference / Resources:
NRA, Fairfax County Criminal Justce Academy-FTU, Sig Sauer Academy

Student Training Objective (s) – list TO #s

DEF001035

Fairfax County Criminal Justice Academy

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Lesson Plan Cover Sheet

Instructional Goal:
Through lecture and range exercises the students will be instructed in proper methods of Close Quarters Combat, including various Modified Hip Shooting positions, creating distance, reloads and seeking cover.

Instructional Objective:
Given lecture and practical exercises the trainee will:

1. Demonstrate proper techniques of various Modified Hip Shooting positions.
2. Demonstrate proper methods of creating distance and seeking cover.
3. Demonstrate the ability to perform reloads/ malfunction clearing when appropriate.
4. Demonstrate the ability to make accurate shot placement in close quarters and while creating distance.
5. Demonstrate proper target identification before engaging threats.

Instructional Aids:
Red Handle weapon, Lendell gun

DEF001036

Fairfax County Criminal Justice Academy

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Lesson Plan Supplement

COURSE: **LESSON:**

Lesson Outline	Instructional Activities
I. Introduction- Large number of police shootings occur w/in 7 yards	
A. 508 officers killed between 1998-2007 B. 406 from 7 yards and closer C. 254 from 5 feet and closer	Overhead
II. Safety	
A. Treat all weapons as if they are loaded. B. Never point your weapon at anyone unless you are ready and willing to kill that person. C. Keep your finger off the trigger until you are ready to fire. D. Know your target and what is beyond.	Exceptionally important because in this close may actually be hands on with subject while engaging.
III. Fundamentals of Marksmanship	
A. Position B. Grip C. Sight alignment/ Sight picture D. Trigger control E. Follow through F. Breathing G. Rhythm and habit	
IV. Close Quarters Engagements	
A. Sighted vs. unsighted shots (accuracy / distance) B. Extending weapon too close to adversary C. NO contact shots D. Creating distance	3 yds. and in Sympathetic Reflex
V. Modified Hip Shooting Positions	DEMO each position
A. Point Shoulder- 4 yards B. Third Eye- 3-3 ½ yards C. Elbow Tuck- 3-3 ½ yards D. Forearm Tuck- 2 yards E. Wrist Tuck- 1 yard and in	DEMO from Tac Ready Distances vary slightly on various factors

DEF001037

COURSE: **LESSON:**

	F. High Tuck- 1 yard and in G. CAR position- 1 yard and in	
VI.	Reloads (Combat, Tac, Emergency)/ Malfunction Clearing	
	A. Diversions B. Strikes C. Creating distance	Demo

DEF001038

FIREARMS CQB TRAINING

INSTRUCTOR ROSTER

January 3 through March 18, 2010

Lt. Jim Kellam
MPO Steve Liberty
MPO Rick Miller
MPO Ron Dean
Pfc John Digiullian
Pfc Pete Massaro
MPO Rob Sloan
MPO Mike Scanlon
MPO Brad Carruthers
Sgt. Tom Aardema
MDS Tom Carter
MPO Bob Swartz
MPO Jeff Rockenbaugh

Fairfax County Criminal Justice Academy

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Lesson Plan Cover Sheet

Course Name:
Ethics

Course Length:
4 Hours

Instructor's Name:
Fairfax County Criminal Justice Academy Staff - MAJOR TYRONE MORROW

Date of Preparation: MARCH 8, 2006

Date of Instruction: MARCH 9, 2006

Course Reference / Resources:
Fairfax County Police Department General Orders
Fairfax County Police Departments Standard Operating Procedures
Virginia State Code
United States Constitution
International Association of Chief's of Police Code of Conduct
Virginia Department of Criminal Justices Services Police Code of Ethics
Virginia Department of Criminal Justices Services Training Objectives 1.5.1 – 1.5.8
Emotional Survival for Law Enforcement by Dr. Kevin M. Gilmartin, Ph.D.

Student Training Objective / Performance Based Objective / Academy Training Objective:

1.5.1 Principles that define a profession
1.5.2 Historical evolution of law enforcement in the United States
1.5.3 Three elements of the criminal justice system
1.5.4 The place of law enforcement and criminal justice in the structure of government
1.5.5 The role of ethics in law enforcement
  a. General principles
  b. Law enforcement code of ethics
    1) Officer behavior
    2) Officer dedication
    3) Career development
1.5.6 Methods of handling violations of professional, ethical, or legal standards of conduct on the part of fellow officers
1.5.7 Positive and negative aspects of discretionary enforcement of laws
1.5.8 Positive and negative influences of a law enforcement career on an officer's life

SGT. JJ Flatch
#2052
4-14-06

DEF001040

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

Instructional Goal:

Students will participate in a discussion of departmental policy regarding ethics, professionalism, biased policing and racial profiling. The goal of the discussion is to familiarize students with the current departmental policy in this area and give them techniques to help make ethical decisions and manage the perception of biased policing by the citizens they encounter.

Instructional Objective:

1. Given the discussion students will be able to identify the requirements for professionalism in law enforcement

2. Students will discuss various scenarios were ethical decision making is required. These scenarios will be based on potential encounters between officers and citizens and officers vs officers. Techniques in explanation, disengagement, and customer service oriented skills/responses will be discussed.

DEF001041

Fairfax County Criminal Justice Academy

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Lesson Plan

I. COURSE:
Ethics

II. LESSON:
Ethics, Professionalism, Racial Profiling / Biased Based Policing

III. OBJECTIVES:
Discuss current policy/general orders, alternative techniques, and Options to use while interacting with citizens

IV. TOTAL TIME:
4 hours

V. INSTRUCTIONAL METHODS:
Discussion and lecture

VI. TRAINING AIDS:
Overhead projector, power point presentation, Dr. Gilmartin's Book "Emotional Survival for Law Enforcement

VII. STUDENT MATERIALS:
Handouts

VIII. SPECIFIC RESOURCES:
See cover sheet

Lesson Outline	Instructional Activities
I. The Role of Law Enforcement A. When men first began to assemble into groups for protection from wild animals and the elements, the need for some type of rules and regulations of conduct became apparent. B. The first patrolmen probably stood watch around the entrance to a cave and were required to keep the fire burning and sound an alarm if any wild animals came close. C. It is from this humble beginning that the modern patrolman gradually emerged.	

DEF001042

Fairfax County Criminal Justice Academy

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Lesson Plan Supplemental Page

Lesson Outline	Instructional Activities
D. At first, the progress was extremely slow, and many thousand of years passed with relatively little change in the function of the police officer or the nature of their duties.	
II. Principles that define a profession	1.5.1
A. Definition – as excerpted from Webster's dictionary, the elements important to the definition of a profession are: 1. Specialized knowledge (needed by members of a group) 2. Advanced education/training (for any specialties) 3. High standards of achievement and conduct 4. Continued study by members of the profession 5. Prime purpose of the profession is the rendering of a public service.	
B. Principles that enable meeting the definition included: 1. Requirements to complete a specialized program that assures the ability of the member of the profession to render the public service of that profession. Certification upon completion of such a program for public knowledge. 2. Advanced education/training to provide specific expertise for the specialized components that may make up the profession. 3. Standards of achievement and conduct that receive public scrutiny. 4. A requirement for continued study by members of the profession so that a professional must stay up to date with changes in the profession. 5. Rendering of a public service in a manner consistent with the education/training, expectations of achievement, and standards of conduct required of the profession.	
III. Historical Evolution of Law Enforcement in the United States	1.5.2

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Lesson Plan Supplemental Page

Lesson Outline	Instructional Activities
A. Many of the laws used in the United States originated from Common Laws of England. 1. Simply stated, this system of laws is based on court decisions, on the doctrines implicit to those decisions and, on customs and usage, rather than codified written laws. 2. During its session each year, the General Assembly decides what changes are necessary in current statutes and what new statutes will be enacted. 3. Some of these statutes are enacted to become effective on a particular day while others are enacted as emergency measures and become effective as soon as they are passed. B. Hue and Cry 1. In old English law, a loud outcry with which felons (such as robbers, burglars and murders) were pursued and all able-bodies males were bound to take up the pursuit until the felon was caught. 2. A written proclamation issued on the escape of a felon from prison requiring all officers and police to assist in retaking him. C. Constable System 1. In English Law, a public civic officer, whose proper and general duty is to keep peace within his district, though he was frequently charged with additional duties.	

Lesson Outline	Instructional Activities

a. There were formerly "high", "petty" and special constables that have been taken over by police forces.

b. In England, the functions of these special constables have been taken over by police forces.

D. Shire-Reeve

1. Shire is a Saxon word, which signifies a division; it was made up of an indefinite number of areas later called a county.

2. A reeve was an ancient English officer of justice appointed to execute process, keep the King's peace, put the laws in execution, witness all contracts and bargains, bring offenders to justice and deliver them to punishment, take bail from those who were to appear in county court and preside at the court.

3. The words, shire and reeve, were combined into what we now know as "sheriff".

E. English Metropolitan Police Act

1. Sir Robert Peel is credited with being the "father" or "author" of modern police departments.

a. When he was Home Secretary in England in 1829, he introduced the Metropolitan Police Act.

b. His twelve principles of reform were revolutionary for his day and are still being followed today.

2. Peel's Twelve Principles of Reform, known as the Peelian Reform, are:

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Lesson Plan Supplemental Page

Lesson Outline	Instructional Activities
a. The police must be stable, efficient and organized along military lines. b. The police must be under governmental control. c. The absence of crime will best prove the efficiency of police. d. The distribution of crime news is essential. e. The deployment of police strength, both by time and area, is essential. f. No quality is more indispensable to a policeman than a perfect command of temper; a quiet, determined manner has more effect than violent action. g. Good appearance demands respect. h. The securing and training of proper persons is at the root of efficiency. i. Public security demands that every police officer be given a number. j. Police headquarters should be centrally located and easily accessible to the people. k. Policemen should be hired on a probationary basis. l. Police records are necessary to the correct distribution of police strength. 3. Sir Robert Peel envisioned what the "police" should be and set out to institute change.	

Lesson Outline	Instructional Activities

a. He felt that with a well trained, efficient force of policemen on the streets of London, the criminals would immediately give up their illegal occupations and accept the nearest honest employment.

b. The new police did not achieve the expected results, however, they did form the organizational pattern for today's law enforcement.

F. Establishment of Law Enforcement in the United States

1. By the early 1600's, the American colonies were being settled and had started to establish cities and towns.

   a. In 1631, the City of Boston ordered the first night watch to be set during the hours of darkness.

   b. All male citizens of the city, who were over sixteen years of age, were required to take their turn at watch.

   c. They received no pay, so they were often asleep or drink on duty.

2. In 1634, William Chesebrough was appointed the First Constable of Boston.

   a. The Office of Constable was brought to the colonies by the first settlers.

   b. The watchmen who served under the constable were still citizens who were required to take their turn at duty.

3. In 1651, the Dutch Colony of Nieu Amsterdam (New York) was granted a charter from the government of the

Lesson Outline	Instructional Activities

Netherlands and received authorization to appoint a "schout" (scout) to patrol the city.

4. By 1700, a night watch had been started in Philadelphia and the Bost night watch had been changed to "constable watch".

5. 1723, Boston watchman were ordered to "walk their rounds slowly and silently and now and then stand still and listen.

6. In 1748, the watchmen were paid seven pounds and ten shillings per month. If they were found sleeping they were fined twenty shillings.

7. In 1833, the City of Boston split the night watch into two sections with each section working half the hours between darkness and dawn.

   a. This was the beginning of shift work.

   b. The watchman's pay was raised to 75 cents per day.

G. Police Badges and Uniforms

1. In 1853, the Boston Police adopted a six-pointed star-shaped badge, which was worn on the left lapel of the officer's coat.

   a. The following year, a five-pointed star about the size of a silver dollar replaced the old one.

   b. Later on, the badge was attached to a leather strap and was worn on the officer's hat.

2. In 1855, uniforms were worn but they varied from precinct to precinct.

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Lesson Plan Supplemental Page

Lesson Outline	Instructional Activities

IV. Establishment of Officer's Own Agency

A. Definition of Law Enforcement Officer

1. "Law enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof:

2. Who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth.

B. Police Departments

1. The governing body of any county, city or town may, by ordinance, provide for the organization of their authorized police forces.

2. Such forces shall include a chief of police, and such other officers and privates and other personnel as may be provided for in such ordinance.

C. Powers and Duties of Police Force

1. The officers and privates constituting the police force of counties, cities and towns of the Commonwealth are hereby invested with all the power and authority which formerly belonged to the office of constable at common law in taking cognizance of, and enforcing the criminal laws of the Commonwealth and the ordinances and regulations of the county, city or town, respectively, for which they were appointed or elected.

2. Each policeman shall:

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Lesson Plan Supplemental Page

Lesson Outline	Instructional Activities
a. Endeavor to prevent the commission within the county, city or town of offenses against the law of the Commonwealth and against ordinances with regulations of the county, city or town.	
b. Observe and enforce such laws, ordinances and regulations.	
c. Detect and arrest offenders against the same.	
d. Preserve good order of the county, city or town.	
e. Secure the inhabitants thereof from violence and the property therein from injury.	
3. Such policeman shall have no authority in civil matters, except that a policeman of a county, city or town may execute and serve an order of temporary detention pursuant to §37.1-67.1.	
4. A policeman of a city or town shall in all other cases execute such warrants or summons as may be placed in his hands by any magistrate for the county, city or town and shall make due return thereof.	
V. Three elements of the criminal justice system:	1.5.3.
A. Law Enforcement	
1. Responsible enforcing the law, protecting life and property and keeping the peace.	
2. Types	§9-169.9
a. Federal Officers	
b. Sheriff's	

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Lesson Plan Supplemental Page

Lesson Outline	Instructional Activities
1) City	
2) County	
c. Police	
1) Local	
2) State	§15.2-1701
d. Other Law enforcement agencies	
1) Railroad Police	
2) VA State Parks	
B. Courts	
1. Responsible for interpreting the law and the public administration of justice.	§15.2-1704
2. Federal System	
a. District Court	
b. Circuit Court of Appeals	
c. U.S. Supreme Court	
3. State System	
a. District Courts (General and Juvenile and Domestic Relations)	
b. Circuit Courts	

Lesson Outline	Instructional Activities
c. Virginia Court of Appeals	
d. Virginia Supreme Court	
C. Corrections	
1. Responsible for the operation of all types of confinement facilities including prisons, jails, reformatories, pardon and parole systems also fall under corrections.	
2. Types	
a. Local Corrections	
1) Jails	
2) Regional Jails	
3) Lockups or holdings cells	
4) Detention facilities (usually for juveniles)	
b. Virginia Department of Corrections	
c. Federal Bureau of Prisons	
VI. Law Enforcement and Criminal Justice in Governmental Structure	1.5.4
A. Branches of Government	
1. Legislative – Responsible for making the laws	
2. Executive – General administration of government and enforcement of the laws.	
3. Judicial – Interpreting the laws	

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Lesson Plan Supplemental Page

Lesson Outline	Instructional Activities
B. Law enforcement and corrections are part of the executive branch of government at all levels.	
C. The courts are a part of the judicial branch.	
D. Although law enforcement and corrections belong to the executive branch and the courts belong to the judicial branch, they are interdependent.	
VII. Major goals of the criminal justice system include:	
A. Protection of Life and Property	
1. Officer's primary function/goal.	
2. Accomplished through impartial enforcement of the laws/aggressive patrol.	
B. Crime Prevention	
1. Like a dentist will never stop all cavities; crime will never be completely eliminated – good job security.	
2. Officer's attitude, knowledge and work methods can help repression of crime.	
C. Apprehension of Offenders	
1. Knowledge of the laws.	
2. Knowledge of criminal techniques.	
3. Knowledge of assigned patrol area.	
4. Familiarity with criminal element.	

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Lesson Plan Supplemental Page

Lesson Outline	Instructional Activities
D. Impartial Enforcement of Laws 1. Officer cannot single-out one person, or group of persons, on which to enforce the laws. 2. Laws apply equally to everyone – discretion?	
E. Equal Justice 1. Officer can only enforce the laws impartially by treating all offenders equally. 2. Officer has no further control in the matter.	
VIII. Police Discretion	1.5.7
A. The legal codes of the federal, state and local government are not a specific set of instructions for the police but rather define the bounds of the area in which they work. 1. The police cannot enforce all the laws all the time. 2. They do not have sufficient resources to do so. 3. There must be discretion exercised and tolerances permitted. 4. Policy must be established directing their efforts.	
B. Policy is established by legislative bodies (congress, general assembly, board of supervisors, city council, etc.) 1. It is interpreted by the executive officer, sheriff or chief, who may direct emphasis from time to time. 2. Supervisors make policies, but police officers decide, when unaccompanied by a supervisor, what action to	

Lesson Outline	Instructional Activities
take. Each officer may decide a different threshold to start enforcement.	
3. Also courts often make policy through decisions.	
C. The positive aspects of this use of discretion is that it is not practical to charge every violator of every law or ordinance.	
1. The courts could not handle the load.	
2. Nor would the public tolerate such repressive action by the police.	
3. The use of police discretion in law enforcement, with reasonable tolerances instead, fosters public support for police.	
4. It eliminates those otherwise in law-abiding persons, who reasonable tolerances instead, fosters public support for police.	
5. It frees officers to seek more serious lawbreakers.	
D. The negative aspects of police discretion	
1. It changes what was intended by the legislative body when passing the law.	
2. It also causes confusion if tolerances are not the same in adjoining jurisdictions.	
IX. The Role of Ethics in Law Enforcement – Using Standards of Conduct that enable a law enforcement officer to make the distinction between right and wrong behavior.	1.5.5. (Cross-reference sample less plan 1.1-1.2-1.3-1.4-1.5)
A. General Principles of Ethics	1.5.6

Lesson Outline	Instructional Activities
1. May be acquired by religious or secular teachings.	
2. Generally adhere to three levels.	
a. Do no harm (lowest level)	
b. Do unto others as you would have them do unto you (middle level).	
c. Do the greatest good for the greatest number of people (highest level).	
B. Why Be Ethical in Conduct?	1.5.6
1. Ethics, values, and morals are nearly always intertwined in the growth and education of people. They are learned behaviors.	1.5.8
2. A high value is placed on behavior that is ethical and moral.	
a. Ethical and moral behavior generates trust.	
b. Ethical and moral behavior make the choices to do the right thing in both easy and tough situations a standard that serves everyone well.	
c. Ethical and moral behavior serves as a model that others will see and many will follow.	
d. Do difficult right over easy wrong.	
e. Ethical discussion	
1) Free food	
2) Free coffee	

Lesson Outline	Instructional Activities

3) Reduced rent

4) Free entertainment tickets

X. Influences on Officer's Personal Life

A. The positive influences of a law enforcement career upon an officer's personal life:

1. Public recognition of one's good work.

2. Respect of the public and fellow officers.

3. Feelings of accomplishment and helping individuals and community.

B. The negative influences of a law enforcement career upon an officer's personal life are: (Per the book by Kevin Gilmartin "Emotional Survival for Law Enforcement")

1. Because of reality, gore, horror, danger and fear, the officer becomes cynical.

2. Marital problems may develop from the work schedule and stress.

3. Failure to handle stress may cause alcohol and/or drug abuse.

4. Because of public criticism, may associate only with other officers and isolate himself/herself from public institutions.

