



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County

**Colonel
Edwin C. Roessler Jr.**
Chief of Police

April 8, 2020

Tristin Brown
Washington Lawyers Committee
tristin_brown@washlaw.org

**Lt. Colonel
Thomas Ryan**
*Deputy Chief of Police
for Investigations/
Operations Support*

Our Re: 20-FOIA-286

Dear Tristin Brown:

This correspondence is in response to your Virginia Freedom of Information Act (VFOIA) request received by the Fairfax County Police Department on April 6, 2020. You requested the following information:

**Lt. Colonel
Ted Arnn**
*Deputy Chief of Police
for Patrol*

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

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?*

3. *Are people required to provide officers with information if stopped?*

**Lt. Colonel
Gun M. Lee**
*Deputy Chief of Police
for Administration*

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

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?*

**First Lieutenant
Steven Wallace**
*Commander,
Media Relations
Bureau*

6. *What will officers do if they do not find the person's explanation of their destination/purpose credible?*

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 officers do not find the person's answers credible or do not believe the activity is exempted from the order?*

Michael W. Cole
*Compliance Manager,
Media Relations
Bureau*

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

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

Fairfax County Police Department
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Fairfax, Virginia 22030
703-246-2195, TTY 711
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www.fairfaxcounty.gov



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?

Be advised that the Virginia Freedom of Information Act only applies to requests for public records, not requests for information or for answers to questions. See Freedom of Information Advisory Opinion AO-06-05 (May 31,2005). Based on this guidance we will not respond to each of the above listed questions individually but will provide a Covid-19 Command Staff Memorandum which should address most of your concerns.

Regarding the following portion of your request:

In addition to providing any information that sheds light on the above questions, please provide us with the following information:

- 1. All General orders, Special Orders, training bulletins, executive orders, roll call materials or other communication to officers concerning the enforcement of the stay at home orders;*

The provided command staff memorandum is responsive to this portion of your request. All FCPD general orders are publicly available at:

<https://www.fairfaxcounty.gov/police/chief/generalorders/gos>

- 2. Any data or information that your office is collecting on enforcement of the order including numbers of citations, warning or arrests, demographic and location information.*

We have not done any enforcement and therefore we do not have any citation or arrest data.

The following message was recently put out publicly by Fairfax Police Chief Edwin Roessler and should address many of your concerns.

“If we are made aware of a large gathering, our officers will use options that keep with social distancing guidelines, but also address the group. For example, a warning using the public address system in a police cruiser or a cellphone call have been very effective in achieving this goal. Our officers’ primary goal is to seek voluntary cooperation from everyone. While we navigate these uncertain times, the last thing we want to do is create unnecessary contacts and risk exposure to anyone. With our collective efforts, we will endure this pandemic and strengthen our resolve as One Fairfax. Col. Edwin C. Roessler, Fairfax County Police Chief.

“Residents of Fairfax County should not have any fear or apprehension that a police officer is out to pull them over or otherwise make an unnecessary contact, because we too are concerned about social distancing,”

This quote is from the following public release:

<https://fairfaxcountyemergency.wpcomstaging.com/2020/04/03/video-police-chief-addresses-coronavirus-covid-19-concerns/>

If I can be of further assistance, please do not hesitate to contact me at (703) 246-2980 or FCPDFOIA@fairfaxcounty.gov.

Sincerely,

Michael W. Cole

Michael W. Cole, Compliance Manager
Media Relations Bureau



County of Fairfax, Virginia

MEMORANDUM

DATE: April 2, 2020
TO: Command Staff
FROM: Edwin C. Roessler Jr., Colonel *ECR*
Chief of Police
SUBJECT: COVID-19 Pandemic
REF: Change in Lines of Business

This memorandum consolidates all Department lines of business changes over the past few weeks in response to the COVID-19 pandemic and includes related changes to County business operations as well as Executive Orders issued by the Office of the Governor of the Commonwealth of Virginia.

Please understand the changes in our business methodologies are ever evolving as they are designed to keep you, your family, and the community safe. Below you will find the current operational and administrative business practices as of March 31, 2020.

