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The People
of the State of New York
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MODEL MANUAL OF LAW ENFORCEMENT
RULES, REGULATIONS, AND GENERAL ORDERS

Second Edition

1988

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Commonwealth of Virginia

NCJRS
FEB 18 1988
ACQUISITIONS

Richard N. Harris
Director
Department of Criminal Justice Services
805 East Broad Street
Richmond, Virginia 23219
Telephone: 786-4000

NOTE TO THE READER

Although much of this manual derives from policies and procedures of accredited agencies, the Department of Criminal Justice Services does not imply that adoption of this manual will guarantee accreditation. While use of this manual may aid an agency undergoing accreditation, policies and procedures must necessarily be devised according to the circumstances and environments of local agencies.

While the Department of Criminal Justice Services' staff has made a professional effort to ensure the accuracy and integrity of the model manual, no warranty is expressed or implied. No policy or procedure can apply appropriately to all events under all circumstances.

COMMENT SHEET

The Department of Criminal Justice Services has tried to develop a model manual of law enforcement policies and procedures of use to large and small agencies, police or sheriffs' departments. We rely on your comments, suggestions, criticisms in order to correct and update the manual.

When convenient, please complete this form and mail to:

Robert Hicks
Department of Criminal Justice Services
805 East Broad Street
Richmond, Virginia 23219
804-786-8421

1. For what purpose did you use this manual?

2. For that purpose, the manual met most of my needs.
 met some of my needs.
 met none of my needs.

3. How will this manual be useful to you?
 Source of sample policies for staff study.
 As a basis for my own manual: I have none at present.
 As a basis for a revised manual: I have an outdated one at present.
 General information.
 Other (please specify).

4. Which parts of the manual, if any, were difficult to understand or use?

How could they be improved?

Comment Sheet (continued)

5. Can you point out specific parts of the manual that are not clear or terms that need to be defined?

6. Are there ways this report could be improved that you have not mentioned?

7. Please suggest other subjects you would like to see addressed in future model policies.

8. Please complete the following information about your organization.

Type of agency: municipal police county police
 county sheriff city sheriff
 State Police other (please specify)

Size of agency: sworn personnel nonsworn personnel

Within the last three years, has your agency been the target of civil litigation? Yes No

If you answered yes, were any judgments rendered against your agency?
 Yes No

If you have been sued within the last three years, what was the nature of the action against you?

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 Excessive use of force
 Employee-oriented lawsuit
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If you have been sued, was the case heard in federal court?
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9. Additional comments:

Thank you for taking the time to complete this form.

I have received copy number _____ of the [your agency]
policy manual on _____ (date). I agree to abide by
the policies set forth in this manual, to keep it in good condition, and
to update or revise it as ordered. I further understand that the manual
is the property of the [your agency] and that I must return it when
ordered by the chief of police/sheriff.

Name (print) _____

Signature _____

Date _____

I certify that _____ has received
training in the contents of this manual.

Date: _____

Chief of Police/Sheriff

ACKNOWLEDGEMENTS

The policies, procedures, rules and regulations in this manual were derived from a variety of sources, including:

Alexandria Police Department
Staunton Police Department
Virginia Department of State Police
Fairfax County Police Department
Southeast Florida Institute of Criminal Justice
Tucson, Arizona, Police Department
Pima County, Arizona, Police Department
International Association of Chiefs of Police
Legal Defense Manual
American Civil Liberties Union
Americans for Effective Law Enforcement
Various publications of The Traffic Institute, Northwestern University
Lebanon, Ohio, Police Department
Elkhart County, Indiana, Sheriff's Department
Commission on Accreditation for Law Enforcement Agencies, Inc.
Newport News Police Department
Arlington County Police Department
Virginia Commonwealth's Attorneys' Handbook
Ms. Connie Kirkland
Mr. G. Patrick Gallagher, Institute for Liability Management
Police Law Journal
Cuyahoga County, Ohio, Police Chiefs' Association
U.S. Department of Health and Human Services
Vermont Criminal Justice Training Council

PREFACE

The policies and procedures in this document serve as examples: the applicability of them to your agency should be carefully researched to determine if any conflict exists with local laws and ordinances.

To make a policies and procedures manual effective, however, it must become a living document consistently applied to supervision, training, and discipline. A manual must not exist for the sole reason of "having it in writing," a document which gathers dust in the chief's or sheriff's office. It should be read, consulted, debated, refined, updated: it must mirror the attitudes, thinking, and behavior of the agency.

Widespread adoption of policies and procedures as they appear herein would undoubtedly promote uniformity among local agencies' manuals. Some executives might object that any uniformity in policies would decrease local autonomy or may lead to consolidation of small agencies. On the contrary, experience elsewhere has shown that some uniformity in policies will strengthen the position of law enforcement executives and their agencies because, while speaking as one voice through shared policies and procedures, executives exert stronger leadership, thus deflecting external influences such as court-imposed measures from determining policy.

The adoption and improvement of policies and procedures can serve yet another professional interest: accreditation. To quote the Commission on Accreditation for Law Enforcement Agencies, Inc., "Accreditation is a recognized commitment to professional excellence and cost-effective operation.

Through accreditation, agencies can:

- o develop proactive management systems.
- o obtain impartial guidelines for agency review.
- o establish documented, carefully tested procedures.
- o reduce the likelihood of vicarious liability litigation.
- o secure community, state, and local government support."

An increasing trend among Virginia law enforcement agencies to seek accreditation parallels a nationwide interest. The Department of Criminal Justice Services endorses both the accreditation process and a degree of uniformity of policy.

27 June 1986
Date

Richard N. Harris
Richard N. Harris, Director

FOREWORD

The policy manual is the property of the [your agency] and shall be returned when members terminate their employment. Further, members shall not show the manual to anyone other than department personnel, unless I otherwise direct. This manual cannot cover every aspect of police work or provide guidance in handling every possible situation. Rather, police officers will have to use experience, training, and good judgment to decide the best and safest way of handling any problem.

I shall vigorously enforce the rules of this manual; I expect members of the department to observe them. I will review each violation, if necessary, and determine any disciplinary action. Although much police work is left to members' discretion, if any employee departs from the provisions herein, he or she must demonstrate that his or her action was necessary.

I shall issue each member of the department with a copy of this manual, hereinafter called the [your agency] policy manual. Members shall keep it in good condition and make deletions or additions as ordered.

Whenever members doubt the meaning or intent of a rule, policy, or procedure, they shall seek an interpretation or explanation from me.

All previously issued rules, policies, and procedures inconsistent or in conflict with this manual are hereby revoked.

Much research and preparation were performed in constructing this manual. I hope it will help you to understand what I expect of your performance as a police officer.

Date: _____

Chief of Police/Sheriff

(Quoted from Guidebook for Law Enforcement Manual Development, 1980, Washington Association of Sheriffs and Police Chiefs, with permission)

INTRODUCTION: THE ADVANTAGES OF THE MANUAL

A complete, well-written, up-to-date policy and procedures manual is an extremely important component of a modern law enforcement agency. Such a manual provides you, the law enforcement executive, with a number of advantages.

One advantage which the manual can provide is in the area of civil liability. A carefully written manual can help protect you from civil actions for vicarious liability. Specifically, the manual can demonstrate that you have shown due regard in directing the actions of your personnel.

But by far the most important advantage to having a complete, well-written manual is that it provides a means by which you can clearly establish the lines of authority and accountability in your department; set direction of your department; and maintain its status as an efficient, responsive agency.

The very task of planning and writing a manual encourages management personnel to address issues which are essential to building and maintaining a top quality law enforcement agency. In particular, formally establishing policies and regulations for inclusion in the manual reduces the tendency to write policies and procedures only in response to an emergent crisis. Thus, the task of planning and writing a manual is a step in the direction of rational, goal-oriented management and away from management by crisis.

But the policy and procedures manual is more than an aid to rational policy making. It is a communications tool. The written policies, procedures and regulations contained in the manual describe the department's goals and objectives. It informs your personnel of their responsibilities and indicates what is expected of them. It outlines methods of accomplishing tasks and establishes general performance standards.

Successfully communicating your expectations to members of your department is an essential first step to establishing discipline and accountability. The manual accomplishes this in a comprehensive, efficient manner. A manual can reduce the need for disciplinary action merely by stating and clarifying regulations. It can also underline the fairness of disciplinary action by providing a grounds for initiating such action.

Finally, the manual serves as a central repository of all departmental rules and regulations. This can make it easier for management personnel to achieve consistency in command decisions. It also provides you with an overview of all policies and procedures within your department. This allows you to determine if existing policies and procedures are consistent with the direction you have set for your department. On the basis of your assessment, you can institute change as needed.

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POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: ORGANIZATION OF MANUAL;
DEFINITIONS

NUMBER: 1-1

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED: _____

CALEA STANDARDS: 12.2

Chief of Police/Sheriff

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: organization of manual; policy; procedure; rule;
general order; memorandum

I. POLICY:

Both professional law enforcement administration and the management of liability require a manual which governs the activities of a police department. A manual of policies, rules, and procedures guides the day-to-day legal and ethical functioning of a police department. To that end, the [_____ your agency's _____] activities shall be reflected in this manual.

II. PURPOSE:

This regulation outlines the organization of the manual, its authority, and defines the terms, policy, rule, and procedure.

III. DEFINITIONS:

A. A policy is a statement of the department's philosophy on a given issue. Policy consists of principles and values which guide the performance of department employees. Further, policy is based upon ethics, experience, the law, and the interests and desires of the community.

1. Each rule or regulation or general order will begin with an agency policy statement.
2. Only the chief of police determines policy.

- B. A rule is a specific prohibition or requirement governing the behavior of employees.
1. Rules permit little if any deviation therefrom. Violations or rules normally result in administrative discipline.
 2. Only the chief of police devises rules.
- C. A regulation, which may contain one or more rules, is an administrative order governing organization matters, e.g., leave policy, off-duty employment, promotions.
1. Similar to rules, regulations permit little if any deviation therefrom. Violations of regulations normally result in administrative discipline.
 2. Only the chief of police devises regulations.
- D. A procedure defines a method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy.
1. All procedures in this manual will be labeled general orders. General orders govern police operations.
 2. Unlike rules and regulations, violations of general orders do not normally result in administrative discipline. General orders constitute a guide to behavior in given situations. Officers may depart from general orders if, in their professional judgment, the situation warrants. Officers must be prepared to justify their actions. In this manual, "directive" is synonymous with "general order."
 3. Only the chief of police authorizes general orders.
- E. A memorandum either (1) provides useful, specific information to officers not amounting to a formal order, or (2) constitutes a directive affecting specific behavior for a specific event or period of time, and is usually self-canceling.
1. Memoranda are not part of this manual. Memoranda may be issued by the chief of police but may be issued by other police officers or agencies.
- F. The manual is a collection of rules, regulations, and general orders of the department.

IV. ORGANIZATION OF THE MANUAL

- A. The manual is divided into two components: rules and regulations, and general orders.
 - 1. Rules and regulations govern conduct, personnel, and administrative procedures or rules. Rules and regulations (RR) appear on blue pages.
 - 2. General orders contain operational guidelines, or procedures. General orders (GO) appear on white pages.
- B. Rules and regulations are numbered consecutively, preceded by "1-()." General orders are numbered consecutively "2-()." Individual pages are numbered consecutively within a given regulation or general order.
 - 1. Example:
 - 1-5.3 (The 1 signifies rule or regulation; 5 signifies regulation number 5, and 3 means page 3.)
- C. The chief of police authorizes any rule, regulation, or general order. No rule, regulation, or general order is valid unless signed by the chief of police.
- D. Within the context of any rule or directive, the use of the word "shall" connotes an action or behavior that is mandatory and unequivocal. The words "may" or "can" connote an action or behavior that is optional.
- E. Any officer or civilian member of the department may suggest or recommend changes to the chief of police concerning the policy manual.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: GENERAL RULES OF CONDUCT

NUMBER: 1-2

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 1.2, 1.1.5, 1.3, 2.1,
11.1, 11.2, 84.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: Code of Ethics; general duties; obedience to laws; authority; violation of law; conflict of orders; obedience to orders; civil rights; arrests of law enforcement officers; evidence; lost property; false statements; off-duty enforcement; bribes; use of force; deadly force; warning shots; reporting use of force; medical assistance; disciplinary actions; prohibited behavior; general conduct; gifts; grievance; duty; leave; information; public information; public appearances; use of alcohol; use of drugs, use of tobacco; property; equipment, uniforms; off-duty employment; reporting arrests; court action, civil cases; memberships; money; resignations; grooming.

I. POLICY:

The [your agency] expects its personnel to maintain high standards of appearance and conduct. The public similarly expects such high standards. Police officers wield considerable power over its citizenry, power that is carefully circumscribed by state and federal law, and, ultimately, by the Constitution and Bill of Rights. Our powers to arrest, seize property, and interfere, at times, with the lives of citizens constitute a public trust. We can help insure that we regard this trust as vital by exemplary performance in our jobs. Performance is not enough: we must always conduct ourselves in an exemplary fashion.

II. PURPOSE:

To define departmental expectations for personal behavior on-duty and, to a degree, off-duty.

III. DEFINITIONS:

All officers will display the degree of integrity required by the Law Enforcement Code of Ethics:

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality, and justice.

"I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of duty.

"I will never act officiously or permit personal feelings, prejudice, animosities, or friendships to influence my decisions with no compromise for crime and with relentless prosecution of criminals. I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

"I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession--law enforcement."

IV. GENERAL DUTIES:

- A. All officers of the department will, at all times, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, Commonwealth of Virginia, and all local ordinances, in accordance with the rules, regulations, policies, procedures, and orders of the jurisdiction and the department. Officers will be ever conscious that when they act under "color of law," that the phrase includes not only laws but also policies, procedures, ordinances, common usage, and custom.

B. Obedience to laws, ordinances, rules, regulations

1. DEFINITION - Employees of the department will obey all federal and state laws. They will also obey all laws and ordinances of [your town/county] or other municipality in which the employees may be present. Employees will obey all rules, regulations, directives, and orders as may be issued by the department. The term "employees" includes both sworn and non-sworn personnel.
2. AUTHORITY - Employees of the department will obey all lawful orders issued to them by competent authority.
3. VIOLATION OF LAW - Supervisory officers of the department will not knowingly or willfully issue any order in violation of any law or ordinance or of any rule, regulation, general or special order of the department.
4. CONFLICT OF ORDERS - To permit effective supervision, direction, and control, employees should promptly obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. In the event an employee is given two apparently lawful but different orders that may be in conflict, the last order given should be complied with unless the order is retracted or modified. In the event an employee receives conflicting orders, the employee should inform the person giving the last order of the conflict of orders. That person giving the conflicting order should then resolve the conflict by either retracting, modifying or requesting the employee to comply with the latest order. In the event the conflicting order is not altered or retracted, the employee will not be held responsible for disobedience of the order or directive previously issued.
5. OBEDIENCE TO ORDERS - No employee of the department is required to obey any order which is contrary to the laws of the United States, State of Virginia, or ordinances of [your town/county]; however, such refusal to obey is the responsibility of the employee and he will be required to justify his action.
6. CIVIL RIGHTS - All members shall take care to observe and respect the civil rights of citizens, as the term "civil rights" is commonly understood.

7. ARRESTS OF LAW ENFORCEMENT OFFICERS - An officer who arrests a member of another law enforcement agency shall immediately notify his own supervisor of the fact. Officers must take whatever action is appropriate to the circumstances, including issuance of citations or making an in-custody arrest. That the person cited or arrested is a police officer shall make no difference.

8. EVIDENCE - Evidence in the form of contraband will be stored in the department evidence storage locker before and during trial, if the court requires. Following trial or other legal proceeding, the officer whose case involves the contraband shall apply to the court for a destruction order. Upon receiving the order, the officer shall conduct, or cause to be conducted, the destruction, taking care to obtain a witness, and document the destruction on the department's property destruction form. The officer conducting or supervising the destruction shall so notify the court and provide appropriate documentation.

- (a) Officers shall report evidence not contraband obtained during their investigations to the General District Court and dispose of it according to the Court's recommendation.
- (b) Officers shall not give away evidence to anyone. Further, officers shall not appropriate any evidence or other property to their own use under any circumstances.
- (c) If any citizen refuses to accept returned property that was used as evidence or otherwise acquired by the department, the property shall be destroyed (if perishable) or auctioned, if appropriate, under supervision of the chief of police or town manager.

9. LOST PROPERTY - Officers who encounter lost property shall treat such property as evidence, storing it in the department locker, if possible, or otherwise securing the property under guidance of the chief of police. Officers shall document the circumstances and describe the property. Officers shall make a reasonable effort to ascertain the owner of the property and return it. Upon releasing property, or obtaining property from a citizen who finds it, officers shall write a receipt.

10. FALSE STATEMENTS - On any official matter whatsoever, members shall not knowingly make any false statements or misrepresentations of the facts.

11. ENFORCEMENT WHILE OFF-DUTY - If an officer, while off-duty, witnesses a violation of the law committed in his presence which, in his professional judgment, demands immediate attention, he may make an arrest, providing:

- (a) the law violation was committed in [your jurisdiction], and
- (b) the officer does not use his own personal vehicle to chase or pursue the violator, but observes all traffic laws applicable to citizens, and
- (c) he displays police identification to the violator and announces his purpose, and
- (d) he can make the arrest without jeopardizing his own safety, the safety of the violator, or of the public.

12. BRIBES - Employees of the department found to have accepted bribes shall be dismissed with prejudice.

13. USE OF FORCE - GENERAL - Officers shall use only the minimum force necessary to accomplish a legitimate law enforcement purpose. Further, officers shall exhaust all reasonable means of apprehension and control within their abilities before resorting to the use of deadly force. Further guidelines concerning the use of force are outlined in General Order 2-6.

- (a) Violation of the use of force and deadly force orders herein may subject the officer to administrative discipline, suits for damages, and criminal prosecution.

14. DEADLY FORCE - Officers may use deadly force:

- (a) To defend themselves or other persons from what the officer perceives as an immediate threat of death or serious injury.

- (b) To effect an arrest or prevent an escape when the officer reasonably believes the suspect or escapee has killed or seriously injured another person or poses an immediate threat to kill or otherwise seriously injure another person, and alternate means of arrest have either been tried or would involve a risk of death or serious injury to the officer or others. See General Order 2-6.

15. WARNING SHOTS - Warning shots are strictly prohibited.

16. REPORTING USE OF FORCE - Officers shall report any use of force to their superior as soon as practicable.

17. MEDICAL ASSISTANCE - Officers shall render, or cause to be rendered, medical assistance to any injured person.

C. Disciplinary/personnel actions

1. Disciplinary actions may include a warning, an oral or written reprimand, suspension with or without pay, reduction in pay, demotion or termination. Personnel actions may include probation, counseling, training, close supervision, performance evaluation, transfer, and termination.
2. As appropriate, disciplinary action may be taken for any of the following reasons:
 - (a) Incompetent or inefficient performance of duty or inattention to or dereliction of duty.
 - (b) Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature discrediting or injuring the public service or any act jeopardizing the effective functioning of their service.
 - (c) Mental or physical unfitness for the position which the employee holds.
 - (d) Conviction of a felony or misdemeanor involving conduct which shocks the conscience of a reasonable person, or a pattern of misconduct as displayed by a series of convictions of misdemeanors.

- (e) Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, or any other form of misconduct or negligence of which the employee has knowledge.
 - (f) Failure of a supervisory employee to take corrective action regarding employees under their supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of such dereliction.
3. Examples of behavior specifically prohibited include:
- (a) Use of alcoholic beverages on-duty, or drunkenness on-duty.
 - (b) Use of illegal drugs or narcotics.
 - (c) Buying alcoholic beverages while on-duty.
 - (d) Acting as bailor for anyone other than a family member.
 - (e) Releasing any information to a suspect or convicted person that would enable an escape from custody or hamper an investigation.
 - (f) Selling, trading, or buying chances or bets, or any other gambling while on-duty.
 - (g) Recommending legal counsel or bondsmen to any person.
 - (h) Publicly criticizing superior officers, the town manager, or any town official.
 - (i) Use of harsh, profane, or obscene language to any member of the department or to the public.
 - (j) Sleeping on duty.
 - (k) Sexual activities on duty.
4. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, orders of the department, or in the laws or ordinances of which the department is responsible to enforce.

D. General conduct

1. Employees of the department will display respect for their superior officers, subordinates, and associates. When on-duty and in the presence of the public, superior officers shall be addressed or referred to by rank.
2. Employees of the department will address their subordinates, associates, supervisors or members of the general public courteously, and will not use abusive, violent, insulting or provoking language which could be deemed insulting to any person or group by reason of their racial or ethnic background.
3. Employees of the department will at all times be civil and courteous. They will maintain an even disposition and remain calm, regardless of provocation, in executing their duties.
4. Employees of the department will not gossip or speak rumors detrimental to the department or another employee.
5. Employees of the department will always display absolute honesty.
6. Employees of the department will cooperate and coordinate their efforts with other employees to insure maximum effectiveness. This high degree of cooperation and coordination will extend to other law enforcement organizations and government agencies.
7. Employees will restrict personal conversations or personal associations to an appropriate minimum while on duty.
8. An officer will not display cowardice in the line of duty or in any situation where the public or another police officer might be subjected to physical danger. Unless actually incapacitated themselves, officers will aid, assist, and protect fellow officers in time of danger or under conditions where danger might reasonably be impending.
9. Employees of the department will not at any time use or attempt to use their official position, badge or credentials for personal or financial gain or advantage.
10. Employees shall adhere to the town or county personnel policies.

E. Gifts, gratuities, rewards

1. Employees will not solicit any gifts, gratuities, loans or fees where there is any direct or indirect connection between the solicitation and their departmental employment.
2. Employees will not accept either directly or indirectly any gift, gratuity, loan or fee or any other thing of value arising from or offered because of police employment or any activity connected with law enforcement employment.
3. Employees will not accept any gift, gratuity or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of the employee or any other employee in any manner of official business; or which might tend to cast any adverse reflection on the department or any employee thereof.
4. No employee of the department will receive any gift or gratuity from other employees junior in rank without the express permission of the chief of police.
5. Employees will not accept any gift, gratuity or reward in money or other considerations for services in line of duty to the community, or to any person, business or agency except lawful salary and that authorized by Section 15.1-138 of the Code of Virginia.

F. Suggestions or grievance

1. Employees of the department wishing to make suggestions for the improvement of the department, or who feel injured or offended by the treatment, orders, or neglect of duty of a superior, may communicate either orally or in writing, through proper channels such suggestion or complaint to the chief of police; however, certain matters such as those of a personal or confidential nature may be brought directly to the chief of police. If the chief deems appropriate, he may refer the employee through the chain of command to insure its proper and efficient functioning.
2. Civilian employees may use the grievance procedure of the town or county.
3. Officers may elect to use the town grievance procedure (except the chief of police) or the Law Enforcement Officers' Procedural Guarantees in Virginia Code Section 2.1-116.1 through 116.9 (except chief and probationers), described in RR 1-10.

G. Duty

1. Employees of the department will report for duty at the time and place specified by their assignment or orders and complete the number of hours on duty required by their assignment.
2. Employees of the department, while on duty, will remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
3. Officers of the department, while on duty, will not engage in any activity or personal business which would cause them to neglect their duty.
4. Officers serve in order to protect lives, preserve the peace, enforce the laws of the town and state, and assist the public in any reasonable request.
5. Officers shall identify themselves to any person requesting an officer's name, rank, and badge number.
6. All officers shall maintain a telephone at their home. Officers shall notify the dispatcher of their telephone number, address, and any changes thereof.
7. All officers shall, in a timely fashion, complete and submit all forms and reports required by the department and the laws of the Commonwealth.
8. Officers shall not provide information from computer-based vehicle license checks to citizens.
9. If injured, officers shall promptly notify their supervisor of the injury and the circumstances of it.
10. Officers, while on duty, shall constantly keep the dispatcher informed of their whereabouts. To this end, officers will keep their portable radios charged, turned on, and in their immediate possession at all times.
11. Officers shall maintain a professional attitude and manner when communicating by radio. Officers shall communicate in plain language, abiding by FCC requirements and the requirements of the department.

12. Officers shall not loiter at the police office, but shall use the office for professional purposes only. Each officer is responsible for the cleanliness and upkeep of the office.
13. Officers shall not use police vehicles for personal business or transportation of unauthorized persons, except in emergencies. Requests to use police vehicles for personal business shall be made to the chief of police. Authorized persons include arrestees, detained juveniles, victims, witnesses, citizen ride-alongs.
14. Officers shall clean the interiors of their police vehicles daily. Officers shall have their police vehicles washed no less than once every two weeks.
15. Officers shall keep their financial affairs in good order and under control. Excessive debt may be a cause for disciplinary action.
16. No employee shall use his or her position with the department for personal or monetary gain.
17. Employees are permitted to make long distance telephone calls when necessary for official purposes. Long distance calls made from the police office telephone shall be logged with the dispatcher. If the call is personal, the employee will so advise the dispatcher, and the officer will later pay the cost of the call.
18. Officers must carry police identification with them at all times. In addition, while on duty, officers shall carry a valid driver's license.