5. The officer is highly visible to the public at all times whether in uniform or out of uniform.

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Supplemental Page

Lesson Outline	Instructional Activities
XI. Bias	1.5.6
A. Definition – A mental leaning or inclination; partiality; prejudice; bent; to influence or prejudice someone in their thinking.	1.5.7
	1.5.8
B. Discrimination – the ability to make or perceive distinctions; perceptions, discernment; the showing of partiality or prejudice in treatment.	
C. Constitutional Protections against Discrimination	
1. 4th Amendment provides for no unreasonable search and seizure without probable cause.	
2. 5th Amendment protects against discrimination by federal law enforcement.	
3. 14th Amendment protects against discrimination by state and local law enforcement.	
D. Consequences of Bias Based Policing	
1. Civil liabilities involving receipt of federal funds that support law enforcement programs.	
2. Citizens have the right to sue both the employing agencies and the officer(s).	
3. Criminal penalties will apply to any action of a law enforcement officer that is a criminal offense.	
4. Everyday consequences include:	
a. Loss of community trust	
b. Reduced information flow	

Lesson Outline	Instructional Activities
c. Less desirable environment for citizens and officers. E. Positive Consequences of Impartial Law Enforcement 1. Community Trust and support 2. Good information flow 3. Desirable environment for citizens and officers 4. Others as added by instructor and class XII. Conclusion A. Law enforcement has made huge strides since the early 1900's. It is the obligation of every officer to strive for the betterment of law enforcement at every level. B. Every officer should strive to treat everyone equally; in doing so the officer is enforcing the law as it is intended. C. Each officer must strive to be completely law abiding in his professional and personal life. Ethical behavior is a must. D. Every profession has challenges and law enforcement is one of the most challenging professions. Be sure you are up to it.	

Law Enforcement Code of Ethics

Department of Criminal Justice Services

As a law enforcement officer, my fundamental duty is to serve the community; to safe guard lives and property, to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice. I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

_____ Signature

_____ Date

Chapter 4

CODE OF CONDUCT[1]

Foreword: This code of conduct was adopted by the International Association of Chiefs of Police. A code is important to understanding the principles and standards to help us decide what we ought to do. It sets forth principles of action rather than how the standard will apply to a specific set of circumstances. Only ethical judgment will determine how these ideas will be applied when we make choices of action.

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing.

The International Association of Chiefs of Police believes it is important that police officers have clear advice and counsel available to assist them in performing their duties consistent with these standards, and has adopted the following ethical mandates as guidelines to meet these ends.

Primary Responsibilities of a Police Officer

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality and justice.

Performance of the Duties of a Police Officer

A police officer will perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

Discretion

A police officer will use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness will guide the officer's determinations and the officer will consider all surrounding circumstances in determining whether any legal action will be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to

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remember that a timely word of advice rather than arrest – which may be correct in appropriate circumstances – can be a more effective means of achieving a desired end.

Use of Force

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Confidentiality

Whatever a police officer sees, hears or learns of, which is of a confidential nature, will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

Integrity

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.

The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

Cooperation with Other Officers and Agencies

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

Personal/Professional Capabilities

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

Private Life

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Police officers will behave in a manner that does not bring discredit to their agencies or themselves.

A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

Onword: You examined so far the ideas of public trust, the purposes of government, and ideals we strive for. Now, let's look at a particular event for insight as to how well society and government perform in providing for the ideas and ideals of our nation.

Endnote

1. Adopted as a "Code of Ethics" by the Executive Committee of the International Association of Chiefs of Police in 1989 to replace the 1957 Code of Ethics. At the 98th Conference in 1991 the name was changed to "Code of Conduct."

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GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: POLICE CITIZEN CONTACT	NUMBER:	540.2
CANCELS ORDER DATED: 7-1-02	DATE:	1-1-05

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I. PURPOSE

The purpose of this General Order is to establish guidelines regarding voluntary field contacts, investigative stops, frisks and protective searches which extend beyond the person during a lawful investigative stop. Guidelines are also provided for the investigative stopping of vehicles and road check procedures.

II. POLICY

It is the policy of the Fairfax County Police Department to conduct voluntary field contacts, investigative stops, frisks and searches necessary to accomplish lawful objectives and only to the extent reasonably necessary. Documentation of these contacts shall be initiated and maintained for the purposes of suspect, witness, or victim identification, intelligence gathering, crime prevention and crime analysis.

Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

Except as provided below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions.

When conducting traffic stops, officers shall, during their initial contact or at the earliest practical time, advise the operator why they have been stopped.

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During the course of their normal duties, police officers are sometimes subjected to obscene gestures, name calling, or harsh or rude language from citizens. Generally, these types of communications are protected by the First Amendment and cannot be used as the sole basis for criminal prosecution. This does not imply that officers cannot arrest a person under the provisions of Curse and Abuse, 18.2-416 of the Code of Virginia. The Supreme Court defined "fighting words" as "...those words which-by their very utterance inflict injury or tend to incite an immediate breach of the peace." Federal and State court decisions reveal four generally accepted principles that can assist officers in deciding whether to arrest for speech directed to them.

- Direct threats to officer safety generally constitute "fighting words" and are not constitutionally protected.
- Speech which clearly disrupts or hinders officers in the performance of duty is not constitutionally protected.
- Obscene gestures, name calling, harsh or rude language not directed at officers or any other person, generally is protected speech under the First Amendment and does not, standing alone, constitute a crime.

!

- The Supreme Court has determined that professional law enforcement officers are expected to exercise greater restraint in their response to "fighting words" than the average citizen.

III. DEFINITIONS

A. Voluntary Field Contact: When officers approach a person to talk and ask questions or ask a person for identification.

B. Investigative Stop: Temporary detention of a subject when the officer has reasonable suspicion that criminal activity has occurred, is occurring, or is about to occur.

C. Reasonable Suspicion: Facts and circumstances which, taken together with rational inferences therefrom, would cause an officer to reasonably suspect that a person:

1. (To "stop") ... is, has been, or is about to be, involved in criminal activity;

2. (To "frisk") ... may be armed and constitute a danger to the officer or other person; and

3. (To "frisk" or "search" other areas) ... the area within immediate control and access of a person which may contain weapons and that the person may use those weapons against the officer.

D. Probable Cause: Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent person to believe:

1. (To arrest) ... that a crime is being or has been committed and that a particular person committed it; or

2. (To search) ... that evidence of a crime or contraband is in the place to be searched.

E. Frisk: The "pat-down" of a person's outer clothing for a weapon.

IV. VOLUNTARY FIELD CONTACTS

A. Initiating Voluntary Field Contacts

1. Field contacts may be initiated when an officer wants to approach someone to talk or to ask a person for identification.

2. Officers do not violate an individual's Fourth Amendment rights if they merely approach a person and ask if that person is willing to answer some questions, or if they put questions to a person who is willing to listen. An individual's voluntary answers to such questions may be offered in evidence in a criminal prosecution.

3. The key to keeping a voluntary field contact from becoming an investigatory stop is that the person does not have to answer any questions and may leave at any time.

4. Voluntary field contacts may be initiated any place where an officer has a legitimate right to be and generally include:

a. County owned or controlled property normally open to members of the public.

b. Areas intended for public use or normally exposed to public view.

c. Places to which an officer has been admitted with the consent of the person empowered to give such consent.

d. Places where circumstances require immediate law enforcement presence to protect life or property.

e. Areas where an officer may be admitted pursuant to a lawful arrest or search warrant.

f. Any other areas in which an officer may effect a warrantless arrest.

B. Conducting Voluntary Field Contacts

Officers conducting voluntary field contacts shall consider the following factors that are relevant in determining whether a particular encounter between police and citizens is consensual or a Fourth Amendment seizure:

1. Physical Contact - The slightest application of physical force for the purpose of stopping or holding a person is likely to constitute a seizure. Officers shall not use force until they have established reasonable suspicion to justify an investigative stop.

2. Display of Weapons - The display of weapons is inherently coercive and is generally interpreted by citizens as compelling compliance. Thus, pointing firearms or threatening their use will, in most cases, transform the voluntary field contact into an investigative stop.

3. Advising Citizens They Have The Right To Refuse - Officers should advise citizens they have a right to refuse to consent to a search or frisk, or to answer questions, or accompany officers to a different location. This helps keep the contact voluntary. When appropriate, officers shall advise citizens why they have been stopped.

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4. Movement From The Initial Site of the Contact - Officers should avoid moving from the initial site of the contact to another location unless there are articulable safety or security reasons. If the officer moves from the initial contact location, officers should document that the citizen had a choice to leave and voluntarily agreed to the movement.

5. Interfere With Freedom of Movement - The manner in which officers position themselves or their vehicles and the extent to which they block a citizen's pathway or freedom of movement may communicate to the citizen that they are not free to leave. Officers should position themselves in a manner to allow a path of egress for the citizen.

6. Number of Officers - A number of officers surrounding a citizen may communicate that the citizen is not free to leave. Thus, where officer safety is not jeopardized, an encounter is more likely to be deemed consensual if the backup officers stay in the background.

7. Demeanor and Appearance - An officer's use of coercive or intimidating language may be interpreted by a citizen as compelling compliance. Requests for a consent to frisk or search should be conveyed in a manner that the citizen has a choice and that compliance is not required.

8. Retention of Personal Property - Although officers may request to examine a person's identification and ask questions about any discrepancies, such property should be promptly returned. Prolonged retention of identification may transform the contact into a stop.

V. INVESTIGATIVE STOP, FRISK AND SEARCH BEYOND THE PERSON

A law enforcement officer may temporarily detain a person in a public place if reasonable suspicion exists that a crime has been committed, is being committed, or is about to be committed; or the officer reasonably suspects that a person is illegally carrying a concealed weapon in violation of Code of Virginia 18.2-308 of the Virginia Code. The United States Supreme Court ruled in the 1968 case of Terry v. Ohio, 392, U. S. 1, that a temporary detention is a seizure under the Fourth Amendment. The Court recognized that police officers must be able to take action when probable cause to arrest does not exist.

The Virginia Supreme Court supported the necessity of an investigative stop in a 1977 case, Simmons v. Commonwealth, 231 S. E. 2D, 218, when it stated:

> "The Fourth Amendment does not require police officers who lack the precise level of information necessary for probable cause to arrest to simply shrug their shoulders and allow a crime to occur or a criminal to escape. On the contrary, Terry recognizes that it may be the essence of good police work to adopt an intermediate response. A brief stop of a suspicious individual in order to determine identity or to maintain the status quo momentarily while obtaining more information may be reasonable in light of the facts."

A. Investigative Stop - The temporary detention of a subject when the officer has reasonable suspicion that criminal activity has occurred, is occurring, or is about to occur.

The courts have ruled that the following factors may be considered in building a foundation to stop a person:

1. The officer has valid knowledge that a person has a prior felony record.

2. A person fits the description of a wanted notice.

3. A person has exhibited furtive conduct such as attempting to conceal an object from the officer's view, or reaching under the seat of a car.

4. The appearance of a person is similar to description given in a lookout for a known offense.

5. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.

6. The area and time of day, such as a person observed in a public area which has a history of recurring crime during the same time period as the time of the stop.

7. Hearsay information is acceptable. The use of hearsay information is dependent upon both the content of information possessed by

officers and its degree of reliability. Officers must corroborate some of the information provided by citizens or from anonymous tips when developing reasonable suspicion to conduct an investigative stop.

B. Frisk - If an officer reasonably believes that a person may be armed and constitutes a danger to the officer or other person, the officer may conduct a limited search of the person's outer clothing. The courts have held that, in the case where the subject was wearing a heavy overcoat, the officer was proper in having the subject remove the coat so that the subject may be patted down.

C. Search Beyond The Person - The United States Supreme Court held in Michigan v. Long, (1983) that although Terry V. Ohio involved the stop and subsequent pat-down search for weapons of a person suspected of criminal activity, it did not restrict the protective search to the person of the detained suspect. The Court recognized that protection of police and others can justify protective searches when there exists reasonable suspicion that the suspect poses a danger. Thus, an officer can search an area within the person's reach where a weapon may be found. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:

1. A lawful investigative stop of a person or vehicle.

2. Reasonable suspicion that the suspect poses a danger, as defined by the Court in Michigan v. Long:

   "... specific and articulable facts, which taken together with the rational inferences from those facts, reasonably warrant the officer to believe that the suspect is dangerous and the suspect may gain immediate control of weapons."

3. The search must be limited to those areas in which a weapon may be placed or hidden.

4. The search must be limited to an area which would ensure that there are not weapons within the subject's immediate grasp.

The Court added in Michigan v. Long that although the subject was under the control of two officers during the investigative stop, it did not render unreasonable a belief that the subject could injure them.

D. Period of Detention - Courts have generally held that the period of detention is a brief intrusion upon a person's movement. Once the detaining officer determines that the basis for reasonable suspicion no longer exists, the person detained should be immediately released.

Reasonable suspicion should be reinforced with diligent, active investigation. Should the investigation reveal additional information which strengthens reasonable suspicion, the detention period may be continued. If probable cause does not develop in a reasonable time period, the officer should immediately release the person.

E. Use of Force in Investigative Stops - Generally, officers may use the force reasonably necessary, such as moderate pressure to stop, turn or guide a subject during an investigative stop. Courts have permitted the following types of force in stopping a person, when the force was reasonable on the basis of the circumstances in each case:

1. Blocking a suspect's vehicle with a police cruiser.

2. Pointing the service weapon at a suspect for the officer's protection.

3. Making the suspect lie on the ground.

4. Ordering a suspect or other occupant out of a vehicle.

5. Handcuffing a suspect for the officer's protection.

In the five examples above, the courts have considered the reasonableness of the officer's actions under confrontational situations. All deal with officer safety issues. Officers using force in an investigative stop for officer safety reasons must be prepared to articulate why their actions were reasonable under the circumstances.

SUBJECT: POLICE CITIZEN CONTACT	NUMBER:	540.2
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VI. RECORDING THE VOLUNTARY FIELD CONTACT, INVESTIGATIVE STOPS, FRISK AND MAINTENANCE OF RECORDS

Information obtained as a result of conducting a field contact or investigative stop can be fully utilized only if the information is sufficiently recorded and available for analysis through the Department's crime analysis system. The availability of this information allows greater efficiency in crime analysis and criminal investigation and also serves to ensure the proper exercise of law enforcement authority, as well as enhancing an officer's ability to reconstruct, at a later time, events surrounding the field contact or investigative stop.

A. Field Contact Card

The Fairfax County Police Department Field Contact Card shall be the primary document for recording voluntary field contacts, investigative stops and frisk incidents which do not result in a preliminary investigation report. The card, when utilized, shall be completed in accordance with instructions provided in the departmental Report Writing Manual and in compliance with the following:

1. Officers conducting a voluntary field contact shall record pertinent data and complete a field contact card.

2. Officers conducting an investigative stop which does not result in a preliminary investigation report shall record pertinent data and complete a Field Contact Card.

3. Incidents resulting in an arrest may be documented on a field contact card, in addition to other required arrest and report forms.

4. Officers shall initiate a preliminary investigative report, in lieu of a field contact card, whenever force is used to conduct an investigative stop of a person.

B. Review and Maintenance of Field Contact Cards Files.

1. Completed field contact cards shall be submitted for supervisory review at the end of each tour of duty.

2. Supervisors shall review and monitor the use of field contact cards and ensure completed cards are forwarded to the Crime Analyst or appropriate entity.

3. Station/division commanders shall ensure that all field contact cards are centrally collected and maintained within their respective district or organizational element and that access to such files be restricted to authorized personnel for direct law enforcement purposes.

4. The Station/Division Crime Analyst (or other official entity) shall be responsible for the entry, update, deletion and purge of field contact card data. Maintenance of the crime analysis system shall be in compliance with the Crime Analysis Procedural Manual.

5. Field contact cards shall be minimally maintained for two years from the date of completion and may be maintained for additional time periods when there is a determined or perceived need.

X. LEGAL REFERENCES

Code of Virginia

1. 19.2-82

XI. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.
02.02	04.03
02.03	07.01
02.04	07.04
02.05	07.05
25.01	07.11

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: POLICE CITIZEN CONTACT	NUMBER:	540.2
CANCELS ORDER DATED: 7-1-02	DATE:	1-1-05

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This General Order becomes effective January 1, 2005 and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: VEHICLE TRAFFIC STOPS AND CHECKPOINTS	NUMBER: 540.3
CANCELS ORDER DATED: 1-1-03	ISSUE DATE 1-1-05

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I. PURPOSE

The purpose of this General Order is to establish guidelines regarding traffic stops, investigative stopping of vehicles and road check procedures.

