

YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Arrests	NUMBER: GO 2-4
EFFECTIVE DATE: October 22, 2018	REVIEW DATE: October 22, 2018
AMENDS/SUPERSEDES: GO 2-4, August 1, 2002	APPROVED: _____  Sheriff
VLEPSC: ADM.02.02, OPR.12.04	

1 **INDEX WORDS**

- 2
- 3 Arrests;
- 4 • Laws of
- 5 • Release from
- 6 • Summary of laws
- 7 • With warrants
- 8 • Without warrants

- 9 Booking
- 10 Diplomatic immunity
- 11 Legislative immunity
- 12 Post-arrest procedures
- 13 Summons

14

15 **POLICY**

16

17 Short of the application of force, an arrest is the most serious action a deputy undertakes. An

18 arrest can cause repercussions throughout a person's life, even if he or she is eventually found not

19 guilty or never brought to trial. Deputies shall accordingly exercise critical judgment in making

20 arrests. Such judgment includes consideration for bystanders, the time, place, and location of

21 offenses, and the use of force in making the arrests. Deputies shall further consider alternatives

22 to arrest consistent with carrying out their law enforcement mission.

23

24 **PURPOSE**

25

26 To define the authority of deputies to arrest, and the mechanism for making arrests with and

27 without a warrant.

28

29 **PROCEDURE – GENERAL**

- 30
- 31 • Definition of arrest
- 32 ○ An arrest constitutes a seizure of the person for Fourth Amendment purposes.
- 33 Further, the Fourth Amendment requires probable cause to arrest. The test, in
- 34 interviews or stops of persons, for whether an arrest has occurred or a seizure of the
- 35 person is whether a reasonable person under the circumstances would have felt free to
- 36 leave.
- 37
- 38 • Jurisdiction of arrest

- 39 ○ Section [19.2-249](#), Code of Virginia provides that if an offense occurs within 300
40 yards of a boundary of two counties or a boundary of a county and a city,
41 deputies/officers in either jurisdiction may take enforcement action.
42

ARRESTS WITH A WARRANT

43
44

- 45 • Who may issue
 - 46 ○ An arrest warrant may be issued by any judge, clerk of any circuit court, any general
47 district court, juvenile court and domestic relations court, or any magistrate as
48 provided in Section, [19.2-71](#), Code of Virginia.
49
- 50 • When it may issue; what to recite
 - 51 ○ Section [19.2-72](#), Code of Virginia, provides that the person having authority to issue
52 an arrest warrant shall first examine on oath any complainant or other witnesses and,
53 if probable cause exists, issue the warrant.
54
- 55 • What the warrant contains
 - 56 ○ A warrant commands the accused to appear before a magistrate. The warrant will
57 give the name of the accused, or a description if his name is not known, describe the
58 offense, and be signed by the officer authorized to issue warrants.
 - 59 ○ The warrant should have the criminal complaint, and the criminal complaint shall
60 consist of sworn statements of a person or persons of fact relating to the commission
61 of an alleged offense.
 - 62 ○ The offender description on warrant must not be too general or leave too much
63 discretion to the law enforcement officer to decide which suspect to arrest.
64
- 65 • Issuance of a summons instead of warrant
 - 66 ○ Section [19.2-73](#), Code of Virginia provides for issuance of a summons instead of a
67 warrant "where there is reason to believe that the person charged will appear in the
68 courts having jurisdiction over the trial of the offense charged."
69 ○ Uniform summonses and Magistrate's summonses impose the same requirements to
70 appear at an appointed place and time as with a warrant.
71
- 72 • Notice of issuance of warrants or summonses
 - 73 ○ Section [19.2-73.1](#), Code of Virginia provides that the Sheriff or his deputy may notify
74 citizens of pending warrants (in misdemeanor or class 5 or 6 felonies) or summonses,
75 and direct their appearance to a time and place for execution of such process.
 - 76 ○ However, the issuing judicial officer may direct the execution of such process prior to
77 any such notification.
78
- 79 • Issuance and service of summons in place of warrants in misdemeanor cases
 - 80 ○ Section [19.2-74](#), Code of Virginia provides that whenever any person is detained by,
81 or is in the custody of, an arresting deputy for any violation committed in an deputy's
82 presence which violates any county, city, or town ordinance of any provision of this
83 code punishable as a Class 1 or Class 2 misdemeanor or any other misdemeanor for
84 which he may receive a jail sentence, except as otherwise provided in Title [46.2](#), or

