



# Alexandria Police Department

## Directive 10.1



### ADULT ARRESTS

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#### 10.1.01 PURPOSE AND POLICY

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

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

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

#### 10.1.02 GENERAL

A. The arresting officer will bring persons placed under arrest, with or without a warrant,

forthwith before a magistrate. If a warrant is to be executed on a defendant who is currently incarcerated, the defendant and arresting officer must appear before a magistrate forthwith. In an arrest with a warrant, the officer will not execute the warrant and leave it with the booking staff. The officer must appear before the magistrate with the warrant and the defendant.

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

K. Acting as Bailer Prohibited: Employees cannot act as bailers for any person in custody except relatives.

L. Notification of Rights: Officers shall comply with the following policies regarding advising arrestees of their 5<sup>th</sup> Amendment rights, commonly referred to as Miranda rights: [1.2.3]

1. The advice of Miranda rights is required when:

- a. A person is under arrest or its functional equivalent, and
- b. A law enforcement officer asks questions of the person likely to get the person to incriminate themselves or engages in conduct likely to get the person to incriminate themselves.

2. Both elements are necessary for the Miranda requirement. This means that:

- a. A patrol officer does NOT need to advise a person of their Miranda rights if they do not intend on questioning them – regardless of whether the person is in handcuffs or being transported in a police car. In cases where a patrol officer does not intend on questioning the person – i.e., in cases where the patrol officer intends on allowing CIS to conduct the interview – the patrol officer should NOT advise the person of their rights. Instead, the detective conducting the interview should complete the advice of rights.
- b. Patrol officers who DO intend on questioning a person should advise the person of their rights when a reasonable person in the suspect's position would feel that they are "under physical arrest or its functional equivalent." This analysis is conducted by looking at the force applied to the suspect. Higher levels of force – such as active countermeasures, the use of impact weapons or Tasers, or the application of handcuffs – are consistent with physical arrest. Lower levels of force – such as mere officer presence or verbal commands – are inconsistent with physical arrest and do not require Miranda warnings.

### **10.1.03 RESPONSIBILITIES**

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

1. When a custodial arrest is made, the arresting officer(s) will:
  - a. Conduct a search for weapons. When an arrestee is taken into the booking

area, a booking deputy conducts another search of the individual. See Police Directive 10.25, Search Incident to Arrest, for further information.

- b. Examine items that will accompany the arrestee (e.g., purses and jackets).
- c. Not take any weapons into the booking area. Prohibited items include but are not limited to firearms, bullets, OC spray, batons, knives or pocketknives.
- d. Ensure that arrestees being brought into the booking area are handcuffed with their hands behind them, unless prevented by the arrestee's physical condition.
- e. Stay with the arrestee while the deputy completes a search of the arrestee.
- f. Advise the deputy upon entering the booking room:
  1. What charges have been placed against the arrestee,
  2. Any claims of injury or requests for medical treatment by the arrestee,
  3. Any medical treatment received prior to arrival at the Detention Center.
- g. Advise Information Services (ISS) immediately upon arrival in the booking areas, so that appropriate checks can be made prior to the arrestee's release. Advise the booking deputy, the location where the arrest was made and the name of the ISS employee who was given the arrest information.
- h. Obtain a criminal history information (CCH) from ISS and provide it to the magistrate any time they make a physical arrest with or without a warrant, except when a summons is issued, and except for a drunk in public whether arrested or taken to detox. Arresting officers will contact ISS upon arrival at the Intake Center and request a CCH in the name of the magistrate and then present it to the magistrate in whose name it was run.
- i. Take the arrestee before the magistrate as soon as possible after entering the booking area.
- j. After the magistrate issues a warrant, complete the required Central Criminal Records Exchange (CCRE) or Virginia Uniform Summons (VUS) information when needed and execute writs of arrest. Normally the booking deputy will complete any required CCRE electronically, except that arresting officers will manually complete a CCRE for drunk in public (DIP) arrests. In the event that an officer must complete a CCRE manually (whether for a DIP charge, electrical outage, computer malfunction, etc.) the following procedure is required.
  - Complete a CCRE for all offenses except Class 3 and 4 misdemeanors, driving while intoxicated, trespassing, and disorderly conduct.
  - Complete the CCRE either by typing with a black ribbon, or printing with a black ballpoint pen. Do not separate the copies of the form until after completing the top half of the form (through the field labeled Shield/Code).
  - Enter only one offense or one count on each CCRE. Use additional CCREs for additional offenses or counts. Items #1-37 must be completed on each additional CCRE; however, record only the fingerprint impressions of each thumb on the additional forms.
  - Enter the exact code section and type of offense (misdemeanor or felony) charged along with the nature of the offense.
  - Write the address of the arrest on the bottom portion (next to the ISS employee's name) of the CCRE.