II. POLICY

Traffic enforcement is an important aspect of policing in Fairfax County. Officers are to provide traffic enforcement and education with the goal of gaining voluntary community compliance with the traffic laws and the reduction of traffic accidents.

When making traffic stops, it is the policy of the Department, absent mitigating or exigent circumstances, for officers to immediately greet and identify themselves to the operator and state the basis for the stop.

Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

Except as provided below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions.

III. DEFINITIONS

A. Investigative Stop: Temporary detention of a subject when the officer has reasonable suspicion that criminal activity or traffic infraction has occurred, is occurring, or is about to occur.

B. Reasonable Suspicion: Facts and circumstances which, taken together with rational inferences therefrom, would cause an officer to reasonably suspect that a person is, has been, or is about to be, involved in criminal activity or in violation of a traffic law.

C. Probable Cause: Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent person to believe:

1. (To arrest)...that a crime is being or has been committed and that a particular person committed it; or

2. (To search)...that evidence of a crime or contraband is in the place to be searched.

IV. VEHICLE STOPS

The United States Supreme Court decision in Delaware v. Prouse limited the statutory authority granted law enforcement officers in Virginia under Section 46.2-103, which allowed officers to stop any vehicle for the purpose of inspection. The court's decision established the following premises to be considered in the realm of vehicle stops:

- The stopping of an auto and the detention of its occupant(s) constitutes a seizure within the meaning of the Fourth and Fourteenth Amendments, even though the purpose of the stop is limited and the resulting detention quite brief.

- The state's interest in indiscriminate spot checks as a means of ensuring safety on its highways does not outweigh the resulting

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intrusion on the privacy and security of the person detained.

- An individual operating or traveling in an automobile does not lose all reasonable expectations of privacy simply because the automobile and its use are subject to government regulation.

A. Officers shall make vehicle stops only when they are able and prepared to articulate at least a reasonable suspicion that criminal activity or traffic violation has occurred or is occurring.

B. Absent any mitigating or exigent circumstances, officers shall immediately greet and identify themselves to the operator and state the basis for the stop.

C. Mitigating and exigent circumstances shall only include articulable officer safety concerns, medical emergencies or situations where the best interests of the Department and County would not be served by advising the basis for the stop.

D. Upon stopping a vehicle for a traffic violation, officers need not in all circumstances issue a Uniform Traffic Summons. In cases where no summons is issued, officers shall use the Departmental Warning Ticket to formally warn the violator and to document their enforcement efforts.

E. In circumstances where a vehicle stop is made due to suspicion of criminal activity, the officer shall document such information on the Department Field Contact Card when no arrest is made. If an arrest is made, the arrest shall be documented in a Field Investigative Report. Such documentation will include, but is not limited to, the following:

1. Time the stop began and ended.
2. Location of the stop.
3. Reason(s) for the stop
4. Vehicle operator and occupants, if applicable
5. Vehicle description

F. In circumstances where a vehicle is stopped, the operator or passenger(s) are detained for questioning and/or provide information concerning their identity, and probable cause or reasonable suspicion for the stop ceases to exist, the officer shall document the contact on the Department Field Contact Card or on a preliminary investigation report.

G. In circumstances where a vehicle is stopped and it is quickly determined that the stop was in error (i.e., misreading of inspection sticker, did not observe County sticker, etc.), the operator shall be informed as to why they were stopped. The officer shall not request identification from the operator and the operator shall be immediately released. No formal documentation of the stop is required, however, the officer shall make a note of the stop in their field notebook.

V. VEHICLE SEARCHES

A. Carroll Doctrine: When probable cause exists that a vehicle in a public place contains contraband or evidence of a crime, a warrantless search of the vehicle may be conducted.

1. The scope of the search is defined by the object of the search and the places in which there is probable cause to believe that it may be found.

2. If probable cause justifies a search of the vehicle, an officer may search, without a warrant, the vehicle and any containers in the vehicle which may conceal the object of the search.

3. If probable cause justifies only a limited search of a vehicle for a particular container, the container itself may be searched without a warrant.

B. Consent Search: When a person who shares use, access, or control of a vehicle voluntarily consents to allow a police officer to search it, a warrantless search of the vehicle may be conducted.

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1. A consent search may be revoked or limited by the person in control of the vehicle at any time while the search is being conducted. At that time the officer must stop the search, or abide by the limitations.

2. If asked, officers shall advise citizens that they have the right to refuse to consent to a search of their vehicle.

3. An officer's use of coercive or intimidating language may be interpreted by a citizen as compelling compliance. Requests for a consent search shall be conveyed in a manner that the citizen has a choice and that compliance is not required.

C. Documentation of Vehicle Searches and Requests

1. Consent Searches: Officers requesting consent to search a vehicle shall document their request. The denial of consent to search by the person in control of the vehicle, and any property seized or confiscated, shall also be documented.

   a. When a consent search is requested and denied, documentation shall be satisfied by properly completing a Department Field Contact Card or a Field Investigation Report.

   b. When a consent search is requested and granted and no property/contraband is seized or confiscated, documentation shall be satisfied by properly completing a Department Field Contact Card or a Field Investigation Report.

   c. When a consent search is requested and granted and property/contraband is discovered, the search and property disposition shall be recorded in a Field Investigation Report. The event classification "Vehicle Search" shall be written on the Field Investigation Report documenting a consensual search or denial of consent to search. In cases where a criminal violation is also being reported, the "Vehicle Search" classification shall be listed after the criminal offense classification.

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2. Non-Consensual Searches: All non-consensual searches shall be documented in a Field Investigation Report or, when appropriate, a Vehicle Tow-In and Inventory Record. A non-consensual search is not a vehicle inventory (see General Order 520.4, Impoundment or Seizure of Motor Vehicles, concerning vehicle inventory). The event classification "Vehicle Search" shall be written on the Field Investigation Report documenting the non-consensual search. In cases where a criminal violation is also being reported, the "Vehicle Search" classification shall be listed after the criminal offense classification.

VI. ROAD CHECKS

It is the policy of the Fairfax County Police Department that road checks will be utilized for the purpose of inspecting motor vehicles, trailers, or semitrailers for: equipment and operation; manufacturer's serial or engine number; enforcement of operator's license and vehicle registration laws; and appropriate enforcement action on other violations of law that come to the officers' attention.

Additionally, this policy is applicable to the inspection of motor vehicles, trailers, or semitrailers for the purposes defined in Title 49 of the Code of Federal Regulations, as adopted by the Virginia Code.

Procedures

A. Supervisor Responsibilities

1. First-line supervisors will prepare a list of traffic checkpoint sites in their assigned area and submit the list to their respective station/division commander for approval. Sites will be added and deleted from the approved list as deemed necessary upon recommendation of the first-line supervisor and approval of the station/division commander.

   All checkpoint sites will be selected using the following criteria:

   a. Site locations should be located throughout the station/division

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area to ensure an unbiased sampling of motorists.

b. Sites should have adequate visibility to provide safety to approaching motorists and officers conducting the checkpoint.

c. Sites should have adequate space available to park the police vehicles and allow motorists to be pulled out of the traffic flow.

d. Sites should be designated and approved for a specific time frame. Factors for consideration would be lighting conditions and traffic volume.

2. The first-line supervisor is responsible for officer assignment at an approved checkpoint. Normally, one or two officers will be assigned; however, if warranted, a third officer may be assigned. This will be determined by the volume of traffic and the screening procedure.

3. The supervisor shall establish the criteria for stopping and checking vehicles passing through the checkpoint; e.g., every third, every fifth vehicle, etc. Screening procedures may be varied, upon supervisory approval, during the course of the checkpoint depending on the number of officers available and the amount of traffic.

4. A supervisor shall periodically monitor checkpoints to ensure that the operation is in accordance with General Orders.

B. Officer Responsibilities

1. Officers shall not conduct stationary checkpoint stops without the approval of their first-line supervisor.

2. Vehicle stops based on reasonable, articulable suspicions, such as expired County tags, State vehicle registrations and inspections, may be utilized at checkpoints with supervisory approval.

3. Officers on checkpoint detail are responsible for ensuring that all necessary precautions are taken to afford the highest degree of safety to officers and motorists.

4. Patrol vehicles should be parked to provide protection to the officers and high visibility to approaching motorists.

5. Officers shall be in uniform, including hat, and shall wear the traffic safety vest.

6. During their initial contact officers shall identify themselves and advise the operator why they have been stopped. Officers may utilize discretion in issuing summonses.

VII. SOBRIETY CHECKPOINTS

The U.S. Supreme Court decision in Michigan State Police v. Sitz upheld the constitutionality of sobriety checkpoints, if they are established according to certain guidelines.
It is the policy of the Department to utilize sobriety checkpoints in order to apprehend impaired drivers and increase the perception of "risk of apprehension" of motorists who would operate a vehicle while impaired by alcohol or other drugs.

A. All sobriety checkpoint sites will be selected using the following criteria:

1. Site location will be based on frequency of alcohol-related crash experience and/or historical DWI arrest data.

2. The location should provide maximum safety for both the approaching motorists and the officers conducting the checkpoint. Consideration should be given to posted speed limits, traffic volume, and sight distance.

3. The site should have adequate space available to park police vehicles and allow motorists to be pulled out of the traffic flow for further interview and/or administration of field sobriety tests.

4. The site should have sufficient lighting to illuminate the checkpoint and adjacent pull-off area. If permanent lighting is unavailable, adequate portable lighting must be provided.

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5. The location must allow for placement of advance warning signs that clearly notify approaching motorists of the sobriety checkpoint ahead. Flares, traffic cones, and/or other warning devices should be utilized to enhance safety and traffic flow.

B. An operations plan will be developed for each specific sobriety checkpoint site. The plan will be reviewed and approved by the OSB Commander before implementation. The plan should address the following points:

1. Statistical data supporting the selection of the checkpoint site.

2. Date, hours of operation, and location of each checkpoint.

3. Contingency plans for each checkpoint which shall include:

a. An alternate location for use in the event safety considerations prevent checkpoint operations at the intended location. Safety considerations may include circumstances such as extremely heavy traffic due to some unforeseen event or a major accident at or near the checkpoint location.

b. Procedures for screening alternate vehicles if traffic volume prevents the screening of all vehicles (i.e., every third, fifth, or tenth vehicle). The average screening time per vehicle and the number of checkpoint personnel available will determine the appropriate alternate procedures for checking vehicles. Screening procedures may be varied during the checkpoint to match traffic flow. For example, during peak hours, checkpoint personnel may screen only one in ten vehicles, then one in five as traffic flow reduces, and end by screening all vehicles during light traffic. Another method may be to screen all vehicles until there is substantial traffic backup at which time all stopped vehicles would be released in order to prevent the checkpoint from becoming unduly hazardous. The method for determining when to change screening procedures, who will make the decisions and the procedures, will be listed in detail in the operations plan and shall not be deviated from by participating personnel. Vehicles will not be stopped on a

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discretionary basis. All vehicles regardless of type shall be checked. This includes commercial vehicles such as buses and large trucks.

4. The number of officers to be assigned to the checkpoint.

5. A diagram of each checkpoint location, depicting the roadway, placement of traffic control devices, and secondary testing locations for administering field sobriety tests.

6. List of equipment required for conducting the checkpoint.

C. An operational briefing will be conducted prior to the establishment of each checkpoint. The purpose of the briefing is to:

1. Ensure that all personnel fully understand the Department policy concerning sobriety checkpoints.

2. Designate assignments and respective duties.

3. Disseminate educational material to be distributed at the checkpoint.

4. Review field sobriety testing and Alco-Sensor operating procedures.

5. Review indicators for identifying impaired drivers.

D. For the purpose of public information and education, the Department will announce to the media the approximate time frame within which checkpoints will be conducted.

1. The Department will encourage media interest in the sobriety checkpoint program to enhance public perception of aggressive enforcement, to heighten the deterrent effect and to ensure protection of constitutional rights.

2. This Department will provide advance notification of the checkpoint to public safety agencies expected to be impacted.

E. The following guidelines shall be adhered to when conducting a checkpoint:

1. A supervisor shall be present at the checkpoint. All operational decisions shall be made by the on-site supervisor.

2. All participating personnel involved in screening vehicles shall be in uniform and shall wear the reflective traffic safety vest, uniform hat or issued ball cap.

3. Traffic control measures shall be implemented to provide adequate warning to motorists approaching the checkpoint. One member of the team will be designated as the traffic control officer. The traffic control officer is responsible for maintenance of the traffic control devices and directing traffic into the checkpoint.

4. Patrol vehicles shall be parked to provide protection to officers and to be highly visible to approaching motorists. Patrol vehicles should also be situated to allow for pursuit, if necessary.

5. Adequate space should be available away from the checkpoint for the parking of suspected impaired drivers' vehicles and the administration of field sobriety tests. This space should be a coned traffic lane, a wide shoulder area, or other suitable location. Provisions shall also be made for the vehicles of arrested parties in keeping with Department policy.

6. Vehicles will not be stopped on a discretionary basis, i.e., due to the "looks" of the vehicle. However, this does not preclude stopping a vehicle when the driver exhibits obvious signs of intoxication.

7. Depending on the configuration of the checkpoint, sufficient personnel should be used as screening officers. When approaching a vehicle, screening officers shall scan the interior and occupants for weapons and/or other contraband. Upon determining that no hazard exists, the officer shall advise the driver the purpose of the stop. Delays of motorists shall be kept to a minimum, averaging 25-30 seconds.

8. All vehicles, regardless of type, should be subject to screening.

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9. In the event articulable signs or behavior normally associated with DWI are observed, further investigation will be conducted. From this point on, normal investigative/arrest techniques shall be used. Arrestees should be transported as expeditiously as possible. The officer who originally screens the driver shall conduct field sobriety tests and arrest. Transportation should normally be handled by the arresting officer. Drivers who are not arrested after completing the field sobriety tests shall be directed back into traffic.

10. The supervisor is responsible for the overall operation of the checkpoint and ensuring that the above procedures are adhered to. The supervisor is also responsible for ensuring that a record is kept of the number of vehicles that pass through the checkpoint, the number of arrests made, and any problems encountered.

F. A complete written evaluation report shall be prepared for each sobriety checkpoint operation by the supervisor in charge. Items in the report should include:

1. Date, time and location of the checkpoint.

2. Weather conditions.

3. Number of vehicles passing through the checkpoint.

4. Average time delay to motorists.

5. Predetermined order of selecting motorists.

6. Number and types of arrests.

7. Number of motorists detained for field sobriety testing.

8. Identification of unusual incidents such as safety problems, or other concerns.

G. The complete operations plan, briefing notes/lesson plan, and evaluation

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report shall be forwarded to the Chief of Police through the Commander of the Traffic Division.

VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC ADM.	OPR.
02.02	04.03
02.03	07.01
02.04	07.04
02.05	07.05
25.01	07.11

This General Order becomes effective January 1, 2005 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: REGULATIONS	NUMBER: 201
CANCELS ORDER DATED: 7-1-04	ISSUE DATE: 1-1-05

201 GENERAL RESPONSIBILITIES

201.1 KNOWLEDGE OF REGULATIONS

Every employee is required to establish and maintain a working knowledge of all laws and ordinances in force in the County and State, Regulations and General Orders of the Department, and the Fairfax County Police Department Standard Operating Procedures. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, Regulation or Order in question. Violation of any law, Regulation or Order may be grounds for disciplinary action.

201.2 COUNTY PERSONNEL REGULATIONS

Employees of the Department shall be governed by the County personnel rules unless they are specifically exempted. Each officer of the Department is required to be familiar with these rules.

201.3 OBEDIENCE TO LAWS AND REGULATIONS

All employees shall observe and obey all laws and ordinances, all rules and regulations of the Department, all General Orders of the Department, and all Fairfax County Police Department Standard Operating Procedures.

201.4 PERFORMANCE OF DUTY

All employees shall perform their duties as required or directed by law, departmental rule, policy, Order, Standard Operating Procedure, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities. Malfeasance, misfeasance and nonfeasance shall constitute a violation of this regulation.

201.5 REPORTING VIOLATION

Any employee who has knowledge of other employees, individually or collectively, who are knowingly or unintentionally violating any laws or statutes, ordinances, or rules and regulations of the Department, or who

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disobey orders, shall immediately bring any and all facts pertaining to the matter to the attention of a supervisory officer, Staff Duty Officer, PSCC supervisor or station/division commander. Supervisory or command personnel contacted shall then take appropriate action, in accordance with existing laws and regulations. An employee may bypass official chain of command and directly advise the Chief of Police of the violation(s).

201.6 PRESERVATION OF PEACE AND PROTECTION OF LIFE AND PROPERTY

It shall be the duty of each sworn officer of the Department to:

- Preserve the public peace;
- Protect life and property; and
- Enforce and uphold the laws of the Commonwealth of Virginia and the ordinances of the County of Fairfax.

201.7 STANDARDS OF CONDUCT

A) Unbecoming Conduct

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which brings the Department into disrepute or reflects discredit upon the employee as a member of the Department, or that which impairs the operation or efficiency of the Department or employee.

B) Immoral Conduct

Employees shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude which impairs their ability to perform their duties or causes the Department to be brought into disrepute.

C) Associations

Employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the employees.

201.8 COOPERATION/COORDINATION

Employees shall coordinate their efforts with all other employees of the Department and County agencies, with the objective of ensuring maximum achievement and continuity of purpose through teamwork. All employees are charged with the responsibility of fostering and maintaining a high degree of cooperation both within the Department and all other agencies.

201.9 ASSISTANCE TO FELLOW OFFICERS

No officer shall fail to aid, assist, or protect a fellow officer to the full extent of his capability in time of need in accordance with established procedures.