- 85 [18.2-266](#) of the Code of Virginia, or an arrest on a warrant charging an offense for
86 which a summons may be issued, and when specifically authorized by the judicial
87 officer issuing the warrant, the arresting deputy shall:
- 88 ▪ Take the name and address of such person and issue a summons or otherwise
89 notify him in writing to appear at a time and place to be specified in such
90 summons or notice.
 - 91 ▪ Upon the giving by such person of his written promise to appear at such time and
92 place, the deputy shall forthwith release him from custody
- 93 .
- 94 ○ Whenever any person is detained by or is in the custody of an arresting deputy for a
95 violation of any county, city or town ordinance or of any provision of this code,
96 punishable as a Class 3 or Class 4 misdemeanor or any other misdemeanor in which
97 he cannot receive a jail sentence, except as otherwise provided in Title [46.2](#), or to the
98 offense of public drunkenness as defined in Section [18.2-388](#) of the Code of Virginia,
99 the arresting deputy shall take the name and address of such person and issue a
100 summons or otherwise notify him in writing to appear at a time and place to be
101 specified in such summons or notice.
 - 102 ○ Upon the giving such person of his written promise to appear at such time and place,
103 the deputy shall forthwith release him from custody.
 - 104 ○ However, if any such person shall refuse to discontinue the unlawful act, the deputy
105 may proceed according to the provisions of Section [19.2-82](#), Code of Virginia.
 - 106 ○ Any person so summoned shall not be held in custody after the issuance of such
107 summons for the purpose of complying with the requirements of Chapter 23 ([19.2-](#)
108 [387](#) Code of Virginia.
 - 109 ○ Reports to the Central Criminal Records Exchange concerning such persons shall be
110 made after a disposition of guilt is entered as provided for in Section [19.2-390](#) Code
111 of Virginia.
 - 112 ○ Any person refusing to give such written promise to appear under the provisions of
113 this section shall be taken immediately by the arresting deputy or other law
114 enforcement officer before a magistrate or other issuing authority having jurisdiction,
115 who shall proceed according to provisions of Section [19.2-82](#), Code of Virginia.
 - 116 ○ Any person who willfully violates his written promise to appear given in accordance
117 with this section, shall be treated in accordance with the provisions of Section [19.2-](#)
118 [128](#) Code of Virginia, regardless of the disposition of, and in addition to, the charge
119 upon which he was originally arrested.
 - 120 ○ Any person charged with committing any violation of Section [18.2-407](#) Code of
121 Virginia may be arrested and forthwith brought before a magistrate who shall proceed
122 as provided in Section [19.2-82](#) Code of Virginia.
 - 123 ○ When release on a summons is appropriate, the arrested person will not be
124 photographed or fingerprinted before release.
 - 125 ▪ This processing will be done after appearance in court and only in cases where
126 there is a conviction.
 - 127 ▪ The Court will make arrangements to have each person processed upon
128 conviction.
- 129
- 130 • Copy of Process to be Left with the Accused