H. Leave

1. Employees of the department will not be absent from duty without first obtaining permission from their supervisors.
2. Employees of the department will, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible.
3. Employees must request vacations at least thirty (30) days before they wish to take them.

I. Information

1. Employees of the department will not communicate to any person not an employee of this department any information concerning operations, activities or matters of police business, the release of which is prohibited by law or which may have an adverse impact on the department image, operations, or administration.
2. Employees of the department will communicate promptly to a supervisor information regarding tips on crimes or criminal activity or other relevant law enforcement information which may come into their possession. After conferring with a supervisor, employee and supervisor will notify the chief of police, if appropriate, of the information.

J. Public appearances

If an officer receives a request to make a public presentation or appearance, or publish an article concerning his duties, he shall apply for permission to the chief of police. The department wishes no interference with the First Amendment rights of officers. The department can and will, however, authorize appearances or writings that represent the agency.

K. Use of alcohol

1. Employees of the department will not drink any alcoholic beverage while on duty. Officers in plainclothes, with the consent of their commanding officer, may drink limited quantities while on duty when necessary to accomplish the police mission.
2. Employees of the department will not appear for regular duty, or be on regular duty, while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on their breath.
3. In the event of an emergency recall, each officer must determine fitness for duty if alcohol has been consumed. A supervisor will be consulted and asked to confirm or deny, as appropriate, the officer's judgement in the matter. No adverse actions will be taken if, in an emergency recall, the officer believes self to be incapacitated for duty, says so, or is told so by a supervisor, before actually going on duty.

4. Officers shall not carry weapons when off duty in a situation the officer deems socially inappropriate, particularly where the officer consumes alcoholic beverages.

L. Use of drugs

Employees of the department will not use any narcotic, stimulating or dangerous drug while on-duty or off-duty unless prescribed by a physician. Employees using any prescribed drug or narcotic or any patent medicines that could possibly induce impairment of their performance will notify their supervisor.

M. Use of tobacco

Officers of the department will not use tobacco while engaged in traffic control, on an investigation, or while otherwise in contact with the public.

N. Property, equipment and uniform

1. Employees of the department will be responsible for the proper care and the use of department property and equipment assigned to or used by them and will promptly report to their supervisors any loss, damage, destruction or defect therein.
2. Employees of the department will operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator will notify a supervisor immediately. Under no circumstances will an officer investigate his or her own accident. Preferably, a senior officer or officer of higher rank will conduct the investigation. If necessary, an off-duty officer will be called out.
3. At the beginning of a tour of duty, employees will examine any vehicle assigned to them and report any operational deficiencies, damage or defects to their supervisors. Failure to report damage or defects will create the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, will be held responsible for the damage.
4. Officers shall keep their uniforms clean and pressed, their shoes and other leather equipment polished and shined, and badges and name plates clean and bright.

5. Employees wearing civilian clothing on duty will present a neat and clean appearance. Employees will wear clothing which is appropriate to the type of duties and citizen contact expected, e.g., coat and tie for men and equivalent skirt, blouse or pants outfit for women are appropriate for business contacts; more informal sports clothing might be appropriate for late hours of work. Civilian dress should not be a source of negative comment from the community.
6. Employees of the department will not temporarily or permanently convert any department property to their own personal use or the use of any other person.
7. When an employee of the department terminates employment, all issued equipment will be returned on the day the termination is effective. Failure to return all items of city/town property will result in withholding final pay or taking legal action.
8. Employees of the department will have as a part of their issued equipment a copy of the rules and regulations manual, and will maintain and make appropriate changes or inserts as directed.
9. The [your agency] furnishes the following uniform items:
 - summer shirts
 - winter shirts
 - pants, year-round material
 - summer hat
 - winter hat
 - pair shoes
 - gun belt
 - gun holster
 - handcuff case
 - bullet pouch
 - can of chemical mace
 - set of handcuffs
 - badges
 - name plates
 - ties
 - .357 magnum or .38 caliber revolver, whichever the department issues to the officer

10. All uniforms are to be [color] with black leather gear. Uniform shirts and coats must display the department patch on right shoulder with the American flag on left.
11. Uniforms will be worn for all court appearances.
12. When uniform items are damaged or worn out and needing replacement, officers shall request replacement or repair in writing to the chief of police, giving reasons why items were damaged.

0. Part-time or off-duty employment

Before engaging in any outside employment or business activity, an employee shall submit a request for permit for off-duty employment to the chief of police for final approval.

Off-duty employment activities of employees are subject to the following regulations:

1. The employment shall not render the officer unavailable during an emergency, or physically or mentally exhaust the officer to the point that his performance on duty will be affected.
2. Employment shall not in any way conflict with the objectives of the department, impair its reputation, or compromise law enforcement authority.
3. The police uniform shall not be worn nor police equipment used unless so authorized by the chief of police.
4. Each employee while engaged in off-duty employment shall conduct himself in accordance with department standards, and is under the control of department supervisors.
5. A member or employee, at the discretion of his commanding officer may be called on-duty at any time irrespective of his off-duty employment.

The decision of the chief of police to issue or deny a permit to work outside the department is final and appeal to higher levels will not be considered. Further guidance is found in RR 1-11.

P. Reporting arrests, court action, civil cases

1. Employees of the department will immediately report to their supervisor any arrests or court action, except divorce proceedings instituted against them.
2. Any employee of the department who becomes involved in any accident, incident, or altercation, or any problem which may come to the public attention will give oral notification as soon as possible, and within twenty-four hours in writing, to his supervisor. Supervisors will forward relevant information through the chain of command as rapidly as possible.
3. Employees shall keep all complaints, arrests information, or other official business confidential. Employees shall not indulge in gossip about departmental business.
4. Employees shall avoid involvement in any civil disputes involving neighbors or acquaintances. Further, officers shall not remove children from parental custody or property from citizens without court order.

Q. Memberships

No member of the department shall be a member of any organization which advocates the violent overthrow of the government of the United States, the Commonwealth of Virginia or any unit of local government, or participate in any organization which has a purpose, aim, objective or any practices which are contrary to the obligations of a law enforcement officer under these rules and regulations.

R. Money expenditures

1. There will be no expenditures of money or financial obligations incurred in the name of the department by any employee without permission from the chief of police.
2. No employee shall imply or accept financial liability for loss or damage on behalf of the town. Any inquiries concerning financial liability will be referred to the town attorney or town manager.

S. Resignations

An employee must provide at least two weeks written notice of his or her intent to resign.

T. Grooming

Employees shall maintain a smart, conservative, well-groomed appearance. Men's hair must be neatly combed and styled. Sideburns may extend to the base of the ear, and hair in the back of the head must not extend below the base of the collar. Neatly trimmed mustaches are permitted provided they do not obscure the upper lip nor extend more than on-half inch beyond the corner of the mouth. Goatees, handlebar mustaches, and beards are not permitted. Women may not wear ponytails, braids, or buns, or very long hair. If longer than a man's hair, women's hair must be arranged in such a way that hats can be worn easily.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: DEPARTMENTAL ORGANIZATION
AND AUTHORITY

NUMBER: 1-3

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 11.1, 11.2, 11.3, 11.4,
11.5, 21.2, 21.3

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: organization; position descriptions; jurisdiction;
sergeant; chief of police; investigator; police
officer

I. POLICY:

The department is established by law (Code of Virginia, 15.1-137, 15.1-143.1) and "shall consist of a chief of police, such regular officers and employees as may be specified by the city/town manager. The police department shall be under the general supervision of the city/town manager. The chief of police shall be the chief executive of the police department, and he shall at all times enforce the rules and regulations for the government of the police prescribed by the city/town manager..." The chief of police reports directly to the town manager. Police officers are charged with enforcing the laws of the Commonwealth of Virginia and all the ordinances of the [your agency]. Jurisdiction of the police department is limited to the town boundaries, except when another department requests assistance, or when enforcing laws on property owned by the town, but outside its boundaries. The organization of the police department will support the effective and efficient accomplishment of departmental responsibilities and functions.

II. PURPOSE:

The purpose of this order is to describe the organization of the police department and to assign responsibilities, functions, and duties.

III. PROCEDURES

A. Organizational structure:

1. The chief of police is responsible for the direction of all activities of the department. This direction will be accomplished through written and oral orders, policy, directives, guidelines, and guidance as well as by personal leadership.
2. The department organizational structure includes persons to whom are assigned specific responsibilities which include activities directly related to carrying out or supporting the department's objectives.
3. The department shall consist of a police chief, sergeant, and as many police officers as determined by the town council are required to protect and serve the community.

B. Chain of Command:

The police chief has full control over department activities. In the absence of the police chief, the sergeant shall take command and notify the chief of all decisions that he may make. If the chief and sergeant are not available, the senior patrol officer shall be in charge until a ranking officer is available, and shall make any necessary reports to the chief.

C. Span of control:

For any major event in which all or most of departmental personnel will be on duty, plans for the event will clearly delineate the command and structure and consider span of control.

D. Authority and responsibility:

1. At every level within this department, personnel must be given the authority to make decisions necessary for the effective execution of their responsibilities.

2. Each departmental employee will be held fully accountable for the use of, or failure to use, delegated authority. Any employee who has any questions concerning his delegated authority should bring such questions to the attention of his supervisor or the chief of police for prompt resolution. Legal questions may be referred to the Commonwealth's Attorney.
3. Any gross improper use of authority or failure to accept authority will be reported through command channels as rapidly as possible.

E. Direction, obedience to orders:

The chief of police is the chief executive of the department. As such, the chief of police has full authority and responsibility for the management, direction and control of the operation and administration of the department. Both Code and policy define certain areas of operation and administration where the town manager or other officials have full responsibility or share responsibility with the chief of police, and must be complied with.

F. Grievances

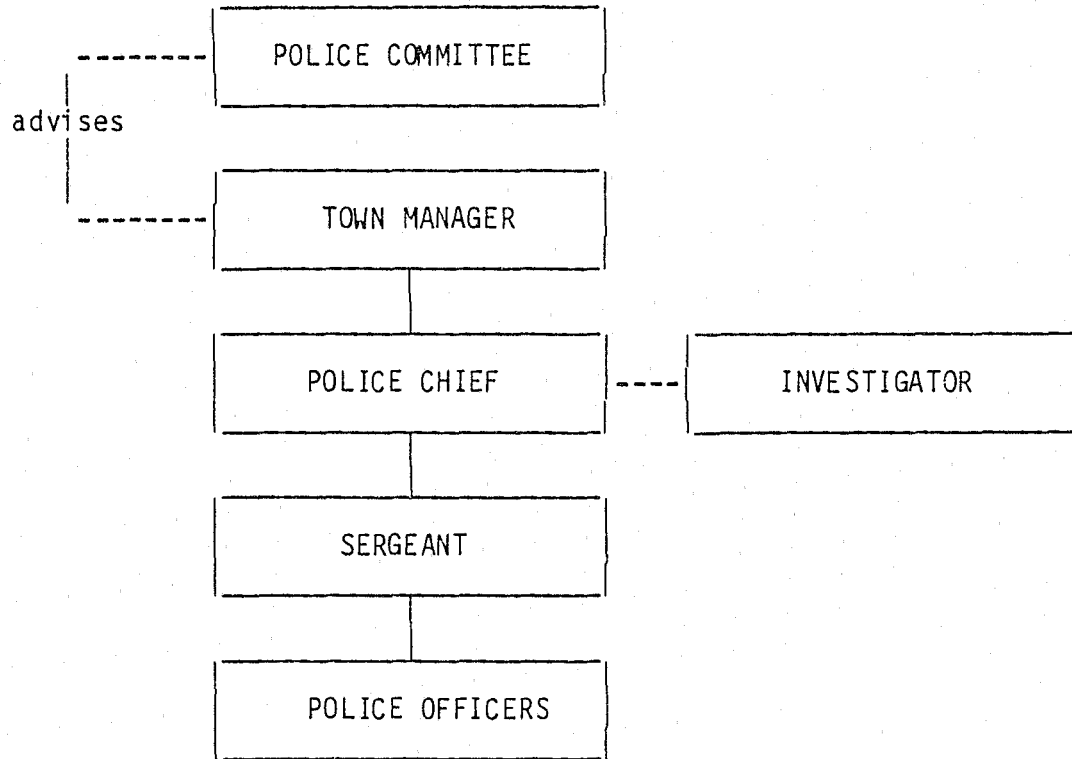
1. Department personnel with complaints against other police personnel except the chief of police must present such complaints to the chief of police. An officer dissatisfied with the decision of the chief of police may appeal to the town manager, appealing the case through the chief. Department personnel may not directly approach the town manager on any official matter without permission of the chief of police.
2. Complaints by department personnel against the chief of police must be presented in writing to the town manager. The complaint must simultaneously deliver a copy of the complaint to the chief of police.

G. Dispatchers

Dispatchers are employed by and under the direct control of [give agency]. A base radio station, however, will be maintained at the police office for dispatching, if necessary.

IV. ORGANIZATIONAL CHART

The following chart denotes chain of command and intradepartment relationships.



V. JOB DESCRIPTIONS

A. Chief of Police

1. Summary

The chief of police is the chief administrative officer of the department and the final authority in all matters of policy, operations, and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the department.

Through the chief of police the department is responsible for the enforcement of all laws coming within its legal jurisdiction. The chief of police is responsible for planning, directing, coordinating, controlling and staffing all activities of the department. He is also responsible for its continued and efficient operation, for the enforcement of rules and regulations within the department, for the completion and forwarding of such

reports as may be required by proper authority and for the department's relations with local citizens, the local government, and other related agencies.

The chief is responsible for training of all members of the department. The chief shall have general charge of the station house and all property of the police department.

2. General duties and responsibilities

- a. As necessary, recommends and makes recommendations for the adoption of new town or county ordinances or the amendment of existing ones.
- b. Supervises the maintenance of police vehicles and any other equipment needed for the operation of the department.
- c. Prepares periodic and special reports, and assures that adequate records are maintained of all department activities.
- d. Controls the expenditure of department appropriations and prepares annual budget estimates of needs.
- e. Plans and coordinates training of members of the police procedures, duties, and proper use of equipment.
- f. Cooperates with other law enforcement agencies in the apprehension and detention of wanted persons and with other agencies where activities of the police division are involved.
- g. Receives and disposes of complaints; attends civic club and school meetings to explain the activities and functions of the police department, and to establish favorable public relations.
- h. In consultation with the town superintendent, formulates policies and regulations governing activities of the police department.
- i. Ensures compliance with all laws which the department or its officers have the authority to enforce.
- j. Organizes, directs, and controls all resources of the department to preserve the peace, protect persons and property and enforce the law.

- k. Establish a routine of daily duties to be performed by officers. Designate an officer to serve as commanding officer in his absence.
- l. Assign, detail or transfer any member or employee of the department to or from any assignment whenever he shall deem such action to be in the best interest of the efficiency, discipline or morale of the department.
- m. Ensure that all members have copies of the department's police manual.
- n. Investigates all cases of alleged or apparent misconduct by department personnel.
- o. Keep himself informed of departmental affairs, ensuring that the duties and responsibilities of members and employees are properly discharged.
- p. Promulgate all general and special orders of the department and issue on his own authority orders, written and oral, consistent with his powers, duties, and responsibilities.
- q. Adopt a policy covering the safekeeping of all evidence and any property recovered, found or confiscated.
- r. Maintain a personnel record system in which shall be kept all pertinent information on all departmental members and employees.
- s. Due to the size of the department, the chief may perform the duties of a police officer and sergeant in enforcing the law.

3. Knowledge, skills and abilities:

Comprehensive knowledge of laws, rules, and court decisions relating to the administration of criminal justice and law enforcement; comprehensive knowledge of scientific methods of crime detection, criminal identification and radio communication; comprehensive knowledge of controlling laws and ordinances; thorough knowledge of the geography of the town; demonstrated ability to lead and direct the activities

of police officers; ability to maintain cooperative relationships with other town officials and with the general public; ability to evaluate the effectiveness of the police operation and to institute improvements; ability to prepare and review reports; resourcefulness and sound judgment in emergencies; demonstrated integrity; tact.

4. Education and Experience:

A high school degree, possession of a valid Virginia driver's license, current First Aid certification, plus extensive experience in a variety of law enforcement tasks and functions, coupled with supervisory experience.

B. Sergeant

1. Summary

The sergeant occupies the first level of supervision in the department. His primary responsibility is exacting the proper performance of police duty from patrol officers.

The sergeant is charged with ensuring compliance with the department's regulations. He handles all infractions and reports all violations to the chief of police.

He shall thoroughly acquaint himself with the duties of patrol officers and shall assist and instruct the officers under his supervision in the proper discharge of their duties.

He shall be responsible for the proficiency, discipline, conduct, appearance, and strict attention to duty of all officers.

2. General Duties and Responsibilities

- a. Assists the police chief in formulating policies and regulations for the department; serves as acting chief in the absence of the chief.
- b. Instructs and trains new police officers and assists them concerning difficult police problems and cases.
- c. Performs all work required of a police officer.
- d. Prepares reports on a variety of police department activities.
- e. Supervise patrol officers assigned to him.

- f. Be fully familiar with the current departmental rules, policies, procedures, and developments in the law that affect him and members under his supervision.
- g. Continuously review the performance of officers under his supervision to determine whether they are properly, effectively, and consistently carrying out their police duties.
- h. Ensure that when the police performance of an officer under his command is unsatisfactory, measures are taken through encouragement, explanation, referral to his superior officer or other means consistent with departmental policy to see that the officer's future conduct is up to standard.
- i. Submit a written report to the chief regarding any member of the department who commits a serious breach of the regulations of the department, or where informal corrective measures prove inadequate. Include in such report the complete details of the misconduct and of corrective measures attempted. Examples of types of misconduct which would ordinarily be considered "serious" include, but are not limited to the following:
 - (1) Flagrant refusal to obey orders.
 - (2) The commission of any criminal offense.
 - (3) Oral or physical abuse of a member of the public.
 - (4) Excessive use of force with a prisoner or other person.
 - (5) Absence without leave.
 - (6) Excessive tardiness.
 - (7) A conflict of interest.
 - (8) Failure amounting to negligence to discover or act upon a felony or upon the existence of conditions dangerous to the health or safety of the public.
 - (9) Repeated failure to respond to orders, instructions or other admonitions to correctly execute his duties.

- j. Implement all orders received from the chief. To this end thoroughly explain to departmental personnel under his command the content of new orders that affect their responsibilities.
- k. Be accountable for the actions or omissions of officers under his supervision which are contrary to departmental regulations or policy.
- l. Respond to emergencies, incidents, or dispatches as required. Take command of the situation until relieved by an officer of superior rank.
- m. Ensure that all patrol officers receive warrants, summonses, subpoenas or other official papers, and serve or deliver or perform their duties regarding such papers promptly and accurately.
- n. Perform such other duties as may be assigned by the chief.

3. Knowledge, Skills and Abilities:

Thorough knowledge of the rules and regulations of the department; thorough knowledge of approved principles, practices and procedures of police work; thorough knowledge of pertinent state laws, municipal ordinances and court decisions; thorough knowledge of the geography of the municipality and location of important buildings; ability to command respect of the officers and to assign, direct, and supervise their work; ability to deal with the public courteously and firmly and to establish and maintain satisfactory public relations; ability to analyze complex police problems and situations and to adopt quick, effective, and reasonable courses of action; skill in the use of firearms.

4. Education and Experience:

A high school degree, current Virginia driver's license, current First Aid certification, and a minimum of three years of police experience.

C. Investigator

1. Summary

Assignments received usually consist of specific cases to be followed to conclusion and normally close with the preparation

of a case for prosecution. This aspect of the work distinguishes the investigator from other police personnel who make preliminary investigations of cases at the scene of the crime. The investigator's position is non-supervisory and consists of general duties performed in conjunction with patrol duties. The investigator must use independent judgment and discretion, as direct supervision may not be available.

2. General Duties and Responsibilities:

- a. Investigate all assigned cases to the best of one's ability.
- b. Demonstrate skills in interviewing and interrogating, properly observing legal safeguards.
- c. Testify in various state and federal courts, presenting a professional, competent image of the department.
- d. Develop and maintain case files and other files or paperwork appropriate to investigative matters.
- e. Keep the chief of police informed about all investigative responsibilities.
- f. Maintain liaison with investigators of the State Police and other agencies on matters of mutual concern.
- g. Perform all duties required of police officers.
- h. Perform other duties as assigned.

3. Knowledge, Skills and Abilities:

Some knowledge of police investigative techniques and techniques of identification; general knowledge of rules of evidence and laws of search and seizure; general knowledge of geography of the municipality and important buildings; ability to analyze evidence; ability to question and interview skillfully; ability to organize and prepare clear and concise reports; skill in the use of firearms; possession of physical agility and endurance.

4. Education and Experience:

A high school degree, current Virginia driver's license, current First Aid certification, and a minimum of two years of police experience.

D. Police Officer

1. Summary

A police officer is responsible for the efficient performance of required duties conforming to the rules, regulations, and general orders contained herein. Duties shall consist of, but are not limited to, general police responsibilities necessary to the safety and good order of the community. A police officer shall:

- a. Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings.
- b. Reduce the opportunities for the commission of crime through preventive patrol and other measures.
- c. Aid people who are in danger of physical harm.
- d. Facilitate the movement of vehicular and pedestrian traffic.
- e. Identify problems that are potentially serious law enforcement or governmental problems.
- f. Create and maintain a feeling of security in the community.
- g. Promote and preserve the peace.
- h. Provide other emergency services.

The police officer position is non-supervisory. Police officer duties are performed on an assigned shift under the general guidance of the police chief or sergeant.

2. General duties and responsibilities

- a. Exercise authority consistent with the obligations imposed by the oath of office and be accountable to superior officers. Promptly obey legitimate orders. Where orders conflict, consult RR 1-2.3.
- b. Coordinate efforts with those of other members of the department so that teamwork may ensure continuity of purpose and achievement of police objectives.

- c. Communicate to superiors and to fellow officers all information obtained which is pertinent to the achievement of police objectives.
- d. Respond punctually to all assignments.
- e. Acquire and record information concerning events that have taken place since the last tour of duty.
- f. Record activity during tour of duty in the manner prescribed by proper authority.
- g. Maintain weapons and equipment in a functional, presentable condition.
- h. Assist citizens requesting assistance or information. Courteously explain any instance where jurisdiction does not lie with the police department and suggest other procedures to be followed.
- i. Be accountable for the securing, receipt, and proper transporting of all evidence and property coming into custody.
- j. Answer questions asked by the general public, counsel juveniles and adults when necessary and refer them to persons or agencies where they can obtain further assistance.
- k. Preserve the peace at public gatherings, neighborhood disputes, and family quarrels.
- l. Serve or deliver warrants, summonses, subpoenas, and other official papers promptly and accurately when so directed by a superior officer.
- m. Confer with court prosecutors and testify in court.
- n. Accomplish other general duties as they are assigned or become necessary.
- o. Perform such other duties as may be assigned by the chief.
- p. Cooperates with the efforts of other law enforcement agencies.

3. Specific duties and responsibilities - preventive patrol

a. Patrol an assigned area for general purposes of crime prevention and law enforcement. Patrol includes:

- (1) Being thoroughly familiar with the assigned route of patrol. Such familiarity includes knowledge of residents, merchants, businesses, roads, alleyways, paths, etc. Conditions that contribute to crime should be reported. The location of fire boxes, telephones and other emergency services should be noted.
- (2) Apprehending persons violating the law or wanted by the police.
- (3) Completing detailed reports on all crimes, vehicle accidents and other incidents requiring police attention. In cases where an arrest is made, an arrest report is submitted along with the required crime reports. When property is recovered or additional information is discovered pertaining to a previously reported offense, the officer completes an investigation report.
- (4) Preserving any serious crime scene until the sergeant or investigator arrives.
- (5) Public assembly checks.
- (6) Building security checks.
- (7) Observing and interrogating of suspicious persons.
- (8) Issuing traffic citations.
- (9) Being alert for and reporting fires.
- (10) Reporting street light and traffic signals out-of-order, street hazards and any conditions that endanger public safety.
- (11) Checking of schools, parks and playgrounds.
- (12) Responding to any public emergency.

