



Michael L. Brown
Chief of Police

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Tristin Brown
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Ms. Brown,

Thank you for reaching out to me and inquiring about the Alexandria Police Department's response to the recent Governor's orders related to the Covid-19 epidemic. I greatly appreciate your concerns during these evolving and unprecedented circumstances.

The Alexandria Police Department has historically built a positive relationship with the community through robust community engagement programs and work with City youth. While the current events make it more difficult to closely interact with individuals, we continue to maintain a supportive presence in all City neighborhoods.

Upon the issuance of Governor Northam's Orders, my staff and I consulted with the Commonwealth Attorney and the City Attorney for guidance on portions of the orders that could prompt action by law enforcement. All agree that officers encouraging voluntary compliance is the most favorable manner to resolve these incidents.

As I am sure you can imagine, since the issuance of the Governor's Orders, we have received several calls for service regarding the use of public spaces as well as possible social distancing "violations" at businesses. Overall, the residents of the City have been compliant and vigilant when officers have encountered such situations.

In response to your questions, I hope to allay some of your concerns by letting you know that the "stay at home" order's travel restrictions are not criminal violations and therefore are not enforceable by police, nor can they be used for the purpose of investigative detentions or stops. Below I have copied the specific questions in your letter and provided more detailed answers to each.

- 1) Have officers been instructed to detain someone who they suspect is in violation of the order?

Paragraph one of Executive Order 55 (the travel portion of the “stay at home order”) does not carry a criminal sanction, therefore no one can be detained by police for violating it.

- 2) What are the kinds of facts that officers will consider reasonable suspicion that someone is in violation of the order sufficient to detain them?

Paragraph one of Executive Order 55 does not allow for criminal enforcement. Reasonable suspicion forms the foundation of detentions when a crime has been committed, is occurring, or is about to occur.

- 3) Are people required to provide officers with information if stopped?

No one can be stopped for violating paragraph one of the order as it is not criminally enforceable.

- 4) What information will officers require from people who have been stopped for suspicion of violating the order?

No one can be stopped for traveling, it is not criminally enforceable. Those violating social distancing orders will not be required to provide information unless they refuse to comply with the Order and are subsequently charged with an offense.

- 5) Are people required to provide to the officer proof of employment if they are going to and from work? What is required to be in that documentation?

Officers cannot stop persons for a violation of paragraph one of Executive Order 55 as it does not carry criminal sanction. The Executive Order does not discuss any type of required documentation.

- 6) What will officers do if they do not find the person’s explanation of their destination/purpose credible?

Officers would not stop subjects from traveling. This is not a criminal offense.

- 7) Do people have the right to refuse to answer officers’ questions about their purpose and destination? What will officers do if they refuse to engage? What if the officers do not find the person’s answers credible or do not believe the activity is exempted from the order?

Detention under paragraph one of Executive Order 55 is not permitted as it does not carry a criminal sanction. If the officer is engaged in a consensual encounter with a subject, a person is free to answer (or not answer) any question that is asked. In all encounter

officers will encourage persons to follow the guidance provided in the Executive Order and the Health Department.

- 8) What guidance is being given to officers about when and how to issue a citation or make an arrest?

Arrest is not permitted by paragraph one of Executive Order 55 as it does not define a crime. Regarding the other portions of the Order, the City Attorney, Commonwealth Attorney, and I have concurred that criminal enforcement should be used only as a last resort and only to gain compliance with the Order. If, as a last resort, an officer must charge a person, the violator should be charged and released on a VUS (ticket).

- 9) What safeguards are being put in place to ensure that these new police powers do not lead to racial profiling or harassment?

The Order does not create new police powers; it does create particular behaviors that can now be considered illegal (social gatherings). The Alexandria Police Department values the community's trust. We offer numerous avenues for citizens to report any actions by Department employees that they find objectionable or questionable.

- 10) What protocol have you put in place to maximize the safety of your employees as it relates to interacting with members of the community?

Since the beginning of this crisis, The Alexandria Police Department has worked closely with and followed the guidance of the City of Alexandria Health Department. Our officers have been provided with Personal Protective Equipment (PPE) for use in the field as necessary. Our staff has implemented mitigation protocols as recommended by the Health Department (social distancing, hand washing, etc.). We provide regular, daily updates to all staff as this situation rapidly changes. Additionally, we have opened our Emergency Operating Center in order to effectively track police activities and plan for deployment of our officers moving forward.

In closing, I would like to assure you that the officers of the Alexandria Police Department strive to provide professional and compassionate service to all community members at all times. While it has been challenging to navigate this new environment caused by the Covid-19 epidemic, I hope to assure you that we continue to handle our duties of preserving life and property with efficiency and transparency.

Sincerely,



Michael L. Brown
Chief of Police