

Police Procedure Guide for Citizens

Leesburg Police Department

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Leesburg Police Procedure Guide for Citizens

Introduction

Many times when a police officer contacts a citizen it is because they are investigating a complaint phoned into the police by someone in the neighborhood. The officer may have been informed by the police radio that a crime has just been committed in the area. For one reason or another, you may be the person he or she suspects **may be** involved. You may have knowledge that will help the officer in the investigation, or the officer may think you are in need of assistance or help.

The officer has a responsibility and an obligation to obtain pertinent information to resolve any calls or incidents that he or she is involved in. Part of the investigative process is to ask questions that are relevant to the information the officer has received regarding the assignment. If you overreact to the officer's questions, you may create an even more serious situation.

Tips to Remember

1. If the police have stopped you, they BELIEVE they have a reason (reasonable suspicion) to do so.
2. It is best to be cool and calm and identify yourself.
3. If an unmarked car signals you to pull over at night and you are not sure the person is a Police Officer, put your 4-way flashers and dome light on and **slowly** drive to the nearest well lit public area. Unmarked police cars used for traffic stops are equipped with RED & BLUE lights. If in doubt call 911, if they can't verify that the car in question is a police vehicle they will dispatch a marked police vehicle.
4. **DON'T THREATEN OR TOUCH THE OFFICER(S). Keep your hands and your feet to yourself, doing otherwise will probably get you arrested. DON'T MAKE THE SITUATION WORSE THAN IT ALREADY IS.**
5. If you are given a ticket, you have a right to a hearing in front of a judge.
6. If you are arrested you have the right to a preliminary hearing, in which the police must show why you were arrested.
7. If you feel you were legitimately treated unfairly by a Leesburg Police Officer you can file a complaint with the Chief of Police.

[File a Complaint/Compliment an Officer?](#)

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Police Contact at Your Home

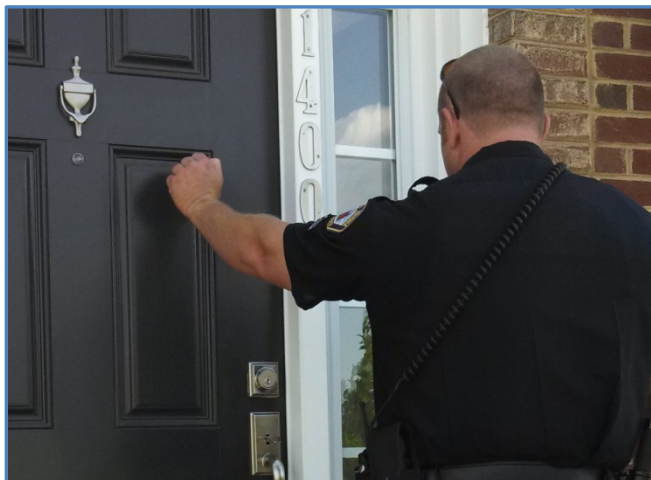
If the police knock at your door and **ask** to come into your home, you **do not** have to let them in **unless** they have a warrant that has been signed by a judge, or under emergency circumstances, or the officer is in pursuit of a suspect. Ask to see the warrant. If it is an **ARREST WARRANT**, make sure that you look at the name on the warrant to be sure the police have the right person. If it is a **SEARCH WARRANT**, make sure it is for your specific address and check to see what is listed on the warrant to be searched for in your home or location. The warrant gives the officer(s) the legal right to temporarily seize the listed property on the warrant.

The police may also search **without** a warrant whenever they have arrested a person. They may search his or her person and the immediate area where the arrest was made.

The police may also search after **consent** is given. If you object to their request to search, be sure to make it clear that you **do not** agree to any kind of search. They may also search when there is an emergency situation (for example, someone screaming for help inside your home) or when they are chasing you or someone else into your home (hot pursuit).

If the police do not have a warrant, you **may**, but **do not** have to let them in, **UNLESS** they demand to come in. Perhaps you can settle this matter at the door, if they do insist on coming in over your objections then:

- For the sake of everyone's safety, **DO NOT PHYSICALLY RESIST**. It is best to address your objections after the fact. You may have legal recourse.
- Ask to see identification or a police badge.
- Let them in only after they demand to come in.
- If you object, then make sure you tell them that you **DO NOT** consent to **any** search.
- Remember the names of the officers. Write it all down. The officers usually have business cards; feel free to ask the officer(s) for one.



