Herndon Police Department
Occupant Protection - Policy

HERNDON POLICE DEPARTMENT GENERAL ORDERS §41.3.3, §45.2.6, §70.1.3, §70.2.1, AND §1.2.5 SPECIFICALLY REQUIRE ALL PERSONNEL AND PASSENGERS TO WEAR SAFETY BELTS WHILE OPERATING A POLICE VEHICLE. HERNDON POLICE DEPARTMENT GENERAL ORDER §61.1.1 MANDATES OUR CRASH ANALYSIS AND SELECTIVE ENFORCEMENT INITIATIVES. HERNDON POLICE DEPARTMENT GENERAL ORDER §61.1.5 REQUIRES ALL PERSONNEL TO ACTIVELY ENFORCE SEAT BELT AND CHILD RESTRAINT VIOLATIONS. COMPLIANCE IS ENSURED BY §41.3.8 THROUGH THE USE OF IN-CAR DIGITAL RECORDERS THAT ARE ACTIVATED BY OFFICERS DURING TRAFFIC STOPS AND ARRESTS. A QUARTERLY REVIEW OF THE IN-CAR DIGITAL RECORDING PROCESS IS CONDUCTED BY THE SUPPORT SERVICES DIVISION COMMANDER.

§41.3.3 Use of Seat Belts.

A. Use of seat belts by Department personnel will be in accordance with the Code of Virginia, §46.2-1094.
B. All passengers or prisoners being transported in Department vehicles will use seat belts in accordance with State law.
C. The use of seat belts may be optional when transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical.

§61.1.1 Selective Traffic Enforcement.

Selective traffic enforcement is an activity of the Field Operations Division. Selective traffic enforcement functions include the following:

A. An annual analysis by the Traffic Section supervisor of traffic collisions. Analysis of traffic collisions will include at a minimum the following factors:
    1. Month, day and hour;
    2. Location, weather and road conditions;
    3. Driver action, to include violations;
    4. Types of vehicles involved.

    This information will be gathered from collision investigation reports submitted to the Records Section. The crime analyst will compile the data for the analysis and provide it to the Traffic Section supervisor for analysis on a monthly basis;
B. An annual analysis by the Traffic Section supervisor of traffic enforcement activities. The traffic complaints received during each month will be reviewed along with the summonses issued to determine if adequate enforcement is being applied to the identified high violation rate locations. The crime analyst shall assist by providing the necessary data for the analysis;
C. The scheduling of selective enforcement in areas where analysis of traffic collisions and violations indicates that special attention is needed. The Traffic Section supervisor shall issue a monthly schedule of selective enforcement locations based on the preceding analysis. The schedule shall be approved by the Field Operations Division commander prior to implementation. Patterns of similar causes or sudden increases in the severity or number of collisions or violations at a specific location are valid criteria for extra enforcement.
D. Selective Enforcement Assignments.
    1. The Traffic Section supervisor shall provide a monthly selective enforcement activities schedule. Selective enforcement sites shall be worked by a traffic enforcement unit

when available. If a traffic enforcement unit is not able to monitor a selective enforcement site, squad supervisors shall assign a patrol officer to the assignment.

2. Selective enforcement activities will be based on an analysis of traffic collision data, citizen complaints and officer knowledge. Enforcement efforts shall be directed toward driving behavior that contributes to collisions. These selective enforcement sites shall not be limited to the enforcement of speeding violations. These sites will be utilized for the enforcement of violations in proportion to the frequency with which they occur in collisions and for responding to traffic-related needs identified in the community.

E. On an annual basis, the Traffic Section supervisor will evaluate the selective enforcement program. This review shall be included in the annual analysis of traffic collisions and of traffic enforcement activities and should ascertain whether the enforcement efforts have met their objectives. A comparison of current accomplishments to past accomplishments shall be included. Upon completion, the report shall be submitted to the Chief of Police through the chain of command.

F. Traffic Enforcement Unit.

All uniformed patrol officers are responsible for the safe flow of traffic throughout the Town; however, officers of the Traffic Enforcement Unit are tasked with this responsibility as their primary objective.

Officers of the Traffic Enforcement Unit are supervised by the Traffic Section supervisor. Specific duties of the Traffic Enforcement Unit will include but are not limited to:

1. Operations of speed measuring devices;
2. Parking control and enforcement;
3. Traffic law enforcement (to include truck safety and weight enforcement);
4. Traffic and speed studies and analysis;
5. Analysis of collision reports and records.

§61.1.5 Enforcement Policy.

A. The Herndon Police Department will strive to provide uniform enforcement action for traffic violations throughout the Town. Sound judgment by all officers in considering the circumstances and conditions at the time of the violation will ensure appropriate action and gain the public confidence in traffic enforcement.