201.10 OBLIGATION TO DUTY

Officers of the Department are always subject to duty, although periodically relieved from its routine performance. They shall at all times respond to the lawful orders of superior officers and other proper authorities as well as requests for police assistance from citizens. Proper police action must be taken whenever required. Officers assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.

201.11 REPORTING TO DUTY

Employees shall report for duty at the time and place required by assignment or orders, and shall be properly uniformed, equipped, and prepared to assume duty. They shall give their undivided attention to

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orders, instructions, and any other information which may be disseminated.

201.12 INSPECTIONS

Inspections of employee's dress, uniform or equipment may be made at any time by competent authority. Such inspections shall include, but not be limited to, examination of lockers, desks, or any other space on departmental premises used by any employee.

201.13 HUMAN RELATIONS

A. Citizen Contacts

Employees shall conduct themselves professionally at all times when representing the Department. They shall use respectful, courteous forms of address to all persons. Displays of bias towards any person on account of race, sex, ethnicity, religious preferences or sexual orientation shall be considered unbecoming conduct.

While in the performance of their duties, or while otherwise representing the Department, officers shall refrain from using offensive words and language. At times it may be appropriate to use raised voices to issue commands and to gain compliance, however, the use of cursing, obscenities and/or racial, ethnic, sexual, religious, or sexual orientation slurs will not be tolerated.

B. Employee Conduct

Each employee, regardless of rank, is responsible for promoting an image of professionalism at all times and is expected to adhere to the rules, regulations and policies of the County of Fairfax and this Department.

Each employee shall treat individuals, including subordinates, fellow employees and management, with respect, courtesy and tact. Employees are to conduct themselves in a manner that promotes teamwork and cooperation.

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Employees with supervisory authority shall not abuse their authority by actions such as: gross favoritism, harassment or mistreatment of employees. Supervisors and Field Training Instructors are prohibited from having a sexual or other inappropriate personal relationship with any employee under their direct chain of command or control that would undermine the effectiveness of the supervisor or FTI towards the employee.

201.14 UNLAWFUL DISCRIMINATION

Unlawful discrimination is any action that unjustly results in unequal treatment of persons or groups based on personal characteristics such as age, race, gender, color, national origin, ethnicity, creed, religion, or disability. Racial discrimination, sexual harassment, racial profiling, bias based policing, or any other form of unlawful discrimination, either by a specific act or omission, by or against any employee, is unlawful and will not be tolerated.

Commanders and supervisors have the responsibility to ensure that no Department employee is subjected to unlawful discrimination or sexual harassment, or actions which could be reasonably perceived as unlawful discrimination or sexual harassment, as a result of their own conduct or the conduct of other employees. A supervisor or commander shall take prompt action to investigate and respond to any allegation or act of unlawful discrimination or sexual harassment, either reported or observed.

Retaliation against any employee for filing a discrimination complaint or participating in an investigation also is unlawful and is strictly prohibited. No employee shall retaliate, or encourage others to engage in retaliation, against any person acting in good faith who:

- Opposes any conduct prohibited by this policy;
- Complies or encourages others to comply with this policy;
- Files a complaint concerning any violation of this policy;
- Testifies, assists, or participates in any investigation or hearing resulting

from a complaint under this policy; or

- Exercises any right conferred under this policy.

Inappropriate behavior, even absent any specific intent of the actor, can have a discriminatory impact. In addition, inappropriate or offensive conduct by an employee, whether or not such conduct constitutes unlawful discrimination, may violate the Regulations of this Department, depending on the nature and circumstances of the specific incident. Such misconduct is a violation and must be addressed. In all cases of alleged misconduct, the reviewing authority is responsible for determining the appropriate charge and the necessary corrective action in light of all the facts and circumstances.

A. Racial Discrimination

As noted above, discrimination on the basis of race, color, ethnicity or national origin is a violation of Title VII of the Civil Rights Act of 1964, as amended. Racial discrimination by the police is often characterized as the unjust and prejudicial application of law enforcement authority to an individual citizen or group of citizens on the basis of their race, color, ethnicity or national origin. However, racial discrimination also occurs through:

- verbal conduct: The use of innuendo, disparaging comments, slurs, or jokes which degrades or offends individuals on the basis of their race, color, ethnicity or national origin; and/or

- non-verbal conduct: The display or distribution of objects, pictures, photographs, graphic illustrations, or other visual or printed material which degrades or offends individuals on the basis of their race, color, ethnicity or national origin.

Unlawful racial discrimination by employees in the workplace is also prohibited. Such misconduct may undermine the integrity of employee relationships, lower employee morale, or interfere with the efficiency of Department operations.

B. Sexual Harassment

Sexual harassment is a form of sex discrimination. Like other forms of unlawful discrimination, it may undermine the integrity of employee relationships, lower employee morale, or interfere with the efficiency of Department operations. Like discrimination on the basis of race, color, religion, national origin, age or handicap, it is a violation of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is unlawful, is a violation of this regulation, and will not be tolerated.

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical contact of a sexual nature constitute harassment when:

1. Submission to such conduct is made a term or condition of an individual's employment; or

2. Submission to or rejection of such conduct forms the basis of an employment decision affecting such individual; or

3. Such conduct has the purpose or effect of interfering with work performance or creates an intimidating, hostile or offensive work environment.

Examples of such conduct include (but are not limited to):

- Sexual propositioning
- Sexual innuendo
- Sexually explicit language, comments, or stories
- Sexually oriented "kidding" or "teasing"
- Jokes about gender-specific traits
- Foul or obscene language or gestures
- Display of foul or obscene printed or visual material

- Physical contact, such as patting, pinching, or brushing against another's body.

Sexual harassment does not refer to occasional compliments or touching of a socially acceptable nature which is not unwelcome. It refers to behavior which is unwelcome, which is personally offensive, and which may debilitate morale or interfere with work effectiveness. Individuals who are subjected to inappropriate behavior have a responsibility to make it clear to the offending person, either directly or through the complaint process; that the behavior is offensive to them and will not be tolerated. Individuals who experience harassment of any kind should promptly report the incident to a supervisor or commander, or to the Internal Affairs Bureau, so that appropriate corrective action can be taken.

Information and advice about unlawful discrimination and sexual harassment may be obtained by contacting the Internal Affairs Bureau, the Employee Relations Division in the Department of Human Resources, or the Office of Equity Programs in the Office of the County Executive. Additional information can also be found in County Procedural Memorandum #137, Policy and Procedure on Sexual Harassment.

201.15 AID AND ASSISTANCE TO CITIZENS

While on duty, employees shall aid and/or assist citizens within the County whenever such aid or assistance appears to be called for and is not in conflict with the general principles of law enforcement or in violation of legal statutes or departmental rules and regulations.

Officers shall provide general and emergency assistance to highway users to include, but not limited to:

-- General information and directions.

-- Jump starting of vehicles.

-- Arranging for towing, gasoline delivery or mechanical help.

-- Arranging for a locksmith or another party with keys to unlock vehicles.

Officers shall not use a slim jim to unlock vehicles.

-- Arranging for or providing transportation within the County (transports out of the County must be approved by a supervisor).

When rendering assistance, officers should remain on the scene until help has been requested, hazardous situations are neutralized, PSCC directs the officer to leave for an assignment, or at the direction of a supervisor. Additionally, the officer is required to render all possible assistance to citizens who wish to make any report in accordance with established policies and procedures of the Department. In an off-duty status, an employee has a professional obligation to act in a bonafide emergency situation which may be encountered or where assistance is requested.

201.16 IDENTIFICATION AS A LAW ENFORCEMENT OFFICER

Officers shall identify themselves by wearing an approved police uniform with badge or by displaying the official badge and/or identification card before taking police action under the color of law.

Although it would seem reasonable that the presence of the uniform and the badge would provide sufficient evidence of the officer's position, the availability to purchase police uniforms and badges through police supply stores does create an opportunity for an individual to dress themselves as a law enforcement officer. Thus to ensure citizens who may have some concern over the legitimacy of a Fairfax County officer, all on-duty sworn employees shall carry their Department issued police credentials or identification card with them at all times, whether in a uniform or non-uniform position. The Department issued identification card, or facility pass, may be carried in lieu of the police credentials. When identification is requested for verification purposes, officers shall willingly display their Department issued credentials or identification card for review. Officers who are working off-duty employment shall adhere to the requirements of this order. This requirement may be temporarily suspended by commanders of officers who are working sensitive undercover assignments where the carrying of police credentials or an identification card would jeopardize the safety of the officer or the nature of the investigation.

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201.17 TRAINING

All employees shall attend in-service training at the direction of the Chief of Police, or competent authority. Such attendance is considered a duty assignment.

Officers will be required to receive training and maintain certification for any authorized weapons carried.

201.18 STAND-BY DUTY

A. An officer or other employee who is placed on stand-by duty shall furnish the supervisor of the Public Safety Communications Center or other designated person with the pager and/or telephone number where they can be contacted within the time parameters of their stand-by status.

B. An officer or other employee who is placed on stand-by duty shall restrict their consumption of alcoholic beverages in such a manner as to be in compliance with all applicable laws and regulations.

201.19 PHYSICAL FITNESS, EXAMINATIONS

The role of a police officer often demands quick response to situations requiring physical exertion after long periods of sedentary activity. The safety of the general public and individual officers demands that officers maintain themselves in good physical condition regardless of assignment. Poor physical condition, such as obesity, is as much a detriment to the Department image as improper demeanor or unkempt uniform appearance. All officers are encouraged to keep fit and to undertake such programs of exercise as may be required to do so. All officers shall have physical examinations conducted by a designated County agency, as required.

201.20 ESTABLISHING ELEMENTS OF VIOLATION

The existence of facts confirming a violation of law, ordinance, rule or regulation is all that is necessary to support any allegation for a charge under this section. It is not necessary that formal complaints be filed or

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sustained.

201.21 TRUTHFULNESS

When questioned by competent authority, employees shall give complete and honest answers to any question related to the performance of their official duties or their fitness to hold public office.

201.22 BIAS BASED POLICING

Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

Except as provided below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions.

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GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT

SUBJECT: INTERNAL INVESTIGATIONS	NUMBER: 301
CANCELS ORDER DATED: 4-1-04	ISSUE DATE: 4-1-05

I. PURPOSE

The purpose of this Order is to establish procedures to be followed when it is necessary to investigate the actions or conduct of any employee of the Fairfax County Police Department. These procedures will ensure the complete examination of all facts and circumstances relevant to the incident investigated, and will safeguard the rights of employees who are the subject of such investigations.

II. POLICY

Any alleged or suspected acts of employee misconduct, notice of a civil claim filed against the Department or against a member as a result of actions taken in their official capacity, violations of Department rules or regulations and expressions of dissatisfaction with policy, procedure or practice shall be aggressively, impartially, and thoroughly investigated and documented by the appropriate entity. The disciplinary process shall be reasonable and fair. Law enforcement personnel and citizens shall be afforded all rights and protections provided to them by the Constitution, the Commonwealth, and the County. Integrity, honesty and professionalism are expected of all Police Department employees. The Department, through all of our employees, strives to uphold the public trust.

III. DEFINITIONS

Administrative Investigation: A non-criminal investigation conducted for the purpose of documenting the conduct, action(s) or performance of an employee(s) and to determine whether such conduct, action(s) or performance is in compliance with Departmental policy or Orders.

Complaint:

- An allegation of specific act(s) or omission(s) which, if proven true, would amount to employee misconduct, or
- An expression of dissatisfaction with a policy, procedure, practice, philosophy, service level or legal standard of the agency.

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Day: The term "day," as used herein, shall mean calendar day, exclusive of Saturday, Sunday, and legal holidays as defined by Va. Code 2.2-3300.

Domestic Violence: Any criminal offense involving the use or threatened use of physical force in which the parties involved appear to have a covered relationship, in accordance with the Code of Virginia or General Order 601.4, Domestic Violence Policy.

Expression of Dissatisfaction: When someone notifies the Department of a situation or incident where they feel they were unfairly affected, or where they are displeased with a Department policy or action, and there is no reasonable suspicion of misconduct.

Misconduct: Act(s) or omission(s) by an employee which, if proven true, would normally result in some form of discipline or sanction. This would include:

- Commission of a criminal act,
- Neglect of duty,
- Violation of departmental policy, procedure, rule or regulation, or
- Conduct which may tend to reflect unfavorably upon the employee or agency.

Relief from Duty: An administrative action, whereby an employee's official authority is suspended and the employee is temporarily relieved from performing the duties of their position.

IV. ADMINISTRATIVE INVESTIGATION PROCEDURES

A. Types of Incidents to be investigated

The incidents which are to be handled in accordance with the provisions of this Order are alleged or suspected acts of employee misconduct, notice of a civil claim filed against the Department or against a member as a result of actions taken in their official capacity, violations of departmental rules and

regulations and expressions of dissatisfaction with a policy, procedure, practice, philosophy, service level or legal standard of the agency.

The incidents include:

1. Complaints from members of the general public concerning employee misconduct.

2. Alleged violations of departmental rules and regulations reported to supervisory or command personnel by members of the Department, or actions observed by supervisory or command officers which appear to be a violation of law or departmental regulation.

3. Incidents which do not constitute any reasonable suspicion of misconduct by an employee; however, the nature of the incident merits investigation for the purpose of documenting all relevant facts.

4. Notice or expression of dissatisfaction with a policy, procedure, practice, philosophy, service level or legal standard of the agency.

B. Source of Complaints

A complaint can come from both an internal or external source. A complaint is an indication of a potential problem or misunderstanding. The openness of the department to the acceptance of a complaint is a principal element of police professionalism, accountability to the public and community responsiveness.

A complaint can originate from any of the following sources:

- Individual aggrieved person,
- Third party,
- Anonymous,
- Juvenile,

- Governmental Agency,
- Media Report,
- Any member of the Department, or
- Notice of civil claim.

C. Receipt of Complaint

A complaint may be presented to the department in person, by telephone, electronically, or by letter. No employee shall attempt to discourage, interfere or delay an individual from making a complaint. Every effort shall be made to facilitate the making of a complaint by ensuring that the process is convenient, courteous and prompt.

D. Acceptance of the Complaint

1. Complaints Received In-Person / Via Telephone

a. The complaint shall be immediately referred to the most available supervisor. When appropriate, a supervisor shall be dispatched to the location of the complainant.

b. If a supervisor is not immediately available, the employee receiving the complaint shall provide the complainant with a Citizen Complaint Form (PD28) and, if necessary, provide assistance to complete the form. The employee receiving the complaint shall forward the complaint to a supervisor as soon as possible.

c. Should a supervisor not be available and the complainant can not wait for their availability, contact information shall be obtained from the citizen, who shall be provided the name of the on-duty supervisor and division commander. When this occurs, the supervisor and/or commander shall contact the complainant when available.

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d. A complaint shall be accepted at any Police facility, or by any police supervisor, regardless of assignment of the accused employee. The receiving supervisor shall obtain all practical information from the complainant and immediately forward the information to the appropriate investigative authority.

e. Complainants **shall not** be required to:

- Appear in person,
- Go to another Station or police facility,
- Return at another time,
- Prepare their own complaint form,
- Swear under oath to the truthfulness of their complaint,
- Agree to participate in certain investigative techniques such as the polygraph to have their complaint accepted, and
- Acknowledge that making a false complaint is a crime for which they may be prosecuted.

f. When the complainant is intoxicated, or under the influence of drugs, the complaint shall be accepted and documented. The determination whether to proceed further should be based upon the nature of the complaint and the believability of the complainant. The complainant should be re-interviewed as soon as practical after becoming sober.

g. In all cases, the complainant shall be provided the name and telephone number of the assigned supervisor or commander.

h. In all cases, a letter or electronic response shall be sent to the complainant acknowledging that their complaint has been received, and which departmental entity will be investigating

the complaint and that a supervisor will be in contact with them.

2. Complaints Received In Writing / Electronically

   a. When the complaint is received by mail or electronically, the complaint will be forwarded to the appropriate investigative authority. If the authority is not known, the correspondence shall be forwarded to Internal Affairs.

   b. In all cases, a letter or electronic response shall be sent to the complainant acknowledging that their complaint has been received, and which departmental entity will be investigating the complaint and that a supervisor will be in contact with them.

E. Withdrawal of Complaint

At various stages of the investigation, the complainant may indicate that they desire to withdraw their complaint. This request cannot be refused, however, it is the policy of the Department to continue the investigation as far as possible without the assistance of the complainant. This is done to ensure that all available information and evidence are obtained should the complaint be re-filed or becomes a civil action. The cooperation of the complainant is important and desired, but is not mandatory. Withdrawal of the complaint or the complainant's failure to cooperate with the investigating supervisor shall be documented in the administrative investigation report.

F. Investigative Responsibility

The Internal Affairs Bureau shall be responsible for oversight of the acceptance, investigation and adjudication of all complaints of police performance and conduct. The Bureau is directly responsible to the Chief of Police.

1. The Internal Affairs Bureau shall be responsible for the following administrative investigations:

   - Use of force as specified in General Order 540.1,

- Allegations of criminal misconduct of an employee,
- Use of the Precision Immobilization Technique (PIT),
- Allegations of racial profiling or unlawful discrimination,
- Sexual harassment,
- Sexual misconduct of employees,
- Perjury complaints,
- Allegations of misconduct by supervisors,
- Corruption,
- Complex and time-consuming investigations,
- Incidents involving employees of the Department which include the likelihood of civil action,
- Workplace violence,
- Domestic violence,
- Other complaints or incidents directed by the Chief of Police or Internal Affairs Commander.

2. The Division or District command shall be responsible for the investigation of the following, unless otherwise assigned by the Chief of Police or Internal Affairs Commander:

- Complaints concerning minor infractions of regulations and/or the manner in which employee duties are performed,
- Complaints relative to differences of opinion between an employee and a citizen arising from the performance of duty,

- Complaints concerning the manner in which an employee investigated a crime, accident or service complaint,

- Complaints concerning an officer's authority to arrest or the propriety of a particular charge,

- Complaints concerning the dissatisfaction with a policy, procedure, practice, philosophy, service level or legal standard of the agency.