- 131 ○ Section [19.2-75](#) Code of Virginia.
- 132 ○ Except as provided in Section [46.2-936](#), Code of Virginia, any process issued against
- 133 a person charged with a criminal offense shall be in duplicate and the deputy serving
- 134 such process shall leave a copy with the person charged.
- 135
- 136 ● Execution of Arrest Warrants, Section [19.2-76](#), Code of Virginia
- 137 ○ A law-enforcement officer may execute within his jurisdiction a warrant, capias or
- 138 summons issued anywhere in the Commonwealth.
- 139 ○ A warrant or capias shall be executed by the arrest of the accused, and a summons
- 140 shall be executed by delivering a copy to the accused personally.
- 141 ○ If the accused is a corporation, partnership, unincorporated association or legal entity
- 142 other than an individual, a summons may be executed by service on the entity in the
- 143 same manner as provided in Section [8.01-301](#), Code of Virginia, for service of
- 144 process on that entity in a civil proceeding.
- 145 ○ However, if the summons is served on the entity by delivery to a registered agent or
- 146 to any other agent who is not an officer, director, managing agent or employee of the
- 147 entity, such agent shall not be personally subject to penalty for failure to appear as
- 148 provided in Section [19.2-128](#), Code of Virginia, nor shall the agent be subject to
- 149 punishment for contempt for failure to appear under his summons as provided in S
- 150 [19.2-129](#) Code of Virginia.
- 151 ○ The law-enforcement officer executing a warrant or capias shall endorse the date of
- 152 execution thereon and make return thereof to a judicial officer.
- 153 ○ The law-enforcement officer executing a summons shall endorse the date of
- 154 execution thereon and make return thereof to the court to which the summons is
- 155 returnable.
- 156 ○ Whenever a person is arrested upon a warrant or capias in a county or city other than
- 157 that in which the charge is to be tried, the law-enforcement officer making the arrest
- 158 shall either:
- 159 ▪ Bring the accused forthwith before a judicial officer in the locality where the
- 160 arrest was made or where the charge is to be tried or;
- 161 ▪ Commit the accused to the custody of an officer from the county or city where the
- 162 charge is to be tried; who shall bring the accused forthwith before a judicial
- 163 officer in the county or city in which the charge is to be tried.
- 164 ❖ The judicial officer before whom the accused is brought shall immediately
- 165 conduct a bail hearing and either admit the accused to bail or commit him to
- 166 jail for transfer forthwith to the county or city where the charge is to be tried.
- 167
- 168 ● Escape, Flight and Pursuit; Arrest Anywhere in the State
- 169 ○ Section [19.2-77](#), Code of Virginia provides that whenever a person in the custody of a
- 170 law enforcement officer shall escape or;
- 171 ○ Whenever a person shall flee from an officer attempting to arrest him, such officer,
- 172 with or without a warrant, may pursue such person anywhere in the state and, when
- 173 actually in close pursuit, may arrest him wherever he is found.
- 174 ▪ If the arrest is made in a county or corporation adjoining that from which the
- 175 accused fled, or within one mile of the boundary of the county or city which the

176 accused fled, the officer may forthwith return the accused before the proper
177 official of the county or corporation from which he fled.

- 178 ▪ If the arrest is made beyond the foregoing limits, the deputy shall proceed
179 according to the provisions of Section [19.2-76](#), Code of Virginia, and if such
180 arrest is made without a warrant, the deputy shall procure a warrant from the
181 magistrate of the county or corporation wherein the arrest was made, charging the
182 accused with the offense committed in the county or corporation from which he
183 fled.

- 184
- 185 • Exemption of Such Witnesses from Arrest or Service of Process
 - 186 ○ Section [19.2-280](#) Code of Virginia, states if a person comes into this state in
187 obedience to a summons directing him to attend and testify in this state he shall not
188 while in this state pursuant to such summons be subject to arrest or the service of
189 process, civil or criminal in connection with matters which arose before his entrance
190 into this state under the summons.
 - 191 ○ If a person passes through this state while going to another state in obedience to a
192 summons to attend and testify in that state or while returning therefrom, he shall not
193 while so passing through this state be subject to arrest or the service of process, civil
194 or criminal in connection with matters which arose before his entrance into this state
195 under the summons.
- 196
- 197 • Arrest of Suspect Inside a Dwelling
 - 198 ○ If a deputy wishes to arrest a suspect inside his residence, he must first obtain an
199 arrest warrant.
 - 200 ○ If the residence belongs to the suspect, only an arrest warrant is required.
 - 201 ○ If the dwelling belongs to someone else, the deputy must obtain a search warrant as
202 well, unless permission from the property owner to search is granted.
 - 203 ○ A search warrant is not required if the deputy is in close pursuit or the owner of a
204 residence consents to the deputy's search for the suspect.
- 205
- 206 • Return of Warrant
 - 207 ○ Upon executing the warrant, the arresting deputy shall give the date of execution on it
208 then return it to the court, less copies given to the arrested person.
- 209
- 210 • Juveniles
 - 211 ○ Refer to [GO 2-29, Juvenile Procedures](#) concerning handling of juveniles.