- b. Conduct a thorough investigation of all offenses and incidents within the area of assignment and scope of activity. Collect evidence and record data which will aid in identification, apprehension, and prosecution of offenders, as well as the recovery of property.
- c. Be alert to the development of conditions tending to cause crime or indicative of criminal activity. Take preventive action to correct such conditions, and inform superiors as soon as the situation permits.
- d. Respond to situations brought to the officer's attention while in the course of routine patrol or when assigned by radio. Render first aid, when qualified, to persons who are seriously ill or injured. Assist persons needing police services.
- e. Remain on assigned route throughout the tour of duty except when a police emergency necessitates a temporary absence, or when the sergeant or senior police officer on duty or the dispatcher has issued authorization for a temporary absence.
- f. Patrol area giving particular attention to and frequently rechecking locations where the crime hazard is great. Insofar as possible, a patrol officer shall not patrol an area according to any fixed route or schedule, but shall alternate frequently and backtrack in order to be at the location least expected.
- g. Be alert for all nuisances, impediments, obstructions, defects or other conditions that might endanger or hinder the safety, health or convenience of the public within the patrol area.
- h. Concerning a patrol vehicle:
 - (1) See that it is well maintained mechanically and that it is kept clean both inside and out.
 - (2) Inspect the vehicle at the beginning of the tour of duty for any defects or missing equipment. Immediately report all defects and damages sustained to the vehicle to the proper authority and complete all reports and forms required by current procedures.

- (3) Remove the keys whenever the patrol car is left unattended for any reason.
 - (4) Use only vehicles assigned by the sergeant or senior police officer on duty.
 - (5) Operate the radio in line with FCC regulations and current departmental procedures.
 - (6) Ensure that the assigned vehicle's gas tank is full before completion of each tour of duty.
- i. Keep radio equipment in operation at all times and be thoroughly familiar with departmental policy concerning use of the radios.
 - j. Take measures to direct the flow of traffic in the area during periods of congestion.
 - k. Notify the sergeant or senior officer on duty if more than a temporary absence from regular duties is required.
4. Specific duties and responsibilities - traffic patrol
- a. Direct and expedite the flow of traffic at assigned intersections keeping in mind the duty as a traffic officer in preventing accidents, protecting pedestrians and ensuring the free flow of traffic.
 - b. Enforce the parking ordinances and motor vehicle laws in the patrol areas.
 - c. Be alert for traffic safety conditions which may endanger or inconvenience the public and report such conditions to the sergeant.
 - d. Respond immediately when called from a traffic post to render emergency police service. Notify the sergeant at the earliest possible opportunity.
 - e. Wear the prescribed traffic safety clothing and equipment.
5. Knowledge, Skills and Abilities:

Some knowledge of the philosophy, objectives and practices of counseling, particularly as related to juveniles; some knowledge of the fundamental principles of adolescent

psychology; some knowledge of police investigative techniques and techniques of identification; general knowledge of rules of evidence and laws of search and seizure; ability to deal effectively with juveniles and adults; ability to analyze evidence; ability to question and interview skillfully, ability to organize and prepare clear and concise oral and written reports; skill in the use of firearms; possession of physical ability and endurance; skill as a public speaker; ability to establish effective working relationships with juveniles, parents, school officials, fellow workers and the public.

6. Education and Experience:

High school degree, valid Virginia driver's license, responsible work experience.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: INSPECTIONS

NUMBER: 1-4

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 53.1, 53.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: inspection

I. POLICY

The chief of police is responsible for establishing and maintaining a system of inspection to obtain the information needed to direct the operation of the department. Although the ultimate responsibility of inspection and control rests with the chief, it is necessary that it be carried out continually at all levels of command and supervision.

The goal of inspection is operational efficiency and effectiveness. Although infractions discovered during the process of inspection should be handled according to policy and the particular circumstances, inspection should not be viewed as a disciplinary process: it should be a fair, impartial, and honest appraisal of efforts. The inspector should have a positive, constructive attitude and make every effort to instill respect for and understanding of the inspection process.

II. PURPOSE

To establish policy and procedures for continuous inspection of the police department's personnel, resources, and operational effectiveness.

III. PROCEDURES

A. Inspection objectives - The objectives of the inspection process include:

1. To learn whether a task is being performed as outlined and if procedures are being complied with.
2. To learn whether the anticipated results are being accomplished.
3. To discover whether department resources are being used to the best advantage.
4. To reveal the existence of needs.

B. Inspection responsibilities

1. Inspection should be an ongoing process conducted by those in direct command, i.e., those who have the authority to act or require immediate action of subordinates. Ongoing inspection is a duty of the sergeant and the chief of police.
2. Inspection responsibilities shall include personal inspection of employees, the equipment they use, how it is used and cared for, how employees perform their duties and the result of their efforts. Employees will respond immediately to correct deficiencies identified during inspections. Additionally, inspectors will recognize exemplary performance.
3. Inspections shall be made at intervals not to exceed six months.
4. The chief shall record the dates and results of each inspection. When appropriate, as a result of an investigation, the sergeant or the chief of police shall prepare any record of counseling or commendation.
5. The sergeant shall daily inspect officers and equipment.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: HIRING

NUMBER: 1-5

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 31.1, 31.6, 31.7, 22.3, 31.5,
32.1, 32.2, 32.3, 32.5, 32.6,
32.7, 42.2.14

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: hiring; personnel records; re-application; lateral entry; validity of selection procedures; adverse impact, probation; records

I. POLICY:

It is the policy of the [your agency] to obtain the best police officers possible. To that end, the department shall practice a regimented, rigorous selection procedure while simultaneously affording equal opportunity to everyone regardless of race, creed, color, sex, national origin, or age.

II. PURPOSE:

The purpose of this order is to outline minimum hiring requirements for police officers.

III. PROCEDURES:

A. The minimum qualifications that all applicants for the position of police officer must meet include:

1. Minimum age of 21.

2. Uncorrected vision of 20/40 or better in each eye, or correctable to 20/20.
3. Must pass a medical exam conducted by a physician.
4. High school graduate or equivalent.
5. Must pass a written examination.
6. Must pass a background investigation which includes a check of school records, credit history, inquiry as to character and reputation, health history, and a fingerprint-based criminal records check.
7. Must pass an interview.

Must meet any other standards set by law (15.1-131.8, 9-169 Code of Virginia) or by policy of the Criminal Justice Services Board.

(NOTE: Polygraph examinations shall not be required as part of the screening process because of the high rate of error associated with their use.)

- B. The applicant must perform the following:
1. Complete a written application and submit it to the chief of police.
 2. Arrange with the chief of police to take the written test and appear for an interview.
 3. Schedule a physical examination with a physician selected by the chief of police. The department shall pay for the physical examination.
- C. The officer assigned to investigate the applicant shall:
1. Obtain the applicant's driving record from DMV.
 2. Have applicant sign appropriate release forms.
 3. If applicant has recently lived outside [your county], request records checks through agencies in applicant's previous communities.
 4. Obtain references from applicant's current and past employers.
 5. Obtain NCIC/VCIN records check.

6. Conduct interviews of neighbors near applicant's residences over the past three years.
 7. Provide a complete background investigation file to the chief of police.
 8. Administer the written examination.
 - a. The written exam includes a reading/writing comprehensive component. The applicant must achieve a score no less than the minimum score established for the test. The department shall maintain documentation of the exam's validity, usability, and its having minimum adverse impact. The department shall maintain examination results.
 9. Present findings to the hiring committee.
- D. The chief of police shall:
1. Interview all applicants and make the final selection.
 2. Ensure that the applicant fully understands the selection process and the conditions and procedures for re-application.
 3. Make no appointment to the position of police officer until the background investigation has been completed.
 4. Ensure that the appointee understands job benefits, health plans, administrative matters concerning overtime and off-duty employment plus conditions of employment, pension, and disability.
- E. Re-application. Unsuccessful applicants may re-apply after 90 days from the date of last application if a vacancy exists.
- F. Lateral entry.
1. An already-commissioned police officer in another Virginia agency must still meet the criteria set forth above.
- G. Validity of selection procedures.
1. The department must be able to validate any selection criteria by showing proof that the process either will predict job performance or detect aspects of candidates' work behavior as related to the position of police officer. Validity can be determined through one or more of the following ways:

- a. Validity related to criteria: The selection procedure correlates written test scores with pre-determined criteria. A high correlation of the two demonstrates that the test scores predict job performance.
 - b. Validity related to construct: The selection procedure measures the degree to which the candidate has certain required traits or characteristics important in police work.
 - c. Validity related to content: The selection process is validated by showing that it represents actual job behavior.
2. Selection processes must also demonstrate utility. Utility refers to the practical value of a component of the selection process based on validity, selection ratio, number of candidates to be selected, and the nature of the job.
 3. The chief, in consultation with the town manager, shall review selection procedures for their validity and utility at least every two years.

H. Adverse Impact

1. Adverse impact refers to a selection procedure that works to the disadvantage of a racial or ethnic group, or of a sex.
 - a. Adverse impact, if any, in the selection process is measured by comparing the selection rate for each race, sex, or ethnicity with the highest selection rate obtained.
 - b. The department shall reduce adverse impact as much as possible.
 - c. Any records or data used to monitor adverse impact must be maintained on file.

I. Probation

All employees appointed shall be considered on probation for one (1) year from date of employment except in the case of police officers whose probationary year dates from graduation from a basic academy.

1. The date of employment for police officers shall never exceed 30 days before the beginning of a basic academy class to which the appointee shall attend. If the officer begins work before an academy, he shall perform non-police duties only, and will accompany experienced officers as an observer.
2. At the end of the probationary year, the chief shall write a performance evaluation in which he must rate the appointee at least a "3" in each category of performance (see RR 1-6). The chief reserves the right to extend the probationary period an extra 90 days because of an unsatisfactory rating. A second unsatisfactory rating, at the end of 90 days, in any category shall provide grounds for dismissal.
3. The work performance of each probationary employee will be evaluated using valid, non-discriminatory procedures.
4. Probationary employees who wish to protest their ratings have no grievance rights except to request an interview with the chief of police.

J. Records

1. The department shall maintain, for each employee, a personnel record, including all forms completed during the hiring process (background questionnaires, Freedom of Information Act releases, medical history), plus all evaluations, complaints, commendations, and assignments.
 - a. The chief of police shall maintain and control all personnel records.
 - b. Employees may review their records at any reasonable time upon request. The chief may release a record from file upon obtaining a signed receipt from the authorized person with a need to review it.
 - c. All personnel records are considered sensitive information available for review to supervisory or investigative personnel who have a need, as determined by the chief of police.
2. If the chief deems necessary to include derogatory information in a personnel file, he shall so notify the employee of the fact in writing. The employee

may protest the inclusion of such information in writing to the chief. Probationary employees have no right to protest in such matters.

- a. Grievances are discussed under RR 1-10.
3. Personnel records are permanent property of the department.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: PERFORMANCE EVALUATIONS

NUMBER: 1-6

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 35.1, 35.2, 35.3

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: performance evaluation; evaluation; scale value application

I. POLICY:

The department bears an obligation to the public and its own personnel to hire and maintain the best qualified police officers. To that end, the department regularly and formally evaluates the performance of officers and any other employees. The evaluation system discussed herein serves both the interests of management and the department's employees. The purposes of the evaluation system are to (1) allow fair and impartial personnel decisions; (2) maintain and improve performance; (3) provide a basis and a medium for personnel counseling; (4) assists decisions about the tenure of probationary employees; and (5) identify training needs.

II. PURPOSE:

The purpose of this order is to outline and describe the departmental evaluation process.

III. PROCEDURES:

A. General

1. All police officers shall be evaluated using the form located in the appendix to this order.

2. Evaluations reflect observations and perceptions by rating personnel, and are, therefore, inherently subjective. Nevertheless, personnel shall be rated according to their unacceptable, acceptable or superior behavior. Specific guidelines for rating behavior are found in the appendix to this order.
3. At the discretion of the chief of police, each officer shall be evaluated either every six months or annually. To constitute a satisfactory score, an officer must receive an overall 3.0 (or satisfactory). Officers who fail to receive an overall 3.0 shall be placed on probation for a period determined by the chief of police. Within a probation period, an officer shall receive remedial training in deficient areas, demonstrate proficiency (or satisfactory improvement) in deficient areas, the training and improved behavior documented on the evaluation form. During a probationary period for remedial training, an officer shall receive evaluations weekly or bi-weekly, at the chief's discretion.
4. All evaluations shall be placed in employees' personnel files.
5. All newly-hired officers in their probationary year shall if no significant deficiencies are observed, receive monthly written evaluations.
6. Officers promoted or transferred to new assignments shall receive evaluations at least every six months for the first year of assignment or promotion, or more often at the chief's discretion.
7. Police officers shall be formally evaluated by the sergeant; the sergeant and the investigator by the chief of police.
8. An officer who receives an unsatisfactory mark he or she perceives unjust, may protest same to the chief of police. The officer concerned must rebut the comments or marks in writing, submitted through the chain of command to the chief of police. In any case, final appeal extends to the town manager, in writing, through the chief of police.

B. Scale Value Application

1. The most difficult task facing the rater is applying the numerical scale which accompanies categories of behavior. Two rates might not apply the same numerical values to the person under evaluation. To reduce such differences, the appendix to this instruction clearly defines what constitutes unacceptable, acceptable, and superior behavior.

2. The philosophy of the evaluation form focuses on observations of demonstrated proficiency in behavior relevant to the job. Proficiency may be demonstrated in a variety of ways:
 - a. Performing the behavior in the field.
 - b. Performing the behavior in a role play, accompanied by written or oral testing.
 - c. Written or oral testing (for subjects not amenable to field demonstration).
3. Any numerical rating below 3 must be documented. Deficiencies in behavior must receive precise documentation. For example, an officer might receive a "1" (unacceptable) under category five, officer safety. In the comments section, the rater would write, "Officer consistently presents his gun to traffic violators and approaches stopped vehicles with objects in both hands."
4. The categories of behavior represent key areas of police behavior. The categories are aligned in four subjects: critical performance tasks, knowledge, attitude/relations, and appearance.

C. Evaluation of sergeant and detective and civilian employees.

1. Civilian employees shall be evaluated on forms used by the town office for the purpose.
2. The detective shall be evaluated using the same form as that for officers. Under "comments," the rater shall specifically refer to the rates, accomplishments, training, behavior as an investigator.
3. The sergeant shall be evaluated using the same form as that for officers. Under "comments," the chief of police shall refer to an attached page containing, in narrative reports, comments related to the sergeant's supervisory performance. The chief shall address, at a minimum, the following points:
 - a. Ability to instill in officers a high regard and respect for the rule of law, civil rights, and concern for victims.

- b. Ability to perceive performance weakness in his officers, conduct remedial training, and document improved proficiency.
- c. Command of patrol techniques, methods, and investigative procedures.
- d. Ability to reprimand, counsel, praise, or otherwise discipline his officers.
- e. Ability to take responsibility for the performance of his officers.

PERFORMANCE EVALUATION

Name _____
 Title _____
 Date of Evaluation _____
 Evaluation Period _____

Performance Ratings

Instructions: The evaluation should follow the below scale. Raters may comment on any observed behavior, but specific comments are required to justify ratings of "1" or "5."

Not Acceptable 1 2 Acceptable 3 4 Superior 5 Not Observed _____

CRITICAL PERFORMANCE TASKS

(1) Driving skills (stress conditions)	1	2	3	4	5	N.O. _____
(2) Driving skills (non-stress conditions)	1	2	3	4	5	N.O. _____
(3) Orientation skills (stress conditions)	1	2	3	4	5	N.O. _____
(4) Field performance (stress conditions)	1	2	3	4	5	N.O. _____
(5) Officer safety (general)	1	2	3	4	5	N.O. _____
(6) Officer safety (with suspicious persons and prisoners)	1	2	3	4	5	N.O. _____
(7) Control of conflict (voice command)	1	2	3	4	5	N.O. _____
(8) Control of conflict (physical skill)	1	2	3	4	5	N.O. _____
(9) Investigative procedures	1	2	3	4	5	N.O. _____
(10) Report writing (organization/details)	1	2	3	4	5	N.O. _____
(11) Proper form selection (accuracy/details)	1	2	3	4	5	N.O. _____
(12) Radio (listens and comprehends transmission)	1	2	3	4	5	N.O. _____
(13) Radio (articulation of transmissions)	1	2	3	4	5	N.O. _____
(14) Orientation skills (non-stress conditions)	1	2	3	4	5	N.O. _____
(15) Report writing (grammar/spelling/neatness)	1	2	3	4	5	N.O. _____
(16) Report writing (appropriate time used)	1	2	3	4	5	N.O. _____
(17) Field performance (non-stress conditions)	1	2	3	4	5	N.O. _____

(EVALUATION CONT'D)

Not
Acceptable 1 2 Acceptable 3 4 Superior 5 Not Observed _____

CRITICAL PERFORMANCE TASKS (cont'd)

- (17) Driving skills (stress conditions) 1 2 3 4 5 N.O. _____
- (18) Self-initiated activity 1 2 3 4 5 N.O. _____
- (19) Problem-solving/decision-making 1 2 3 4 5 N.O. _____

KNOWLEDGE

- (20) Knowledge of department rules and orders 1 2 3 4 5 N.O. _____
- (21) Knowledge of criminal law 1 2 3 4 5 N.O. _____
- (22) Knowledge of traffic law 1 2 3 4 5 N.O. _____

ATTITUDE/RELATIONS

- (23) Acceptance of feedback 1 2 3 4 5 N.O. _____
- (24) Relationship with citizens 1 2 3 4 5 N.O. _____
- (25) Relationship with co-workers/supervisors 1 2 3 4 5 N.O. _____
- (26) General demeanor 1 2 3 4 5 N.O. _____

APPEARANCE

- (28) General appearance 1 2 3 4 5 N.O. _____

Overall Score _____

COMMENTS

(COMMENTS CONT'D.)

Rating Authority _____

(PRINT NAME AND SIGN)

APPENDIX To RR 1-6
RATING SCALE VALUES

The task of evaluating and rating an officer trainee's performance shall be based on the following numerical scale value definitions. These definitions serve as a means of standardizing the evaluation process.

(1) DRIVING SKILLS: STRESS CONDITIONS

1. Unacceptable: Involved in accident(s), overuses red lights and siren, excessive and unnecessary speed, fails to slow for intersections or loses control on corners.
3. Acceptable: Maintains control of vehicle, evaluates driving situations and reacts properly, proper speed for conditions.
5. Superior: High degree of reflex ability and competence in driving skills, superior judgment shown in use of light and siren, and in speed control.

(2) DRIVING SKILLS: NON-STRESS CONDITIONS

1. Unacceptable: Continually violates Vehicle Code (red lights, speed, stop signs, etc.). Involved in chargeable accidents. Lacks dexterity and coordination during vehicle operation.
3. Acceptable: Able to maintain control of vehicle while being alert to activity outside vehicle. Practices good defensive driving techniques.
5. Superior: Sets good examples of lawful, courteous driving while exhibiting good manipulative skill required of an officer, i.e.: operate radio, use street index, etc.

(3) ORIENTATION SKILL: STRESS CONDITIONS

1. Unacceptable; Becomes disoriented when responding to stressful situations. Is unable to relate his/her location to their destination. Unable to use map under stress. Unable to determine compass directions during stressful situation.
3. Acceptable: Aware of his/her location. Able to use map effectively under stress. Demonstrates good sense of direction when responding to stressful situations.
5. Superior: Always responds quickly to stressful calls by the most appropriate route. Does not have to refer to map. Does not become disoriented during stressful situations.

(4) OFFICER SAFETY: GENERAL

1. Unacceptable: Frequent fails to exercise officer safety, ie:
 - a. Exposes weapons (baton, handgun, etc) to suspect.
 - b. Fails to keep gun hand free during enforcement situations.
 - c. Stands directly in front of violator's car door.
 - d. Fails to control suspect's movements.
 - e. Does not maintain sight of violator while writing citation.
 - f. Failure to use illumination when necessary.
 - g. Fails to advise radio when leaving vehicle.
 - h. Fails to maintain good physical condition.
 - i. Fails to use and/or maintain personal safety equipment properly.
 - j. Does not foresee potentially dangerous situations.
 - k. Points weapon at other officers.
 - l. Stands too close to vehicular traffic.
 - m. Stands in front of door when knocking.
 - n. Fails to have weapon ready when appropriate.
 - o. Fails to cover other officers.
 - p. Fails to search police vehicle before duty or after transporting prisoners.
Fails to check equipment.
 - q. Fails to properly search and/or handcuff prisoners.
3. Acceptable: Understands principles of officer safety and generally applies them.
5. Superior: Always maintains position of safety and advantage. Does not become paranoid, over-cautious or overconfident.

(6) OFFICER SAFETY: WITH SUSPICIOUS PERSONS AND PRISONERS

1. Unacceptable: Frequently violates officer safety standards. Fails to "pat search" or confronts suspicious persons while seated in patrol vehicle. Fails to handcuff prisoners. Fails to thoroughly search prisoners and/or vehicles. Fails to maintain position of advantage with prisoners.
3. Acceptable: Generally displays awareness of potential danger from suspicious persons and prisoners. Maintains position of advantage.
5. Superior: Always maintains position of advantage and is alert to changing conditions.

(7) CONTROL OF CONFLICT: VOICE COMMAND

1. Unacceptable: Improper voice inflection, i.e.: too soft, too loud, indecisive, confused commands, etc. Few problems resolved as result of officer's oral direction.
3. Acceptable: Speaks with authority in a calm, clear voice.
5. Superior: Always appears to be in complete command through voice tone and bearing.

(8) CONTROL OF CONFLICT: PHYSICAL SKILL

1. Unacceptable: Cowardly, physically unable to handle most situations, or uses too much or too little force for given situations.
3. Acceptable: Maintains control without excessive force. Maintains self in good physical condition.
5. Superior: Excellent knowledge of and ability to use restraining holds. Always ready to use necessary force. Maintains above average physical condition.

(9) INVESTIGATIVE PROCEDURES

1. Unacceptable: Does not plan an investigative strategy. Cannot define investigative goals, ie: successful prosecution, arrest, recovery of property, development of informants. Leaves out important steps in investigations. Fails to connect legal and departmental guidelines while conducting investigation. Cannot coordinate aspects of the investigation, i.e.: interviews, searches, field notetaking, reports, etc.
3. Acceptable: Maintains command of a crime scene. Able to assess the requirements of the situation concerning collection and preservation of evidence, interviews and interrogations. Undertakes most of these functions with little or no direction.
5. Superior: Requires no supervising in organizing and undertaking an investigation. Identifies all possible sources of physical evidence. Identifies all potential witnesses and victims. Conducts complete interview. Uses time efficiently.

REPORT WRITING: ORGANIZATION AND DETAILS

1. Unacceptable: Totally incapable of organizing events into written form. Leaves out many important details. Puts in inappropriate information. Much of the work will have to be redone.
3. Acceptable: Converts field events into a logical sequence of thought to include all elements of the situation. The narrative leaves the reader with a good understanding of what took place.
5. Superior: A complete and detailed account of what occurred from beginning to end. Written and organized so that any reader has a clear understanding of what occurred. Full consideration is given to the needs of investigator/prosecutor.

(11) PROPER FORM SELECTION: ACCURACY AND DETAILS

1. Unacceptable: Unable to determine proper form for given situation. Forms filled out incorrectly or incomplete.
3. Acceptable: Knows most standard forms and understands format. Completes forms with reasonable accuracy.
5. Superior: Consistently and rapidly completes detailed forms with no assistance. High degree of accuracy.

(12) RADIO: LISTENS AND COMPREHENDS TRANSMISSIONS

1. Unacceptable: Repeatedly misses call sign and is unaware of radio traffic in adjoining beats. Frequently has to ask radio to repeat transmissions or does not understand message.
3. Acceptable: Copies most radio transmissions directed at him/her. Generally aware of adjoining beat radio traffic.
5. Superior: Always comprehends radio transmissions and makes a written record. Always aware of and reacts to radio traffic in adjoining beats.

(13) RADIO: ARTICULATION OF TRANSMISSIONS

1. Unacceptable; Does not plan before transmitting message. Under or over modulation; resulting in dispatcher or other units constantly asking for a repeat.
3. Acceptable: Uses proper procedure with short, clear, concise transmissions.
5. Superior: Always uses proper procedure with clear, calm voice; even under stress conditions.

(14) ORIENTATION SKILL: NON-STRESS CONDITIONS

1. Unacceptable: Unaware of his/her location while on patrol. Unable to relate location to destination. Not familiar with beat structure.
3. Acceptable: Reasonable knowledge of his/her location in most situations. Can quickly use street index to find streets and then use map to get to location.
5. Superior: Remembers street locations. Is able to get to destination without referring to street index or town map.

(15) REPORT WRITING: GRAMMAR/SPELLING/NEATNESS

1. Unacceptable: Illegible, misspelled words, incomplete sentence structure.
3. Acceptable: Grammar, spelling, and neatness are satisfactory in that errors are rare and do not impair understanding.
5. Superior: Very neat and legible. No spelling mistakes and excellent grammar.