3. The Internal Affairs Bureau shall investigate complaints that are not listed within the above categories. However, when extenuating circumstances exist, the bureau commander and the Internal Affairs Commander may consult to determine the most appropriate investigating authority. If necessary, final determination of the investigating authority shall be made by the Chief of Police.

4. Investigations of criminal violations or allegations of criminal misconduct occurring within the boundaries of Fairfax County, the Towns of Vienna and Herndon, and all County-owned properties located outside the territorial limits of the County, shall be investigated in accordance with Section XI of this order.

V. INVESTIGATIVE PROCEDURES

A. Complaint Review

1. Supervisors shall review all complaints received to determine the nature and extent of the complaint. Whenever possible, supervisors should review the complaint with the complainant.

2. The reviewing supervisor shall determine the nature of the complaint and the appropriate investigative entity. The Internal Affairs Bureau Commander or Internal Affairs Investigations Division Commander shall be notified of complaints that are designated for their investigation.

The Internal Affairs Bureau Commander or Internal Affairs Investigations Commander shall be **immediately** notified of incidents or complaints involving:

- Use of force as specified in General Order 540.1,
- Death or serious injury arising from any police action,
- Use of the Precision Immobilization Technique (PIT),
- Criminal arrest of a Department employee,
- Allegations of serious misconduct.

The reviewing supervisor may seek direction from the appropriate station/division commander or the Staff Duty Officer in determining the seriousness of injuries or misconduct.

3. If the complaint is received in person, or the supervisor is present at the scene of the complaint, the supervisor shall take action to ensure that all relevant information and evidence is obtained at that time. Relevant information/evidence would include, but not be limited to:

   - Complete contact information on complainants, witnesses, departmental employees involved or others that would assist in the investigation of the complaint or incident,
   - Photographs of any alleged or actual injuries,
   - Copies of any documents concerning the complaint or injury,
   - Diagram of the scene,
   - Collection or safeguarding of evidence present at the scene,
   - Statement from complainant, and
   - Statements from witnesses.

All information obtained during this time shall be forwarded to the assigned investigative body as soon as possible.

4. An initial review is conducted to establish the elements of the complaint and to determine the appropriate investigative entity if warranted. For a complaint to be valid, the complaint must be:

   - An allegation of specific act(s) or omission(s) which, if proven true, would amount to employee misconduct, or

   - An expression of dissatisfaction with a policy, procedure, practice, philosophy, service level or legal standard of the agency.

   Note: A disagreement over the validity of a traffic/vehicle code summons or parking ticket is not grounds for a complaint. The complaining person shall be advised that this is a matter for adjudication by the proper court system.

5. In some cases, the initial review of the complaint will determine that the action(s) of the employee were in compliance with policy and that even if the allegation(s) against the employee were true, there would be no violation. The complainant should immediately be advised of this and provided with an explanation. The complaint shall be documented and forwarded to the appropriate station/division commander for review. Should the command review concur with the initial review, no further action will be taken.

   Generally the initial review shall be documented on the Initial Review Form (PD Form 206). However, the documentation requirement may also be satisfied by completing the first page of the PD Form 206 and attaching a narrative format memorandum or copies of e-mail correspondence indicating the resolution of the complaint.

6. If the initial review determines that a specific allegation exists which, if true, would involve employee misconduct or involve conduct or actions that necessitate investigation by this Order, an administrative investigation will be initiated in accordance with this Order.

7. The Station/Division commander shall maintain a file of initial reviews for a period of three years. A copy of each review shall be forwarded to the Internal Affairs Bureau.

B. Dissatisfaction with Service Complaints

At times the Department may receive complaints expressing dissatisfaction with a policy, procedure, practice, philosophy, service level or legal standard of the agency. The complaints do not involve allegations of misconduct, but only dissatisfaction with the agency.

Citizens shall be permitted to voice their dissatisfaction with the agency and be provided an explanation or response to their complaint. Commanders shall use the information to assist in ascertaining the level of community satisfaction within their command, or identify a need to review policies or procedures.

1. When a supervisor receives a 'Dissatisfaction with Service Complaint' they shall record all relevant information concerning the complaint. If an explanation is available that would address the complaint, the supervisor shall provide the information to the complainant.

2. The complaint, and any action taken, shall be documented and forwarded to the appropriate commander via the supervisor's chain of command.

   Generally the complaint shall be documented on the Initial Review Form (PD Form 206). However, the documentation requirement may also be satisfied by completing the first page of the PD Form 206 and attaching a narrative format memorandum or copies of e-mail correspondence indicating the resolution of the complaint.

3. The affected commander shall review the dissatisfaction complaint and determine what, if any, action should occur. When possible the commander shall initiate action which could resolve, clarify or unfound the complaint.

4. The commander shall be responsible for ensuring that the

complainant was contacted and the complaint was properly addressed.

5. An initial review of such incidents may reveal one or more minor performance issues which do not warrant an administrative investigation and discipline, but which should be brought to the attention of the employee for correction. The supervisor shall discuss the issue(s) with the employee and may document the counseling session on an Oral Counseling form.

6. The Station/Division commander shall maintain a file of dissatisfaction with service complaints for a period of three years. A copy of each complaint shall be forwarded to the Internal Affairs Bureau.

C. Investigations

1. The division commander, station commander, or assistant commander shall be responsible for directing any investigation concerning an employee within their command, unless the case has been referred to the Internal Affairs Bureau or Criminal Investigations Bureau. The division commander, station commander, or assistant commander will be responsible for assuring a complete and expeditious investigation of all cases directed to them. Assistance may be requested from other divisions as is deemed necessary. Investigations conducted at the station/division level should be completed within 30 days of receipt, unless circumstances develop which necessitate additional time to ensure a thorough investigation.

2. Should an investigation involve employees from different commands, the affected commanders shall consult with their bureau commander and/or Internal Affairs Commander, to determine the investigative supervisor and who will direct the investigation.

3. The Police Officers' Bill of Rights requires that all officers questioned in connection with an administrative investigation be notified of the name and rank of the investigating officers, the identity of any persons present during questioning, and the nature of the investigation. To meet this requirement, a copy of the Sworn Employee Notice of Administrative Investigation will be provided to all sworn employees

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who are interviewed in connection with an administrative investigation. The employee shall receive a notice initialed by the investigating supervisor and a second initialed copy shall be retained in the investigative file.

4. The Non-Sworn Employee Notice of Administrative Investigation shall be used by supervisory or command personnel to notify non-sworn employees of the name and rank of the investigating officers, the identity of the persons present during questioning, and the nature of the investigation. The employee shall receive a notice initialed by the investigating supervisor and a second initialed copy shall be retained in the investigative file.

5. During administrative investigations there are times when it may be necessary to prohibit employees from discussing the investigation in order to safeguard the confidentiality of the investigation. When, in the judgement of the investigating authority this becomes necessary, a Requirement for Confidentiality memorandum shall be delivered to the employees (sworn and non-sworn) involved. The employee shall receive a notice initialed by the investigating supervisor and a second initialed copy shall be retained in the investigative file.

6. Utilizing the proper chain of command, the Chief of Police will be advised by the investigating authority of any new information developed during the course of an investigation, which may necessitate:

   a. Reassigning an employee to other duties for the purpose of closer supervision or separation from the public or other employees.

   b. Relieving an employee from duty and/or placing them on administrative leave.

7. When there are allegations that the employee complained against has been drinking, illegally using drugs or may be intoxicated, the employee may request an alcohol and/or drug analysis test. Additionally, if reasonable suspicion exists that an employee has been drinking, illegally using drugs or is intoxicated, a supervisor conducting

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an administrative investigation may require the employee to take an alcohol and/or drug analysis test. The time lapse between the initial report or observation and the time of the test will be included in the initiating supervisor's report, along with the result of the alcohol and/or drug test.

8. During the course of an administrative investigation, a compelled written or taped statement may be required from any employee.

   a. Such statements are considered to be compelled testimony and are not admissible in any criminal proceeding in which the employee is a defendant, except as provided by law.

   b. Written or taped statements may be taken from witnesses and complainants to preserve or document facts, observations, opinions, or other information regarding the incident under investigation. Statements need not be in the form of questions and answers, but may be in the form of a memorandum or narrative report. All taped statements shall be retained with the investigative file.

9. Should the complainant at any time during the investigation refuse to cooperate with the investigation or submit to interviews, the investigation shall continue for the purpose of establishing the facts of the matter. The complainant's initial complaint shall serve as their statement. The complainant's refusal to cooperate with the investigating supervisor shall be documented in the administrative investigation report.

10. Should a supervisor be unable to contact a complainant by telephone, or in person, for the purpose of investigating a complaint, the complainant shall be sent a letter explaining the need for an interview, and how and when the supervisor can be contacted. A reasonable period of time should be given for a response to the letter. Should no response be received, the complainant's initial complaint shall serve as their statement and the investigation continued without their cooperation.

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11. During the completion phase of an administrative investigation, it is the assigned supervisor's responsibility to ensure the detailed and complete examination of all aspects of the personnel incident. The goal of the investigating supervisor is to re-create the incident for the reviewing authority through the use of written descriptions, diagrams, and any other appropriate aids. In cases involving an allegation of misconduct, it is only through the careful identification and presentation of relevant facts that the reviewing authority can render a proper decision. All incident investigations demand thoroughness and accuracy, as the information developed may be vital in defending the employee and the County in an unwarranted civil action.

    Recommended procedures for completing an administrative investigation can be found in the Supervisor's Handbook for the Conduct of Administrative Investigations.

12. Some complaints and observed policy violations involve issues of a simple, straightforward nature, for which a full investigation may not be warranted. In such cases, with the approval of the affected employee's commander, the supervisor's investigation may be documented on the Administrative Investigation Short Form (PD Form 207). Guidelines for the use of the short form include:

    - No dispute as to the employee(s) action, and
    - No complex issues requiring in-depth investigation.

    Examples of complaints or violations that may be documented on the PD Form 207 include but are not limited to:

    - Loss or damage to equipment,
    - Missed Assignment,
    - Rudeness
    - Operation of vehicle complaints and

- Property damage cruiser accidents.

The PD Form 207 is processed in the same fashion as a standard-format administrative investigation.

D. Employee Responsibility

1. Each employee of the Department shall cooperate fully with personnel of the Internal Affairs Bureau or any other member of the Department conducting an administrative investigation. Supervisory or command personnel will initiate investigations into observed infractions or complaints received which fall into the scope of their authority.

2. Employees shall answer fully and truthfully any question pertaining to the administrative investigation of an infraction of law or regulation which is asked by the investigating authority. Employees shall not knowingly mislead or omit information regarding the administrative investigation.

3. During the course of an administrative investigation, employees do not have the right to refuse to answer any questions concerning their performance of duty or their adherence to departmental rules and regulations. However, those statements cannot be used against employees in a criminal prosecution except as provided by law.

4. An officer will be required to disclose financial information only when such information is necessary during the course of an administrative investigation and in accordance with Code of Virginia Section 9.1-503, "Law Enforcement Officers' Procedural Guarantees; Personal Assets."

5. If, during the course of an administrative investigation, the investigating authority determines reasonable suspicion exists to justify an employee's submission to a medical, physical, psychiatric, or laboratory examination, the employee shall submit to such test or exam. The tests and exams may include, but are not limited to, breathalyser, blood and urine tests, photograph and physical lineups, voice and handwriting exemplars. Tests and exams will be performed in a reasonable manner.

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The commander of the Internal Affairs Bureau will be responsible for consulting with the Chief of Police for approval of such tests or exams, except in those circumstances outlined in Section V. paragraph C, 7. If the Chief of Police is unavailable, the next ranking staff officer shall be consulted.

6. A polygraph examination may be used in an effort to confirm or disprove inconsistencies after all other reasonable methods have been exhausted. No employee shall be required to submit to a polygraph examination unless ordered, in writing, by the Chief of Police as part of an administrative investigation concerning allegations of misconduct. The polygraph will not be the sole basis for a disciplinary determination or establishing the elements of an allegation.

   The analysis of any required polygraph examination will not be admissible in any disciplinary proceeding under General Order 310.3, over the objection of the employee or County.

VI. CLASSIFICATION OF ALLEGATIONS

Upon completion of an administrative investigation, each allegation shall be classified with one of the following findings:

1. Unfounded - The allegation is false, and did not occur.

2. In Compliance – The employee's actions were in compliance with the rules and regulations of the Department.

3. Not Sustained - Insufficient evidence exists to either prove or disprove the allegation.

4. Sustained - The allegation is supported by a preponderance of the evidence. Only findings in this category will be included in an employee's personnel file.

Upon a finding of a sustained violation, disciplinary action will be imposed in accordance with General Order 310.2, Disciplinary Actions and Appeals.

VII. REPORTING

A. Upon completion of the administrative investigation, an administrative investigation report shall be prepared and shall include:

1. Classification of the allegation(s), if any, as specified in Section VI.

2. If an allegation is sustained, a statement of:

a. The regulation violated.

b. The nature of the violation.

B. The responsibilities of the reviewing authority are specifically established in General Order 310.2, Disciplinary Actions and Appeals, and General Order 310.3, Grievance Procedures for Sworn and Non-Sworn Employees. The conduct of all reviews and appeals of administrative investigations shall be conducted in accordance with these procedures.

Upon completion of the review/appeal process, the report will be forwarded to the commander, Internal Affairs Bureau, for recording and filing. The commander of the Internal Affairs Bureau shall be responsible for forwarding copies of disciplinary actions to the Personnel Division and County Office of Personnel for inclusion in the employee's personnel file.

C. Complainants shall be notified of the results of administrative investigations by letter from the Chief of Police.

VIII. CASE REVIEW PROCEDURES

The completed administrative investigation report shall be submitted for final review to the investigating authority's commander, unless otherwise directed. The commander shall examine the report of the administrative investigation and determine if it presents a full and complete examination of all facts and circumstances relevant to the incident in question. If it is determined that the matter requires additional investigation, the entire case file shall be returned to the investigating supervisor with specific direction as to the action required.

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Once the reviewing authority is satisfied that the administrative investigation report is accurate and complete, the commander shall include an affirmative statement of review and approval after the conclusion portion of the report.

IX. DETERMINATION OF RESULTS AND ACTIONS

Upon command review and approval, the case shall be assigned to a specific command authority for a determination of results and actions. The bureau commander of the subject employee shall make the assignment; generally, the case will be assigned to the employee's immediate commander, unless otherwise directed by competent authority. In the event that the bureau commander was the investigating authority or was a principal in the case, a Deputy Chief of Police shall make the assignment. Thus, in many instances, the same command authority will prepare the command review and the determination of results and actions (Action Taken) portions of the report.

The assigned commander shall complete their review, including hearings and action taken, within twenty business days of receiving the completed administrative file. The affected bureau commander may authorize an extension of this review and action period based upon special circumstances.

The assigned commander shall review the administrative investigation and shall reach a finding for each allegation as provided in Section VI. In the event that a violation is sustained, the assigned commander shall take appropriate disciplinary action in accordance with General Order 310.2, Disciplinary Actions and Appeals.

X. RELIEF FROM DUTY

A. Authority

When there is probable cause to indicate that the act complained of represents a criminal violation of law, or a violation of Department Regulations, or when the accused employee has been drinking, illegally using drugs or is intoxicated, the employee may be relieved from duty immediately by any supervisory employee of the Police Department. Any sworn supervisor may relieve from duty immediately any sworn employee of subordinate rank, irrespective of the organizational assignment of either

person, when it appears that such action is necessary or prudent to protect the interests of the Department. Any civilian supervisor has the same relief authority with respect to sworn subordinates under their command.

A civilian employee may be relieved in accordance with the provisions of Chapter 16 of the Fairfax County Personnel Regulations. The appeal procedure for non-sworn personnel is outlined in General Order 310.3, Grievance Procedures, as governed by Chapter 17 of the Fairfax County Personnel Regulations.

Sworn personnel assigned to the Internal Affairs Bureau are authorized to relieve from duty any sworn employee, regardless of rank, when necessary in the course of an administrative investigation.

The period of relief shall continue until a hearing is held as provided below. The relieved employee shall remain available during this period.

B. Types of Relief from Duty

Relief from duty will usually be for one of the purposes, and subject to the conditions, listed below:

1. In conjunction with the imposition of disciplinary action, an employee shall be relieved from duty during any period of suspension without pay.

2. During an administrative investigation, when it appears that such action is necessary and prudent to protect the interests or integrity of the Police Department. In addition to being relieved of police authority, the employee may be placed on Administrative Leave or may be reassigned to non-enforcement duties within the Department.

3. As a matter of policy, when an employee is involved in a police shooting. The purpose for relief from duty in these situations is to allow for the conduct of the necessary investigations and to provide the involved employee an opportunity to use the resources of the Peer Support Group and other employee assistance programs.

4. During a criminal investigation, when a relief from duty is necessary to protect the interests and integrity of the Police Department. The decision to relieve an employee from duty will be based upon the seriousness of the allegation(s) and any other factors that may be present.

5. Under any other circumstances when it appears that such action is necessary and prudent to protect the interests or integrity of the Police Department.

C. Procedures

The relieving supervisor shall complete a memorandum providing full details of the incident including the date and time of relief and alleged violation(s) which resulted in the relief. The memorandum shall be submitted through the chain of command to the Chief of Police, by the next day. A memorandum shall be given to the relieved employee prior to departure from the duty station. The memorandum shall serve as a notification of relief and the nature of the investigation. The memorandum shall also list all equipment removed from the relieved employee, and serve as a receipt for equipment relinquished. Copies of the memorandum shall be sent to the appropriate division or station commander and the Internal Affairs Bureau.