212 **ARREST WITHOUT A WARRANT**

- 213
- 214
- 215 • Authority
 - 216 ○ As noted earlier, the search and seizure provision of the Fourth Amendment protects
217 citizens from the arbitrary and oppressive interference by law enforcement officials
218 with privacy.
 - 219 ○ Further, deputies must have probable cause that a crime has been committed, and that
220 the person to be arrested has committed the crime.

- 221 ○ See [GO 2-1, Constitutional Safeguards](#) and [GO 2-2, Search Warrants](#) for additional
222 information on probable cause.
223
- 224 ○ The Code of Virginia permits a warrantless arrest of a person, but the person so
225 arrested "shall be brought forthwith before a magistrate or other issuing authority
226 having jurisdiction, who shall proceed to examine the deputy making the arrest under
227 oath."
228
- 229 ● When Warrantless Arrests May Be Made
- 230 ○ A deputy may make a warrantless arrest:
- 231 ▪ When a person commits a crime in the deputy's presence, Section [19.2-81](#), Code
232 of Virginia.
- 233 ▪ When the deputy has "reasonable grounds or probable cause to suspect any person
234 of having committed a felony not in his presence" Section [19.2-81](#), Code of
235 Virginia.
- 236 ▪ At the scene of any motor vehicle accident on any public roadway when, based
237 upon personal investigation, the deputy has reasonable grounds to believe that a
238 crime has been committed by any person and there present.
- 239 ▪ Section [19.2-81](#), Code of Virginia provides that a warrantless arrest may be made
240 at any hospital or medical facility to which any person involved in a motor vehicle
241 accident has been transported, provided the deputy has reasonable grounds to
242 believe, based upon personal investigation, including information obtained from
243 eyewitnesses, that a crime has been committed by that person" Section [19.2-81](#),
244 Code of Virginia.
- 245 ▪ In the apprehension of any person charged with the theft of any motor vehicle on
246 any public roadway when the deputy has reasonable grounds to believe that a
247 crime has been committed by any person then and there present Section [19.2-81](#)
248 Code of Virginia.
- 249 ▪ When any person is charged with a crime in another jurisdiction and the deputy
250 has received:
- 251 ❖ A photocopy of a warrant
- 252 ❖ A telegram
- 253 ❖ A computer printout
- 254 ❖ A facsimile printout; or
- 255 ❖ A radio, telephone or teletype message which gives:
- 256 ➤ The name of the wanted person or an accurate description
- 257 ➤ The crime alleged
- 258
- 259 ▪ When the deputy receives a radio message from the Sheriff's Office that a warrant
260 for an alleged misdemeanor is on file Section [19.2-81](#), Code of Virginia.
- 261 ▪ When an alleged misdemeanor not committed in the deputy's presence involves:
- 262 ❖ Shoplifting, Section [18.2-96](#), Code of Virginia or Section [18.2-103](#), Code of
263 Virginia.
- 264 ❖ Carrying a weapon on school property, Section [18.2-308.1](#), Code of Virginia
- 265 ❖ Assault Battery.
- 266 ❖ Brandishing a Firearm, Section [18.2-282](#), Code of Virginia.