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

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

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

1. Photograph and fingerprint each arrested person when a CCRE is required (fingerprints and photographs are not required for drunk in public arrests).
2. Take arrest photographs with the camera located in the booking area. For each arrest, one front shot and one profile shot of each side will be made. If the arrestee wears glasses, two sets of photos will be taken, one set with the glasses and one without. The camera automatically sends the photographs to the Alexandria Justice Information System (AJIS) Mug shot database.
3. Obtain one set of palm prints of each person charged with a felony, or upon request by an officer.
4. Sign the CCRE in the space marked "Official Taking Fingerprints," and forward copies of all CCREs and fingerprint cards to the Police Department's ISS.
5. Check the accuracy of all CCREs.
6. The magistrate will be given all original booking documents to forward to the court having jurisdiction.

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

1. When notified by arresting officers, ISS will record the following information on a Local Wanted Check form (APD-29):
  - a. Date and time,
  - b. Arrest number,
  - c. Name of the arrested person,
  - d. Name of the arresting officer,
  - e. Gender, race, date of birth and social security number of the arrestee,
  - f. Offense charged and charge code, and
  - g. Type of arrest (in-field, capias, summons, warrant or detention order).
2. Check the files of this Department to ensure that any outstanding warrants on file for the arrested person are promptly executed.
3. Immediately check VCIN and NCIC for wanted status and notify the booking deputy of the results. Appropriate Teletype notification/responses and/or removal of wanted persons from VCIN/NCIC will be done at this time.
4. The CCRE form is electronically transmitted. If it has to be done manually, it is distributed as follows:
  - a. Page 1 is for use by the arresting agency. It will be retained and filed by date in ISS for a period of three years.
  - b. Page 2 is distributed by the Sheriff's Office by forwarding through the Magistrate's Office to the court having jurisdiction.
  - c. Page 3 will be forwarded to the Identification Section along with all fingerprints and palm print cards. The Identification Section will then forward fingerprint cards and page 3 of CCREs to the Central Criminal Records Exchange, as necessary. Exception: when arrests on Alexandria charges are made by other jurisdictions, the Alexandria Police Department will not report the arrests to the Central Criminal Records Exchange.
5. Provide a CCH to arresting officers, using the following procedures.
  - a. Ask the officer if the CCH is for the officer or for the magistrate.
  - b. If the CCH is for the officer, it will be run in the officer's name, which does not require a log entry. It will then be given to the officer.
  - c. If the CCH is for the magistrate, it will be run in the magistrate's name and logged in the CCH record log. The CCH will then be given to the officer so he/she can provide it to the magistrate.
  - d. Only ISS employees will run these CCH requests and release them.

**D. Patrol Sector 1 Commander Responsibilities**

The Patrol Sector 1 commander will assign someone, i.e. the patrol secretary, to keep

sufficient police forms in the booking room, to prevent delays in the booking process.

#### **10.1.04 DEFINITIONS**

1. ICE: U.S. Immigration and Customs Enforcement.
2. ASO: Alexandria Sheriff's Office.
3. Criminal Warrant: a written order commanding the arrest of a person for a specific violation of law. A warrant may require a custodial arrest or allow or command a release on a summons.
4. Civil Warrant: A civil action in general district court directed to the sheriff or to any other person authorized to serve process in such county or city, requiring the person to appear before the court on a certain day, not exceeding sixty days from the date of service.
5. CCRE: Central Criminal Records Exchange. The repository in this Commonwealth which receives, identifies, maintains, and disseminates individual criminal history records, in accordance with Chapter 23 (§ 19.2-387 et seq) of Title 19.2 of the Code of Virginia.