Unless the relief of duty occurs as imposition of disciplinary action, an inquiry presided over by the appropriate bureau commander shall be held within three days of the relief action. Both the relieved employee and the relieving supervisor shall attend the inquiry. The relieved employee and the Chief of Police shall be notified of the bureau commander's findings and action taken within 48 hours of completion of the inquiry. This inquiry shall not be substituted for any hearing provided an employee under General Order 310.2 or 310.3.

XI. CRIMINAL INVESTIGATIONS OF POLICE DEPARTMENT EMPLOYEES

Except for cases involving domestic violence, the Internal Affairs Bureau will be assigned to investigate suspected criminal violations or allegations of criminal misconduct involving police department employees, unless otherwise directed by the Chief of Police or as delineated in this order. This shall include incidents within

the boundaries of Fairfax County, the Towns of Vienna and Herndon, and on all County-owned properties located outside the territorial limits of the County.

A. When any employee reasonably suspects criminal misconduct by a Police Department employee, the situation shall immediately be reported to a supervisory officer, Staff Duty Officer, PSCC supervisor or station/division commander (See Regulation 201.5, Reporting Violation). With the exception of domestic violence, or other instances in which an immediate arrest is required, supervisory or command personnel receiving such a report shall contact the Internal Affairs Bureau (IAB). The initial allegations will be reviewed and evaluated by the IAB Commander, or in his absence, the Investigations Division Commander. The IAB Commander will confer with the accused employee's Deputy Chief to determine if a criminal investigation will be initiated. If a determination is made that no criminal prosecution will be sought, the administrative investigation will move forward as any other administrative investigation.

1. In general, immediate arrest shall be undertaken only if necessary to ensure public safety, safeguard the accused employee or to protect and/or collect evidence pursuant to the criminal investigation.

2. In all cases of suspected domestic violence, or violation of a Juvenile and Domestic Relations Court protective order committed by a Department employee within the boundaries of Fairfax County, the Towns of Vienna and Herndon, and on all County-owned properties located outside the territorial limits of the County, a patrol supervisor shall respond to the scene and conduct an investigation. Prior to interviewing the Department employee, the supervisor shall advise the accused employee that the investigation is **criminal** in nature, and that the officer is not compelled to answer any questions. Miranda warnings should be given when appropriate. If probable cause is developed indicating that the accused employee is the primary physical aggressor and an arrest is warranted, the patrol supervisor shall make the arrest on the scene in accordance with the Code of Virginia. IAB may be requested by the arresting supervisor to provide investigative support.

   IAB shall investigate domestic violence cases in which:

- The suspected employee has fled the scene and his whereabouts are unknown,
- A felony has been committed, or
- The victim has been transported to a hospital for immediate medical treatment.

3. Should exigent circumstances dictate the immediate arrest of a Police Department employee, such arrest shall not be delayed for the purpose of making supervisory or command notifications. If an immediate arrest becomes necessary, it shall be undertaken and the aforementioned notifications made as soon as the situation is stabilized.

4. In cases of active criminal investigations in which a police employee is later developed as a suspect, the original detective/officer will generally maintain responsibility for the case. In such cases, the IAB Commander will confer with the investigating detective/officer's commander to ensure proper coordination of resources.

Regardless of the circumstances, the IAB Commander shall be notified as soon as reasonably possible.

B. In cases in which an immediate arrest is not made, the following guidelines have been established for the conduct of the criminal investigation:

1. The criminal allegation will be assigned to the IAB criminal investigator. A second IAB investigator will be assigned as the administrative investigator. The criminal investigator will be deemed as the lead investigator.

2. If at any time during the criminal investigation it is determined that no probable cause exists that a crime was committed, or based on the results of the investigation, that there is no longer a desire by the victim or by the employee's Deputy Chief to proceed with the prosecution of the employee, the criminal investigation will be concluded. The IAB criminal investigator will then have primary

responsibility for conducting the administrative investigation.

3. Allegations of serious criminal misconduct made against a Police Department employee such as robbery, sex crimes, or felonious assaults will usually be jointly investigated by CIB and the IAB criminal investigator. A determination of the lead investigator will be made by the Commanders of CIB and IAB.

4. Police Department employees who are the subject of a criminal investigation into the facts and circumstances surrounding their conduct may be questioned by the investigating authority assigned responsibility for the criminal investigation. Such employees shall be informed that the questioning is not undertaken pursuant to an administrative investigation and that they are not being compelled to respond under any administrative authority. The investigating authority shall provide the employee with a Notice of Criminal Investigation.

5. All criminal investigations of Police Department employees necessitate the opening of a parallel administrative investigation. The timing of the administrative questioning of employees suspected of criminal misconduct or charged with a criminal offense shall be determined by the IAB Commander. Generally, an employee suspected of criminal misconduct or charged with a criminal offense shall not be subjected to administrative questioning or the production of a compelled statement in connection with any administrative investigation until the criminal investigation has been reviewed by the Commonwealth's Attorney's Office.

6. It shall be the responsibility of the criminal investigator working the case to present the results of the criminal investigation to the Commonwealth's Attorney's Office for prosecutorial decisions.

C. If, during the course of an administrative investigation, reasonable suspicion develops that the act complained of constitutes criminal misconduct, the IAB Commander shall be notified. The IAB Commander shall consult with the appropriate Deputy Chief of Police and proceed pursuant to Paragraph A above.

D. Police shootings which require a criminal investigation shall be reported and investigated by the Major Crimes Division pursuant to General Order 540.1, Use of Force.

E. If it becomes known that a complainant is seeking issuance of a warrant for a Police Department employee, the IAB Commander or Staff Duty Officer shall be notified immediately. The IAB Commander or Staff Duty Officer will consult with the complainant and request a delay so that a criminal investigation may be conducted.

1. If the complainant declines to permit a delay in the issuance of a warrant, the IAB Commander or Staff Duty Officer will ask the Magistrate or the Commonwealth's Attorney for a delay to permit a criminal investigation.

2. If the warrant has already been issued, the Central Records Division staff or other employee having knowledge of the warrant will notify the IAB Commander or the Staff Duty Officer if after regular business hours. The Staff Duty Officer shall notify the IAB Commander prior to executing the warrant. The timing and circumstances of the warrant service shall be dictated by the criteria established in paragraph A. above.

XII. ADMINISTRATIVE PROCEDURES

A. Responsibilities of the Internal Affairs Bureau

1. The Internal Affairs Bureau conducts and/or coordinates administrative investigations of complaints or allegations of misconduct against members of the Department.

The commander of the Internal Affairs Bureau is responsible for assuring a complete and expeditious investigation of all cases referred to the Bureau. Assistance may be requested from other Bureaus as is deemed necessary. Investigations should be completed within 60 days of receipt, unless circumstances develop which necessitate additional time to ensure a thorough investigation.

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2. The Internal Affairs Bureau shall maintain all files and records of administrative investigations. The Bureau shall issue a unique file number to each administrative investigation and shall maintain a permanent record of all complaints.

3. Access to the administrative investigations files maintained by the Internal Affairs Bureau will be prohibited to all personnel except:

   a. The Chief or Deputy Chiefs of Police.

   b. Bureau, District, or Division commanders, when necessary in the performance of their duties.

   c. The commanders and staff of the Internal Affairs Bureau.

   d. Members of the County Attorney's Office when acting in official capacity as counsel to the Police Department.

4. Investigations by the Internal Affairs Bureau may be initiated upon the request of any member of the Department who feels threatened by a false accusation or a contrived situation involving false evidence.

5. The Bureau shall prepare a weekly Administrative Investigations Status Report for the Chief of Police or such person as designated by the Chief of Police.

6. The Bureau shall identify potential training needs through the course of administrative investigations and civil actions directed at the Department or departmental personnel. This information shall be forwarded to the Director of the Criminal Justice Academy for evaluation and possible incorporation into recruit and in-service training.

B. Case Tracking

1. Once a complaint is received and accepted, or when an administrative investigation is initiated without a complaint, the assigned supervisor shall complete a case management form. The form shall be emailed to the FCPD-IA Number mailbox with a copy to

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the affected Division/Station Commander. A file number will be assigned by the Internal Affairs Division and provided to the supervisor and commander by return e-mail message.

2. Internal Affairs tracking numbers are required for all complaints and administrative investigations (including all cruiser accidents).

XIII. LEGAL REFERENCE

Code of Virginia, Sections 9.1-500 through 9.1-507.
Code of Virginia, Section 16.1-253.2
Code of Virginia, Section 18.2-57.2
Code of Virginia, Section 19.2-81.3

XIV. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM			PER
05.04	18.03	18.07	09.03
18.01	18.05	18.08	09.05
18.02	18.06	18.09	

This General Order becomes effective April 1, 2005 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY: APPROVED BY:

Chief of Police

County Executive

FAIRFAX COUNTY FIREARMS TRAINING UNIT
FIREARMS TRAINING RECORD
2012 IN-SERVICE QUALIFICATION

[ ] Fire Marshall [✓] Police Department [ ] Sheriff's Office

NAME TORRES (Last) ADAM (First) DATE 10 / 19 / 2012

SSN: [redacted] EIN: 301888 DUTY ASSIGNMENT: 7/EVES A

DUTY WEAPON SERIAL # U809956 MAKE/MODEL SIG SAUER P226

OFF DUTY WEAPON SERIAL # _____ MAKE/MODEL _____

TYPE OF TRAINING
ANNUAL FIREARMS QUALIFICATION

LECTURE
1) Cardinal Rules of Safety; 2) G.O. 540.1 / S.O.P. 31; "Firearms Training and Qualification";
3) G.O. 540.1 / S.O.P. 32; "Deadly Force"; 4) Fleeing Felon "Tennessee v. Garner"; 5) Off Duty Qualifications

QUALIFICATION COURSES FIRED

		1st Attempt	2nd Attempt	Remedial	Max Score
[X]	TQC	210			250
[X]	SHOTGUN	54+2			54+2
[X]	SLUG	6			6
[ ]	OFF DUTY				250
[X]	BEAN SOCK	2			2

Total Hours of Training: 4

By signing below, I acknowledge that any ammunition issued by the range is for my personal training or department use only.

L.E.O. SIGNATURE [signature]

INSPECTING ARMORER INITIALS / EIN # [signature] 2557

WEAPON INSPECTED [Y] N [ ] REPAIRS: N/A

[✓] QUALIFIED
[ ] FAILED TO QUALIFY DUTY PISTOL [ ] FAILED TO QUALIFY SHOTGUN
[ ] FAILED TO QUALIFY SLUG [ ] FAILED TO QUALIFY OFF DUTY PISTOL
[ ] FAIL TO QUALIFY FORM SUBMITTED AND/OR AFFECTED DUTY SUPERVISOR NOTIFIED

INSTRUCTORS SIGNATURE [signature] #2557

FAIRFAX COUNTY POLICE DEPARTMENT
FIREARMS TRAINING RECORD
Inservice 2011

NAME TORRES (Last) ADAM (First) DATE 11-29-11

SSN: [redacted] EIN 3681 DUTY STATION WEST SPRINGFIELD

DUTY WEAPON SERIAL # U509956 MAKE SIG SAUER MODEL P226

OFF-DUTY WEAPON SERIAL # _____ MAKE _____ MODEL _____

TYPE OF TRAINING
ANNUAL FIREARMS QUALIFICATION

LECTURE
1) Cardinal Rules of Safety 2) S.O.P. 04-002 "Firearms Training and Qualification"
3) G.O. 504.1 Deadly Force 4) Fleeing Felon "Tennessee v. Garner" 5) Off-Duty Weapon Policy
6) Allowing access to firearms by children 7) Serpa Holster 8) Fundamentals/Combat Shooting
9) Pistol Qualifications 10) Shotgun Qualification Course 11) Off Duty Qualifications
12) Bean Sock Qualifications

QUALIFICATION COURSES FIRED

(X) TQC (X) SHOTGUN (X) SLUG ( ) OFFDUTY (X) BEAN SOCK

COUSRE OF FIRE	SCORES	OF A POSSIBLE
TQC	206	250
SHOTGUN	54+2	54+2
SLUG	93	100
OFFDUTY		250 OR 300
BEAN SOCK	Qualified/Failed to Qualify	RE-QUAL

TOTAL HOURS OF TRAINING: 4.0

By Signing this form below I acknowledge that any ammunition issued by the range is for my personal training or department use only.

OFFICER'S SIGNATURE _____

(OFFICAL USE ONLY)

[✓] QUALIFIED [ ] FAIL To Qualify with Duty Pistol [ ] FAIL To Qualify Off-Duty Pistol

[ ] FAIL To Qualify with Shotgun [ ] FAIL To Qualify with Shotgun Slug

WEAPON INSPECTED: ☑ YES ☐ NO

RANGE OFFICERS SIGNATURE _____ 1588 PD FORM 176 (Revised (02/11)

FAIRFAX COUNTY POLICE DEPARTMENT
FIREARMS TRAINING RECORD
Inservice 2010

NAME TORRES ADAM DATE 4-15-10
(Last) (First)

SSN: [redacted] EIN 3681 DUTY STATION WEST SPRINGFIELD

DUTY WEAPON SERIAL # U809956 MAKE SIG SAUER MODEL P226

OFF-DUTY WEAPON SERIAL # _____ MAKE _____ MODEL _____

TYPE OF TRAINING
ANNUAL FIREARMS QUALIFICATION

LECTURE
1) Cardinal Rules of Safety 2) S.O.P. 04-002 "Firearms Training and Qualification"
3) G.O. 504.1 Deadly Force 4) Fleeing Felon "Tennessee v. Garner" 5) Fundamentals/Combat Shooting
6) Off Duty Qualifications 7) New Shotgun Qualification Course

QUALIFICATION COURSES FIRED

(X) TQC (X) SHOTGUN (✓) SLUG ( ) OFFDUTY (~~X~~) BEAN SOCK

COUSRE OF FIRE	SCORES	OF A POSSIBLE
TQC	226	250
SHOTGUN	54+2	~~54+2~~
SLUG	86	100
OFFDUTY		250 OR 300
BEAN SOCK	PASS/FAIL	RE-QUAL

TOTAL HOURS OF TRAINING: 4.0

By Signing this form below I acknowledge that any ammunition issued by the range is for my personal or official department use only.

OFFICER'S SIGNATURE Adam Torres

(OFFICAL USE ONLY)

[✓] QUALIFIED [ ] FAIL To Qualify with Duty Pistol [ ] FAIL To Qualify Off-Duty Pistol

[ ] FAIL To Qualify with Shotgun [ ] FAIL To Qualify with Shotgun Slug

WEAPON INSPECTED: ☐ YES ☐ NO

RANGE OFFICERS SIGNATURE _____ PD FORM 176 (Revised (01/10)

FAIRFAX COUNTY POLICE DEPARTMENT
FIREARMS TRAINING RECORD
Inservice Spring 2009

NAME TORRES, ADAM D **DATE** 5-13-09

SSN [redacted] **EIN** 3681 **DUTY STATION** WEST SPRINGFIELD

WEAPON MAKE SIG SAUER **TYPE** P226 **SERIAL #** U809956

TYPE OF TRAINING

[_X_] In-service [_X_] Shotgun [_X_] **Spring 2009**

[X] **Less Lethal (Bean Sock) Recert** [X] **Slug Recert.**

TYPE OF TARGET

[_X_] FCPD - IPT [_X_] QIT Target [___] 5 CIRCLE [___] Izzy Target [___] Hit Zone

SAFETY

[_X__] G.O. 540.1 - Lecture & Discussion [_X__] Home [_X__] Range [_X__] On The Job [_X__] Safeguarding

NUMBER OF ROUNDS FIRED

[_____] REVOLVER [__100__] PISTOL [__12__] SHOTGUN [_____] RIFLE

COURSE FIRED

[__X_] TQC [__X_] Shotgun

SCORE

COURSE OF FIRE NAME		POSSIBLE SCORE	NUMERICAL SCORE
	TQC	(____250_____)	(212)
	Shotgun	(____54+2_____)	(54+2)
	Slug	(____100_____)	(28/86)

TOTAL HOURS OF TRAINING ASSIGNED ____4.0____

By Signing this form below I acknowledge that any ammunition issued by the range is for my personal or official department use only.

OFFICER'S SIGNATURE Adam D Torres

(OFFICAL USE ONLY)

[✓] **QUALIFIED** [___] **FAIL To Qualify with Shotgun Slug**
[___] **FAIL TO QUALIFY** [___] **FAIL To Qualify with Shotgun** [___] **FAIL To Qualify with Pistol**

WEAPON INSPECTED: ☑ YES ☐ NO

RANGE OFFICERS SIGNATURE Massaro PD FORM 176 (Revised (2/09)

DEF001129

FAIRFAX COUNTY POLICE DEPARTMENT
FIREARMS TRAINING RECORD
Inservice Spring 2008

NAME TORREY, ADAM DATE 8-26-08

SSN [redacted] EIN 3681 DUTY STATION 7

WEAPON MAKE SIG SAUER TYPE 226 SERIAL # U809950

TYPE OF TRAINING

[X] In-service [X] Shotgun [X] **Spring 2008**

[X] **Less Lethal (Bean Sock) Recert** [X] **Slug Recert.**

TYPE OF TARGET

[X] FCPD - IPT [X] QIT Target [ ] 5 CIRCLE [ ] Izzy Target [ ] Hit Zone

SAFETY

[X] G.O. 540.1 - Lecture & Discussion [X] Home [X] Range [X] On The Job [X] Safeguarding

NUMBER OF ROUNDS FIRED

[ ] REVOLVER [100] PISTOL [12] SHOTGUN [ ] RIFLE

COURSE FIRED

[X] TQC [X] Shotgun

SCORE

COURSE OF FIRE		POSSIBLE SCORE		NUMERICAL SCORE	
TQC			(250)		(229)
NAME	Shotgun		(54+2)		(54+2)
	Slug		(100)		(42)

TOTAL HOURS OF TRAINING ASSIGNED 4.0

By Signing this form below I acknowledge that any ammunition issued by the range is for my personal or official department use only.