B. The ultimate goal of traffic law enforcement is to achieve voluntary compliance with all traffic laws. To achieve this, the Herndon Police Department will:

1. Actively enforce the law as it pertains to driving while intoxicated. Officers will normally arrest any driver found to be in violation of this law. Arrests will be based on an individual's driving behavior, results of field sobriety tests, and results of blood alcohol tests;
2. Actively enforce the law as it pertains to speeding violations with discretion utilizing warnings and issuing summonses. Generally officers should issue a summons for violations of 10 mph or more over the posted speed limit. Lesser infractions should be issued a warning. Consideration should be given to the weather conditions, traffic volume, pedestrian traffic, and location in conjunction with the correlation of speeding and traffic collisions;

3. Actively enforce the law as it pertains to hazardous traffic violations, including seat belt violations and child restraint violations;
4. Actively enforce the law as it pertains to equipment violations. These shall be enforced when a vehicle is found to be in violation of several equipment requirements, a summons should usually be issued for the most serious violation. This action should be taken even when each violation independently is worthy of only a warning. Single equipment violations shall be enforced based on the seriousness of the offense and officer discretion;

§45.2.6 Ride-Along Program.

The Department offers a citizen ride-along program that allows specific citizens an opportunity to accompany patrol officers during their tour of duty. By participating in this program citizens are exposed to a realistic view of a Herndon Police Department patrol officer's job. To provide a uniform, safe, and responsible ride-along program, the following procedures have been established:

A. Eligibility - Ride-along applicants must be at least 18 years of age and meet at least one of the following requirements:
   1. A resident of the Town or Fairfax County;
   2. A student enrolled in a Law Enforcement Program at a college or university;
   3. A Herndon Police Department applicant, an Explorer applicant, or Explorer in good standing. Explorer related ride-alongs are exempt from age requirements;
   4. A member of a service organization located in or providing service to the Town;
   5. A visiting guest of the Herndon Police Department;
   6. A member of a federal, state, or local law enforcement agency; or
   7. A civilian member of the Department.
B. Herndon Police Citizens Support Team - Members of the Herndon Police Citizens Support Team are covered under a blanket waiver, and may participate in the ride-along program in accordance with General Order §16.4.1.
C. Procedures - No person shall participate in the Ride-Along Program without completing the following procedure and receiving approval:
   1. Application.
      a. An Application for Ride-Along Program, HP 950, shall be completed along with a Ride-Along Program Waiver, HP 951 (Adult) or HP 951J (Juvenile). Both forms shall be submitted at least 10 days prior to the requested ride-along. The time period may be waived at the discretion of the Field Operations Division commander.
      b. The Ride-Along applicant must submit both the HP 950 along with the HP 951 or HP 951J, whichever is applicable, to a police supervisor. The supervisor receiving the completed forms shall obtain a case number and complete an incident report. The report will be classified as "Service; Ride-Along." The incident report, HP 950, HP 951 or HP951J, a DMV record check, and a criminal history record check shall be forwarded to the Field Operations Division commander.
      c. Applicants will be interviewed by the Field Operations Division commander or a designated watch commander. The Field Operations Division commander will review the application and related information. Any person convicted of

any felony or any misdemeanor involving theft or violence will be denied participation in the program.

d. Final approval or denial of the application will be at the discretion of the Field Operations Division commander. This responsibility may not be delegated.

e. Exceptions to the criteria specified in this directive may be granted by the Chief of Police or division commanders.

2. Conduct/Responsibilities.

a. Supervisors are to ensure that any individual participating in a ride-along is advised of and in compliance with the instructions on the HP 950. This shall be accomplished prior to participation in the program.

b. The officer assigned the ride-along participant is responsible for their safety and conduct. The officer shall explain what action the participant is expected to take in the event of an emergency; at the officer's discretion the participant may be required to exit the police vehicle prior to responding on selected emergencies. When possible, civilian participants should not be allowed to remain in a police vehicle during pursuits. The participant shall wear a seat belt in accordance with state law.

§70.1.3 Prisoner Transportation.

A. Officers shall transport prisoners in police vehicles with a safety barrier when available. The prisoner will be seat-belted in the rear seat opposite of the driver of the vehicle. Officers shall take the most direct route to their destination. Prisoners shall not be transported in the front seat of a police vehicle.

B. If a prisoner must be transported in a vehicle without a safety barrier, two officers shall accompany the prisoner. The prisoner shall be seat-belted in the rear seat with an officer sitting beside the prisoner and the officer's firearm away from the prisoner.