#### **10.1.05 ARRESTS BY OTHER JURISDICTIONS**

- A. Whenever a person is arrested for a warrant or capias in a county or city other than that in which the charge is to be tried, the officer making the arrest will either:
  1. Bring the arrestee before a judicial officer in the locality where the arrest was made or where the charge is to be tried, or
  2. Commit the arrestee to the custody of an officer from the county or city where the charge is to be tried who will bring the arrestee forthwith before a judicial officer in the county or city in which the charge is to be tried (Virginia Code §19.2-76).
- B. Alexandria officers taking custody of persons arrested in other jurisdictions will obtain from the arresting jurisdiction a copy of any CCRE or other booking form completed by that jurisdiction.
- C. The transporting officer will ensure that:
  1. An APD-7B is completed.
  2. An arrest number is obtained and given to the booking deputy for use on the CCRE, fingerprint card(s), and photographs.
  3. Any CCRE received from the arresting jurisdiction is provided to the booking deputy, who will copy it and attach the copy to the fingerprint cards and then forward the CCRE to the court.

4. ISS is notified of the arrest.
5. The required booking forms are completed if the arresting jurisdiction did not complete them.

#### **10.1.06 ARREST BY SUMMONS**

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

#### **10.1.07 MASS ARRESTS**

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

#### **10.1.08 ILL OR INJURED ARRESTEES**

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



of Sheriff will provide the guard.

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

### **10.1.09 FEDERAL WARRANTS / FOREIGN NATIONALS**

#### **A. Detentions (*Updated 05-2025*)**

1. An officer should not detain any individual, for any length of time, for a civil violation of federal laws or a related civil warrant.
2. If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a federal criminal act, he/she may detain the person for a reasonable amount of time to contact the appropriate federal officials to verify whether the violation is a criminal violation. (8 USC § 1357(g)(10)).
3. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable amount of time - generally not more than one hour - if requested by federal officials (8 USC § 1357(g)(10)).
4. No individual, who is otherwise ready to be released, should continue to be detained only because questions about the individual's status are unresolved.

#### **B. Foreign Nationals (*Updated 05-2025*)**

1. Determining a suspect's immigration status cannot be the sole purpose to stop a person or to form the basis for an investigation or inquiry. Knowledge of an individual's status must come after you have established reasonable suspicion that he or she has committed or is committing a crime. (See also Police Directive 2.4, Non-Biased Policing)
2. Police may not arrest solely because a person is an undocumented foreign national. The Police Department does not have legal authority to enforce Federal Immigration Law independently.

#### **C. NCIC Immigration Violator File (IVF) Hits (*Updated 03-2025*)**

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

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime, or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

1. NCIC Immigration Violator File (IVF): Criminal

- a. The NCIC IVF hit will read “**OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL**” (such NCIC warrants are considered civil in nature), and the officer has charged a person for a separate Class 1 or Class 2 misdemeanor or a traffic infraction, for which the law requires the person be released on a summons in accordance with § 19.2-74 Code of Virginia or §46.2-940 Code of Virginia, the NCIC IVF hit, absent extenuating circumstances, shall be considered as a strong factor to proceed under § 19.2-82 Code of Virginia (Arrest without warrant), in determining whether the person is likely to disregard the summons.
- b. If an individual has counterfeit or fraudulent identification in their possession, this is a violation of Virginia State law and will subject them to arrest. (18.2-204.1 or 18.2-204.2)

2. NCIC Immigration Violator File (IVF): Civil

- c. The NCIC IVF hit will read “**OUTSTANDING ADMINISTRATIVE WARRANT OF REMOVAL.**” These are considered civil in nature. Officers have no authority to arrest based solely on civil administrative warrants or detainers for immigration issues.

3. U VISA AND T VISA NONIMMIGRANT STATUS

- d. Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).
- e. Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).
- f. Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Division supervisor assigned to oversee the handling of any related case. The Criminal Investigations Division supervisor should:
  - Consult the assigned investigator to determine the status of any related case and whether further documentation is warranted.
  - Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
  - Address the request and complete the certification or declaration, if appropriate, in a timely manner. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

C. Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

D. Notification to Consul Authorities (*Updated 04-2025*)

1. Internal Notifications

- a. An officer shall notify a supervisor as soon as practicable if an arrest for a federal criminal warrant is made.
- b. The supervisor shall notify, through the Chain of Command, the Chief of Police or the designee.

2. Consul Authorities

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

BY AUTHORITY OF:

A handwritten signature in black ink, appearing to read "Tarrick McGuire", with a large, stylized loop at the end.

**Tarrick McGuire**  
Chief of Police