(16) REPORT WRITING: APPROPRIATE TIME USED

1. Unacceptable: Requires 2-3 hours to correctly complete a basic simple report.
3. Acceptable: Correctly completes simple basic reports in thirty minutes.
5. Superior: Correctly completes simple basic reports in no more time than that of a skilled veteran officer. (Depending on the type of report, the time will vary)

FIELD PERFORMANCE: NON-STRESS CONDITIONS

1. Unacceptable: Confused and disoriented as to what action should be taken in a given situation. Numerous specific examples of bad judgment can be shown.

Acceptable: Able to assess situation and take proper action.

Superior: Requires no assistance and always takes proper action.
Excellent field judgment.

(18) SELF-INITIATED ACTIVITY

1. Unacceptable: Does not see and/or avoids activity. Does not follow-up on situations, rationalizes suspicious circumstances. Gets involved inappropriately too often. Ignores departmentally defined problems.

3. Acceptable: Recognizes and identifies suspected criminal activity. Makes cases from routine activity.

5. Superior: Catalogs, maintains, and uses information given at briefings and from bulletins or crime reports for reasonable cause to stop persons or vehicles. Make good quality arrests. Shows balance in type and extent of self-initiated activity.

(19) PROBLEM SOLVING/DECISION-MAKING ABILITY

1. Unacceptable. Acts without thought or is indecisive. Relies on others to make decisions. Numerous examples of bad decisions, or indecision, can be shown.

3. Acceptable: Is able to reason out problems and relate them to what he/she was taught. Has good perception and ability to make own decisions.

5. Superior: Excellent perception in foreseeing problems and arriving at advanced decisions. Makes timely, good quality decisions.

(20) KNOWLEDGE OF DEPARTMENTAL RULES AND PROCEDURES

1. Unacceptable: Has no knowledge of departmental rules, procedures and orders. Makes no attempt to learn them. Frequent violations of rules, procedures, and orders.

3. Acceptable: Familiar with most commonly applied rules and procedures, and is able to apply them to most field situations.

5. Superior: Exceptional working knowledge of rules, procedures, and orders.

(21) KNOWLEDGE OF CRIMINAL LAW

1. Unacceptable: Does not know elements of basic sections. Reports and performance continually show inability to apply criminal law to field situations.

3. Acceptable: Has a working knowledge of commonly used sections of code. Relates elements to observed criminal behavior.

5. Superior: Outstanding knowledge of criminal law. Is able to apply laws to normal and unusual criminal activity.

(22) KNOWLEDGE OF TRAFFIC LAW

1. Unacceptable: Does not know the elements of basic sections. Reports or actions continually show inability to apply vehicle code to field situations.
3. Acceptability: Has a working knowledge of commonly used sections of code. Relates elements to observed traffic related activity.
5. Superior: Outstanding knowledge of vehicle code. Is able to apply laws to normal and unusual traffic related activity.

(23) ACCEPTANCE OF FEEDBACK: VERBAL/BEHAVIOR

1. Unacceptable: Argumentative, rationalizes, refuses to admit mistakes, refuses to make corrections. Always considers feedback negative.
3. Acceptable: Accepts criticism in positive manner and applies it to further learning process. Accepts responsibility for his/her mistakes.
5. Superior: Solicits feedback and criticism in order to improve performance. Never argues or blames others.

(24) RELATIONSHIP WITH CITIZENS

1. Unacceptable: Abrupt, belligerent, overbearing, officious, introverted and or uncommunicative.
3. Acceptable: Courteous, friendly, and empathetic. Communicates in a professional and unbiased manner.
5. Superior: Establishes rapport and is always fair.

(25) RELATIONSHIPS WITH SUPERVISORS, CO-WORKERS

1. Unacceptable: Constantly argues with other officers or other superior officers. Belittles other officers or supervisors in front of other people. Fails to adhere to chain of command. Insubordinate.
3. Acceptable: Is able to establish a good relationship with other officers and supervisors. Understands and adheres to chain of command. Respects other officers.
5. Superior: Establishes excellent relationships with other officers and supervisors. Possesses thorough understanding of chain of command, and adheres to it. Utmost respect shown to superior officers and peers as well.

(26) GENERAL Demeanor

1. Unacceptable: Officer cannot be depended upon to produce routine work without close supervision; does not readily adapt to new situations, work hours, changing assignments. Is tardy, complains about assignments, days off, duties.
3. Acceptable: Officer generally displays initiative, interest in the job, willingness to take on new challenges or schedule changes. Dependable.
5. Superior: Attentive beyond requirements of job; constantly analyzes own work performance and devises and tries new approaches to problems. Consistently outstanding overall performance. High interest in welfare and image of department. Exemplary.

(27) GENERAL APPEARANCE

1. Unacceptable: Overweight, dirty shoes, uniforms and leather. Long unkept hair. Offensive body odor.
3. Acceptable: Neat, clean and well pressed uniform. Cleaned and shined shoes and leather. Well groomed hair.
5. Superior: Tailored uniforms, spit-shined shoes and leather. Command bearing.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: EMPLOYEE DISCIPLINE

NUMBER: 1-7

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 26.1

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: discipline; relief from duty; penalties; reprimands, oral and written; counseling; training; demotion; supervision; dismissal; punishments; reporting arrests; offense categories; probationary employees; sexual harassment; discipline checklist

I. POLICY:

It is the department's policy to impose disciplinary action fairly and impartially and to offer adequate appeal procedures to ensure that the rights of employees are protected.

Discipline is a process of imposing formal sanctions which will help train or develop an employee, preferably through constructive rather than punitive measures. Discipline in the department involves reward of employees, training, counseling, and as a last resort, punitive action.

II. PURPOSE:

The purpose of this order is to establish procedures concerning informal and formal disciplinary practices within the department.

III. DEFINITIONS:

A. Days: The term "days," as used herein, shall mean calendar days provided, however, that if the last day of any time period mentioned herein is a Saturday, Sunday, or holiday, the time period shall be extended to the next day.

- B. Relief from duty: An administrative action by a superior, whereby a subordinate officer is temporarily relieved from performing his or her duties.
- C. Discipline: A method of training or developing an employee by proper supervision and instruction. Discipline may be positive (awards) or negative (punishment).

IV. PROCEDURES:

A. Positive discipline

Positive discipline is oriented towards seeking voluntary compliance with established policies, procedures, orders. Methods of positive discipline include:

1. Recognition of excellent job performance through rewards or awards.
 - a. When positive feedback concerning an employee's performance is received from people outside the department, the person who receives the information shall make a record of the comments which will be passed to the employee and the employee's supervisor. Normally, when the chief receives positive comments about an employee, he will write an acknowledgement thanking the citizen. Copies of the citizen's statement and the chief's response are sent to the officer involved, the supervisor and, if a significant action, a copy of all correspondence is placed in the employee's personnel file.
 - b. Truly exceptional acts should be clearly and promptly identified to the chief of police. Such acts may be the basis for special awards or for special recognition by citizen-community groups or media coverage.

2. Discussion and Counseling

3. Training

B. Consistency in discipline

The department abides by the philosophy that discipline must be applied consistently and uniformly. RR 1-9 describes complaint procedures against department employees, whereas this order provides discussion of employee recognition and penalties for various infractions.

1. The department does not provide employees with lists of specifically prohibited behavior. One list of examples of such behavior appears in RR 1-2, but no list can be all-inclusive. Employees are expected to have a reasonable perception of what constitutes proper behavior, based on academy training and the observance of the behavior of officers generally.
- C. Relief from duty shall be imposed whenever a supervisor, whether the chief of police, sergeant, or senior police officer, questions an employee's physical or psychological fitness for duty. An internal affairs investigation may follow.
1. The sergeant or senior police officer has authority to relieve an employee from duty, but must promptly report such action to the chief of police, accompanied by a written report setting forth details and circumstances.
 2. If the necessity to relieve from duty is not immediate, the behavior or actions of the employee shall be deemed a matter of internal affairs. In an internal affairs investigation, the chief of police solely may relieve from duty an employee. Only the chief of police, under consultation with the town manager, may suspend without pay a police officer whose continued presence on the job constitutes a substantial and immediate threat to the welfare of the department, the public, or to himself (Virginia Code 2.1-116.6).
 3. An officer who refuses to obey a direct order in conformance with the department's rules, regulations, and orders may be relieved from duty by the sergeant or senior police officer, who may recommend suspension to the chief of police. The chief, in consultation with the town manager, may then suspend without pay (Virginia Code 2.1-116.6).
- D. Penalties - The following penalties are available:
1. Oral reprimand; counseling and training
 2. Written reprimand
 3. Demotion or suspension without pay
 4. Dismissal from department
- E. Oral reprimand; counseling and training:
- Oral reprimands, while informal, require documentation with an employee's acknowledgment of such record. The following steps shall be observed:

1. At the time of an oral reprimand, the employee receiving it shall be counseled as to correct behavior, and further advised that a written record shall be maintained concerning the reprimand/counseling, and that the employee may read the record.
2. The employee shall be further advised that he or she has the right to file a statement in his or her personnel file setting forth his or her position, in case of disagreement.
3. The reprimanding superior shall record the reprimand/counseling in a memorandum to the personnel record containing the following information:
 - a. Employee's name
 - b. Date of reprimand/counseling
 - c. Summary of reasons for reprimand/counseling
 - d. Summary of employee's response
 - e. Suggestions for improvement or specific actions suggested
 - f. Name of counselor and signature
 - g. The following statement must appear:

"I acknowledge that I have today received counseling and I have been advised of the following rights: (1) that a written record of reprimand/counseling shall be maintained; (2) that the employee has a right to review the record and respond in writing; (3) that the form shall become part of the personnel file; and (4) that the employee is required to acknowledge the reprimand/counseling by signing the record."
 - h. The employee shall sign and date the form following statement.
4. The oral reprimand/counseling may involve remedial training. Such training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance of basic academy classes, in-service, or other training specially created to accomplish the department's recommended employee actions to correct or modify behavior. Remedial training is reasonably offered until the employee can demonstrate proficiency in the corrected behavior. All training shall be documented.

5. If the employee has not behaved improperly following counseling for one year, the record of counseling shall be expunged from the employee's personnel file. Accumulation of three oral reprimands in one year shall result in a written reprimand or suspension, depending on circumstances.
6. Supervisors are expected to counsel employees regularly without oral reprimands. Most counseling is informal, positive, supportive, and perhaps undocumented.
 - a. Supervisors are responsible to counsel employees concerning job-related matters, within their capabilities. Many things can affect the job and an employee's performance, so job-related counseling may involve family and other individual, personal subjects. Counseling may include identification of unacceptable behaviors or actions, specifically what was done wrong, what the desired or acceptable performance is; counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance or to solve the problem.
 - b. A variety of counseling resources are available within the community including psychological, family, marital, and financial counseling. Employees in need of counseling, or desiring information about available resources, are encouraged to talk with the chief of police. The department recognizes that no stigma is attached to seeking professional counseling to solve problems.

F. Written reprimand:

A written reprimand, issued by the chief of police, cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the department, and specifies the penalty in case of recurrent poor behavior. A written reprimand becomes a permanent part of the employee's personnel record.

1. An employee may appeal a written reprimand in writing within ten days of its receipt. If the chief of police sustains the reprimand in such an event, the employee may appeal the reprimand to the town manager who shall be the final arbiter.

G. Demotion or suspension without pay:

If the situation warrants, the chief of police, in consultation with the town manager, may demote an employee or suspend without pay, measures normally considered coequal.

1. Suspensions without pay will normally apply to a period of up to 15 days, as determined by the chief of police and town manager.
2. If an employee shall become a candidate for suspension a second time within one year after the first suspension, the employee shall be dismissed.
3. Suspensions resulting from criminal investigations may be prolonged beyond 15 days pending court action.
 - a. In no case shall an employee convicted of a felony continue to work for the department.
 - b. If an employee is acquitted of criminal charges, the employee may yet be disciplined, at the discretion of the chief of police, or reinstated with full or partial back pay.
4. Any member suspended for a period five days or longer shall return all department-owned property to the chief of police. On any suspension, the officer must return to the chief his or her badge, identification card, and issued firearm.
5. During a suspension, the employee shall not undertake any official duties.
6. Demotion shall be to the next lowest rank. Demotion shall only apply to the sergeant or senior police officer.
7. An employee may protest a suspension within five days of notice of suspension. An employee may appeal a suspension through the chief of police to the town manager and the police committee, whose decision is final. The police committee shall conduct a hearing in accordance with Virginia Code 2.1-116.7.
8. The town manager may reinstate a suspended employee at any time, with back pay, benefits, and original rank or position.

H. Dismissal:

Dismissals are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.

1. Employees may protest or appeal a dismissal within fifteen days of receipt of notice, and may appeal in accordance with the procedure outlined under paragraph E. 7 above, in accordance with Virginia Code 2.1-116.5.
2. Whenever dismissal or suspension is contemplated, the department shall provide notice to the employee in accordance with Virginia Code 2.1-116.4.

I. Reporting arrests:

Any employee arrested for, charged with, or convicted of any crime, or required to appear as a defendant in any criminal or civil proceedings, must so inform the chief of police in writing as soon as possible. Employees do not have to report parking tickets or minor traffic offenses. Employees must report citations or arrests for reckless driving, DUI, second or more violations for speeding, or any other traffic offenses with penalties over \$25.00. Failure to notify the department of the foregoing shall be cause for punishment.

V. INFRACTIONS AND PUNISHMENTS

- A. Except for gross breaches of discipline, supervisors should attempt to begin employee discipline with the least punitive measures. If these do not work, then increasingly more severe measures may be required. While this process may take some time, it is important that each employee be dealt with justly, and in a manner which clearly indicates that positive, constructive measures to change behavior or performance preceded the imposition of more negative sanctions.
- B. Employees are reminded that all appeals are governed by law, as specified under the Law Enforcement Officers' Procedural Guarantees fo the Virginia Code 2.1-116.1.
- C. Unacceptable conduct is divided into three categories according to severity of misbehavior.

1. Category I.

Examples:

- a. Examine absences, tardiness
- b. Abuse of duty time (too much time away from established duties; too much time for personal business)
- c. Abusive or obscene language
- d. Inadequate or unsatisfactory job performance
- e. Disruptive behavior

Category I offenses are of minor severity yet require correction in the interest of maintaining a productive and well managed department.

Category I offenses normally result, in the first offense, in informal measures such as counseling, or perhaps by oral reprimand/formal counseling. Three Category I offenses in one year results in a written reprimand or suspension of up to five days. A fourth instance in one year shall provide grounds for longer suspension or dismissal.

2. Category II.

Examples:

- a. Failure to follow supervisor's instructions, perform assigned work, or otherwise comply with policy.
- b. Violating safety rules without a threat to life.
- c. Unauthorized time away from work assignments without permission during duty hours.
- d. Failure to report to work without proper notice to a supervisor.
- e. Unauthorized use or misuse of department property.
- f. Refusal to work overtime.

Category II offenses include more severe acts and misbehavior.

Category II offenses normally result, on the first instance, in issuance of or written reprimand. A subsequent infraction within two years shall result in suspension of up to ten days or demotion or dismissal.

3. Category III.

Examples:

- a. Absence in excess of three days without notice to a superior.
- b. Use of alcohol or unlawful possession or use of a controlled substance while on duty.
- c. Reporting to work under the influence or when ability is impaired by alcohol or the unlawful use of controlled substances.
- d. Insubordination or serious breach of discipline.
- e. Falsification of any reports such as, but not limited to, vouchers, official reports, time records, leave records, or knowingly make any false official statement.
- f. Willfully or negligently damage or destroy town property.
- g. Theft or unauthorized removal of departmental records or town or employee property.
- h. Gambling on town/county property.
- i. Acts of physical violence or fighting (except official police actions).
- j. Violating safety rules where there is a threat to life.
- k. Sleeping on duty.
- l. Participating in any kind of work slowdown or sitdown or any other concerted interference with town/county operations.
- m. Unauthorized possession or use of firearms, dangerous weapons, or explosives.
- n. Threatening or coercing employees or supervisors.

- o. Criminal convictions for acts of conduct occurring on or off the job which are plainly related to job performance or are of such that to continue the employee in the assigned position could constitute negligence in regard to the agency's duties to the public.
- p. Failure to take physical or mental examination as required. The chief of police may require mental or physical examinations of a member or employee by a designated psychiatrist, psychologist, or physician when, in the chief's estimation, it is in the best interest of the member, employee, or the department.
- q. Using public office for private gain.
- r. Engaging in criminal conduct on or off the job.
- s. Engaging in dishonest or immoral conduct that undermines the effectiveness of the agency's activities or employee performance, whether on or off the job.
- t. Willful disobedience of a lawful command of a supervisor.
- u. Disclosure of confidential information to any person except those who may be entitled to such information.
- v. Taking any action which will impair the efficiency or reputation of the department, its members, or employees.
- w. Acceptance of any bribe, gift, token, money, or other things of value intended as an inducement to perform or refrain from performing any official act, or any action of extortion or other means of obtaining money or anything of value through his position.
- x. Manifesting cowardice, feigning illness, or otherwise attempting to shirk official duty.
- y. Involvement in any compromise between persons accused of crime and the person or persons who may have suffered from criminal acts with the purpose of allowing the accused to escape punishment.

- z. Failure to answer questions specifically directed and related to official duties or job fitness. (Unless criminal prosecution is contemplated.)
- aa. The use of unnecessary force during an arrest/custody procedure.
- bb. Deviation from established procedures in the disposition of summons or arrest cases.

Category III offenses include acts of such severity as to merit suspension or dismissal at a single occurrence. Category III offenses may be punished by suspension for 15 days (or longer, with approval of the town manager) or dismissal.

D. Probationary Employees

Probationary employees shall be dismissed, suspended, or otherwise disciplined according to the foregoing. The only difference is that a probationary employee has no right of appeal.

1. In the case of a dismissed probationary employee, the official record will merely indicate that the person was dismissed during probationary employment.

E. Sexual Harassment and Other Discrimination

Employees found to have engaged in discrimination on the basis of race, color, religion, national origin, political affiliation, handicap, age, or sex (including sexual harassment) may be counseled or disciplined with either a Category I, II, or III Offense, depending upon the specific facts and circumstances surrounding the incident.

1. Sexual harassment is defined in RR 1-8.

F. Discipline Checklist

The following checklist, from the Management Kit of the American Management Association, should be used by supervisors to help analyze the employee misbehavior and offer correction.

1. Have I secured the necessary facts?
 - a. Did the employee have an opportunity to tell fully his side of the story?

- b. Did I check with the employee's immediate supervisor?
 - c. Did I investigate all other sources of information?
 - d. Did I hold my interview privately in order to avoid embarrassing the interested employee or employees?
 - e. Did I exert every possible effort to verify the information?
 - f. Did I check the employee's personnel folder to look at his past record?
2. Have I considered all the facts in deciding upon the disciplinary measure?
- a. Have I found out what has been done in similar cases in my department?
 - b. Have I found out what has been done in similar cases in other departments?
 - c. Have I shown any discrimination toward an individual or group?
 - d. Have I let personalities affect my decision?
 - e. Does the measure fit the violation?
 - f. Will the measure prevent a recurrence?
 - g. Will the measure maintain morale?
 - h. Will the measure encourage the employee's initiative?
 - i. Will the measure create a desire on the part of the employee to do what is right?
 - j. Have I checked this decision with my immediate supervisor?
3. Have I administered the corrective measure in the proper manner?
- a. Did I consider whether it should be done individually or collectively?
 - b. Am I prepared to explain to the employee why the action is necessary?

- (1) The effect of the violation on the company, fellow employees, and himself.
 - (2) To help him improve his efficiency and also that of the department.
- c. Am I prepared to tell him how he can prevent a similar offense in the future?
 - d. Am I prepared to deal with any resentment he might show?
 - e. Have I filled out a personnel folder memo to be signed by the employee?
4. Have I made the necessary follow-up?
- a. Has the measure had the desired effect on the employee?
 - b. Have I done everything possible to overcome any resentment?
 - c. Is the employee convinced that the action was for his best interest?
 - d. Have I endeavored to compliment him on his good work?
 - e. Has the action had the desired effects on other employees in the department?

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: SEXUAL HARASSMENT

NUMBER: 1-8

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 52.2, 26.1

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: sexual harassment; discrimination

I. POLICY:

The department's policy is to provide a professional, businesslike work environment free from all forms of employee discrimination including incidents of sexual harassment. No employee shall be subjected to unsolicited and unwelcomed sexual overtures or conduct either verbal or physical. Sexual harassment will be treated as misconduct with appropriate disciplinary sanctions.

II. PURPOSE:

To establish department policy concerning allegations of sexual harassment, describe reporting procedures, and define the term.

III. DEFINITIONS:

A. Per Title VII of the Civil Rights Act of 1964, sexual harassment is defined as the deliberate or repeated behavior of a sexual nature by one employee to another that is unwelcomed, unasked for or rebuked by the other employee. The behavior can be verbal or physical. Examples of sexual harassment could include, but are not limited to, the following:

1. Sexual comments of a provocative or suggestive nature;
2. Jokes or innuendos intended for and directed to another employee;

4. Creating an intimidating, hostile, or offensive working environment; and
5. Making acceptance of unwelcomed sexual conduct or advances or requests for sexual favors of any nature a condition of continued employment.

IV. PROCEDURES:

- A. An employee who believes he or she has been sexually harassed shall contact the immediate supervisor. The employee shall submit a memorandum to the chief of police, through the chain of command, detailing circumstances.
- B. Employees shall report all allegations of sexual harassment immediately. Such reports will initiate a confidential internal investigations.
- C. If the situation warrants, the chief of police shall report such allegations to the town manager without delay.
 1. The chief of police shall immediately take action to limit the concerned employees from any further work contact.

Warning Concerning the Use of the Polygraph

RR 1-9 contains a section on the use of a polygraph for internal investigative purposes. Users of this manual will note that the polygraph is used for internal investigations only, and not as part of screening applicants. Readers may wish to obtain legal advice on the use of polygraphs: as this manual goes to press, several organizations lobby Congress to forbid polygraph use by private businesses. Many law enforcement experts, however, continue to laud polygraphs. Law enforcement executives, however, in order to make informed decisions about the use of polygraphs, should understand some facts:

--In 1983, the Office of Technology Assessment (a federal institution) concluded in a study of polygraphs, "available research evidence does not establish the scientific validity of the polygraph test for personnel security screening."

--Both the American Psychological Association and the American Medical Association have stated on record that polygraph testing still produces unreliable results and should therefore receive legislative restrictions.

Based on evidence of unreliability, the Senate Judiciary Subcommittee, in the 1970's, concluded, "Compulsory submission to a polygraph test is an affront to the integrity of the human personality that is unconscionable in a society which values the retention of individual's privacy." While the Subcommittee examined polygraph use in private business, an American Civil Liberties Union statement to the U.S. Senate (1987) stated, "The so-called 'lie detector' is really a 'stress detector' and a polygraph examiner has no scientific basis for distinguishing the stress that may indicate deception from any other stress, including fear, anger, humiliation, or frustration regarding the polygraph test itself."

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: COMPLAINTS AGAINST POLICE
PERSONNEL

NUMBER: 1-9

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 52.1, 52.2, 52.3

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: complaint; internal investigations; medical/laboratory examinations of employees; lineups, photographs of employees; financial disclosure statements; polygraph; due process; board of inquiry, criminal misconduct

I. POLICY

The image of the department depends on the personal integrity and discipline of all departmental employees. To a large degree, the public image of this department is determined by the professional response of the department to allegations of misconduct against it or its employees. The department must competently and professionally investigate all allegations of misfeasance, malfeasance, nonfeasance by employees and complaints bearing on the department's response to community needs.

II. PURPOSE

To describe procedures for making complaints against department personnel, for investigating complaints, and to list and define the dispositions of complaints.

III. PROCEDURES - GENERAL

A. The department encourages citizens to bring forward legitimate grievances regarding misconduct by employees. Department members shall receive complaints courteously and shall handle them efficiently. All officers are obligated to explain to inquiring citizens the complaint procedures.

- B. The department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In such situations, words, actions, and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of police work.
- C. A copy of "How To Make A Complaint" will be posted in the public area of the police department, provided to media representatives, and may be given to any citizen requesting information on how to make a complain against the department or an employee of the department. A copy of "How to Make a Complaint," is found in the appendix to this order.
- D. Responsibility for handling complaints:
1. As a rule, complaints regarding law enforcement operations will be handled through the chain of command. Complaints involving how police service is provided or a failure to provide service or improper attitudes or behavior will normally be investigated and handled by the investigator or by the chief of police. The chief of police may ask an investigator from another agency or the Department of State Police to undertake the investigation.
 2. Complaints alleging improper police conduct, brutality, or misconduct involving several personnel or supervisory personnel will be handled as an internal affairs matter, and shall be investigated by an outside agency upon request of the chief of police.
- E. Receipt of complaints:
1. Complaints, regardless of nature, can be lodged in person, by mail, or by phone at any time. As part of the follow-up investigative activity, persons making complaints by mail or phone will normally be interviewed and a written, signed complaint prepared. A copy of the complaint form is found in the appendix to this order. Anonymous complaints will be followed up to the extent possible.
 2. Every effort shall be made to facilitate the convenient, courteous and prompt receipt and processing of citizen complaints. An employee of the department who interferes with, discourages or delays the making of such complaints shall be subject to disciplinary action.