Social Distancing in the FCPD Work Environment:

All roll calls and business meetings shall be conducted using all available video teleconferencing resources or telephone systems. If a physical meeting occurs either in the field or office environment, please refer to the following procedures:

<https://www.cdc.gov/coronavirus/2019-ncov/php/risk-assessment.html>

Administrative staff, and other non-patrol staff, are equipped with telework access. The Department has ensured these employees (and our volunteer staff) are teleworking to keep their day-to-day business operations open.

Fairfax County Police Department
12099 Government Center Parkway
Fairfax, Virginia 22035



Safety Officer Program

The Department's Safety Officer program is operating 24/7 and is providing the following support:

- Personal Protective Equipment (PPE) supplies are being monitored in coordination with the Quartermaster Section.
- Prisoner Transport Vans are in operation to provide transport of prisoners demonstrating symptoms of COVID-19 as a priority and other prisoners as availability dictates. These vans are operated by trained officers with proper PPE and follow established decontamination procedures.
- A team of officers is being developed to respond on calls where COVID-19 is likely to be present, such as DOA's, or to areas identified by the Health Department as potentially high exposure areas (e.g., hospitals and urgent care facilities, nursing homes and assisted living residences, shelters, daycare facilities, etc.). More information on this team will be made available once it is in place.
- Workplace cleaning and social distancing practices are of paramount importance to maintaining a healthy work environment. The Safety Officers have provided [guidance](#) for all employees in these areas and all employees shall adhere to these principles. Any employee who believes their work environment does not conform to these standards shall report it to their supervisor who will consult with the Safety Officers for evaluation, resources, and resolution.
- The Safety Officer Section has implemented information sharing with the Fairfax County Health Department on exposures and possible positive COVID-19 patients that were in contact with our officers and employees. Also, they share relevant information with other entities like the Fairfax County Occupational Health Center (OHC) and the Fairfax County Fire and Rescue Department to follow up with exposures. Messages and videos are sent and shared through the Department's [COVID-19 BlueNet page](#) and Department-wide emails for our officers on the latest available information. Currently, at least two safety officers are available on patrol at all times to answer any questions or address any concerns.

Community Reporting System (CRS)

The CRS is operational 24/7 and staffed by sworn police officers who are supervised in a team environment with the Department of Public Safety Communications (DPSC), the Police Liaison Commander and the Staff Duty Officer. The mission of the CRS is to reduce the amount of community member – police officer contacts through triaging all calls for service (CFS) to determine whether or not the CFS can be handled live on-line or if there is a life safety matter requiring immediate dispatch of an officer. Every CFS handled by the CRS staff shall be accomplished utilizing customer service as our foundation and shall leverage e-reporting techniques with the community member. However, patrol officers may be required to respond to a CFS in order to assist with voluntary compliance for matters related to the Executive Orders issued by the Governor.

When DPSC receives a CFS related to the Executive Orders issued by the Governor for overcrowding at restaurants, parks, or schools, CRS staff shall attempt to gain voluntary compliance by explaining the requirements of the Governor's Executive Orders with a person responsible for the location. It may be necessary in certain CFS for the call to be escalated to the PLC and Duty Officer to coordinate the response of a patrol officer to observe the complaint and use other social distancing techniques to gain voluntary compliance. When an on-scene response cannot be mitigated by voluntary compliance techniques and a violation continues to exist, the Duty Officer shall contact the on-call Assistant Commonwealth's Attorney for legal direction to resolve the violations in coordination with affected County agencies, if applicable. An internal Patrol Bureau Special Operating Procedure for these types of CFS has been established between the affected agencies.

All CFS related to COVID-19 shall be recorded in the Records Management System using the term "COVID-19" as the second event for tracking purposes. The temporary SOP's for the operations of the CRS are managed by a police commander as assigned by the Deputy Chief of Police for Patrol.