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Police Contact in your Car

- While you are driving a car, if a police officer has reasonable suspicion or probable cause to believe that a violation of the Vehicle Code has been committed or a crime has occurred, you may be pulled over.
- You will probably be asked to show your driver's license, the registration to the vehicle, and proof that the vehicle is insured. These documents are required by state code to be in your possession when you operate a vehicle.
- The best thing to do in this situation is to pull over, the driver and all passengers should **stay cool and calm and remain in your car, unless told to do otherwise by the police officer(s)**.
- If you are stopped at night, turn on your dome light and show the officer that there is nothing wrong, or any reason to fear for his or her safety. It is best not to make any sudden movement. Having your light on and keeping your hands on the steering wheel will usually put the officer's mind at ease.
- Remember the officer cannot read your mind, he or she does not know if you're a law-abiding citizen or a criminal, and unfortunately for his or her safety, must assume the worst case scenario at first. Only, when you are asked for your ID, should you go about getting it.
- At this point, you may start to explain or question what you were doing that caused you to get stopped, but that is as far as you should take it. Be Careful how you protest. This is not the place to argue your case.
- The officer may legally start to check your car for equipment code violations under the vehicle code
- There is a chance that the officer will write you a ticket or warning notice for a traffic violation. When the officer asks you to sign the ticket, it is **not an admission of guilt**; you are simply acknowledging that you received it. If you refuse to sign, the officer, under Virginia law, must make a custodial arrest and take you before a Magistrate in order to gain a promise to appear in court.
- Passengers: Unless specifically stated otherwise by the officer, the reason for the stop involves the operator of the vehicle. Passengers should refrain from commenting or otherwise interfering with communication between the officer and the operator. Passengers may be asked or required to identify themselves based on the nature of the stop
- If you feel that you are getting a ticket for something you **didn't do** or for something that is **not fair**, you should take your protest to court and explain your case to the Judge. Just because the officer gives you a ticket, **does not** automatically mean that you are guilty, or will be found guilty, or that you will have to pay a fine.
- **Remember, you are innocent until proven guilty. You have the right to go to Court and to have the Judge hear your explanation.**



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Police Contact on the Street

Most of the problems that you may have with the police can be avoided at the time they first stop and talk with you. Remember, they think they have a reason (reasonable suspicion or probable cause) to stop and ask you some questions.

When the officer(s) approaches you, you should stop and remain cool and calm. There are many factors that a police officer will take into consideration when he or she is observing you and thinks you **may be** breaking the law or doing something suspicious. Every situation is different and the officer will usually consider the following factors:

1. Do you appear to be running away and a crime has just been reported in the area?
2. Are you hanging around with some people who are under police investigation for one thing or another?
3. Are you at or near where a crime has just been reported?
4. Are you somewhere where the officer thinks people have no reason to be at that time of day or night and your presence is suspicious, and you act even more suspiciously when the officer sees that you have spotted him or her?
5. The officer thinks that you may have stolen property in your possession.
6. The officer legally stops you on the street or while driving in your car and you refuse to answer simple questions, give false or evasive answers or make contradicting statements.
7. Someone has pointed you out as a possible suspect involved in a crime.
8. Are you hanging around places and people who are using or selling drugs?
9. Are you using obscene language, acting disorderly, or drunk and/or high in a public place?

While all of these things are taken into consideration by the officer in determining whether he or she should stop you or ask you more questions, remember the officer has the right and the obligation to find out what is going on.



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When can a Police Officer place Criminal Charges? The code of Virginia sets specific criteria for when an officer can place charges (physical arrest or summons) without a warrant. First and foremost the officer must have probable cause that a crime has been committed and the suspect in question is the person who committed the crime. The crime must meet the criteria outlined in the chart below. Nothing in the law prohibits a citizen from making an application for charges to a magistrate (a judicial officer not connected to the police) If the magistrate finds that there is sufficient proof / justification for charges then a warrant or summons will be issued and a police officer will serve it.

When can an officer place charges (physical arrest or issuance of a summons) without a warrant (State Code 19.2-81 & 19.2-81.3)	
Offense type	Arrest circumstances (<i>Officer must have the required probable cause that the offense occurred and that the suspect committed the offense</i>)
Any crime in the officer's presence	Must occur in the officer's presence
Felonies (all)	Probable cause—in or out of officer's presence
Misdemeanors and infractions related to motor vehicle crashes In apprehension on highway of a person charged with theft of any motor vehicle	<ul style="list-style-type: none"> • After personal investigation of motor vehicle crashes, AND • On the crash scene or medical facility where transported
DUI/DWI	Within 3 hours of the offense based upon probable cause
"Probable cause misdemeanors": <ul style="list-style-type: none"> • Shoplifting • Assault & Battery • Destruction of commercial property • Weapon on school property • Brandishing firearm 	Based on a reasonable complaint of an eyewitness
Domestic violence <ul style="list-style-type: none"> • Assault & Battery on family or household member (§18.2-57.2) • Violation of a protective order against family abuse (§16.1-253.2) • Violation of a protective order against acts of violence, force, or threats (§18.2-60.4) 	<ul style="list-style-type: none"> • probable cause or • personal observations or • reasonable complaint of a person who observed the alleged offense or • personal investigation

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Police Reporting Protocols

Is a police report always written? Can I get a copy? Police calls for service are always documented through the department's Computer Aided Dispatch (CAD) system. This record indicates the type of complaint, location, response times, identification of officers as well as the disposition. In a number of cases this is the only reporting done but it is a permanent record. If the reported incident is a criminal act or a confirmed serious suspicious event, then the officer will complete an incident report. This record becomes part of the department's Record Management System (RMS). Copies of police incident reports are generally not available but a report verification form indicating case number, officer's names, etc. will be disseminated when requested.

How about Traffic crash reports. Reported traffic crashes are all documented with a crash report. These reports assist with the identification of trends affecting traffic safety. Some of these traffic crashes are reported to the State of Virginia utilizing the FR300 report in accordance with their established parameters:

- Personal Injury crashes
- Property damage crashes on public right of way where the total apparent damage is at least \$1500.

FR300 reports are available to involved parties or their insurance carriers from Police HQs for \$6.00 per copy.



*Winslow Williams Photograph Collection (VC 0003) Thomas Balch Library,
Leesburg, VA*