OFFICER'S SIGNATURE John D. Torrey

(OFFICAL USE ONLY)

[X] **QUALIFIED** [ ] **FAIL To Qualify with Shotgun Slug**
[ ] **FAIL TO QUALIFY** [ ] **FAIL To Qualify with Shotgun** [ ] **FAIL To Qualify with Pistol**

WEAPON INSPECTED: [ ] YES [ ] NO

RANGE OFFICERS SIGNATURE [signature] PD FORM 176 (Revised 7/08)

DEF001130

FAIRFAX COUNTY POLICE DEPARTMENT
FIREARMS TRAINING RECORD
(SLUG)

NAME TORREY, ADAM DANIEL DATE 8/15/07

SSN [redacted] EIN 3681 DUTY STATION USP

WEAPON MAKE Remington TYPE 870 SERIAL # Range Weapon

TYPE OF TRAINING

[ ] Simunition [ ] Transition [ ] Shotgun [ ] Sniper
[ ] Chemical Agent [X] **Patrol Slug Transition** [ ] TAC [ ] In-Service

TYPE OF TARGET

[ ] FCPD COMBAT 1 [X] QIT Target [X] Hit Zone [ ] 5 CIRCLE [ ] DELTA TARGETS

SAFETY

[ ] G.O. 540.1 - Lecture & Discussion [X] Home [X] Range [X] On The Job [X] Safeguarding

NUMBER OF ROUNDS FIRED

[ ] REVOLVER [30] AUTO PISTOL [6] Buckshot [80] Slug

COURSE FIRED

[ ] Double Action [ ] Night Firing [ ] Moving Man [ ] Steel Reactive
[ ] TPC/TRC [ ] Live Fire House [ ] Vehicle Course [X] **Shotgun**
[ ] TQC [X] **Patrol Slug Qual** [ ] Other

SCORE

COURSE OF FIRE NAME	**Patrol Slug**	POSSIBLE SCORE	(100)	NUMERICAL SCORE	(93)
	Performance Drills		(8 of 8)		( )
			( )		( )

TOTAL HOURS OF TRAINING ASSIGNED 10.0

[X] QUALIFIED
[ ] FAIL TO QUALIFY

OFFICER'S SIGNATURE X Adam D. Torrey

RANGE OFFICERS SIGNATURE [signature] PD FORM 176 (Revised 07/05)

DEF001131

FAIRFAX COUNTY POLICE DEPARTMENT
FIREARMS TRAINING RECORD
Inservice Spring 2007

NAME TORRES, ADAM D DATE 6/22/07

SSN [redacted] EIN 3681 DUTY STATION WEST SPRINGFIELD

WEAPON MAKE SIG SAUER TYPE P226 SERIAL # U714099

TYPE OF TRAINING

[X] In-service [X] Shotgun [X] Spring 2007

[ ] Less Lethal (Bean Sock) Recert [ ] Slug Recert.

TYPE OF TARGET

[ ] FCPD COMBAT 1 [X] QIT Target [ ] 5 CIRCLE [ ] Izzy Target [ ] Hit Zone

SAFETY

[ ] G.O. 540.1 - Lecture & Discussion [X] Home [X] Range [X] On The Job [X] Safeguarding.

NUMBER OF ROUNDS FIRED

[ ] REVOLVER [200] PISTOL [12] SHOTGUN [ ] RIFLE

COURSE FIRED

[ ] Less Lethal (Bean Sock) [ ] Night Firing [ ] Moving Man [ ] Plate Course

[ ] Slug Course [ ] Live Fire House [ ] Vehicle Course [X] Shotgun

[X] TQC [ ] Other _____

SCORE

COURSE OF FIRE NAME		POSSIBLE SCORE	NUMERICAL SCORE
	TQC	(250)	(236)
	Shotgun	(54+2)	(54+2)
	Slug	(100)	( )

TOTAL HOURS OF TRAINING ASSIGNED 4.0

[✓] QUALIFIED
[ ] FAIL TO QUALIFY
[ ] FAIL To Qualify with Shotgun Slug
[ ] FAIL To Qualify with Shotgun
[ ] FAIL To Qualify with Pistol

By Signing this form below I acknowledge that any ammunition issued by the range is for my personal or official department use only.

OFFICER'S SIGNATURE Adam D. Torres

RANGE OFFICERS SIGNATURE [signature] 6/22/07

PD FORM 176 (Revised (3/07)

DEF001132

FAIRFAX COUNTY POLICE DEPARTMENT

FIREARMS TRAINING RECORD

NAME TORREY, ADAM D DATE 4-13-06

SSN [redacted] EIN 3681 DUTY STATION ACADEMY

WEAPON MAKE SIG SAUER TYPE P226 SERIAL # U714099

TYPE OF TRAINING

[ ] Simunition [ ] Transition [X] Shotgun [ ] Sniper

[ ] Chemical Agent [x] Other **Academy break-out** [ ] TAC [ ] In-Service

TYPE OF TARGET

[ ] FCPD COMBAT 1 [ ] B-21 Target [X] QIT/w gun [X] 5 CIRCLE [X] night fire Izzy

SAFETY

[X] G.O. 540.1 - Lecture & Discussion [X] Home [X] Range [X] On The Job [X] Safeguarding

NUMBER OF ROUNDS FIRED

[ ] REVOLVER [1200] AUTO PISTOL [100] SHOTGUN [ ] RIFLE

COURSE FIRED

[X] Double Action [X] Night Firing [X] Moving Man [X] Plate Course

[ ] TPC/TRC [ ] Tire House [X] Vehicle Course [X] Shotgun

[X] TQC [X] Other MCC II [X] Other TACTICAL

SCORE

COURSE OF FIRE NAME	SCORE	POSSIBLE SCORE	NUMERICAL SCORE
MDA		(300)	(275)
TQC		(250)	(237)
SHOTGUN		(90+2)	(90+2)
		( )	( )

TOTAL HOURS OF TRAINING ASSIGNED 80

[✓] QUALIFIED
[ ] FAIL TO QUALIFY

RECRUITS SIGNATURE X Adam D. Torrey

RANGE OFFICERS SIGNATURE [signature] 2050 PD FORM 176 (Revised 03/03)

DEF001133

FAIRFAX COUNTY POLICE DEPARTMENT
FIREARMS TRAINING RECORD

NAME TORRES ADAM DATE 9-25-12 EIN 3681
(Last) (First)

WEAPON SERIAL # U509956 MODEL SIG SAUER P226

TRAINING

( ) SQUAD ( ) DIVISIONAL (X) 2012 TAC IN-SERVICE

SAFETY LECTURE

1) CARDINAL RULES OF SAFETY. 2) RANGE SAFETY RULES. 3) PISTOL MODIFIED READY POSITION, TAC READY POSITION. 4) MOVEMENT DRILLS WITH THE PISTOL. 5) MCC2 COURSE & MODIFIED SPEC TAC COURSE. 6) SHOTGUN TEAM SLING. 7) SHOTGUN RE-LOADS. 8)TRANSITION DRILLS. 9) MOVEMENT DRILLS WITH THE SHOTGUN. 10) RESPONSE PISTOL COURSE.

TYPE OF TRAINING

(X) PISTOL (X) SHOTGUN ( ) LOW LIGHT ( ) BUILDING SEARCH

TOTAL HOURS OF TRAINING: 4.0

OFFICER SIGNATURE _____

INSTRUCTOR'S SIGNATURE _____

Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Virginia 20151-1703

Lesson Plan Coversheet

Course Name:

2008
~~Spring~~ In-Service/New Issue
Summer

Course Length:
(# of hours)

Four Hours

Instructor's Name:

Firearms Training Staff

Date Of Preparation:

July 2008

Date of Instruction:

August 4, 2008 – September 25, 2008

Course References/Resources:

Fairfax County Firearms Training Unit

- 0459 In Service Supervisor 7/10/08

Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Virginia 20151-1703

Materials Needed Sheet

Course / Lesson:

Spring In-Service/New Issue Sig Sauer .40 cal. Rail Guns 2008

Instructor: **Telephone Number:**

Firearms Training Unit Staff

Date & Time of Instruction:

August 4, 2008 – September 25, 2008

Classroom Design (Layout):

___ • **"U" shaped**
_X_ • **Straight Rows**
___ • **Herringbone**
___ • **Square or Rectangular**
___ • **Other, please specify:**

Materials Needed (Check all required aids):

___ • **Overhead**
___ • **Flip Chart**
___ • **VCR Equipment**
___ • **Slide Projector**
___ • **Camera Presenter with LCD Projector**
___ • **Laptop (with for Power Point 97) and LCD Projector**
___ • **Other, please specify:**

Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Virginia 20151-1703

Goal & Objective Sheet

Instructional Goal:

Firearms Training Unit instructors will provide a safety lecture and training in the fundamentals of marksmanship, initial inspection of the assigned handgun and the shotgun, introduction of the new Federal 40 S&W 165grain HST HP (P40HST3) and Federal Tactical Flite Control 12 gauge 2 ¾" 9 pellets (double aught) buckshot (LE127-00B), load and make ready with the handgun and shotgun, press check of the handgun and shotgun, maintaining a loaded weapon during the courses of fire, malfunction clearance, course of fire review, and, remedial training when necessary for Police Department and Sheriff's Office personnel during Spring 2008 In-Service/New Issue.

Instructional Objectives:

In-service personnel will be able to successfully qualify on the following courses of fire:

Tactical Qualification Course

Shotgun Qualification Course

Off-Duty Qualification Course

Less-Lethal re-certification

Shotgun Slug Qualification Course

In-service personnel will be able to demonstrate the following skill:

Initial inspection of the assigned handgun and shotgun.

Load and make ready with the assigned handgun and shotgun.

Press check of the assigned handgun and shotgun.

DEF001137

Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Virginia 20151-1703

Lesson Plan Page One

I. Course

Spring 2008 In-Service/New Issue

II. Lesson:

III. Objectives:
See Goal & Objective Sheet

IV. Total Time: 4 Hours

V. Instructional Methods

Lecture

VI. Training Aids:
Red handled weapons, IPT Targets, QIT-Targets

VII. Student Materials:
Duty uniform, duty leather gear, and assigned service weapon

VIII. Specific Resources:

Lesson Outline	Activities
I. Safety A. Load and unload only at black and yellow clearing barrel located at the entrance to the range building, or when specifically told to by a Firearms Training Unit instructor. B. Slide will be locked to the rear when weapon is out of the holster. (i.e. classroom, cleaning room, shop) C. Remain facing down range when called to the firing line and until the firing line is cleared by the tower. D. Control muzzle down range when handling any firearm. E. Observe all range safety rules, paying close attention to the Cardinal Rules of Safety. 1. Treat all weapons as if they are loaded 2. Never point a weapon at anyone unless ready and willing to kill that person. 3. Finger off the trigger until ready to shoot. 4. Be aware of your target and what is beyond	Demo w/red handled weapon.

DEF001138

Supplemental Page

Lesson Outline	Activities
II. Basic Fundamentals of Marksmanship Review	Instructor demo w/red handle weapon
A. Fundamentals	
1. Stance 2. Grip 3. Sight alignment/Sight picture (center mass of entire target) 4. Trigger Pull 5. Breath Control 6. Follow Through 7. Rhythm and Habit	
B. Trigger Control	
1. Anticipation 2. Double Action vs Single Action	Discuss/demonstrate
III. Initial Inspection of Pistol	
1. Safe direction 2. Slide locked to rear 3. Visual and physical inspection 4. Look down muzzle to inspect for obstruction in barrel.	Only initial inspection. Last thing.

DEF001139

Supplemental Page

Lesson Outline	Activities
IV. Load and Make Ready with Pistol	
A. Insert full magazine into magazine well of weapon.	
1. Load from magazine pouch only. 2. Only full magazines in magazine pouch	
B. Charge Weapon by Allowing Slide to Go Forward.	
1. Slide stop lever 2. Sling shot method	
C. Perform Press Check	
1. Sig Sauer Pistol in single action (hammer back)	
a. Weak hand thumb down b. Weak hand index finger on rear sight c. Pinch slide to rear. d. Visually/physically check for shell casing e. Assess/De-cock/Holster	
2. Glock Pistol (Use recoil knob)	Same method as above. No hammer.
D. Top–Off magazine in the gun	
a. Shooter/Student will top of magazine as part of loading and making ready.	
V. Reloads	Review and demonstrate
A. Combat reload B. Tactical reload C. Emergency reload	

DEF001140

Supplemental Page

Lesson Outline	Activities
VI. Load and Make Ready with the Shotgun	
A. Full Safety Inspection	
1. Check hand guard. (Writing facing up).	
2. Check sights.	
B. Ammo	
1. Federal Tactical Flite Control 12 gauge 2 ¾" 9 pellets OO Buckshot (LE127-00B)	
2. New Federal Buckshot **RED** in color	
3. Federal Slugs **Red** in color	Show difference
4. Tighter grouping of pellets compared to the Remington Brand	Tell why we switched
C. Six Rounds OO (Double Aught) Buckshot Placed in Side Saddle Shell Carrier with the Brass Down	
D. Two Methods To Load	
1. Load From Ready Position. (Shotgun mounted to shoulder)	
2. Load From Side Saddle Shell Carrier	
3. Cruiser ready, charge, then top off with 1 round	Most common.
4. First round into open ejection port. 4 rounds then loaded into magazine tube.	Quickest way.

DEF001141

Lesson Outline	Activities
E. Perform Press Check 1. Depress Action Bar Release 2. Slowly Work Action to Rear 3. Visually/Physically Check for Round Through Ejection Port 4. Close Action and Make Sure Action Locked (maintain ready position)	
VII. Malfunctions	
A. Shooters will clear all shooter induced malfunctions without raising hand for instructors.	
B. Any weapon induced malfunctions will be brought to the attention of a range instructor.	
C. Tap, rack, bang, (if necessary)	Demonstrate causes and appropriate action to take
D. Lock, Rip, Work, Tap, Rack, Bang (if necessary)	
VIII. TQC/Shotgun Course Content	Glock or Sig duty weapon, Remington 870P shotgun, off-duty
IX. Off-Duty Course Content	
X. Shotgun Slug Course Content Weapon	Discuss/Demo

DEF001142

Supplemental Page

Lesson Outline	Activities
XI. Ammunition Federal 40 S&W 165grain HST HP (P40HST3) (New ammunition for Police and Sheriffs Department) A. Turn in all ammunition from pockets and magazines before cleaning weapons at the end of courses B. Load magazines only with factory fresh ammunition from boxes issued. 1. Check all issued ammunition for any flaws	
XII. Qualification Standards A. Pistol : Minimum Score 188 Expert= 232 or above B. Shotgun: Minimum Score 48+1 (pistol round) Pistol round must be in bottle C. Slug: Minimum of four hits in the bottle. In addition to shotgun score. Minimum = 80. D. Fail To Qualify: Must Return. Preferably next day due to liability to self and department	Show minimum & maximum scores all courses
XIII. (Less Lethal) Bean Sock A. Discharge Round(s): **Do not retrieve spent bean sock shells they are considered evidence.**	**Explain IA Cases**

DEF001143

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

CJA School and Session #

Course Name: 2009 Spring In-Service **Course Length:** 4.0 Hours

Instructor's Name: (Print) **Signature:** Refer to individual cover sheets for specific dates.

Instructor's Name: (Print) **Signature:** _____
L-Lead Instructor A-Assistant Instructor or Apprentice

Date of Preparation: February 25, 2009

Date of Update: February 25, 2009

Reviewed by: (Academy School Coordinator) #753 **Date:** 4-22-09

Reviewed by: (Academy Director or Designee) **Date:** 4.15.09

Date of Instruction: April 27, 2009 - June 11, 2009

Testing Instrument:	Yes	X	No
Evaluation Instrument:	Yes	X	No
Safety Protocols Taken or Safety Matrix Completed: (Explain Safety Protocols or list page #'s of the Lesson Plan where the required information can be located)	Page # 1 Range Safety Protocals		

Course Reference / Resources:
Fairfax County Police - Firearms Training Unit

Student Training Objective (s) – list TO #s

DEF001144

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

Instructional Goal:
The Firearms Training Unit instructors will provide a safety and use of deadly force lecture. Training will be provided in the fundamentals of marksmanship, initial inspection of the assigned handgun and the shotgun, introduction of the Federal Tactical Flite Control 12 gauge 2 3/4" 9 pellet (double aught) buckshot (LE-127-00B), load and make ready with the handgun and shotgun, press check of the handgun and shotgun, maintaning a loaded weapon during the courses of fire, malfunction clearance, course of fire review, and remedial training when necessary for Police Department and Sheriff's Office personnel during Spring 2009 In-Service.

Instructional Objective:
In-Service personnel will be able to successfully qualify on the following course of fire:

Tactical Qualification Course

Shotgun Qualification Course

Off-Duty Qualification Course

Less-Lethal Re-Certification

Shotgun Slug Qualification Course

Inservice Personnel will be able to demonstrate the following skills:

Initial inspection of the assigned handgun and shotgun.

Load and make ready with the assigned handgun and shotgun.

Press check of the assigned handgun and shotgun.

DEF001145

Instructional Aids:
Red handled weapons, QIT Target

DEF001146

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708
Lesson Plan Supplement

COURSE: Spring 2009 In-Service **LESSON:**

Lesson Outline	Instructional Activities
I. Safety	Demo w/red handled weapon.
A. Load and unload only at black and yellow clearing barrel located at the entrance to the range building, or when specifically told to by a Firearms Training Unit instructor.	
B. Slide will be locked to the rear when weapon is out of the holster. (i.e. classroom, cleaning room, shop)	
C. Remain facing down range when called to the firing line and until the firing line is cleared by the tower.	
D. Control muzzle down range when handling any firearm.	
E. Observe all Range Safety Rules, paying close attention to the Cardinal Rules of Safety.	
1. Treat all weapons as if they were loaded.	
2. Never point a weapon at anyone unless you are ready and willing to kill that person.	
3. Keep your finger off the trigger until ready to fire.	
4. Be sure of your target, and what is beyond.	
F. (5) Steps to unload semi-auto pistol	
1. Point in a safe direction.	
2. Finger off the trigger.	
3. Remove the magazine.	
4. Lock the slide to the rear.	
5. Visually and physically inspect.	Safey Grip – When handing to instructor for inspection.