3. Normally, a citizen with a complaint will be referred to the chief of police who will assist the citizen in recording pertinent information. The chief of police will, if appropriate, conduct a preliminary investigation.
4. If the sergeant or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or is apparently suffering from a mental disorder, or displays any other trait or condition bearing on his credibility, he shall note such conditions on the reverse side of the complaint form. Any visible marks or injuries relative to the allegation shall be noted and photographed.
 - a. Prisoners or arrestees may also make complaints, although circumstances may require a department representative to meet the complainant at a jail or prison for an interview. If appropriate, the police representative will have photographs taken of prisoners' injuries.
5. A department member receiving a citizen complaint through a U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the chief of police, who will determine investigative responsibility.
6. Complaints received by telephone by dispatchers or other employees will be courteously and promptly referred to the chief of police. The dispatcher or employee shall record the name and telephone number of the complainant and state that the chief of police or, if unavailable, sergeant shall call back as soon as practicable.
7. Complaints will not normally be accepted more than thirty days after the alleged incident, with the following exceptions:
 - a. When the act complained of is a criminal violation in which case the criminal statute of limitations will prevail.
 - b. When the complaining person can show good cause for not making the complaint earlier.
8. The above procedure may also be used when department employees desire to enter a complaint against any other employee governed by this order.

F. Disposition of complaints:

The chief of police shall:

1. Notify the complainant, in writing, as soon as practicable, that the department acknowledges receipt of the complaint, that the complaint is under investigation, that the investigation will be completed within thirty days, and that the complaint will be advised of the outcome. If the investigation exceeds thirty days, the chief of police shall write the complainant a letter explaining the circumstances of the delay.
2. Maintain complaint files separate from personnel files.
3. Take appropriate disciplinary action following the investigation.

G. Disposition of serious complaint:

1. Serious complaints allege violations of the law or gross negligence in violating or failing to enforce civil rights of citizens. The term "serious complaint," in this manual, is synonymous with "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, or allegations, involving supervisory personnel or multiple police personnel.
2. In such cases, the chief of police shall:
 - a. Record, register, control or cause to be recorded, registered, or controlled the investigations of employees;
 - b. Supervising the activities under "a";
 - c. Maintaining confidential records of same.
 - d. Ensure that the investigation is conducted according to Virginia Code Section 2.1-116.1 through 116.9, a copy of which the chief shall provide to each officer under investigation.
 - e. The chief of police will maintain close liaison with the Commonwealth Attorney in investigating alleged criminal conduct. Where liability is at issue, the chief shall similarly maintain contact with the town attorney.

IV. PROCEDURES - Investigative

Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case.

A. Interview for administrative purposes: If the chief of police wishes to compel an employee to answer questions directly related to his or her official duties and the chief is willing to forego the use of such answers in a criminal prosecution, the chief of police or another interviewer shall advise the employee that:

1. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceeding resulting in reprimand, demotion, suspension, or dismissal.
2. All questions specifically related to employment must be fully and truthfully answered. Refusal to answer may result in disciplinary action.
3. No answers given nor any information obtained by reason of such statements may be admissible against the employee in any criminal proceeding.

a. Read to the employee the following:

"I wish to advise you that you are being questioned as part of an official investigation of the police department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges which could result in your dismissal from the police department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges."

4. In an interview for administrative purpose, no Miranda rights are required. Further, the foregoing rules are inconsistent with Miranda in that employees' statements cannot be used as evidence. Further, as the interview does not serve criminal

prosecution, the employee has no Sixth Amendment right to counsel.

- a. The governing case is Garrity v. New Jersey, 385 U.S. 483, 87 S. Ct. 616 (1967).
 - b. The interviewing officers shall use the "administrative proceedings rights" form found in the appendix to this instruction.
- B. Interviews for criminal investigative purposes: If the chief of police believes that criminal prosecution is a possibility and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, he or another interviewer shall:
1. Give the employee Miranda rights
 2. Advise the employee that if he asserts his right not to answer questions, no adverse administrative action will be taken based upon the refusal.
 - a. If the employee decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceedings.
 - b. Note that the Miranda admonition includes the provision that a lawyer may be present at an interview. Although technically the employee has no right to counsel until the employee has been criminally charged or his or her freedom of action has been deprived, the department wishes the employee to have the option. The department wishes no possibility to arise in which its actions might be construed coercive.
 - c. The governing case is Gardner v. Broderick, 392 U.S. 273, 88 S.Ct. 1913, 1916 (1968). The case made clear that a public employee may not be fired for asserting his Fifth Amendment right not to incriminate himself.

V. INVESTIGATIVE TOOLS AND RESOURCES

In addition to interviews of the employee and witnesses, the chief of police may require other activities in support of a complaint investigation or internal investigation, including:

A. Medical and Laboratory Examination

The chief of police or officer in authority may, based on his observation, require a department employee to submit to a test for alcohol or drug use while on duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.

1. If the employee is believed to be under the influence of alcohol, a licensed breathalyzer operator will administer the test. The chief of police or officer in authority will witness the test and will be required to sign the report.
2. If the employee has a reading of .05 or higher, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the chief of police or officer in authority.
3. If the employee is believed to be under the influence of self-administered drugs, he may be compelled to submit to a blood and/ or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample will be handled using the same safeguards as evidence in a criminal process.
4. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty as soon as possible by the chief of police or other officers in authority.
5. If an employee refuses to submit to a test, (alcohol or drugs) then the chief of police or other officer in authority will immediately relieve the employee from duty for failure to cooperate in an administrative investigation.

B. Photograph and Lineup Identification Procedures

Officers may be required to stand in a lineup for viewing by citizens for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and could result in dismissal.

1. A photo identification book of department employees may be maintained for the purpose of identification by citizens of an employee accused of misconduct. Photographs of employees for the identification book will be required by the department and will be used as it narrowly relates to the employee's job.

2. Photographs or videotape pictures of employees, whether knowingly or unknowingly by the employee, may be taken for the purpose of internal investigations when it relates to the employee's job and the employee is suspected of misconduct.

C. Financial Disclosure Statements

An employee may be compelled to make financial disclosure statements when it is directly and narrowly related to allegations of misconduct involving any unlawful financial gain. Any evidence gained during the investigation of an administrative matter cannot be used in any criminal proceeding.

Use of polygraph examinations in internal investigations shall be in accordance with the departmental policy regarding its use (see following paragraph).

D. Polygraph

1. Policy: All police personnel, effective with the promulgation of this policy, shall be required to submit to a polygraph when ordered to do so by the chief of police, or by another superior officer with the authorization of the police chief.
2. The police chief or his designee may order employee to take a polygraph when the employee is charged with a Category III offense.
3. The results of the polygraph examination will not be used as the sole basis for disciplinary action against any employee.
4. Any polygraph examination administered under the provisions of this policy and procedure shall be administered by a private contractor licensed to administer polygraph examinations in the Commonwealth of Virginia or licensed examiner from another law enforcement agency. No police employee shall be used to administer an examination to another police employee.
5. Refusal to submit to a polygraph examination or to answer all questions pertaining to the charges in the polygraph examination shall be grounds for disciplinary action and may result in dismissal from the department.
6. In order to comply with state (Virginia Code §§2.1-116 et. seq. "Law Enforcement Officers' Procedural Guarantees") and federal (privilege against self-incrimination) law, the following information must be provided to the officer asked to submit to such examination:

- a. The nature of the inquiry, the name and rank of the investigating officer, and the name and rank of any person present during the examination.
 - b. That his answers will not be used to prosecute him.
 - c. That he may refuse to take the polygraph examination or to answer any questions, however such refusal shall be grounds for disciplinary action which may include dismissal.
 - d. That answers given during the polygraph examination do not constitute a waiver of the privilege against self-incrimination as it relates to criminal matters.
 - e. A Polygraph Examination Acknowledgement of Rights form must be initialed and signed in the spaces indicated (see appendix to this instruction) Refusal to do so shall be grounds for disciplinary action which may result in dismissal.
7. The declaration is here made that the intent of all of the above is that any person who refuses to submit to a polygraph examination or refuses to answer any questions pertaining to the charges in such an examination may be terminated from employment.

VI. ADJUDICATION OF COMPLAINTS

- A. The chief of police will classify completed internal affairs investigations as:
1. Unfounded - no truth to allegations.
 2. Exonerated - allegations true, but result of adherence to proper and appropriate police procedures and techniques.
 3. Not sustained - unable to verify the truth of the matters under investigation.
 4. Sustained - allegations true.
 5. Completed investigations classified as unfounded, exonerated or not sustained will be maintained in internal affairs files in the chief's office. Sustained complaints will be filed in the individual employee's department personnel file with a copy in the internal affairs files.

B. Disciplinary records

For Category I offenses shall be purged two years after, if no further offenses in any category have occurred. Category II offense records shall be similarly purged after three years. Category III records are permanently retained.

- C. Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim. It shall be commensurate with the circumstances surrounding the incident and in consideration of the officer's service record and prior sustained complaints. See RRI-7 for details.

VII. DUE PROCESS

- A. The Fourteenth Amendment to the Constitution provides that a citizen may not be deprived of "life, liberty, or property, without due process of law." Public employees have a limited property interest in continued employment sufficient to require due process in any administrative proceedings that might result in suspension or dismissal.
- B. The department seeks to observe due process of law in the philosophy of the 14th Amendment in any disciplinary proceeding. Nevertheless, the foregoing rules circumscribe when legal counsel may or may not be used during interviews of employees suspected of misconduct.
- C. Despite an employee's limited property interest in his job, as described in paragraph A, the simple fact that an employee has held a job for years does not entitle him or her to keep it.
- D. The department recognizes that an employee, though dismissed or suspended, may have a liberty interest to enjoy future employment elsewhere and, if suspended or dismissed, should have an opportunity to set forth his or her point of view for name-clearing purposes. In view of this interest, the department affords an employee a hearing in accordance with the provisions of RR 1-7.

IX. BOARD OF INQUIRY

- A. The chief of police may invoke a board of inquiry at any time for any disciplinary purpose. The board will serve to review facts or information to resolve an allegation of misconduct. A board will always be convened in the event of a police shooting, death or serious injury of an officer or citizen killed or injured incident to police action, or accident involving a police vehicle.

1. A board of inquiry shall consist of at least three people, including the town manager, chief of police (unless involved in the incident under scrutiny), plus a law enforcement officer of the rank of sergeant or above from a nearby agency or Department of State Police.
2. The board shall recommend a decision to the chief of police, or if the chief is involved in the incident, to the town manager.
3. The board's proceedings will not be recorded and transcribed, however, a board chairman shall be selected from among the board members who shall write, in a memorandum to file, a summary of the proceedings, names of board members, and the board's recommendations.

HOW TO MAKE A COMPLAINT

1. If you wish to make a complaint about the actions of a police officer or about any aspect of police operations, please:
 - a. Come to the department and tell any employee that you want to make a complaint; or
 - b. Call the department or the town manager's office and tell the person answering the phone that you want to make a complaint; or
 - c. Write your complaint and mail it to the chief of police.
2. A supervisory officer will assist you in filling out a report of complaint against police personnel form. This form asks you to identify yourself and then to give specific details about your complaint.
3. Your complaint will then be investigated. You may be contacted and asked additional questions about your complaint.
4. If it is going to take a long time to investigate your complaint, you will receive a letter telling you approximately when you may expect a reply.
5. When your complaint has been investigated, the chief of police will review the investigation and will write you a letter explaining what has been found out about the matter.

REPORT OF COMPLAINT AGAINST POLICE PERSONNEL

CONFIDENTIAL

Name of Complainant: _____

At what address can you be contacted?: _____

What phone number? Residence: _____ Employment: _____

Date and time of incident: _____

Location of incident: _____

Name of officer(s) against whom complaint is being filed, or other identifying marks (car number, badge number, etc.)

Rank: _____ Name: _____

I.D.# _____ Badge: _____

Vehicle: _____

Name(s)/address/phone number or other identifying information concerning witness: _____

Statement of allegation: _____

(if further space is needed use reverse side of sheet)

I understand that this statement of complaint will be submitted to the [your agency] and may be the basis for an investigation. Further, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true to the best of my knowledge and belief. Further, I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion, or promise of any kind.

I understand that, under the regulations of the police department, the officer against whom this complaint is filed may be entitled to request a hearing before a board of inquiry. By signing and filing this complaint, I hereby agree to appear before a board of inquiry, if one is requested by an officer, and to testify under oath concerning all matters relevant to this complaint.

Signature of Complainant _____ Date _____ check if complainant refused to sign

Signature of Person Receiving Complaint _____ Date and Time Received _____

ADMINISTRATIVE PROCEEDINGS RIGHTS
NOTIFICATION OF ALLEGATIONS

NAME _____ DATE _____ TIME _____

The Virginia State Code (2.1-116.2) provides that whenever an investigation by an agency focuses on matters which could lead to the dismissal, demotion, suspension or transfer for punitive reasons of a law enforcement officer, the following conditions shall be compiled with:

1. Any questioning of the officer shall take place at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on duty and at the office of the command of the investigating officer or at the office of the local precinct or police unit to the officer being investigated, unless circumstances dictate otherwise.
2. Before questioning the officer, he shall be informed of (1) the name and rank of the investigating officer and of any individual to be present during the questioning and (2) the nature of the investigation.

Departmental policy provides that:

1. You are entitled to read the complaint lodged by the complainant.
2. Refusal to answer all questions pertaining to the allegations made by the complainant, either orally or in writing, shall be grounds for disciplinary action and may result in dismissal from the department.
3. The answers given during the investigation of an administrative matter will not be used against you in any criminal proceedings.
4. The answers given do not constitute a waiver of your privilege against self-incrimination as related to criminal matters.
5. Before being formally charged, during an administrative investigation, no attorney will be permitted to be present.

Accordingly, you are hereby advised that the following allegations have been directed to you:

COMPLAINANT(S): 1. _____ 2. _____

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him and his rights as pertaining to administrative proceedings.

WITNESSES: _____

Signature

POLYGRAPH EXAMINATION ACKNOWLEDGEMENT OF RIGHTS

1. _____, have been ordered by
 _____ to submit to a polygraph
 examination as a condition of employment in connection with the investigation
 of _____

I understand that my answers to such examination, as they relate to the
 above referenced investigation, will not be used to prosecute me. _____
 (initial)

I understand my refusal to submit to such examination and/or to answer
 questions pursuant to such examination shall lead to disciplinary action which
 may include termination of my employment. _____
 (initial)

I understand that my responses do not constitute a waiver of my privilege
 against self-incrimination as it relates to criminal matters. _____
 (initial)

I understand my refusal to sign this form shall lead to disciplinary
 action which may include termination of my employment. _____
 (initial)

_____	_____
Employee Signature	Witness Signature
_____	_____
Date	Date

CERTIFICATE TO BE COMPLETED IN EVENT OF REFUSAL TO SIGN FORM

I, _____, hereby
 (Name and Rank)
 certify this form was presented to _____
 (Name and Rank)
 on this date in connection with the above referenced investigation, that the
 contents of the form were made known to him, and that failure to sign the form
 was grounds for disciplinary action, including dismissal from employment, said
 _____ refused in my presence
 to sign this form.

_____	_____
(Employee Signature)	(Witness Signature)
_____	_____
(Date)	(Date)

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: GRIEVANCES

NUMBER: 1-10

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 25.1

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: grievance, management steps; panel hearing

I. POLICY:

It shall be the policy of this department to provide fair, equitable, and clearly defined means for the resolution of grievances, to ensure employees and their supervisors are accorded reasonable opportunity to present the facts bearing on a grievance, and to guarantee the opportunity to exercise the rights set forth in this order.

II. PURPOSE:

The purpose of this order is to establish grievance procedures for departmental employees.

III. APPLICABILITY:

A. Included

1. All permanent employees

B. Excluded

1. Probationary employees

2. An employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation. An employee who has been removed shall not have access to the grievance procedure, except to grieve a removal resulting from a formal discipline or unsatisfactory job performance or an involuntary resignation. Such grievance must be filed within 30 calendar days of the dismissal date. Any grievance initiated by a permanent employee before separation from the department may, at the employee's option, continue to be processed through the grievance procedure.

IV. DEFINITIONS:

- A. A grievance shall be a complaint or dispute of an employee relating to employment, including but not necessarily limited to:
 1. Disciplinary actions, including dismissals, (whether resulting from formal discipline or unsatisfactory job performance or an involuntary resignation) demotions, and suspensions.
 2. The proper application of personnel policies, procedures, rules and regulations, and ordinances and statutes.
 3. Acts of reprisal as a result of use of the grievance procedure or of participation in the grievance of another employee.
 4. Complaints of discrimination on the basis of race, color, creed, political affiliation, age, handicap, national origin, or sex.
 5. Intimidation because of participation or failure to participate in political activities.
- B. Management reserves the exclusive right to manage the affairs and operations of the department. Accordingly, the following complaints are not grievable under this procedure:
 1. Establishment and revision of wages or salaries, position classifications, or general benefits.
 2. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content. (The measurement and assessment of work activity through a performance evaluation shall not be grievable except where the employee can show that the evaluation was arbitrary or capricious.)
 3. The contents of established personnel policies, procedures, rules and regulations, ordinances, and statutes.

4. Failure to be promoted (except where the employee can show established promotional policies or procedures were not followed or applied fairly).
5. The methods, means and personnel by which such work activities are to be carried on.
6. Dismissal, layoff, demotion, or suspension from duties because of lack of work, reduction in the work force, or job abolition.
7. The hiring, transfer, assignment, and retention of employees within the agency (provided such actions do not constitute disciplinary actions).
8. The relief of employees from duties of the agency in emergencies.
9. The town's financial, budgetary, accounting, compensation, and organizational policies and procedures.
10. Oral reprimands, warnings, or written reprimands. See RR 1-9 for related information.
11. Management of town employees, including the right to determine the duties to be included in a job classification; to make personnel appointments in accordance with adopted selection policies and techniques; to determine the number of persons to be employed or retained as employees, including the right to lay off employees whenever it is deemed to be in the best interest of efficiency or productivity or whenever necessitated by lack of funds or reduced workload; to establish rules and regulations governing work performance and conduct of performance evaluations; to transfer and assign employees within the town; to determine the need for shift operation and rotation of the work week; to assign overtime; to determine job training and career development; and to determine duties or actions in emergency situations.

V. PROCEDURES:

A. Management Steps

1. First Step

- a. The employee shall identify the grievance orally to the immediate supervisor in an informal meeting within 30 calendar days after the event or action which is the basis for the grievance.

- b. The supervisor shall give an oral response to the employee within five work days following the meeting.
- c. If a resolution is not reached at this point, the employee shall submit a memorandum to the immediate supervisor setting both the nature of the grievance and the specific relief within five days after receipt of the oral response.
- d. The supervisor, in turn, shall give the employee a written response within five work days and receipt of the employee's memorandum.

2. Second Step:

- a. If the first-step written response is not accepted, and the issue of grievability has not been raised, the employee should ask the supervisor to present the employee's memorandum to the chief of police. The grievance must be submitted to the chief within five work days following receipt of the supervisor's reply.
- b. Upon receipt of the memorandum the chief shall meet with the employee, the supervisor, and appropriate witnesses.
- c. The chief shall give the employee a second-step response in writing within five work days following the date of the meeting.
- d. If the employee desires the presence of legal counsel, the chief likewise may use the option to have legal counsel present.
- e. The chief shall decide whether the issue is grievable within section IV of this order. The matter may be referred to the town employee relations counselor who is empowered to decide grievability.
 - (1) If the issue is not grievable, the employee shall be advised that he or she may appeal to the circuit court. The court's decision is final and not appealable. The department shall assist the employee with the mechanics or procedure of appealing the issue to the court. If so appealed, within five days of entering the appeal with the court, the chief

shall transmit to the clerk of the court a copy of the decision by the chief, the the notice of appeal, and any exhibits. The Virginia Code provides that the court, without a jury, shall hear the appeal within 30 days of the clerk's receipt of such records. The court's decision shall be rendered within 15 days of the conclusion of the hearing.

3. Panel hearing

a. The chief shall select a panel within ten work days of the determination that the issue is grievable.

b. Panel members

- (1) A panel shall consist of three members: one member appointed by the grievant, one member appointed by the agency, and a third member selected by the town manager, preferably from the Civil Service Commission. The third panel member shall be the chairperson of the panel.
- (2) To ensure an impartial panel, such panel shall not be composed of any persons having direct involvement with the grievance being heard, or with the problem giving rise to the grievance; for example, the grievant, the chief of police, supervisors, and witnesses who have appeared at any management step. Also, no attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of such attorney shall serve as a panel member.
- (3) Furthermore, the following relatives of a participant in the grievance process or a participant's spouse shall not serve as panel members: spouse, parent, child, descendant of a child, sibling, niece, nephew and first cousin.
- (4) Panels chosen in compliance with these requirements shall be deemed to be impartial.

c. Panel process

- (1) The parties should not discuss the substance of any grievance or the problem giving rise to the grievance with any panel members before the hearing. Any matters requiring the attention of the panel should be communicated in writing with copies to all parties.
- (2) The full panel will set the date, the time, and place for the hearing, which should be held within 10 work days following the selection of the full panel. The panel chairperson shall immediately notify the grievant and the agency of the hearing date. The panel shall conduct the hearing in the locale where the grievant is employed unless the panel unanimously decides that another location is appropriate.
- (3) The grievant and the agency may be represented by legal counsel or other representative of their choice at the panel hearing. Such representatives may examine, cross-examine, question, or present evidence in behalf of the grievant or the agency before the panel.
- (4) The panel, in rendering its decision in a memorandum guided but not necessarily bound by the relief specified by the grievant. The panel shall render its decision and distribute copies to the employees, agency head, town employee relations counselor within 10 work days of the conclusion of the hearing. The reason for the panel's decision shall be set forth in the memorandum. The majority decision of the panel shall be final and binding and shall be consistent with provisions of law and written policy. The agency head is responsible for assuring that panel decisions are implemented. Either party may petition the circuit court having jurisdiction in the locality in which the grievant is employed for an order requiring implementation of the decision of the panel.

If a written request to reconsider the panel decision is submitted by either party within

five work days of receipt of the decision, the panel by majority vote may elect to review its decision and/or reopen the hearing for good shown.

Any challenge of a panel decision on the grounds of inconsistency with law and written policy shall be submitted by either party within five work days to the town personnel director who is empowered to decide such questions and to direct reconsideration by the panel where appropriate.

- (5) Notwithstanding the above, after receipt of the panel decision, the town personnel director may on his/her own action remand to the panel for further consideration a decision which appears to be inconsistent with the law or written policy.
- (6) A panel's responsibility is to ensure the proper application of town and agency policies and procedures. Panels do not have the authority to formulate or to change policies or procedures; however, they may consider mitigating circumstances and modify agency action concerning discipline. Panels do not have the authority to consider matters which the grievance procedure makes non-grievable.
- (7) A panel by a majority vote may uphold or reverse the action of the agency or in appropriate circumstances, may choose a modified remedy. Panel decisions, however, must be consistent with provisions of law and written policy. Where a panel decision directs reinstatement of an employee, the panel has the authority to award full, partial, or no back pay for the period of separation as determined to be appropriate based on the circumstances of the case. based on the circumstances of the case. An award of back pay shall be offset by interim earnings the employee received during the period of separation. While in appropriate cases a panel might determine that a grievant is entitled to reinstatement, from which back pay and a restoration of benefits might flow, in no case does a panel have authority to award damages or attorney fees.

- (8) The grievance procedure is an administrative process designed for the resolution of sensitive personnel matters, and the panel hearing is the concluding step of the administrative process. Therefore, to protect the privacy of the parties and other employees, it is recommended that the persons present at the panel hearing be limited to the grievant, the panel members, the legal counsel and/or other representatives of the grievant and the agency, appropriate witnesses, and official recorders. The panel, however, has the specific and final authority to determine the propriety of attendance at the hearing of all persons not having a direct involvement in the hearing, provided that at the request of the grievant, the hearing shall be private. While at the panel's discretion, agency personnel officers may be present in some hearings and may be called upon as witnesses, they shall not be present or advise the panel during its private sessions and deliberations. When necessary, the panel may direct grievance procedure questions to the town personnel director.
- (9) Information shall be submitted at the hearing in the presence of the parties. Panel hearings are not meant to be conducted as full court proceedings, and panels shall not be bound by the technical rules of evidence. Panels, however, should take into account all reliable and substantial evidence produced at the hearing.
- (10) At the option of each party, opening statements may be made at the beginning of the hearing; and the panel may ask for such statements in order to clarify the issues involved in the grievance.
- (11) The agency and thereafter the grievant, or their representatives, shall then present their claims, proofs, and witnesses who shall submit to questions or other examination. The panel may, at its discretion, vary this procedure, but shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination.
- (12) The panel by majority vote may decide procedural questions and rule upon objections raised during the course of the hearing.