- 267
- 268
- 269
- 270
- 271
- 272
- 273
- 274
- 275
- 276
- 277
- 278
- 279
- 280
- 281
- 282
- 283
- 284
- 285
- 286
- 287
- 288
- 289
- 290
- 291
- 292
- 293
- 294
- 295
- 296
- 297
- 298
- 299
- 300
- 301
- 302
- 303
- 304
- 305
- 306
- 307
- 308
- 309
- 310
- 311
- 312
- ❖ Destruction of Commercial Property, Section [18.2-137](#), Code of Virginia.
 - ❖ When such deputy has observed the registration of the speed of a motor vehicle by radar (or other electrical device), or
 - ❖ when such deputy has received a radio message from another officer who has observed the registration of speed by radar; provided that the arresting deputy is in uniform and displays his badge of authority, and if the arrest is based on such radio message from another deputy, then:
 - Such radio message must have been dispatched immediately after the speed of the motor vehicle was registered and
 - Such radio message must have furnished the license number or other positive identification of the vehicle.
 - Actions upon Arrest
 - Upon arrest on a photocopy of the warrant, telegram, computer printout, facsimile printout or teletype message, the arresting deputy shall serve a copy of the document on the accused.
 - In any case in which a deputy does not issue a summons pursuant to Section [19.2-74](#), Code of Virginia or Section [46.2-936](#), Code of Virginia, the arresting deputy shall bring the accused before the magistrate for bail hearing, Section [19.2-80](#), Code of Virginia.
 - Section [19.2-76](#) Code of Virginia provides that if a person is arrested upon a warrant or capias in a county or city other than that in which the charge is to be tried, the law enforcement officer making the arrest shall either:
 - Bring the accused forthwith before a judicial officer in the locality where the arrest was made or where the charge is to be tried or,
 - Commit the accused to the custody of an officer from the county or city where the charge is to be tried who shall bring the accused forthwith before a judicial officer from the county or city in which the charge is to be tried.
 - A magistrate shall exercise the powers conferred by this title only in the magisterial region or regions for which he is appointed, except that a magistrate may issue search warrants throughout the Commonwealth in accordance with Section [19.2-44](#), Code of Virginia.
 - If the person is arrested based on a fugitive from another state, See the Uniform Extradition Act, Section [19.2-99](#), Code of Virginia.
 - The magistrate should conduct a bail hearing and set bail or secure bond if appropriate just as if the accused had been arrested on the warrant from another jurisdiction.
 - Deputies should not request the issuance of any arrest process such as duplicate warrants or fugitive warrants based on the charge in the other jurisdiction within Virginia.
 - The arresting deputy via the 911 Emergency Communications Center will contact the law enforcement officials where the charge(s) was made and inform them that the accused has been arrested on the teletype message (or other arrest document).
 - Juveniles

313 ○ Refer to [GO 2-29, Juvenile Procedures](#) concerning handling of juveniles.

314

315 **BOOKING PROCEDURES**

316

317 ● Refer to [GO 2-5, Search Incident to Arrest](#) for a discussion of search guidelines, for
318 searches incident to arrest.

319 ● Refer to [GO 2-1, Constitutional Safeguards](#) for a discussion of advising arrested persons
320 of their rights.

321

322 **SUMMONES and ARREST**

323

324 ● Releases on summonses and mandatory arrest other than summonses issued in the field.

325 ○ After execution of all summonses and arrest warrants, the original summons or
326 warrant and all accompanying paperwork will be turned-in to the magistrate.

327 ○ A copy of all unserved warrants and warrant tracking sheets if applicable shall be
328 turned in to the 911 Emergency Communications Center as soon as possible but no
329 later than at the end of each shift for entry into the Sheriff's Office records
330 management system.

331 ○ If the arrested person is not released on a summons or is charged with a felony, the
332 following procedures will be followed:

333 ▪ The person will be transported to the magistrate's office to be formally charged, if
334 the warrant was not previously obtained.

335 ▪ The obtained warrant will be properly served and executed and a copy of the
336 served warrant will be turned over to the 911 Emergency Communications Center
337 after normal business hours or Records Warrant Clerk during normal business
338 hours.

339

340 ○ If the warrant was obtained before the arrest and is not permitted to be served as a
341 summons, the warrant will be served and the arrestee will be transported to the
342 regional jail.

343 ○ The arrestee shall be taken before the magistrate who will consider a bond.