DPSC Location of Interest (LOI) File Management

LOI files are managed by DPSC for all MCT users in the County. DPSC has entered into an agreement with the County Health Department to enter confirmed COVID-19 locations into the CAD system for all first responders to be aware of the location and take required personal protection actions. The LOI will indicate *"An Individual residing at this address has laboratory-confirmed COVID-19."*

Selected CFS Responses by Specialized Personnel

It is paramount that we use all available highly trained and specialized staffing to reduce the risk of COVID-19 exposures to patrol officers. Therefore, squads of SWAT officers and CIT officers were assigned to patrol duties to respond to priority CFS related to violence and mental health episodes. These officers are scheduled to work every day during the peak hours where these types of CFS are of concern for the safety of patrol officers. These specialized units are guided by SOP's promulgated by the Deputy Chief of Police for Patrol.

[Incident Support Services \(ISS\)](#)

ISS shall partner with our Safety Officers and be responsible for coordinating all reports of injury documentation for COVID-19 exposures and suspected exposures. Additionally, ISS shall coordinate all follow-up administrative actions related to COVID-19 matters with the affected healthcare professionals with support from the Department's Administrative Support Bureau (ASB). As a reminder, the ASB is responsible for all Family Resource requests and all matters related to Casualty Assistance (each has their respective SOP manuals).

COVID-19 Resources

[Executive Directive Seven](#) – *Department of Motor Vehicles:*

Executive Directive Seven (2020), directed to the Department of Motor Vehicles (DMV). As relevant to the FCPD, the Executive Directive directs the DMV to extend the validity of any driver, vehicle, and special identification credential that will expire on or before May 15, 2020, for a period of 60 days. Officers who encounter individuals with expired licenses, registrations, etc. should be aware that the DMV should be providing an additional 60 days for people to update their documentation. This 60-day extension is to be provided because DMV customer service centers and other walk-in locations are closing for 14 days.

[Executive Order Fifty-Five](#) – *Temporary Stay at Home Order:*

To reinforce the Commonwealth's response to COVID-19 and in furtherance of [Executive Orders 51](#) (March 12, 2020) and [53](#) (March 23, 2020) [Executive Order 55](#), was signed by the Governor on March 30, 2020. Pursuant to Article V, Section 7 of the Constitution of Virginia, by § [44-146.17](#) of the Code of Virginia. Violation of paragraphs 2, 3, 4, and 5 of the Governor's Executive Order 55, listed below, shall be a Class 1 misdemeanor pursuant to § [44-146.17](#) of the Code of Virginia:

1. All individuals in Virginia shall remain at their place of residence, except as provided below by this Order and [Executive Order 53](#). To the extent individuals use shared or outdoor spaces, whether on land or on water, they must at all times maintain social distancing of at least six feet from any other person, with the exception of family or household members or caretakers. Individuals may leave their residences for the purpose of:
 - a) Obtaining food, beverages, goods, or services as permitted in [Executive Order 53](#);
 - b) Seeking medical attention, essential social services, governmental services, assistance from law enforcement, or emergency services;
 - c) Taking care of other individuals, animals, or visiting the home of a family member;
 - d) Traveling required by court order or to facilitate child custody, visitation, or child care;
 - e) Engaging in outdoor activity, including exercise, provided individuals comply with social distancing requirements;
 - f) Traveling to and from one's residence, place of worship, or work;
 - g) Traveling to and from an educational institution;
 - h) Volunteering with organizations that provide charitable or social services; and
 - i) Leaving one's residence due to a reasonable fear for health or safety, at the direction of law enforcement, or at the direction of another government agency.
2. [Executive Order 55](#) contains the provision (paragraph 1) requiring everyone to stay in their place of residence unless going out for one of several enumerated reasons, such as to buy groceries, attend medical appointments, or to travel to work. ***This provision is NOT enforceable as a class 1 misdemeanor.*** Thus, law enforcement officers will not have the authority to detain or arrest individuals violating this provision. Officers **shall not** stop or question anyone as to why they are out of their homes.