- (13) Witnesses other than the parties should remain in the hearing room only while giving their testimony.
- (14) Members of the panel may question anyone giving their testimony.
- (15) Exhibits offered by the grievant or the agency may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.
- (16) The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel shall judge the relevancy and materiality of the evidence offered. Evidence is to be taken in the presence of the panel and both parties.
- (17) After both parties have had the opportunity to present their evidence, the panel chairperson shall specifically inquire of all parties whether they have any further proof to offer or witnesses to be heard. Upon receiving negative replies, both parties shall be given the opportunity to make closing statements summarizing their positions, following which the hearing should be declared closed.
- (18) The panel shall render its decision within 10 work days of the conclusion of the hearing. The facts found and the reasons for the panel's decision must be set forth in a memorandum. Panels are to decide cases on the merits, not on compliance matters occurring before or during panel hearings.
- (19) After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five work days of the compliance notification. Such written notification by the grievant shall be made to the agency head. Failure of either party without just cause to comply with all substantial procedural requirements at the panel hearing shall result in a decision in favor of the other party. The town personnel manager is authorized to make a final and non-appealable ruling on all compliance issues.

- (20) An award of a decision to either party for procedural noncompliance may be made only after a ruling by the town personnel manager that the issue is grievable and only after completion of any subsequent appeals of such ruling. Moreover, the relief provided must be reviewed by the town personnel manager and found to be consistent with provisions of law and written policy.
- (21) The time periods outlined herein constitute substantial procedural requirements. However, such time periods may be extended by mutual agreement between the grievant and the appropriate agency supervisor or manager to whom the time period is applicable. The panel may, with just cause, extend the time periods applicable to the panel.
- (22) Non-town employees serving as panel members are not compensated or reimbursed for any expense. Town employees who serve as witnesses or panel members during normal working hours are compensated at their regular rate of pay, and this compensation is not charged against any leave. Employees are also reimbursed for reasonable costs for transportation, meals, and lodging. It is expected that the number of witnesses called would remain within reasonable limits.
- (23) Grievants who are still employed by the town are compensated at their regular rate of pay for the time spent during normal working hours in the management-step meetings, the panel hearings and other hearings provided in this procedure. This compensation is not charged against any leave, and these employees are also reimbursed for reasonable costs for transportation, meals and lodging.
- (24) Employees who are grieving termination are not compensated except in cases where a panel decision results in reinstatement with back pay. Also, reimbursement for travel expenses for these grievants will be limited to those incurred from the previous work location to the meeting locations.
- (25) Upon proper notification to the supervisor, employees (whether or not a grievance has been filed) shall be granted a reasonable period of time away from the work-site for interviews with the the town employee relations counselor or Civil Service officials, with no deductions from annual or compensatory leave balances.

- (26) The grievant shall not be responsible for court costs of appeals to the circuit court for determination on whether an issue qualifies for a panel hearing. In employee termination cases, the department of the grievant shall bear the per diem expenses and other costs of the administrative hearing officer, if one is deemed necessary by the town personnel director. The grievant is responsible for the cost of legal counsel or other representation in the preparation or presentation of the employee's case in all or in any part of the proceedings.
- (27) The use of agency or court reporters, as well as mechanical recorders, shall not be permitted in the management steps. They may be used at the panel hearing, however, at the discretion of either party. A hearing-disabled employee shall be allowed to have an interpreter during any and all procedural steps.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: OFF-DUTY EMPLOYMENT

NUMBER: 1-11

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS:

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: off-duty employment; off-duty arrests;
liability

I. POLICY:

The chief of police must ensure the continued efficiency and effectiveness of the department while simultaneously reducing or eliminating conflicts of interest. To this end, the chief shall manage according to whatever reasonable controls he deems necessary to restrict or regulate the conduct of employees. It is the policy of the department, therefore, to prohibit off-duty employment of employees when it may impair efficiency or conflict with their duties and responsibilities. Virginia Code 15.1 - 133.1 applies.

II. PURPOSE:

To define regulations governing off-duty employment

III. DEFINITIONS:

- A. Employment: Any work performed or services provided for compensation, including self-employment.
- B. Police-related employment: Employment which may entail the use of police powers granted by the Commonwealth of Virginia or the [your jurisdiction].

- C. Probationary year: That period of time measured by one calendar year beginning with the date of graduation from a basic academy.

IV. PROCEDURES

A. Non-police-related off-duty employment:

1. Employment shall not constitute a conflict of interest. A conflict of interest, as determined by the chief of police, is any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of employment.
2. No employee shall work off-duty during a probationary year.

B. Police-related off-duty employment

1. Police-related employment shall not exceed 14 hours per day, including on-duty time; e.g., an officer working a 10-hour tour may work four hours of off-duty employment on the same day and an officer on a day off may work 14 hours.
 - a. For the purpose of computing allowable work time, court appearances constitute on-duty time as does sick leave.
2. Police-related off-duty employment is restricted to the county/town limits. Officers may perform police duties beyond town boundaries if working in conjunction with another jurisdiction's regular law enforcement agency and after having been duly sworn as a law enforcement officer in that jurisdiction.
3. The minimum salary required for officers employed in a police-related off-duty capacity must be at least equal to the rate for a starting officer.
4. Serving as an employment agent and receiving compensation for procurement of police-related jobs for other police department employees is prohibited.
5. No employee shall solicit any person or business for the purpose of gaining police-related off duty employment, and, while on-duty, shall not solicit any person or business for the purpose of gaining non-police related off-duty employment.
6. Except for public school security activities and other employment where specifically authorized by the shift of police, the following regulations apply:

- a. The police uniform shall not be worn while engaging in off-duty employment.
 - b. Town-owned vehicles, radio, or other equipment shall not be used while traveling to and from or engaging in off-duty employment.
7. Officers, while engaged in police-related employment, shall be subject to the orders of the on-duty police supervisor.

C. Administration

1. Employees must submit a written request to the chief of police through the chain of command for any off-duty employment. The form found at the end of this instruction shall be used for the purpose. The request shall be filed in the employee's personnel file.
 - a. The approved request is subject to periodic review by the chief of police. Officers shall communicate any changes in information contained on the form to the chief as soon as possible.
 - b. The chief of police may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action.
2. Jobs which the chief deems unacceptable, e.g., jobs at establishments where alcoholic beverages are sold for consumption on the premises or where minimum wages are not met, shall be disapproved.
 - a. Officers are prohibited from employment by any firm connected with the towing or storage of vehicles, plus employment as a bill collector, bodyguard, private investigator, process server, or taxi cab driver.
3. Arrests made engaged in off-duty police-related employment shall be limited to felonies or criminal misdemeanors committed in the officer's presence or a breach of the peace jeopardizing public safety. See GO 2-4 for further details concerning off-duty arrests.

D. Liability, Indemnification, Insurance

1. All which require police-related off-duty employment shall enter into a contract with the department before permission is given to an employee to work off duty. The contract shall specify:

- (a) precise nature of the work to be performed;
- (b) hours or schedule of the work performed;
- (c) what equipment must the employee maintain;
- (d) insurance coverage of the business providing for medical treatment for job-related injuries and indemnification for litigation arising from off-duty employment.

E. Department Liability

1. The department shall not be responsible for medical expenses incurred from injuries sustained while working in any off-duty employment.
2. The department recognizes that an officer in police-related off-duty employment may undertake an action connected with the employment that the courts may construe as a law enforcement duty, and therefore a component of the police job. Officers are reminded that their off-duty performance must follow the same standards required for on-duty performance. Off-duty police actions, whether for a private employer or not, must meet the requirements of this manual.

APPLICATION FOR OFF-DUTY EMPLOYMENT

Name of employee requesting off-duty employment _____

Effective date of employment _____ Expiration of employment (indicate whether open-ended) _____

Name of business or off-duty employer _____

Address of business _____

Telephone _____ Contact person at business _____

Type/Nature of business _____

Address and telephone number of employment sites if different from above

1. _____

2. _____

3. _____

Description of duties _____

Number of hours worked by employee _____

Day: _____ Week: _____

Approved: _____ Employee signature _____

Disapproved: _____ Date of application _____

Contract or memorandum of understanding: Y _____ N _____

Chief of Police _____ Date _____

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: CAREER DEVELOPMENT;
TRAINING; PROMOTIONS

NUMBER: 1-12

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 23.1, 23.3, 23.4, 34.1,
34.2, 33.3, 33.5, 33.6

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: training; career development; promotion; instructors;
in-service training; lesson plans; counseling

I. POLICY:

The department encourages employees to seek opportunities to develop their knowledge, skills, and abilities. Although all officers must attend a basic academy and periodic in-service training, the department nevertheless tries to arrange participation in specialized or advanced training. Further, although in a small department promotion opportunities are rare, the department requires a fair and equitable selection process nevertheless.

Training has often been cited as one of the most important responsibilities in any law enforcement agency. Training serves three broad purposes. First, well-trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations. Second, training results in greater productivity and effectiveness. Third, it fosters cooperation and unity of purpose. Furthermore, agencies are now being held legally accountable for the actions of their personnel and for failing to provide initial or remedial training. The department recognizes the importance of training and is committed to providing the best training available to all personnel.

II. PURPOSE:

To establish guidelines for career development of employees to include training and promotions.

II. PROCEDURES:

A. Responsibilities of the chief of police

1. Annually, the chief of police shall meet with each employee for career counseling. This counseling shall occur at the same time as the employees annual performance evaluation. The counseling shall include an examination of:
 - a. Employee's performance record
 - b. A review of training programs applicable to the employee's duties.
2. The chief shall ensure that at least one employee reviews and maintains certification as a firearms instructor. The chief shall also ensure that at least one employee receives advanced instructions in evidence collection techniques. The chief shall also ensure that all officers maintain current Red Cross first aid certifications.
 - a. The chief shall ensure availability of a trained armorer, either through training a department employee or contracting with an armorer in another jurisdiction. The armorer will inspect all firearms and ammunition at least every six months for safety, reliability and ability. The armorer will also repair broken or malfunctioning weapons.
3. The chief of police shall ensure that any employee, upon receiving a promotion or a new assignment, attend relevant training as soon as practicable.

B. Promotions

1. When a vacancy exists for the position of sergeant or investigator, the chief shall post an advertisement of the position for two weeks. During that time, officers may request--either orally or in writing--consideration for the advertised position.
2. The chief shall arrange an oral board to interview applicants for promotion. The chief may arrange a board to consider applicants for a new assignment. The board shall consist of the chief of police, town manager, and a sergeant or above from the Department of State Police or nearby agency. The board shall review:
 - a. The applicant's performance, training and disciplinary records.

- b. The board shall agree on interview questions and render them consistent and standard for all applicants. The interview questions shall examine general job knowledge, dependability, quantity and quality of work, cooperation, esprit d'corps, public relations, leadership, report writing ability, physical fitness, and additional skills acquired while a member of the department.
- c. The board shall award points to all applicants as follows:
 - (1) Tenure on the department - One point for each year of service.
 - (2) Performance evaluations - If the average score of the overall performance scores on all evaluations is 5, add 10 points. If the average score is 4, add 8 points. If the average is 3, add 5 points.
 - (3) Interview - The board may award a maximum of 10 points.
- d. The board will rank applicants according to the point system. The chief shall select the applicant with the most points, unless the chief can explain to the board why the top candidate should not receive promotion or new assignment.
- e. The board's selection process shall be recorded and maintained on file for three years for affirmative action/equal opportunity considerations.
- f. Unsuccessful applicants who wish to grieve the selection process must follow the provisions of RR 1-10.

C. Training

1. Attendance

Members of the department are expected to attend any assigned training programs. Attendance will be documented by either the instructor, or in cases where the training is at location other than the department, documentation will be furnished by those responsible for the training. There are cases where attendance at a training program may be excused, i.e., court appearance or sickness. Any absence must be properly excused by the administrators of the program attended and must comply with

directives under which the training program is operated. The time lost must be made up before any certificate of completion be issued. Certificates of completion will be issued to those students who complete any training program. A copy of such certification will be provided to the chief for inclusion in the employee's personnel file.

2. Expenses

With the exception of paper and pencils or pens, all expenses incurred by department personnel as a result of required training will be reimbursed based on actual expense (receipts must be provided) or in the case of mileage where personnel are required to use their personal vehicles, the rate will be the current town mileage rate.

3. Performance-based training

The Department of Criminal Justice Services requires performance-based basic training. This method of training, used for all training, requires the development of performance objectives. An employee who develops an outline for instruction of a topic must develop objectives which:

- a. Focus on the elements of the job-task analysis for which training is needed.
- b. Provide clear statements of what is to be learned.
- c. Provide the basis for evaluating the participants.
- d. Provide the basis for evaluating the effectiveness of the training program.

The use of performance objectives acquaints the training participant with the information they are required to know, the skills that must be demonstrated, and the circumstances under which the skills will be used. This approach also enables the instructors to relate training directly to the job performance that will be expected by supervisors.

4. Lesson plans

- a. Lesson plans are required for all training courses done by the department. It is the responsibility of the individual instructor, whether resident or non-resident, to provide the chief with a copy of the lesson plan for approval before each class.

b. The lesson plan should include a statement of performance objectives, the content of the training, specification of the appropriate instructional techniques, references, relationships to job tasks, responsibilities of the participants for the material taught, and plans for evaluation of the participants. The instructional techniques that might be used include:

- (1) Conferences (debate, discussion groups, panels and seminars)
- (2) Field experiences (field trips, interviews, operational experiences and operational observations)
- (3) Presentations (lectures, lecture-discussion, lecture-demonstration)
- (4) Problem investigations (committee inquiry, critical incidents)
- (5) Simulations (case study, simulation, games and role-play)

5. Remedial training

Remedial training is directed at solving or curing a particular problem or improving performance in a particular area, within a designated time and with clearly defined, expected results.

a. Remedial training may be assigned as a result of discipline or counseling. See RR 1-7.

6. Training records

a. The chief of police shall maintain, in each personnel file, a training record which includes:

- (1) Date of training
- (2) Type of training received
- (3) Any certificate received
- (4) Attendance
- (5) Score

b. The chief shall maintain files on all in-house training courses or presentations, including:

- (1) Course content (lesson plans)
- (2) Personnel attending
- (3) Performance of individual attained as measured by tests, if administered, or competency

7. Instructors

- a. Instructors for all department training programs shall meet the following requirements:
 - (1) Have a minimum of 2 years law enforcement experience, or
 - (2) Have completed an instructor's course and be certified as a instructor, or
 - (3) Possess a demonstrated skill in area of instruction, or
 - (4) Be knowledgeable of teaching theories, methods, and practices and have some knowledge of law enforcement practices.
 - (5) Instructors enlisted from outside the department will be selected by the chief. The instructor must have demonstrated skill in his/her area of instruction and comply with requirements for lesson plans as previously stated. Any compensation will be determined by the chief of police.
- b. Before being allowed to instruct any state-mandated courses at the department, instructors will receive, at a minimum, training in the following subjects:
 - (1) Lesson plan development
 - (2) Development of performance objectives
 - (3) Instructional techniques
 - (4) Learning theory
 - (5) Testing and evaluation techniques
 - (6) Resources
- c. Normally, officers selected and trained as instructors in a particular subject will be expected to teach it when needed for a minimum of two years.

8. Psychological Counseling

- a. When the chief of police learns of personnel who are in need of psychological counseling, he shall refer them to mental health or other counseling sources.
 - (1) If, in the judgment of the chief of police, psychiatric treatment is required in the interests of the employee and the department, the chief may require it at

departmental expense. Treatment or counseling will be handled with the utmost confidentiality.

9. In-Service Training

All sworn personnel of the department will, biennially, as required by law, attend a 40 hour in-service school. Such instruction may include:

- a. Class reviewing changes or revisions in the State Code by the General Assembly, taught by Commonwealth's Attorney.
- b. Classes required at the direction of the chief of police or regional training academy, such as:
 - (1) Supervisory and management training.
 - (2) Policy and procedure training.
 - (3) Any other training as deemed necessary.
- c. Firearms training and qualifications every 6 months.
- d. Voluntary and required training.

10. Civilian personnel

All newly-appointed civilian personnel will receive the following training from the chief or his designate:

- a. Orientation to the department's role, purpose, goals, policies, and procedures.
- b. Working conditions, rules, and regulations.
- c. Responsibilities and rights of employees.

11. Advanced education

Employees may seek additional higher education to complement career goals. Expenses incurred may be reimbursable. See Appendix to RR 1-2 for details.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: MEDIA RELATIONS

NUMBER: 1-13

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 54.1

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: information (releasable, nonreleasable); juvenile information; media relations

I. POLICY:

One of the first and most fundamental considerations of the nation's founders in drafting the Bill of Rights was to provide for a free press as an essential element of the First Amendment to the Constitution. They recognized that a well-informed citizenry is vital to the effective functioning of a democracy. Police operations profoundly affect the public and, therefore, arouse substantial public interest. The police should make every reasonable effort to serve the needs of the media in informing the public about crime and other police problems. This should be done with an attitude of openness and frankness whenever possible. The media should have access at the lowest level in a department to personnel who are fully informed about the subject of a press inquiry. Further, they should be told whatever that will not impinge on a person's right to a fair trial, impede a criminal investigation, imperil a human life, or seriously endanger the security of the people.

In all other matters dealing with the media on current news, every member of the department should make every reasonable effort consistent with accomplishing the police task in providing the media representatives with full and accurate material.

II. PURPOSE

The purpose of this order is to provide guidelines as to types of information which may be released to media representatives, to specify some types of information which may not be released, to identify who may release information, and to establish procedures for media relationships with the department.

III. PROCEDURE

A. General:

1. The department is committed to informing the community and the news media of events within the public domain that are handled by or involve the department.
2. The public information function includes:
 - a. Assisting news personnel in covering routine news stories, and at the scenes of incidents.
 - b. Responding to news media inquiries, in person or telephonically.
 - c. Preparing and distributing news releases.
 - d. Arranging for news conferences, as required or requested.
 - e. Releasing information about victims, witnesses, and suspects as allowed by law.
 - f. Coordinating and authorizing release of information concerning confidential departmental investigations and operations.
3. All employees of the department have individual responsibilities concerning the release of information.
4. The chief of police will function as the primary contact for information dissemination to the community and media.
5. Inquiries concerning departmental policies, procedures, practices or relationships with other criminal justice agencies will be referred to the chief of police. Similarly, the chief of police will coordinate all responses to inquiries or release of information pertaining to department involvement with other public service agencies (e.g., fire department, medical examiner, Commonwealth's Attorney, etc.).

6. The chief of police shall coordinate responses to inquiries and release of information concerning confidential departmental investigations and operations.

B. Information may be released as follows:

1. Any member of the department who has information and facts concerning a particular crime or incident may release information. The officer at the scene with the most information will respond to requests. Where several officers have information, one should serve as the media contact gathering information from the others.
2. In the case of follow-up investigation, the officer or investigator conducting the follow-up should provide information.

C. Information not releasable - The following information will not be released due to 6th Amendment, statutory, or other restrictions:

1. The identity of victims of sex related crimes.
2. The identity of any suspect for whom a warrant or summons has not been issued, or indictment returned.
3. The existence of any criminal record or any information concerning the character or reputation of the accused or remarks which tend to establish the defendant as a "professional" criminal.
4. The existence or contents of any confession, admission or statement of the accused.
5. The performance of any examination or test by the accused or the refusal or failure to submit to an examination or test.
6. The identity of actual or prospective witnesses to crimes, other than the victim as mentioned above, or comments on the expected testimony or credibility of any witness.
7. Any opinions as to the innocence or guilt of the accused, the merits of the case, the possibility of any pleas or negotiations or the value of any evidence.
8. The identity of any juvenile arrested who has not been certified by the Circuit Court as an adult. NOTE: A judge may authorize release of juvenile identity information when the crime is a Class 3 felony or above or when the juvenile is sentenced as an adult.

9. The names of deceased before the notification of next of kin.
10. Information relating to motor vehicle accident reports specifically prohibited by Section 46.1-409 of the Code of Virginia.
11. Comments which suggest that a defendant has aided in the investigation.
12. Information concerning the planning of raids or other specialized enforcement efforts.

D. Release of information pertaining to juveniles:

1. Criminal Offense - Normally, juvenile name, address, or other distinctly unique information which would serve to identify a juvenile SHALL NOT be released. Age, sex, place of residence and details of the offense MAY be released. Under certain circumstances, a judge may authorize release of identity information.
2. Traffic infractions, except for those listed below, which are classed as misdemeanors - Any information including name, address, etc., is fully releasable.
3. Accidents - If traffic charges are or may be placed as a result of an accident investigation, juvenile identity information will be withheld.
4. There are eight traffic offenses for which court appearance is mandatory, which cannot be prepaid, and which will be used as the basic definition for a traffic/accident "misdemeanor." These eight ARE NOT considered infractions and juvenile identity information SHALL NOT be released. Offenses include:
 - a. Indictable offenses
 - b. Infractions resulting in an accident. (If the juvenile is charged with any violation in an accident, juvenile identity information is NOT releasable. If a juvenile is involved in an accident, but is not charged with any violation, identity information is releasable.)
 - c. DUI or permitting another who is DUI to operate vehicle owned by accused.
 - d. Exceeding speed limit by 20 or more miles per hour.

- e. Reckless driving.
- f. Driving under suspension or revocation of driver's license.
- g. Leaving the scene of an accident.
- h. Driving without being licensed.

E. Crime or incident information release - Crime or incident information to be released upon media request includes:

1. The type of event or crime and when and where it occurred, to include a brief synopsis of known facts concerning the incident.
2. The identity of the victim or the name of the person who reported the crime. If the victim or complainant requests that his or her name not be used in the media, this request will be given to the media. The media are obligated to respect this request.

(NOTE: Departments will be reluctant to release names of children, sexual assault victims, or victims of domestic violence. In some cases, no legal bar exists to releasing such information, but rather the news media have policies forbidding the printing of such information. The release of victim information is an evolving area of law: departments should seek legal advice on what constitutes information appropriate for release.)

3. Information concerning property loss, physical injuries or death (after notification of next of kin).
4. Information concerning the type of investigation and length of investigation.
5. Information concerning the existence of suspects may be released.
6. If a warrant has been executed then the name, address, description of that person will be released. If a warrant has been issued but not executed, and the officer anticipates that the public may provide information to assist in locating the person, this information may be released.

F. Release of individual arrest information - After arrest of a person other than a juvenile, the following may be released upon media request:

1. Arrestee's name, age, residence and other factual background information.
2. The nature of the charge upon which the arrest is made.
3. The identity of the investigative agency of the police department and any assisting agencies.
4. The circumstances surrounding the arrest, including the place of arrest and the identity of the arresting officers.
5. Custody status.
6. The dates of various hearings.
7. Photographs of the defendants without the police identification data may be furnished, if readily available in current files.

G. Names of police officers:

Names of officers providing information to the media may be given to the media and published, unless the officer(s) involved is/are on an undercover assignment. Addresses and telephone numbers of police personnel will not be released.

H. Media contacts/procedures:

1. Normally media representatives either visit the department in person or call seeking information about newsworthy items. Routinely, they should be referred to the chief of police.
2. Normally, media representatives will not read the offense reports since non-releasable information may be on the report (e.g., suspect information). Offense reports and accident reports should be carefully checked concerning involvement of juveniles before releasing information.
3. At scenes of major fires, natural disasters, or other catastrophic events, or at crime scenes, officers may establish perimeters and control access. Any such limitations should be clearly explained to media representatives preferably in meetings with them before any emergencies, by sending editors and managers copies of this policy. News media representatives should not interfere with law enforcement operations at the scene of an

incident. As soon as possible, however, media representatives should be assisted in gaining access to the scene when it will not interfere with the law enforcement mission. Officers may deny access for legitimate investigative or safety reasons; additionally, they may not authorize the press to trespass on private property. The media representative is responsible for obtaining any permission necessary once the legitimate law enforcement mission allows access to the scene on private property.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: COMMUNITY RIDE-ALONG

NUMBER: 1-14

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS:

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: citizen observer; ride-along

I. POLICY

The observer program allows citizens to voluntarily accompany officers and to observe law enforcement activities in order to better understand the problems of policing. The observer may request to ride in any area at any time or with a particular officer. If convenient to the department and conditions permit, permission may be granted. Safety of non-police personnel will be a primary concern.

II. PURPOSE

The purpose of this general order is to establish procedures for the Police Ride-Along Program.