344 ○ If bond is allowed, the magistrate completes a bond certificate, which is attached to
345 the warrant(s), and the person is allowed to leave after processing is completed.

346 ○ If bond is not allowed or cannot be made, the person is then committed to jail by the
347 magistrate, and a committal form is completed by the magistrate and attached to the
348 warrant and the arrested person is placed in jail.

349 ○ Items seized as evidence will be properly tagged and returned to the Sheriff's Office
350 and placed in an evidence locker. Refer to [GO 2-15, Evidence Procedures](#) for further
351 guidelines.

352 ○ Regional jail personnel will handle all processing including fingerprinting,
353 photographing, and automated CCRE form for each adult arrested on a misdemeanor
354 (not summonsed) or felony charge as required by law.

355

356 ● Injury before or during arrest

357 ○ If a person receives an injury before or during an arrest and either requests medical
358 attention, or in the patrol supervisor's judgment such attention is needed, it will be

359 offered or obtained before beginning the booking procedure or transporting the
360 person to the regional jail.

361

362 • Processing and forwarding of paperwork

363 ○ All paperwork must be filled out, forwarded to either the 911 Emergency
364 Communications Center after normal business hours, or Warrant Records Clerk
365 during normal business hours prior to the end of each shift.

366 ○ On certain misdemeanor and all felony arrests, as required by law, the following
367 forms will be completed and maintained by the regional jail or forwarded to the
368 district court:

- 369 ▪ Automated CCRE forms
- 370 ▪ Live Scan fingerprinting information
- 371 ▪ Photographic imaging
- 372 ▪ Served warrant, original copy
- 373 ▪ CCRE form
- 374 ▪ Bond papers
- 375 ▪ Jail committal card

376

377 ○ On a Class I or II misdemeanor arrest if the arrestee is released on a summons or
378 released following court conviction, the forms listed below will be completed and
379 maintained by the Regional jail and submitted to the appropriate Court as required:

- 380 ▪ Automated CCRE forms
- 381 ▪ Live Scan fingerprinting information
- 382 ▪ Photographic imaging
- 383 ▪ Served warrant, original copy
- 384 ▪ CCRE form
- 385 ▪ Bond papers
- 386 ▪ Jail committal card
- 387 ▪ Administrative driving license suspension forms
- 388 ▪ Criminal Complaint forms
- 389 ▪ State impoundment forms (30 day)

390

391 • Juvenile Procedures

392 ○ A Juvenile Intake Form will be filled out and submitted to juvenile intake (Court
393 Services Unit) to obtain juvenile petitions.

394 ○ Once a petition is issued, it will be forwarded to the Warrants Clerk for entry into the
395 Sheriff's Records Management System unless the petition is forwarded by the
396 Juvenile and Domestic Relations Court Clerk to another jurisdiction for service.

397 ○ The Merrimac Detention Center or other applicable juvenile detention center shall
398 conduct processing including:

- 399 ▪ All forms,
- 400 ▪ Photos, and
- 401 ▪ Fingerprinting.

402

403 ○ See [GO 2-29, Juvenile Procedures](#).

