

	Operational General Order	6.01 Constitutional Issues	PAGE 1 OF 1
	SUBJECT		EFFECTIVE DATE
	Virginia Beach Police Department General Order Chapter 6 - Constitutional Issues		12/10/2019
			ORIGINATOR/REVIEW Professional Development & Training
DISTRIBUTION	CALEA: 74.3.1, 74.3.2		
ALL			
BY THE AUTHORITY OF THE CHIEF OF POLICE:			<i>James A. Coenen</i>

Purpose

To provide direction to sworn department personnel in their contacts with the public in accordance with the United States and Virginia constitutions, federal and state statutes, and applicable federal and state appellate court decisions.

Policy (CALEA 74.3.1, 74.3.2)

Sworn personnel shall direct their contacts with all members of the public remembering that the United States Constitution is the basis for, and provides the guiding principles for, the conduct of law enforcement personnel.

The Fourth Amendment to the U.S. Constitution guarantees the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. U.S. Supreme Court decisions regarding searches and seizures place the responsibility on the police to ensure that Fourth Amendment rights are respected and not violated. Officers shall scrupulously observe constitutional guidelines, as interpreted by the U.S. Supreme Court, the Fourth Circuit Court of Appeals and the Virginia appellate courts when making searches and/or seizures of persons or property.

Members are directed to refer to the Constitutional Issues Field Guide for direction on specific actions related to Constitutional law and the 4th, 5th, and 6th Amendments. The Constitutional Issues Field Guide shall be reviewed and, if necessary, updated yearly.

Only sworn officers shall execute warrants, summonses, and other criminal processes in accordance with Virginia State Code [19.2-81](#) and [19.2-82](#). Officers shall be mindful of statutory jurisdictional limitations, which may vary depending on the circumstances of the arrest. All uses of force in connection with arrests shall be in accordance with General Order 5.01, (Use of Force).