III. PROCEDURES

A. Ride-Along Requests:

1. Persons wishing to ride along should pick up ride-along forms at the police office or at the town manager's office in person between the hours of 8:00 a.m. and 4:00 p.m. daily. Completed request forms and waivers should be returned at least 48 hours before the desired ride-along date. The forms referred to herein are found at the end of this order.

2. The chief of police shall grant permission for citizens to ride with police officers. The chief may perform a records check on any applicant for ride-along.

B. Limitations:

1. A person may not ride unless approval has been granted and the chief has the properly-completed waiver. Approval will be for one specific eight-hour period unless special limitations or extensions are granted by the chief of police.
2. Police spouses may participate in the Ride-Along Program. When both husband and wife agree, and the chief of police approves, the spouse may accompany husband/wife for a limited period of time.
3. Normally, no more than one observer will accompany an officer at a time.
4. Juveniles must be 16 years of age or older to ride and must have request and waiver forms signed by parent or guardian.
5. No one will be allowed to observe police activities relating to raids or ride with plain clothes units without specific advance coordination and approval of the chief of police.

C. Beginning tour:

1. If no specific officer is requested by name by the observer, the on-duty supervisor will appoint the host officer.
2. Before the ride, the on-duty supervisor will provide an observer's comment form to the observer and ask that the form be completed and turned in at the end of the ride. The host officer will be provided an officer's ride-along report and will complete and turn in the form at the conclusion of the ride.
3. The observer should be appropriately dressed; if not, ride-along approval may be cancelled by the on-duty supervisor.
4. The host officer shall instruct the observer on the procedures required while riding, which shall include:
 - a. Observer must follow directions of the officer.
 - b. Observer may be required to appear as witness in court.
 - c. Observer may terminate the ride whenever he or she wishes.

D. Observer conduct:

1. Observers shall at all times remain under the complete control of the assigned officer and shall comply with all directions and requests.
2. Observers shall not interfere with investigations in any way by conversing with victims, suspects, or witnesses, handling evidence or police equipment, or participating in any police activity unless directed to do so by the assigned officer.
3. Should an observer indicate a desire to cease participating in the ride at any time, the officer shall return the observer to the point of origin as soon as possible.

E. Arrests, transporting, booking:

If the host officer feels there are no hazards involved, the observer may accompany the officer while transporting or booking prisoners. If the officer believes a problem may arise, the observer should be temporarily transferred to another officer or returned to the point of origin.

F. Ending tour:

Upon completion of the ride, the officer will return the observer to the department and thank him (or her) for his (or her) interest. The officer will ask the observer to complete the observer's comment form. Completed observer forms will be forwarded to the chief of police for review, then filed.

G. Prohibited activities:

At no time shall an officer, while accompanied by an observer, engage in emergency or pursuit driving, respond to a crime-in-progress reportedly involving violence, or perform a felony vehicle stop. If officers must perform such activities, they must deposit observers at a safe location.

CITIZEN RIDE-ALONG REQUEST

Dear Sir:

I would like to ride along on _____, accompanying Officer _____ (date) _____ for the following reason: _____

_____.

I have read and signed the release form and I understand the provisions.

NAME: _____ DATE OF BIRTH: _____

ADDRESS: _____

TELEPHONE #: _____ BEST TIME/DAY TO CONTACT: _____

_____ Date _____ Signed

Parent/Guardian (if rider is juvenile)

FROM: Chief of Police

TO: Officer

SUBJECT: Authorization to Ride

Request is _____ Approved

_____ Disapproved

Observer authorized to ride _____ on _____ in _____ (hours) (date)

_____ with Officer _____ (area)

RELEASE AND WAIVER

KNOW ALL MEN BY THESE PRESENT, that I, _____, on my own behalf and on behalf of my heirs, next of kin, executors, administrators, estate agents and assigns, and representatives of any nature whatsoever, for and in consideration of the authorization and permission to accompany officers or any officer of the department during the course of their or his duties, which has been granted to me at my voluntary request, after having been fully advised of the potential hazards of such activity or activities, do hereby WAIVE AND RELEASE all demands, damages, actions, causes of action, suits and claims of any nature whatsoever, whether in law or in equity, that I or my heirs, next of kin, executors, administrators, estate, agents and assigns, and representatives of any nature whatsoever might otherwise have against the town, the police department, and each and every officer, official, member, employee, agent and attorney thereof and therefore, and his or her heirs, next of kin, executors, administrators, and estate, on account of my death or injuries, both to person and to property, whether foreseeable or not, which may occur, directly or indirectly, or develop at anytime in the future as a result of my activities or association with the police department, whether in a police vehicle, in the police station, or otherwise associated with the police department, whether in a police vehicle, in the police station, or otherwise associated with the police department and officers and officials thereof in any manner whatsoever.

It is expressly agreed and understood that this WAIVER AND RELEASE shall apply for the express purpose of precluding forever all claims, suits, demands, damages, and causes of action that I or my heirs, next of kin, executors, administrators, estate, agents and assigns and representatives of any nature whatsoever might otherwise assert against any of the aforesaid parties as a result of my association and activities with the police department during:

_____.

I hereby declare that the terms of this WAIVER AND RELEASE have been fully read and understood by me, and freely and voluntarily entered into and accepted by me, and I hereby acknowledge receipt of a copy of this agreement.

In further consideration of the aforesaid authorization and permission granted to me to accompany an officer or officers of the police department at my own request, I hereby promise and agree to fully comply with all instructions given to me for the purpose of protecting my personal safety and that of my property.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 19_____.

This waiver must be approved _____ (SEAL)
by the chief of police.

Parent/Guardian (If Signee Is A Juvenile)

(WITNESS)

Dear Observer:

The department hopes that your Ride-Along has been informative, enlightening and has given you an insight into the problems facing law enforcement, your police officers, and your community. I welcome any comments, positive or negative, that you care to make.

Sincerely,

Chief of Police

OBSERVER'S RIDE-ALONG COMMENTS:

Name of Rider _____ Age _____

I. What impressed you the most?

II. In what way did this experience affect your attitudes?

III. Relate any suggestions for or criticisms of the program.

Observer's Signature

OFFICERS RIDE-ALONG REPORT

DATE OF RIDE _____ TIME OF RIDE _____

OFFICER _____

NAME OF RIDER _____

ANY COMMENTS OR PROBLEMS:

If this person again requests ride-along permission, should it be granted?

_____ yes _____ no (if not explain) _____

(Officer's Signature)

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: LIABILITY PROTECTION

NUMBER: 1-15

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 22.2.9

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: liability; civil rights violations

I. POLICY

The department has a liability protection program which will protect employees for actions or omissions directly related to their law enforcement function. Within stated policy limits, this program protects employees from acts or omissions leading to personal injury or death and/or property destruction which, in turn, could lead to civil action against the employee.

II. PURPOSE

To set forth procedures relating to the police liability protection program.

III. PROCEDURES

A. General:

The town maintains a liability program to protect police department employees for acts or omissions directly related to their law enforcement function. Liability protection is provided in a variety of ways, typically including officers' liability coverage, vehicle liability coverage, and self-insurance. Since the exact components of the liability protection program are subject to periodic change through contract expiration and renegotiation, any employee desiring to know the specific components then in effect may contact the chief of police.

B. Employees covered:

All officers, reserve officers, animal control officers, crossing guards, and full- and part-time civilian employees of the department are covered by the liability protection program.

C. Notification of suit or claims:

Any employee who receives notice in any form of actual or impending legal suit or claim, shall, as rapidly as possible, explain such, through command channels, to the chief of police. The chief of police, will, in turn, provide appropriate notification to both the town manager and the town attorney.

D. Financial liability:

No employee shall imply or accept financial liability for loss or damage on behalf of the town. Any inquiries concerning financial liability will be referred to the town attorney.

E. Acts not covered:

1. An act committed by an employee, or an omission of duty, which constitutes gross and willful negligence may not be covered by the department.
2. Officers are expected to display discretion and good judgment in their work. Some duties are mandated by law, others by custom or tradition. Liability may arise in either case. The department cannot avoid lawsuits; the department can control its liability by demanding strict adherence to the provisions of this manual.
3. Officers are reminded that much litigation against them or the department will focus on the degree to which officers followed a policy or custom (defined as "a persistent, widespread practice") which, in itself, was either unconstitutional, illegal, or the cause of an unjustifiable injury. If such a custom or policy is found by the court, the department may be held liable.
4. Officers may be held liable for misconduct in any of five ways:
 - a. Violation of Virginia criminal law
 - b. Violation of departmental rules and regulations
 - c. Tort against a citizen

- d. Violation of federal criminal civil rights statutes, 18 U.S.C. Sections 241 and 242.
- e. Violation of federal civil rights law 42 U.S.C. Section 1983.

5. Civil rights

- a. Because of the prevalence of civil rights litigation against police officers in federal courts, employees are here instructed in the content of 42 U.S.C. Section 1983. An officer is a person acting under color of law. An officer may be held personally liable for violating citizens' constitutional rights.
- b. 42 U.S.C. Section 1983 reads:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured on an action at law, suit in equity, or other proper proceeding for redress."

- c. Officers are further reminded that the respondeat superior concept does not apply to police departments. This principle provides that "the master is responsible for the acts of the servant." Generally, officers, and not their supervisors, are liable for their own misconduct. Again, questions about precisely what actions or behavior are indemnified by the town must be directed to the chief of police.

F. Immunity:

In court, officers do not automatically receive immunity from lawsuits simply because officers act in good faith. A recent Supreme Court case allows officers to claim qualified immunity when their actions do "not violate clearly established statutory or constitutional rights of which a reasonable person would have known" (Harlow v. Fitzgerald, 457 U.S. 800, 1982). To afford themselves the defense of qualified immunity, officers should learn as much as they can about established constitutional principles. In short, officers must have an objectively reasonable belief in the constitutionality of their actions.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: RELATIONSHIPS WITH OTHER
AGENCIES

NUMBER: 1-16

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 4.1, 4.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: agencies

I. POLICY

Establishing and maintaining effective liaison and open channels of communication between the department, neighboring law enforcement agencies, and the criminal justice and referral agencies are essential first steps in improving cooperation. Good liaison can break down barriers that may exist and can result in savings and improved and more efficient and effective law enforcement operations.

II. PURPOSE

To establish procedures and responsibilities for liaison and maintaining communication between the police department, neighboring law enforcement agencies, and other criminal justice or social service agencies, both public and private.

III. PROCEDURE

A. Relationships with other criminal justice agencies:

1. It shall be the responsibility of all department personnel to maintain harmonious working relations and communication with the Commonwealth's Attorney; Public Defender; District, Juvenile

and Domestic Relations, and Circuit Courts; respective Clerk's officers; the local probation and parole officers; jail; juvenile detention home; and any other criminal justice agencies. The department will normally provide all possible information, assistance and support to these agencies allowed by law.

- a. Any serious policy or procedural problems or differences with another agency or its personnel will be brought to the attention of the chief of police who will meet with appropriate personnel of these agencies in order to resolve the problems.
 - b. During any investigation (or during planning for, arrest or pretrial stages), any questions of law or criminal procedure will be addressed to the Commonwealth's Attorney or assistant. Questions on law enforcement procedure will be addressed to the sergeant or to the chief of police.
 - c. Any criminal cases referred to the Commonwealth's Attorney which result either in a decision of declined to prosecute or dismissed, due to department mishandling, must be carefully reviewed and appropriate corrective action taken. The Commonwealth's Attorney has been asked to bring such cases to the attention of the chief of police.
2. All employees of the department will assist and cooperate with all federal, state, and local law enforcement agencies in every way possible allowed by law.

B. Referrals:

1. Officers of the department often encounter citizens, either adult or juvenile, who need specialized forms of help that the department cannot give, i.e., marriage counseling, mental health counseling, welfare assistance, assistance in handling civil matters. When, in the best judgment of an officer, this situation arises, he shall refer the citizen to the most qualified agency to deal with the problem, or consult his supervisor.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: JURISDICTION; MUTUAL AID

NUMBER: 1-17

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 2.1

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: mutual aid; jurisdiction

I. POLICY

On occasion the need arises to request assistance from or give assistance to a neighboring law enforcement agency. This need usually results from an emergency such as a civil disorder, fire, flood, or other disaster. Before the need arises, agencies must clarify and plan emergency procedures. Available state support systems should be appropriately used in support of our law enforcement operations.

II. PURPOSE

To establish procedures, duties and responsibilities for providing assistance to, or requesting assistance from, another law enforcement agency and to provide for use of statewide law enforcement support systems.

III. PROCEDURE

A. Jurisdiction:

1. Generally, the legal jurisdiction of the police department stops at the town limits, as defined by charter, and Virginia Code. However, Virginia State Code Section 19.2-250, in

criminal cases involving offenses against the Commonwealth, extends jurisdiction one mile beyond the corporate limit of the town. This authority may be used for such circumstances as:

- a. Assisting neighboring law enforcement agencies or the Virginia State Police in handling emergency calls at times when they are unable to respond immediately.
 - b. When a felony or serious misdemeanor crime in progress is observed by an officer occurring within the one mile zone.
2. Whenever a person in the custody of an officer shall escape or whenever a person shall flee from an officer attempting to arrest him, such officer, with or without warrant, may pursue such person anywhere in the state and, when actually in close pursuit, may arrest him wherever he is found (State Code Section 19.2-77). No officer of the department will leave the town in a pursuit or chase without informing the dispatcher. Mutual aid will be requested from other law enforcement agencies as appropriate. On-duty supervisors shall closely monitor all pursuits and will terminate them when necessary.

B. Mutual Aid:

1. Mutual aid is provided for in law by Virginia Code Sections 15.1-131 and 15.1-131.5. For the purpose of this general order, mutual aid is defined as the short term assistance given or asked for between the department and neighboring law enforcement agencies during emergency situations such as civil disorders, fires, floods, or other public disasters. Typical law enforcement services required or provided may include mass processing of arrestees, transporting prisoners, and operating temporary detention facilities.
2. Mutual aid may be requested from or provided to another law enforcement agency by the department at the discretion of the on-duty supervisor; officers must remember, however, that they are responsible for providing law enforcement service to our jurisdiction. Normally, outside agency personnel will be used to assist in a show of force, traffic control, mass processing of prisoners, prisoner transport and operating temporary detention facilities. There are generally three levels of mutual aid assistance as follows:

- a. Short duration, approximately 30 minutes or less, where an additional show of force or traffic control or assistance with prisoner transport is required.
 - b. Medium duration, one to four hours, where the senior officer on duty may request assistance from the neighboring law enforcement agencies and the State Police; however, their role should normally be in a showing of force, transporting prisoners or traffic control.
 - c. Long duration, more than four hours, full scale assistance required. The on-duty supervisor should immediately notify the chief of police who will assist in coordinating additional aid as required.
3. Any long-term support between the police department and neighboring police agencies shall be coordinated in advance by department heads. Coordination will be accomplished by written agreement incorporating the following:
 - a. Indemnification of the provider agency and its personnel, i.e., life, health, and liability insurance. Both agencies must understand that one agency's liability insurance will not release an officer's department from liability if the officer's action is negligent. Both agencies may be liable.
 - b. List of resources to be shared.
 - c. Estimate of amount of aid available.
 - d. Payment for certain expenses, e.g., meals, lodging, gas, overtime pay.
 4. Occasionally it is necessary to request assistance from a federal law enforcement agency, such as the FBI, when a bank robbery or a major crime has been committed (e.g., murder and kidnapping) and it is believed that the perpetrator of the crime has left the state. The chief of police will decide whether or not to notify the FBI.
 5. If the department with the help of neighboring police agencies and the State Police is unable to cope with an emergency such as a riot or civil disturbance, it may call upon the National Guard for assistance. In this event, the procedures as written in the memorandum: "Subject: Revised Procedures To Be Followed In The Event State

Assistance Is Required In Connection With Civil Disturbances," Office of the Governor, dated June 7, 1982, will be followed.

C. Statewide law enforcement support:

1. The department is a member of and participates in the use of the Statewide Interdepartmental Radio System (SIRS) and complies with the procedures for its use. A copy of these procedures can be found posted in the department office.
2. The department participates in the use of the Central Criminal Records Exchange (CCRE) and complies with the procedures for the use of this exchange. In addition, the department participates in the Uniform Crime Reporting system of the Commonwealth of Virginia and the Federal Bureau of Investigation.
3. Certain state-owned law enforcement resources may be made available to this department for special use. Such resources, and state agency to contact, include:
 - a. Canine teams - Virginia State Police. Canine teams, if requested, will only be used to track, and great caution will be used in deploying teams in heavily populated or congested areas. Handlers will be responsible for compliance with their own agency policies, procedures and restrictions. Canine teams will not be used for building searches.
 - b. Helicopter or fixed wing aircraft - Virginia State Police. Normally requested in advance by the chief of police from the superintendent. May be available on emergency basis through the Virginia State Police.
 - c. Polygraph - Virginia State Police.
 - d. Riot truck and equipment - Virginia State Police.
 - e. Bomb Disposal - Virginia State Police

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: FIREARMS - GENERAL

NUMBER: 1-18

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED: .

Chief of Police/Sheriff

CALEA STANDARDS: 1.3

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: firearms training; firearms inspections; qualification; shotguns; off-duty weapons; armorer; firearms safety

I. POLICY

A police officer's firearm is perhaps the most commonly-perceived symbol of his authority and role. In the interest of public safety and police professionalism, the department sets herein high standards of performance for its personnel who use weapons. The department's policy ensures that members are properly trained not only in the use of appropriate firearms, but also in their maintenance. In addition, the department believes that off-duty use of weapons, plus the selection and wearing of on- and off-duty holsters must follow standards enforced by supervisors and the department armorer.

Firearms training is an important phase in the development of law enforcement officers, particularly with weapons that are the most accessible to the officer, i.e., revolver and shotgun. Pursuant to the provisions of 9-109, of the Code of Virginia (1950), as amended, the Criminal Justice Services Commission established that every full-time police officer will be required every 24 months to qualify with his issued revolver, twice, using the highest score as his record. That score, and any scores used by the department for record must be fired on an approved firing range, under the supervision of a certified firearms instructor. The department, however, requires firearms qualification every six months. Further, firearms qualification is a combination of skill and discretion: when to shoot is perhaps a more important question than how to shoot. Officers shall carefully review GO 2-6 frequently.

II. PURPOSE

To establish policy and procedure governing the care and maintenance of issued weapons, the selection and use of holsters, off-duty weapons, firearms training and qualification.

III. PROCEDURES - GENERAL

A. Issuance of weapons

1. The armorer or firearms instructor, if appropriate, shall issue departmental weapons to authorized personnel.
2. Departmental firearms which become unserviceable or are no longer needed shall be returned to the armory which is located in the department office.
3. Department service revolvers must be of a caliber of at least .38, not to exceed .357 magnum. The department also authorizes the .9mm semiautomatic pistol.

B. Security of weapons

Officers are responsible for the care, cleaning, and security of departmental weapons issued to them. Officers shall report any weapon malfunction to the chief of police.

C. Departmental armorer

The duties of the armorer are:

1. To provide for the care and maintenance of nonissued departmental weapons and associated equipment.
2. To inspect all weapons being returned to the armory to ensure they are clean and serviceable.
3. To repair all returned malfunctioning weapons.
4. To maintain records of issuance, care, and maintenance of departmental weapons and associated items.
5. To issue departmental ammunition.
6. To inspect and certify as serviceable personally-owned firearms that are authorized for on-duty or off-duty use.

7. To inspect and authorize the use of holsters for off-duty use and for on-duty use if the officer prefers to use a holster other than one issued by the department.
8. The department armorer shall inspect all weapons used by officers both on and off duty at each qualification shoot.
9. The armorer shall maintain a record of all firearms which have been certified as safe and with which officers have qualified. This record shall include the following:
 - a. Officer's name and identification number.
 - b. Make and model of weapon.
 - c. Serial number of weapon.

D. Modification of weapons

1. Departmental weapons shall not be modified or altered without written approval of the chief of police except as outlined.

Allowable modifications for Colt semiautomatic revolvers:

- a. Built-up thumb safety.
 - b. Flat mainspring housing.
 - c. High visibility fixed sights (must be turned in with the weapon).
 - d. Bite-proof hammer (the factory hammer must be turned in with the weapon, in original condition)
2. Substitution of grips
 - a. Grips shall be of high quality wood, rubber, or polyurethane.
 - b. Grips shall be the color of the natural wood, or plain black or brown.
 - c. Target-style grips, or any grips which interfere with the speed loading of the weapon are not authorized.

3. Modification of privately-owned weapons designated by officers as duty weapons.

- a. Substitution of grips as outlined in No. 2b above is authorized.
- b. Trigger shoes are prohibited.

E. Firearms inspections

1. Although either the firearms instructor or the armorer shall thoroughly inspect each weapon during qualification on the range, the sergeant shall inspect each officer's issued firearm monthly to ensure that they are maintained in a clean and serviceable condition.

- a. Firearms inspections shall include sidearms, shotguns, and authorized rifles.
- b. Ammunition shall be inspected to ensure that it is of departmental issue, of correct quantity, and in serviceable condition.
- c. Upon completion of such inspections, the sergeant shall forward a memorandum to the chief of police that documents the following information:
 - (1) The date the inspection was held.
 - (2) The name of each officer inspected.
 - (3) The findings of the inspection.

F. Off-duty weapons

1. Off-duty weapons, either revolvers or semi-automatic pistols, and ammunition for them, are purchased at the officer's expense. The armorer must inspect and certify the off-duty weapon before it may be carried. Revolvers and semi-automatics must not exceed .44 caliber.

- a. Officers must be able to qualify with the off-duty weapon twice annually.
- b. The armorer must approve any concealed holster for an off-duty weapon.
- c. The armorer will maintain a record of all holsters and weapons used by each officer.

2. Officers may carry, while off duty, either an issued weapon or one purchased at officers' expense. To ensure proficiency with the weapon, at a regularly scheduled shoot each officer shall qualify with an off-duty weapon (not an issued weapon) according to the procedure outlined herein with ammunition purchased at the officer's expense.
3. Officers may not carry weapons when socially inappropriate (e.g., at a sports event), and shall not when consuming alcoholic beverages.
 - a. Off-duty weapons shall be carried safely and concealed from public view.

IV. PROCEDURES - QUALIFICATION

A. Qualification rules

1. All full-time officers shall normally be required to shoot two (2) qualifying scores of 70 points on an approved firing range twice a year, usually in the spring and fall.
2. The firearms instructor shall be in charge at all times when officers are on the firing range for qualification.
3. Only weapons and ammunition issued by the department will be used during qualifications, except for officers who use their own weapons while on duty (which fire issued ammunition).
4. No smoking, drinking, eating, or chewing tobacco will be permitted in the area of the firing lanes.
5. Officers waiting to shoot will remain outside the immediate firing area (behind the 25 yard line or 50 yard line, whichever is greater).
6. Persons who are not police officers will not be allowed nearer the shooting area than the parked vehicles, except by the approval of the firearms instructor.
7. Horseplay will not be permitted on the firing range. Anyone engaged in horseplay will be asked to leave the range, and the firearms instructor will write a report to the chief of police (sheriff) detailing the circumstances.

B. Every officer shall fire the regular firearms course approved by the Virginia Department of Criminal Justice Services consisting of 60 rounds of ammunition, divided into 3 phases (all firing is double-action):

1. Phase 1, from the 7 yard line - total 24 rounds
 - a) 6 rounds - fire 1 round on whistle (2 seconds), holster weapon
 - b) 6 rounds - fire 2 rounds on whistle (3 seconds), holster weapon
 - c) 12 rounds - fire 12 rounds on whistle (30 seconds), holster weapon
2. Phase 2, from the 15 yard line - total 18 rounds
 - a) 6 rounds - fire 1 round on whistle (2 seconds), holster weapon
 - b) 6 rounds - fire 2 rounds on whistle (3 seconds), holster weapon
 - c) 6 rounds - fire 6 rounds on whistle (12 seconds), holster weapon
3. Phase 3, from the 25 yard line - total 18 rounds, 90 seconds
 - a) 6 rounds - kneeling, fire 6 rounds, strong hand, reload and move to next position
 - b) 6 rounds - standing, fire 6 rounds, weak hand, reload and move to next position
 - c) 6 rounds - standing, fire 6 rounds, strong hand, unload and holster weapon
4. Officers shall not be permitted to attempt to qualify numerous times before actually qualifying. Rather, out of every six attempts, officers shall qualify three times or twice in a row. Officers who fail to qualify shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met.
5. The armorer or range officer shall inspect all weapons before firing to (1) ascertain that weapons are safe and (2) to ensure that weapons are properly maintained.