DEF001147

COURSE: Spring 2009 In-Service **LESSON:**

II. Deadly Force

A. **Deadly Force:** Force likely to cause serious physical injury or death.

B. The United States Supreme Court ruled in the 1985 case of **Tennessee v. Garner**, and recognizing constitutional authority for the use of deadly force to prevent escape and providing a two prong test to guide that authority:

1. First, an officer must have probable cause to believe that the fleeing felon is dangerous.

2. Second, the use of deadly force must be necessary to effect the arrest.

C. Deadly force shall not be employed to apprehend a fleeing misdemeanant.

D. In any situation where an officer is acting lawfully, the use of deadly force is justified in the defense of the officer's life or a citizen's life. The use of deadly force is justified in protecting the officer or a member of the public from serious physical injury.

E. When feasible, officers shall give the verbal warning, "Police Don't Move!" Prior to using deadly force.

F. Officers shall not fire warning shots under any circumstances.

G. Shooting at or from a moving vehicle shall be avoided except to defend an officer's or citizen's life or protect them from serious physical injury or when the escape of a felon will pose imminent threat of death or serious injury to an officer or citizen.

H. Deadly force shall not be used recklessly.

G.O. 540.1
(Sherriff) S.O.P. 032
Each officer and deputy shall be responsible for knowing their departments policy.

Must pose an imminent threat.

DEF001148

COURSE: Spring 2009 In-Service **LESSON:**

III. Basic Fundamentals of Marksmanship Review

A. Fundamentals

1. Stance
2. Grip
3. Sight alignment/Sight picture (center mass of entire target)
4. Trigger Pull
5. Breath Control
6. Follow Through
7. Rhythm and Habit

B. Trigger Control

1. Anticipation
2. Double Action vs. Single Action

Discuss/Demonstrate

IV. Initial Inspection of Pistol

1. Safe direction
2. Slide locked to rear
3. Visual and physical inspection
4. Look down muzzle to inspect for obstruction in barrel.

Only initial inspection.

V. Load and Make Ready with Pistol

Last thing.

A. Insert full magazine into magazine well of weapon.

1. Load from magazine pouch only.
2. Only full magazines in magazine pouch.

B. Charge Weapon by Allowing Slide to Go Forward.

1. Slide stop lever
2. Sling shot method (preferred)

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C. Perform Press Check

1. Sig Sauer Pistol in single action (hammer back)

   a. Weak hand thumb down
   b. Weak hand index finger on rear sight
   c. Pinch slide to rear
   d. Visually/physically check for shell casing
   e. Assess/De-cock/Holster

2. Glock Pistol (use recoil knob)

D. Top-Off magazine in the gun

   a. Shooter/Student will top off magazine as part of loading and making ready.

VI. Reloads

A. Combat reload
B. Tactical reload
C. Emergency reload

VII. Load and Make Ready with the shotgun

A. Full Safety Inspection

1. Check hand guard. (Writing facing up).
2. Check sights.

B. Ammo

1. Federal Tactical Flite Control 12 gauge
   2 ¾ " 9 pellets 00 Buckshot (LE 127-00B)
   - New Federal Buckshot **RED** in color
   - Tighter grouping of pellets compared to the Remington

Show difference
Tell why we switched

2. Federal Truball Rifled Slug HP
   2 ¾" 1oz. Slug (LEB 127 RS)
   - Federal Slugs **BLUE** in color

DEF001150

C. Six Rounds 00 (Double Aught) Buckshot Placed in Side Saddle Shell Carrier with the Brass Down	Most common. Quickest way.
D. Two Methods To Load 1. Load From Ready Position. (Shotgun mounted to shoulder) 2. Load From Side Saddle Shell Carrier 3. Cruiser ready, charge, then top off with 1 round	
E. Perform Press Check 1. Depress Action Bar Release 2. Slowly Work Action to Rear 3. Visually/Physically Check for Round Through Ejection Port 4. Close Action and Make Sure Action Locked (maintain ready position)	
VIII. Malfunctions	
A. Shooters will clear all shooter induced malfunctions without raising hand for instructors.	Demonstrate causes and appropriate action to take
B. Any weapon induced malfunctions will be brought to the attention of a range instructor.	Glock or Sig duty weapon, Remington 870P shotgun, Off-duty
C. Tap, Rack, Bang, (if necessary)	
D. Lock, Rip, Work, Tap, Rack, Bang, (if necessary)	Discuss/Demo
IX. TQC/Shogun Course Content	
X. Off-Duty Course Content	
XI. Shotgun Slug Course Content Weapon	

DEF001151

Fairfax County Criminal Justice Academy
14601 Lee Road
Chantilly, Virginia 20151-1708
Lesson Plan Supplement

COURSE: Spring 2009 In-Service **LESSON:**

XII. Ammuntion

Federal 40 S&W 165grain HST HP (P40HST3)
(New ammunition for Police and Sheriffs Department)

A. Turn in all ammunition from pockets and magazines before cleaning weapons at the end of course

B. Load magazines only with factory fresh ammunition from boxes issued.

C. Check all issued ammunition for any flaws

XIII. Qualification Standards

A. Pistol: Minimum Score 188
Expert – 232 or above

Show minimum and maximum scores all courses

B. Shotgun: Minimum Score 48 + 1 (pistol round)
Pistol round must be in bottle

C. Slug: Minimum of four hits in the bottle
In addition to shotgun score Minimum – 80

D. Fail To Qualify: Must Return. Preferably next day due to liability to self and Department

IX. (Less Lethal) Bean Sock

A. Discharge Round(s): **Do not retrieve spent bean sock shells they are considered evidence.**

Explain IA Cases

DEF001152

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Chantilly, Virginia 20151-1708
Lesson Plan Supplement

COURSE: Spring 2009 In-Service **LESSON:**

X. Departmental off-duty weapons policy	
A. Officers and Deputies are encouraged to carry an off-duty Weapon.	Refer to S.O.P./G.O.
B. Off-duty weapons will be carried in a holster.	
C. Holsters which are used off-duty are not regulated.	Primary considerations safety, Retention, concealibility, Speed of Accessibility
D. Weapon storage	
1. While on duty	Lock Boxes
2. Off-duty	Safes
E. Unauthorized access	
1. Guest over	
2. Theft	
3. Children	Virginia Code 18.2-56.2
F. Methods of security	
1. Lock box	
a. loaded b. unloaded	
2. Trigger lock	
a. unloaded	
3. Cable lock	
a. unloaded	
4. Disassemble weapon	

DEF001153

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708

Lesson Plan Cover Sheet

CJA School and Session #

Course Name: 2009 Spring In-Service **Course Length:** 4 Hrs.

Instructor's Name: J.E. Campbell (Print) **Signature:** J.E. Campbell

Instructor's Name: D.S. Cooke (Print) **Signature:** D.S. Cooke
L-Lead Instructor A-Assistant Instructor or Apprentice

Date of Preparation: 02-11-09

Date of Update:

Reviewed by: (Academy School Coordinator) [signature] **Date:** 3.30.09

Reviewed by: (Academy Director or Designee) [signature] **Date:** 3.30.2009

Date of Instruction: April 27th - June 11th 2009

Testing Instrument:		Yes	x	No
Evaluation Instrument:	x	Yes		No
Safety Protocols Taken or Safety Matrix Completed: (Explain Safety Protocols or list page #'s of the Lesson Plan where the required information can be located)	See attached safety matrix.			

Course Reference / Resources:

Student Training Objective (s) – list TO #s

DEF001154

Fairfax County Criminal Justice Academy

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Lesson Plan Cover Sheet

Instructional Goal:
The student will understand the importance of good verbal communication as well as de-escalation of force pertaining to everyday police calls for service. The student will comprehend the importance of defensive tactics through demonstration and practice

Instructional Objective:
a.Use of force model
b.De-escalation of force
c.Verbal Communication
d.Defensive Tactics and Street Combatives

1.Pressure sensitive areas
2.Unarmed control techniques and takedowns
3.Strikes
4.Knife Offense/Defense

Instructional Aids:
Powerpoint, handouts, gym, black training pads.

DEF001155

Fairfax County Criminal Justice Academy

14601 Lee Road
Chantilly, Virginia 20151-1708
Lesson Plan Supplement

COURSE: Spring In-Service 2009 **LESSON: Verbal Communication & DT**

Lesson Outline	Instructional Activities
I. Discussion of goals and training objectives a. Use of force model b. De-escalation of force c. Verbal Communication d. Defensive Tactics and Street Combatives 1. Pressure sensitive areas 2. Unarmed control techniques and takedowns 3. Strikes 4. Ground Offense	
II. Use of Force Model a. Three types of subjects officers may encounter: cooperative subjects, passive and active resistors, and assailants. b. Multiple force options are available ranging from mere presence to deadly force. c. Verbal communication can be key in dictating a subject's actions, such as an offender starting off cooperative but through lack of verbal and non-verbal communication, the situation can escalate. d. Non-verbal and verbal communication can also be key in de-escalating a situation. e. Supreme Court Case Law – Johnson v.Glick 1. was there a need for force 2. relationship between need and amount used 3. extent of injuries inflicted 4. applied in good faith? f. Graham v Connor 1. know as the objective reasonableness standard 2. accepted first three pts. of Glick, rejected last dealing with officer's state of mind g. Tennessee v. Garner 1. determined old fleeing felon rule violated 4th amendment.	Use of force handout, Case Law handout. Power point presentation.

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2. must have PC that suspect committed heinous crime and their escape poses imminent threat.
3. used only in felony situations only and officer must give warning when possibly feasible.

III. Verbal Communication

a. Communication simply put is the exchange of information between two or more parties that creates understanding about the information exchanged. It's estimated that 98% of a police officer's time is spent communicating with citizens. Some of whom are in crisis.
b. Why are some people more effective communicators than others?
c. General Order 201.13 – Human Relations

A. Citizen Contacts

Employees shall conduct themselves professionally at all times when representing the Department. They shall use respectful, courteous forms of address to all persons.

Displays of bias towards any person on account of race, sex, ethnicity, religious preferences or sexual orientation shall be considered unbecoming conduct.

While in the performance of their duties, or while otherwise representing the Department, officers shall refrain from using offensive words and language. At times it may be appropriate to use raised voices to issue commands and to gain compliance, however, the use of cursing, obscenities and/or racial, ethnic, sexual, religious, or sexual orientation slurs will not be tolerated.

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Verbal Communication cont'd

d. Professionalism – be clear, courteous and consistent.

e. Double standards – we are often held to a much higher standard than that of ordinary citizens. Why shouldn't our verbal communication be held to the same standard.

f. Importance of good verbal communication:

1. Creates a reaction that forms opinions, not just of you, but the department and other law enforcement officers.
2. Forms opinions from fellow officers. Will you be the one that is not wanted at a particular scene be cause you lack good verbal skills?
3. Once contact is made, if feasible, officers should introduce themselves. Introductions can help reduce stress and anxiety.
4. Always stop, look, and listen.

g. Know your Audience

5. Juveniles – See us as role models, Physically move to eye level when they speak, respond with age appropriate questions, be honest and use language the child can understand.
6. Elderly People – May be hard of hearing, may have Alzheimer's or dementia, may be the victim of elder abuse.
7. Educated vs. Un-educated – Talk at a level they can understand. Don't patronize either type of person. There is no need to "dumb" down your language using street slang or curse words. There is also no need to try and make yourself sound smarter than you really are.
8. Mentally Challenged – persons with mental illness or some form of mental retardation.

DEF001158

- Know what resources are available to you.
- Language line, Alcohol diversion, Safe Return, Homeless shelters, juvenile diversion programs, etc.

h. Areas of Communication

1. Thinking – distinguishes fact from opinion, able to gather sufficient and reliable evidence, won't automatically jump to conclusions.
2. Speaking – talk to the listener at a level they can understand; avoid arguments, your speech counts for 38% of your communications. Stop speaking when the listener refused to listen, cuts you off or becomes disrespectful.
3. Body Language – appearance, gestures, eye movement and posture.
4. Non-verbal skill accounts for 55% of communication.
5. It's easy to lie, but difficult to control how your body acts while telling a lie.

i. Factors that affect our ability to communicate

1. How we speak
2. Experience
3. Education – our education to date will help us, but don't let someone's lack of education lead you to believe that they can't outthink you. Use a simple vocabulary when needed. If in a culturally diverse area, try to learn a few words or customs, it can only help in the long run.
4. Attitude – have the proper mindset in order to listen and understand
5. Values – the beliefs we hold directly relate to the way we communicate and treat others – good and bad
6. Environment – suburban

DEF001159

Discuss and Demonstrate in class. Practice and drill on the mats.

IV. Defensive Tactics and Street Combatives

a. Pressure Sensitive Areas – the use of gradual deep pressure, thrust pressure, or impact pressure to produce pain, in order to gain compliance and achieve a certain goal.

1. gradual deep pressure – starts off light then intensifies.
2. Thrust pressure – starts off with immediate intensity
3. Impact pressure – strike

4. Target Areas – head, neck, arm and leg
   Discuss the numerous sensitive areas of each location on the body.

b. Unarmed Control Techniques

- Basic Escort Position
  Usually for compliant subjects i.e.; removing someone out of a crowd or a bar.
- Wrist Lock (Goose Neck)
  Transition from Basic Escort – Escalation of force on same subject.
- Take Down
  Continued escalation of force resulting in subject being taken to the ground for handcuffing.

...Open the gate.

c. Strikes

- Posture
- Offensive vs. Defensive
- Hands up

DEF001160

- Elbows in
- Protect vital areas of the body, head, neck, vital organs
- **All about mindset!**

1. Cupped hand to the head

- Cupped hand, short quick strike targeting ear or side of head
- Similar to a heavy slap, step in and turn hips
- Distance – Throw the ball

2 Hammer Fist

- Closed fist using the bottom "soft" part of the hand
- Can be used to strike anywhere on the body, preferably face, groin, throat.

3. Palm Strikes

- Open handed strike
- Similar to palming a grapefruit
- Target face and side of head
- Eye gouge - benefit

4. Elbow Strike

- A short, quick, powerful blow similar to a hook in boxing.
- Elbow is used instead of fist
- Less trauma to elbow
- Fewer bones in elbow
- Remember to protect your head!

5. Front Kick

- Front or rear leg
- Good for keeping distance
- Good distracter for setting up a combination of strikes
- Can be a powerful kick especially if rear leg is used

DEF001161

6 Roundhouse Kick

- Very powerful kick
- Target - the side of the leg
- Common peroneal nerve
- Can create a sympathetic reaction to other leg

7. Knee Strike

- Control head and neck area
- Pull subject towards you
- Lift knee into target area – upper body, face, thigh

8. Shin Strike

- Instep of foot directed toward shin
- Step towards subject
- Can be used simultaneously with other strikes

Video clip of officer using poor DT skills

V. Knife Defense/Offense

Video clip – South American Police officers attacked. Drill on mats.

Immediate Reaction
Eye Gouge – Open hand, similar to palming a grapefruit
Pummeling
Create distance – draw weapon, run
Work your angles – don't turn your back.

VI. Closing

1. Winning begins, and ends with YOU.
2. Be the predator, NOT the prey.
3. Train the way you want to fight, train with imagination and emotion, then you will fight the way you train.

DEF001162

Rules for Training

- **RED LIGHT** - Verbal Command given in the training environment.
- Can be used by anyone involved (Role Player, Instructor, Officer, or Evaluator) is used to **STOP** all action.
- Could be due to injury or an unsafe situation; upon hearing this command, all action will cease.
- Everyone involved freezes where they are and all tension is released.

- **WHISTLE** – Is the sound equivalent to the verbal command of red light.
- When a whistle is blown, all action will cease.

- **TAP OUT** – Used by all involved in scenario based training, is another form of communication.
- Primarily used when those involved are experiencing Distress.
- A role player or Officer may tap out.
- Tap outs can be done anywhere; on your own body, your opponent,
- or on the mat. There will be many instances of discomfort in the defensive tactics arena; However,
- Tap outs are reserved for those instances of **DISTRESS** not simply discomfort.

- **GREEN LIGHT** - Verbal command given by Instructor or safety coach during training.
- Used to signify to all to **resume action**.

DEF001163

Activity Safety Matrix: Spring 2009 Inservice

Lesson or Operational Plan	Training Environment	Equipment	Staffing	Security	Pre and Post Training Assessment	Academy SOPs	Training Safety Officer or Medical Personnel
_x_ Supervisor Review Complete _x__ Instructor Qualifications Certified _x_ Plan On File	_x_ gym mats _x_ Weather assessed _x_ Any hazardous conditions assessed and addressed	_ _x_ AED __x_ First aid kit _x_ Student medical info _x_ Bottled water _x_ Partial Redman gear	_x_ Minimum 3 staff with 1:10 ratio __x_ safety officer	__ N/A	_x_ Class A Physicals Completed _x_ Pre-exercise injury query _x_ Post-exercise injury query _x_ Referrals to athletic trainer, as needed		_x_ Police radio or 911 for emergency

Prepared by:_____ Date_____

(Name and Position)

3.11.09

Spring 2009 In-Service Schedule

Hour 1 – Classroom Lecture on Verbal Communication, Legal and Defensive Tactics

Hour 2 – Demonstration and Practice of Defensive Tactics

Hours 3 & 4 – Practical Exercises