C. If a prisoner must be transported on a commercial carrier, a minimum of two officers will be used as escorts. Escorting officers should be equipped with adequate restraining devices to be used if the prisoner becomes unruly. All prisoners should be considered dangerous and shall be escorted at all times during the transport. Escort officers shall notify representatives of the carrier of their presence and their transport. The officers will carry their badge and identification card for this purpose. Officers shall conduct themselves in accordance with Department regulations.

D. No juvenile prisoner shall be transported with adults suspected of or charged with criminal acts. No juveniles under the age of 15 will be transported in a police patrol wagon.

§70.2.1 Restraints During Transport.

A. Officers shall handcuff prisoners as soon as the prisoner is taken into physical custody. The prisoner's hands shall be handcuffed behind their back, with both of their thumbs in the "up" position. Handcuffs shall always be double-locked when put in use. Officers may decline the use of handcuffs due to extremes in age (young or elderly), injuries, disabilities, or other appropriate articulable circumstances.

B. Arrested persons being transported in a police vehicle shall be secured with a seat belt.

C. The use of restraint devices to shackle the prisoner's legs may be utilized when the prisoner is an escape risk, or may damage the police vehicle, or may assault the officer.
D. At no time shall a prisoner being transported be handcuffed or restrained to any part of the vehicle.
E. At no time should a prisoner be restrained and placed on his or her stomach in the police cruiser. Such practices have been shown to cause "positional asphyxia", which is death from lack of oxygen.

§1.2.5 Arrest Procedures.

A. Adult felony arrests can be effected in any of the following instances:
    1. If the offense is observed by the arresting officer;
    2. If probable cause exists;
    3. With a valid warrant;
    4. Upon knowledge of the existence of a warrant.
B. Adult misdemeanor arrests can be effected in any of the following instances:
    1. If the offense is observed by the arresting officer;
    2. With a valid warrant;
    3. Upon knowledge of the existence of a warrant;
    4. In certain limited circumstances a warrantless arrest shall be executed under the guidelines in the Code of Virginia, §19.2-81.
C. Search of Prisoners.
    1. Officers shall search persons in their custody for weapons or other objects, which could be used to inflict, harm or effect an escape
    2. A systematic search of the person shall be conducted as soon as possible after the arrest, and unless conditions dictate otherwise, prior to transporting the person in a police vehicle.
    3. Officers that accept temporary custody of a prisoner shall conduct a search of that person assuming that the subject has not been searched previously.
    4. All valuables and potential weapons shall be removed from the prisoner and delivered to the deputies at the detention facility. The officer should assist or observe the deputies search the prisoner prior to detention.
    5. Upon discovery of contraband or weapons, the arresting officer shall take the appropriate action relevant to seizing evidence and securing warrants.
D. Transporting Prisoners.
    1. Persons placed under arrest shall be taken to the nearest magistrate without undue delay.
    2. All persons shall be searched for weapons, evidence, and/or contraband prior to being transported.
    3. The use of handcuffs or similar restraining devices will be in accordance with General Order §70.2.1. Seat belts shall be worn by the prisoners unless physical or medical conditions prohibit the use.
E. Arrest Processing.
    1. An incident report shall be completed for every arrest. This report shall contain the details which led to the arrest, surrounding the arrest, and the processing of the subject.

§41.3.8 Digital Video Recording.

It is the policy of the Herndon Police Department to use digital video recording devices, whether mobile or personal, for the purposes of recording audio and video accounts of events as they occur. Events to be recorded shall include, but are not limited to, traffic stops, vehicle searches, use of force, and traffic related arrests. Traffic related arrests can include driving under the influence, reckless driving, and narcotics related arrests. Officers may use digital video recording devices to record any police related incidents in the area of the device, and audio of incidents up to 1,000 feet from the device depending on terrain and physical obstructions.

A. Use and Inspection
    1. All sworn personnel responsible for the use, inspection, and operation of the digital video recording devices shall be allowed to do so only after receiving Department approved training.
    2. Care must be exercised at all times when using the equipment. Any damage or malfunction of the device must be reported immediately to the Squad Supervisor who will in-turn notify the digital video recording coordinator.
    3. Officers will activate and inspect the device to ensure the microphone and camera is functioning properly.
    4. The Squad Supervisor will be responsible for conducting random checks of the digital video recording equipment to ensure proper operation. These checks will be accomplished in accordance with Department training.