3. All public and private in-person gatherings of more than ten individuals are prohibited. This includes parties, celebrations, religious, or other social events, whether they occur indoor or outdoor. This restriction does not apply:
 - a) To the operation of businesses not required to close to the public under [Executive Order 53](#); or
 - b) To the gathering of family members living in the same residence.
4. Institutions of higher education shall cease all in-person classes and instruction and cancel all gatherings of more than ten individuals. For purposes of facilitating remote learning, performing critical research, or performing essential functions, institutions of higher education may continue to operate, provided that social distancing requirements are maintained.
5. Effective April 1, 2020 at 11:59 p.m., cessation of all reservations for overnight stays of less than 14 nights at all privately-owned campgrounds, as defined in § [35.1-1](#) of the Code of Virginia.
6. Closure of all public beaches as defined in § [10.1-705](#) of the Code of Virginia for all activity, except exercising and fishing. Social distancing requirements must be followed.
7. All relevant state agencies shall continue to work with all housing partners to execute strategies to protect the health, safety, and well-being of Virginians experiencing homelessness during this pandemic and to assist Virginians in avoiding evictions or foreclosures.
8. As provided in [Executive Order 53](#), nothing in this Order shall limit:
 - a) the provision of health care or medical services;
 - b) access to essential services for low-income residents, such as food banks;
 - c) the operations of the media;
 - d) law enforcement agencies; or
 - e) the operation of government.

Outline of [Executive Order 53](#):

1. Effective 11:59 p.m., Tuesday, March 24, 2020 until 11:59 p.m., Thursday, April 23, 2020, all public and private in person gatherings of 10 or more individuals are prohibited.

2. Closure of all dining and congregation areas in restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets effective 11:59 p.m., Tuesday, March 24, 2020 until 11:59 p.m., Thursday, April 23, 2020. Restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets may continue to offer delivery and take-out services.
3. Closure of all public access to recreational and entertainment businesses, effective 11:59 p.m., Tuesday, March 24, 2020 until 11:59 p.m., Thursday, April 23, 2020, as set forth below:
 - Theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers;
 - Fitness centers, gymnasiums, recreation centers, indoor sports facilities, and indoor exercise facilities;
 - Beauty salons, barbershops, spas, massage parlors, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed that would not allow compliance with social distancing guidelines to remain six feet apart;
 - Racetracks and historic horse racing facilities; and
 - Bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, indoor shooting ranges, public and private social clubs, and all other places of indoor public amusement.
4. Essential retail businesses may remain open during their normal business. Such businesses include:
 - Grocery stores, pharmacies, and other retailers that sell food and beverage products or pharmacy products, including dollar stores, and department stores with grocery or pharmacy operations;
 - Medical, laboratory, and vision supply retailers;
 - Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
 - Automotive parts, accessories, and tire retailers as well as automotive repair facilities;
 - Home improvement, hardware, building material, and building supply retailers;
 - Lawn and garden equipment retailers;

- Beer, wine and liquor stores;
 - Retail functions of gas stations and convenience stores;
 - Retail located within healthcare facilities;
 - Banks and other financial institutions with retail functions;
 - Pet and feed stores;
 - Printing and office supply stores; and
 - Laundromats and dry cleaners.
5. Effective 11:59 p.m., Tuesday, March 24, 2020 until 11:59 p.m., Thursday, April 23, 2020, any brick and mortar retail business not listed in paragraph 5 may continue to operate but must limit all in-person shopping to no more than 10 patrons per establishment. If any such business cannot adhere to the 10-patron limit with proper social distancing requirements, it must close.

Hyperlink Resources

[Fairfax County – Coronavirus Information for Employees](#)

[Fairfax County – COVID-19 HR Managers Resources](#)

[Centers for Disease Control and Prevention’s Coronavirus website](#)

<https://www.virginia.gov/coronavirus/>

[Fairfax County Coronavirus Website](#)

<https://www.fairfaxcounty.gov/health/novel-coronavirus/coronavirus-covid-19-testing>

<https://covid19.healthdata.org/projections>

[Coronavirus COVID-19 Global Cases by the Center for Systems Science and Engineering at Johns Hopkins University](#)

[OSHA COVID-19 Web Page](#)

[OSHA Standards for Responding to COVID-19 for Employers](#)

[Coronavirus \(COVID-19\) Pandemic: Response and Recovery Through Federal-State-Local-Tribal Partnership](#)

www.coronavirus.gov