404

405 **RELEASE FROM ARREST**

- 406
- 407 • In some instances, deputies may encounter a circumstance where probable cause
408 develops to arrest a person for an offense only to find out shortly thereafter that the
409 person under arrest did not commit a crime, or that further investigation reveals the event
410 does not constitute a crime.
 - 411 ○ It is imperative, then, that the deputy ends the arrest process immediately to avoid
412 becoming liable for false imprisonment.
 - 413 ○ False imprisonment, as defined in [Montgomery Ward V. Freeman](#), 199 F 2D 720
414 (1953), "is the restraint of one's liberty without any sufficient legal excuse."
 - 415 ○ The Attorney General of Virginia has issued an opinion - Report of the Attorney
416 General (1971), Page 102, which states the following:
 - 417 ▪ "It is my opinion, therefore, that an arresting officer, who may have had probable
418 cause to initially make the arrest without a warrant, may thereafter conclude that
419 further prosecution of the arrestee would be improper or fruitless and may,
420 subsequently, discharge him from custody without the necessity of taking him
421 before a magistrate."
 - 422
 - 423 ○ As stated by the Attorney General, a deputy is required to formally charge only those
424 persons who have been placed under arrest, if the deputy concludes that further
425 prosecution would be proper and fruitful.
 - 426
 - 427 • Procedure for release without charges
 - 428 ○ The arresting deputy shall not formally charge those under arrest when it is proven to
429 his satisfaction that either the person under arrest did not commit a crime or that an
430 event investigated is found not to constitute a crime.
 - 431 ○ When a deputy releases a subject from arrest, he should take care to return the person
432 to the same location occupied before the arrest.
 - 433 ▪ For example, a deputy arrests a subject, then transports him to the magistrate
434 when the deputy learns that the probable cause he used to make the arrest no
435 longer exists. Instead of releasing the subject along the roadside, the deputy
436 should return to the location of arrest and release the person.
 - 437 ▪ If a vehicle has been towed, the vehicle shall be returned to the operator/registered
438 owner.
 - 439
 - 440 ○ Upon releasing a person in this manner, the deputy shall immediately contact his
441 supervisor and advise him of the incident.
 - 442 ○ To protect himself and the Sheriff's Office, deputies shall document in an incident
443 report:
 - 444 ▪ Date and time of arrest.
 - 445 ▪ Person arrested (name, address, date of birth, race).
 - 446 ▪ Location of arrest and probable cause for the arrest.
 - 447 ▪ Location and time of release from arrest and whether the person was transported.
 - 448 ▪ Reasons or discovery of information which led the officer to release from arrest.
 - 449 ▪ Witnesses to the alleged crime, or to the fact the person arrested was allegedly
450 involved.

- 451
452 ○ If the deputy makes an arrest based on probable cause, the arrest is lawful.
453 ○ Probable cause must continue to exist through the appearance of the deputy and
454 arrested person before the magistrate.
455

IMMUNITY FROM ARREST

456
457

- 458 • Diplomatic immunity: Refer to [GO 2-40, Diplomatic Immunity](#).
 - 459 • Legislative immunity:
 - 460 ○ Members of the United States Congress are exempt from arrest when Congress is in
461 session, or when they are traveling to or from congressional business, except for
462 traffic summonses. (Article I, Section 6, U.S. Constitution)
 - 463 ○ Members of the Virginia General Assembly are exempt from arrest during a
464 legislative session (or for fifteen days before the beginning or after the ending of any
465 session, except in cases of treason, a felony, or a breach of the peace. (Article IV
466 Section 9, Constitution of Virginia).
 - 467 ○ No member or clerk of the General Assembly or the lieutenant governor is exempt
468 from arrest or imprisonment for treason, a felony, or a breach of the peace.
469
- 470

RECORDING INCIDENTS INVOLVING ARRESTS, AND CRIMINAL SUMMONS

471
472

- 473 • Incident Reports
 - 474 ○ In all incidents involving arrests, and issuance of criminal summonses, the arresting
475 deputy shall complete an incident report. See [GO 2-50 Field Reporting](#).
 - 476 ○ The deputy will turn-in all copies of warrants to the 911 center after normal business
477 hours or Warrants Clerk during normal business hours prior to the end of each shift.
 - 478 ○ The 911 Emergency Communications Center will generate an agency case/incident
479 number.
 - 480 ▪ The agency case/incident number will serve as a tracking number for the arrest
481 and subsequent offense/incident tracking.
482
 - 483 ○ A supervisor shall review the incident report and arrest report module for correctness.
 - 484 ○ The arrest information will capture all data and be identified by the agency
485 case/incident number.
 - 486 ○ In addition to the agency case/incident number, a CAD incident number will also be
487 generated by the Emergency Communication Center.
 - 488 ▪ The CAD number can additionally track an incident by:
 - 489 ❖ Time,
 - 490 ❖ Date,
 - 491 ❖ Location,
 - 492 ❖ Deputy(s), or deputy(s) on the scene, and
 - 493 ❖ Complainant, etc.