B. Data Security, Access and Operation – Mobile Device
    1. At the beginning of each shift, the mobile digital video recording device will be inspected by the officer assigned to the device to ensure the unit is in good operating condition and working in accordance with manufacturer's specifications.
    2. Officers assigned to a vehicle that has a digital video recording device will log on at the beginning of their tour of duty by turning on the microphone and identifying themselves by name, EIN and area of assignment.
    3. The mobile device automatically adds date, time, and GPS (global positioning system) location data to each recording, which will be available during playback.
    4. The mobile device continuously records data; however, images are only saved for 60 seconds prior to a trigger to record. The mobile device triggers recording upon the following events: activation of emergency equipment, activation of vehicle collision sensors, vehicle speed in excess of threshold settings, or upon manual activation. The recording continues until the officer presses the stop button. Officers will not tamper, alter, or attempt to erase any recordings.
    5. Officers shall record all traffic stops, field sobriety tests, pursuits, prisoner transports, and where practicable, collision scenes. Officers shall also strive to record other circumstances and events, which include, but are not limited to, armed encounters, acts of physical violence, unusual contacts and the general recording of evidence in criminal and traffic offenses.
    6. At the completion of each recording, the officer will classify the type of incident when turning off the mobile device. The classifications are:
        a. Non-Arrest Issues: summonses, field contacts, etc.
        b. Arrest Issues: any physical contact
        c. Pursuits: any pursuit

7. Once a recording is started, it will continue until the incident is complete. An incident is considered complete when a reasonable and prudent person would consider the recording to have concluded at a logical point
8. The digital video recording device may be manually stopped by an officer at a collision scene or while directing traffic with their emergency equipment activated and the scene has been stabilized or when logical.
9. When multiple vehicles are on a scene, all cameras should be in operation to provide the best coverage. If the backup vehicle is equipped with a device, the camera should be positioned to record the incident.
10. Use in D.U.I. Arrest.
    a. Officers will attempt to record and narrate the driving behavior of a suspected intoxicated driver prior to activating their emergency equipment by manually starting the camera.
    b. Officers should leave enough distance between the subject vehicle and their vehicle to ensure the entire subject vehicle is recorded. Officers will make all reasonable efforts to conduct field sobriety tests in view of a digital video recording device if it is safe for the officer and violator to do so.

C. Data Security, Access and Operation – Personal Device
1. Officers assigned a personal digital video recording device will activate the device at their discretion for purposes described in this policy. Once activated, the device should remain on until the incident has reached its conclusion or the officer leaves the scene. The intention to stop the device will be recorded by the officer either verbally or documented in the report.
2. Officers should strive to record circumstances or events which may be of evidentiary or factual value which include, but are not limited to, armed encounters, acts of physical violence, unusual contacts and the general recording of evidence in criminal and traffic offenses.
3. If utilizing the personal digital video recording device in D.U.I. arrests, officers will attempt to record and narrate the driving behavior of a suspected intoxicated driver prior to activating their emergency equipment by manually starting the camera.
4. Personal digital video recorders shall not be used for personal use or to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities, or activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms.

D. Storage and Retention Schedule
1. Recordings that contain information on incidents such as an arrest, physical or verbal altercations, pursuits, assaults or any other incident that the officer feels will be helpful to the investigation, will be treated as evidence. The digital video recording coordinator will create folders and assign names to maintain recordings as evidence. Names assigned should reflect case numbers or IA numbers when appropriate.
2. All recordings made by digital recording devices are the property of the Herndon Police Department. Copies of recordings will not be released, except in compliance with a court order and the approval of the Chief of Police. Copies for court use will be released in accordance with evidence guidelines.
3. Recordings and folders tagged for evidence will be maintained or destroyed in accordance with records retention schedules or current evidentiary requirements.

E. Use of Recordings for Training.
   1. Recordings that contain material useful for training can be used for that purpose with the authorization of the Chief of Police.
   2. Supervisors should conduct periodic reviews of recordings of subordinate officers for evaluation of that officer's performance. Supervisors may review the recordings through the in-house computer system whenever necessary. A folder will be created for any recordings requested by Internal Affairs. This folder will be named with the internal affairs number and marked private.
   3. A record of training in the use of the digital video recording devices will be kept by the Personnel and Training Section Supervisor.

F. Request for Recordings Retained as Evidence.
   1. The copy of a recording will only be released to attorneys upon the presentation of an original valid subpoena issued by the court that has jurisdiction. The Personnel and Training Section Supervisor, in accordance with Department policy, will handle the request and release of the copies of recordings after approval by the Chief of Police.
   2. Copies of recordings will be provided to the Fairfax County Commonwealth Attorney and Town Attorney upon request. Delivery of the copy will be handled in the same manner as requests for copies of police reports are handled.

G. Quarterly Review of Incidents
   1. The Support Services Division Commander will review random recordings on a quarterly basis for proper usage and submit a memorandum to the Chief of Police with his findings.