C. Safety

1. Each officer, before going to the shooting line, will be sure to have an approved pair of ear guards.

2. All weapons and ammunition pouches/speed loaders will be emptied before entering the firing range area. (Normally, unload in the vehicle parking area.)
3. Once weapons have been emptied, they shall remain in holsters until officers have taken positions on the firing line and the firearms instructor has given permission to "dry fire" or "load with ammunition."
4. Once a shooting phase has begun, weapons will be kept pointed down range, and officers should remain facing their targets. An officer shall raise his hands to draw the instructor's attention if he misunderstands a command.
5. In case of a misfire, keep the weapon pointed down range for at least 10 seconds (in case of a delayed reaction) before opening the cylinder. Never attempt to fire the next round without first having the firearms instructor check the weapon.
6. At no time will anyone go beyond the firing line until it is safe, and then only when the firearms instructor gives the command.
7. Keep the trigger finger out of the trigger guard and away from the trigger until the weapon is pointed down range.
8. With the cylinder open, always check the weapon twice to make sure it is unloaded.

D. Shotgun

1. Every officer may only carry a departmental issue shotgun upon passing the shotgun qualification course.
2. The qualification course shall include:
 - a. Knowing how to load and unload it combat style.
 - b. Firing at least 10 shots, some from different positions.
3. The ammunition chamber shall be left open and the safety on until instructed by the firearms instructor to load or check the weapon.
4. Shotguns will not be handled except on the command of the firearms instructor.

E. Classroom instruction

All police department personnel, will, if duties require carrying firearms, receive classroom familiarization with their firearms before obtaining permission from the firearms instructor to enter the the firing range.

POLICE/SHERIFF'S DEPARTMENT RULES AND REGULATIONS

SUBJECT: EMPLOYEE BENEFITS

NUMBER: 1-19

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 22.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: benefits; injury; leave; vacation; holidays; hours of duty; Fair Labor Standards Act

I. POLICY

The department expects employees to fully avail themselves of the benefits of employment offered by [your agency]. Sick leave and illness or injuries require special comment in view of the costs to both the employee and the department. Whenever an employee, while on duty, becomes injured, the officer injured or his supervisor shall report the circumstances of the incident, in writing, to the chief of police.

II. PURPOSE

To acquaint employees with the benefits of town employment, and specifically to obtain proper insurance coverage for an injured employee, and to establish procedures for dealing with on-duty injuries.

III. PROCEDURES - GENERAL

A. VACATION

All vacation will be restricted to two weeks per officer from May to September. The remaining time must be taken from September to May. All vacation time must be taken within the town fiscal year, September 1 through August 31. No accumulated time will be accepted.

B. HOLIDAYS

The allowed holidays may be taken as part of an extended vacation or individual holiday. Provisions will be made by prior arrangement with the chief of police to take time off. See town personnel policy.

Individual holidays cannot be taken on Friday and Saturday except as a part of an extended vacation. See the police chief for approval.

C. SICK LEAVE

Sick leave administration will be under the supervision of the chief of police and the town manager. See town personnel policy.

D. SPECIAL LEAVE

Special leave may be granted from work to police officers attending meetings where town business is involved or in the event of death in the immediate family. Immediate family includes father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, grandmother, grandfather, or any relative who is domiciled in the employee's household. Death leave is limited to three (3) days.

E. ABSENCE WITHOUT LEAVE

An authorized absence from duty shall be treated as an absence without pay and may be grounds for disciplinary action. Where the conditions warrant and adequate reasons for failure to secure authorization before the absence are found to exist, the absence may be authorized by a later grant of leave.

F. OVERTIME

Compensatory time may be granted in accordance with town policy. Generally, the department does not recognize overtime for pay purposes. [NOTE: Very small departments should consult Section 13A20 of the Fair Labor Standards Act to determine if they are exempt from both minimum wage and the overtime provisions of FLSA].

G. HOURS OF WORK

[Describe your department's schedule. Some agencies have duty cycles that extend several weeks before repeating themselves, or require officers to remain at home on call. To ensure compliance with federal law, town managers and police chiefs should consult the nearest Wage and Hour Office of the U.S. Department of Labor. The Wage and Hour Office treats all inquiries as confidential; callers may even remain anonymous. The regional office locations

and telephone numbers are: Richmond, 804-771-2995; Roanoke, 703-982-6331; Norfolk, 804-441-3490; Bristol, 703-466-6088; Lynchburg, 804-845-6876; Waynesboro, 703-285-2575; Falls Church, 703-285-2575.]

IV. PROCEDURES - INJURIES

A. General

1. All full-time employees are covered by Workman's Compensation, medical insurance and accrued sick leave, paid for by the town.
2. Employees who are injured while on duty shall at the first opportunity make a written report submitted through the chain of command to the chief of police.
3. All initial reports should be completed before the end of the tour of duty, or not later than twenty-four hours after the incident.
4. In the event that the injured employee is not able to make the report, the supervisor shall be responsible for submitting all required reports with all available information.
5. The injured employee shall send or deliver, at the earliest time, any additional medical statements or information concerning when the employee may or will be available for reassignment to light or regular duty.
6. The injured employee, or his supervisor if he is unable to speak for himself/herself, shall notify the hospital, doctor, and pharmacy that all expenses related to the on-the-job injury are to be billed to the town insurance carrier for payment under Workman's Compensation.

B. On-the-job injury:

1. Employees are covered by Workman's Compensation for any injury sustained while properly performing assigned duties, for as long as medically necessary. The town has the right to request at any time a medical re-evaluation of an employee. Injuries include those occurring while attending the police academy, Forensic Academy, or any other department authorized school.

C. Off-the-job injury/illness:

1. Whenever a member of the department sustains an injury or illness, not job related, that would affect performing normal assignments, time that person may take off from work will be deducted from his accrued sick leave.

2. Any time that a member is absent by using sick leave, the chief of police or supervisor may request a medical statement of proof of the degree of the injury or illness, and how long the injury or illness may require that person to be away from his/her normal assignment.
3. As soon as possible before his or her next tour of duty, the injured/ill employee shall inform his or her immediate supervisor of the extent of the injury or illness and deliver or send any medical statements certifying when he/she may be expected to return to duty.
4. If an employee is without enough sick leave to cover an absence, vacation time will be deducted, then compensatory time, and finally leave without pay will be charged.
5. Employees may be given, without charging sick leave, up to two hours for personal, medical, dental, or optical consultation or treatment. If more than two hours are required, sick leave must be charged.

D. OSHA Requirements:

Should a full-time officer or employee be killed while on duty, OSHA in Richmond must be notified immediately. If five or more full-time officers or employees are injured in one incident, OSHA in Richmond must be notified immediately. The town manager's secretary should be called at the very earliest time to begin the paper work and process the death notification or multiple employee injury notification.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: LIMITS OF AUTHORITY:
CONSTITUTIONAL SAFEGUARDS

NUMBER: 2-1

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 1.2, 42.2, 51.1, 72.12

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

probable cause	Constitutional safeguards	plain view
reasonable suspicion	Miranda rights	vehicle searches; incident
eyewitnesses	search and seizure;	to arrest
hearsay	limitations	vehicle searches; probable
authority; limitations	consent to search	cause
	emergency searches	vehicle searches; inventory

I. POLICY

The U. S. Constitution guarantees every citizen certain safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. Consequently, these safeguards have placed limitations on the authority of police to enforce the laws of the nation, state, and the town of []. The department expects its officers to act with due regard for citizens' civil liberties.

II. PURPOSE

The purpose of this general order is to define the legally mandated authority for the enforcement of laws, to establish procedures for assuring compliance with constitutional requirements during criminal investigations, to set forth guidelines concerning the use of discretion by officers, and to define the authority, guidelines and circumstances when officers should exercise alternatives to arrests and pre-trial confinement.

III. PROCEDURES - GENERAL

A. Law enforcement authority to enforce laws:

1. Section 15.1-138 of the Code of Virginia gives police officers of cities and towns the authority to enforce the criminal laws of the Commonwealth and ordinances and regulations of the city in which they are appointed.
2. Section 49-1 of the Code of Virginia requires that all officers, upon entering their office, take an oath whereby they swear to support the Constitution of the United States and the Commonwealth of Virginia.

B. Limitations on law enforcement authority:

Limitations on law enforcement authority are derived from statutes, federal, state, and local judicial interpretation of laws, opinions of the Attorney General and Commonwealth's Attorney, departmental policies/rules and regulations, and town administrative decisions.

1. Statutory Limitations:

These limitations include, but are not limited to:

- a. Enforcement of laws outside of the town limits. Section 19.2-250 of the Code of Virginia grants authority to enforce state laws one mile beyond the boundaries of the city.
- b. Section 15.1-142.1 of the Code of Virginia grants authority to enforce laws on any town-owned property located outside of its boundaries. Examples include: sewage treatment plants and the town's water source.
- c. Section 15.1-138 prohibits officers from enforcing the civil laws of the Commonwealth.

2. Judicial Limitations:

Courts constantly interpret laws that place limitations on the authority of law enforcement officers. The more common include: Miranda rights/warnings, rulings on search and seizure, eye-witness identification, lineups.

IV. MIRANDA RIGHTS:

A. The Fifth Amendment right against self-incrimination:

The voluminous case law covering Miranda (Miranda v. Arizona, 384 U.S. 436, 1966) warnings has established several guidelines for officers to help decide when the warnings must be administered. If a person is taken into custody and subject to interrogation, Miranda warnings must be administered. As to what constitutes "custody," if the suspect is not free to leave and he reasonably believes that he is not free to leave, then he is in custody. In determining if a suspect is free to leave the police officer's presence, a court will look at the circumstances of the interview: if police questioning is conducted in a police car or at a police station, the environment may be construed a coercive one, and the interview custodial. If, however, officers conduct routine, preliminary questioning near or at the scene of an investigation, no "custodial interrogation" exists and Miranda is not required. When the questioning focuses on specific behavior concerning a specific offense, then Miranda is required. To repeat, Miranda must be administered when:

1. The suspect is in custody (i.e., not free to leave), and
2. The suspect believes he cannot leave, and
3. The suspect is subject to interrogation, then Miranda must be administered. Miranda, of course, must always be administered upon a suspect's arrest.

B. Definitions

1. An interview may be construed as any conversation with a suspect, witness, victim, or other citizen.
2. An interrogation, according to the Supreme Court, includes the following, per Rhode Island v. Innis, 446 U.S. 291 (1980):
". . . express questioning or its functional equivalent. . . any words or conduct on the part of police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect."
3. Officers are reminded that an interrogation does not rely solely or exclusively on words: conduct can be the "functional equivalent" of asking questions.

C. Rights Admonition

1. In order to achieve uniformity in administering Miranda warnings, police officers will be issued cards with the Miranda warnings and waiver on them. Officers will advise suspects, verbatim:
 - a. "You have the right to remain silent."
 - b. "Anything you say may be used against you in a court of law."
 - c. "You have the right to talk to a lawyer and have him present with you while you are being questioned."
 - d. "If you cannot afford to hire a lawyer, one will appointed to represent you before any questioning, if you wish one."
 - e. "You may cease talking at any time."
2. After the warning, in order to secure a waiver, the officer shall ask and receive affirmative replies to the following questions:
 - a. "Do you understand each of these rights I have explained to you?"
 - b. "Having these rights in mind, do you wish to talk to us now?"
3. After the rights have been read, understood, and the person wishes to waive them, the officer will have the suspect sign the waiver of rights form.

D. Exemptions/Special Cases

1. If the suspect volunteers or otherwise spontaneously utters incriminating information, officers are under no obligation to interject Miranda warnings. Once the officer has heard the suspect express such remarks, the officer shall then advise the suspect of Miranda rights and obtain a waiver before undertaking additional questions.
2. An officer may, however, ask the suspect immediately for clarification of a volunteered statement. Such clarifying questions are most justifiable where public safety is at stake. For example, in New York v. Quarles, 104 S. Ct. 2626 (1984), the Supreme Court created the "public safety exception" to Miranda. In the case, police frisked a felony suspect who was thought to be armed. Finding no weapon, and without administering Miranda, the officers asked where the gun was, and the suspect answered. The presence of the gun constituted a public safety hazard, justifying the question.

3. Questioning by private persons, such as a doctor, nurse, or social worker or non-police government personnel does not require Miranda.
4. Remember that if a suspect invokes his Miranda rights during an interview, all questioning concerning the crime(s) must cease. If questioning resumes later, perhaps by different investigators and incorporating new information, "fresh" Miranda warnings must be given.

V. SEARCH AND SEIZURE

- A. Definition: Police action is termed a search where (1) there is a "prying into hidden places by the police officer" in which (2) the person whose premises or person is being searched has a reasonable expectation of privacy.
- B. The Fourth Amendment guarantees the right for people to be free from unreasonable searches and seizures of their homes, persons, and things. The Supreme Court is constantly interpreting the Fourth Amendment as it applies to police conduct. Illegally seized items of evidence will not be admitted in court and may be cause for a lost criminal case. Additionally, an illegally conducted search invites civil suits under the Civil Rights Act. In order to ensure that Fourth Amendment rights are protected, officers will obtain search warrants upon probable cause in all appropriate criminal cases except the following:
 1. Consent searches
 2. Emergency searches
 3. Plain view
 4. Abandoned property
 5. Inventory searches of vehicles
 6. Incident to arrest (see GO 2-4)
 7. Pat-downs of suspicious persons (see GO 2-3)
- C. Consent
 1. A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search.
 - a. Generally, such authority extends to a person who shares use, access, or control of property.
 - b. If two people have joint ownership of property, either may give consent.

- c. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.
 - d. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use.
 - e. A parent may consent to a search of premises occupied by a dependent child.
 - f. An employee cannot give valid consent to a search of his employer's premises unless he has been left in custody of the premises.
 - g. An employer may generally consent to a search of premises used by employees, except premises used solely by an employee (e.g., a locker).
2. Consent must be voluntarily given. If an officer requests consent from a citizen under circumstances which a reasonable person would consider coercive, then officers must seek a warrant. The officer may have the burden of demonstrating voluntariness (Schneckloth v. Bustamonte, 412 U.S. 218, 1973).
 3. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant.

D. Emergency searches

1. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."
2. The Virginia Supreme Court, in Verez v. Commonwealth, 337 S.E. 2d 749, 1985, gave ten factors to be considered in evaluating whether an emergency exists:
 - a. The degree of urgency involved and the time required to get a warrant.
 - b. Officer's reasonable belief that contraband is about to be removed or destroyed.
 - c. The possibility of danger to others including officers left to guard the site.
 - d. Information that the possessors of contraband are aware that police are on their trail.

- e. Whether the offense is serious, or involves violence.
- f. Whether officers reasonably believe the suspects are armed.
- g. Whether the officers have probable cause.
- h. Whether the officers have strong reason to believe the suspects are present on the premises.
- i. The likelihood that the suspects will escape.
- j. The suspects entry onto premises after hot pursuit.

E. Plain view

- 1. A plain view seizure is, technically, not a search. To make a plain view seizure of property (contraband, fruits or instrumentalities of the crime), the officer must inadvertently observe the property in a place where he has a legal right to be.
- 2. It must be immediately apparent to the officer that the items he or she observes may be evidence of a crime, contraband, or otherwise subject to seizure.
 - a. The officer may not move items, look inside or underneath or behind them for serial numbers or other identifying marks. If such movement is necessary, officers shall obtain a warrant.

F. Abandoned property

- 1. A search warrant is not required for property that has been abandoned.
- 2. To constitute abandoned property, two conditions must apply:
 - a. Property was voluntarily abandoned.
 - b. Property was discarded outside the area in which someone has a reasonable expectation of privacy.

G. Inventory searches of vehicles

A lawfully impounded vehicle, or a vehicle removed from the street and placed in police custody may have its contents inventoried for purposes of police management. Any evidence or contraband found during the inventory may be used to formulate probable cause for a subsequent search or arrest. The inventory must be a routine police procedure.

VI. PROBABLE CAUSE AND REASONABLE SUSPICION

A. Probable cause:

Most searches and all arrests are based on the police officer's perception of probable cause. According to the Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting officer's] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

1. An officer must have probable cause to undertake a search or make an arrest.
2. When an officer has probable cause, he or she may undertake a complete body search, record the suspect's fingerprints, take the suspect's photograph, and jail him. The aim of probable cause is to make a formal charge.

B. Reasonable suspicion:

Reasonable suspicion involves a standard less than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot.

1. An officer must have reasonable suspicion to temporarily detain a citizen.
2. When an officer has reasonable suspicion, he or she may undertake a pat-down of a suspect's outer clothing for weapons and record the circumstances of the encounter. The aim of reasonable suspicion is to resolve an ambiguous situation.

C. Elements

1. Probable cause may be established through investigation and observation, witnesses, confidential informants, or through anonymous sources provided that the information provided by such circumstances is backed by investigation.
2. Unnamed informants may be used in an affidavit for a search warrant if information is included about why the informant is credible (reliability) and he has information of specific use in the investigation (knowledge). See GO 2-11 for further information on informants.

VII. EYEWITNESSES

A. Eyewitness identifications generally do not provide reliable evidence during criminal investigations. Consequently, the Supreme Court has addressed this issue in numerous cases and set forth guidelines to be followed when eyewitness identifications are solicited by officers. Eyewitness identifications may take the following form:

1. On-scene investigation:

One-on-one identifications have been held constitutional so long as the period of time between the offense and the identification is brief. One to three hours would be a reasonable amount of time.

2. Line-ups:

Line-ups should be conducted using a minimum of six persons having similar physical characteristics as the suspect. The accused has the right to have an attorney present during the line-up and the line-up may not take place until that attorney is present. The attorney may not offer any suggestions concerning the conduct of the line-up, but may merely observe. All line-ups must be documented by the police as to date, time, place, name of participants and witnesses and location of suspect/participants.

3. Photo line-ups:

In conducting photo line-ups, the photos must depict persons displaying similar physical characteristics as the suspect. Simply showing an eyewitness a single photo of the suspect has been ruled unconstitutional. As a general rule, a photo line-up containing 6-8 photos would be reasonable. Photographs shown to witnesses will not contain any identifying information. Photo line-ups will be documented as under (2) above.

B. Hearsay

1. Officers must understand the rules by which hearsay can be considered evidence and therefore of use in an investigation.

a. According to the Virginia Supreme Court, hearsay is "evidence not proceeding from the personal knowledge of the witness, but from the mere repetition of what he has heard others say."

2. Hearsay is generally inadmissible in court.

3. Some hearsay is useful as evidence. Exceptions to the Hearsay Rule, and therefore admissible, include:
 - a. A dying declaration, or a statement, oral or written, made by a mortally wounded person who knows that he is about to die and has abandoned hope of recovery.
 - b. Spontaneous declarations, or exclamations of a participant or bystander concerning an incident, made without time for reflection.
 - c. Public records, or reports prepared by public officials under a duty imposed by law or regulation.
 - d. Spontaneous admission, or admission following admonition of Miranda warnings.

VIII. VEHICLES

- A. Preferably, officers shall search vehicles under authority of a warrant whenever there is sufficient time to obtain one.
 - a. If a vehicle has broken down, or is parked on private property and there is little likelihood that the vehicle will be driven away or that evidence within it will be destroyed, officers shall obtain a warrant to search it.
- B. Custodial arrests

Officers may search a vehicle without first obtaining a warrant if:

1. No opportunity exists for securing the warrant, and
2. The search is made pursuant to a full custodial arrest of a person who is inside of or beside a vehicle at the time of arrest, and
3. The search is based upon probable cause (see GO 2-4 for a fuller discussion of searches incident to arrests).
 - a. A "full custodial arrest" means an arrest where the suspect is taken into custody for the purpose of transporting him to a police facility or jail.
 - b. LIMITATIONS: Officers searching vehicles under the above circumstances must limit their search as follows:
 - (1) To the entirety of the person arrested.

(2) To the passenger compartment of the auto and the area in the immediate control of the person being arrested from which he could reach for a weapon or for evidence of a crime. The search may include open or closed containers in the passenger compartment.

(a) The search may not extend to the trunk unless probable cause has been established during the search incident to an arrest that contraband, weapons, fruits or instrumentalities of the crime are located there.

(3) The search incident to custodial arrests legally can be undertaken to protect the officer, prevent the suspect from escape, and to prevent destruction of evidence.

C. Probable cause only - Apart from custodial arrests, officers may search a vehicle without a warrant if:

1. Probable cause exists that the vehicle contains evidence of an illegal act, and
2. The vehicle is moving or capable of being moved quickly so that if the officer does not search immediately, evidence could be destroyed or lost.
3. When officers have probable cause to believe that contraband is concealed somewhere within a vehicle, they may conduct a warrantless search of the entire vehicle, including all containers and packages that may conceal the object of the search. If, however, probable cause is directed at a specific container within the vehicle, an officer may seize the container and must obtain a warrant before searching it.

IX. LIMITATIONS ON AUTHORITY

A. Limitations on law enforcement authority by local courts:

Occasionally, the local courts may limit law enforcement authority to enforce state statutes and local ordinances. These limitations include, but are not limited to:

1. The enforcement of certain parking ordinances.
2. The handling of juvenile offenders.

3. The issuance of summonses as opposed to arrests/incarceration.

4. Restrictions relating to the animal control ordinance.

B. Limitations on police authority by Commonwealth's Attorney:

Occasionally, the Commonwealth's Attorney may issue opinions to the department which may impose limitations on officers. These areas include, but are not limited to:

1. Prosecution of certain cases.

2. Extradition.

3. Enforcement of certain statutes pending opinions from the Attorney General's Office.

C. Limitations on police authority by the town manager and chief of police:

Limitations on police enforcement actions by town council, town manager or the chief of police include, but are not limited to:

1. City/town tag violations.

2. Parking violations.

3. All police department policy/rules and regulations concerning the use of force. See General Order 2-6.

D. Changes in laws/interpretational limitations:

Periodically, changes take place which may impose new limitations on police authority or remove or alter existing limitations. Normally, annual updates on such changes are provided to all personnel by the Commonwealth's Attorney. In case immediate changes in departmental operations are required, the Commonwealth's Attorney's Office may provide information orally and confirm it in writing.

X. CONSTITUTIONAL REQUIREMENTS: GENERAL

A. Compliance with constitutional requirements during criminal investigations:

1. All officers when conducting criminal investigations will take all precautions necessary to ensure that all persons involved are afforded their constitutional safeguards. Officers will ensure that:

- a. All statements or confessions are voluntary and non-coercive.
- b. All persons are advised of their rights in accordance with this general order.
- c. All arrested persons are taken promptly before a magistrate for formal charging.
- d. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
- e. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial. See RR 1-13, Media Relations.

B. The use of discretion by officers:

1. Officers, by the nature of their job, are required to exercise discretion in the performance of their duties. The department provides officers with written policy and procedures, departmental orders, directed patrol assignments, and training in order to aid them in making decisions which govern discretion in performing their duties.
2. With the exception of departmental rules and regulations, departmental policy generally gives officers guidelines to consider in exercising their discretion. It is up to the individual officer to consider the relevant facts, the situation, and then, using knowledge, training, and good judgement, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

C. Alternatives to arrest/prearraignment confinement:

1. Under certain circumstances, officers are faced with situations where an arrest and prearraignment confinement will not be possible. In this case, officers may elect to exercise certain alternatives such as the issuance of summonses, referral to a social service agency, or simply a warning. Examples may include:
 - a. Mentally or emotionally disturbed persons.
 - b. Domestic situations where counseling may be appropriate.

- c. Juvenile offenders. See General Order 2-29, Juvenile Procedures.
 - d. Transient persons who need shelter and food.
 - e. Certain misdemeanor cases.
2. Authority to issue summonses in lieu of arrest/confinement:

a. Section 19.2-74 of the Code of Virginia authorizes police officers to issue a summons in lieu of arrest for persons charged with a misdemeanor criminal offense except D.U.I. and drunk in public. Additionally, Section 19.2-74 authorizes the use of summonses when enforcing city ordinances.

b. The use of summonses by officers:

In determining whether a summons should be used, the officer should:

- (1) Decide whether the offense committed is serious.
- (2) Make a judgment as to whether the accused poses a danger to the public or himself.
- (3) Decide, based on circumstances, whether the person may disregard a summons.

3. Informal handling of criminal matters:

Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the officer a better solution to the problem will be achieved by use of alternatives to enforcement, he should refer the citizen to a social services agency.

4. Use of warnings as an alternative to arrest:

The use of warnings may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer should consider:

- a. The seriousness of the offense.
- b. The likelihood that the violator will heed the warning.

- c. The reputation of the violator, i.e., known repeat offender, has received previous warnings, etc.

5. Limitations on intelligence activity:

- a. Departmental intelligence gathering activities will be limited to that information concerning criminal conduct that presents a threat to the community.
- b. Departmental personnel and equipment will only be used in conjunction with intelligence gathering activities, as defined above, in full compliance with all law, and only with the advance approval of the chief of police.
- c. Intelligence information will be collected, used and processed in full compliance with all laws.
- d. Informants, see GO 2-11.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: SEARCH WARRANTS

NUMBER: 2-2

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS:

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

search warrants	eyewitnesses
seizure	informants
affidavit	force; use of in executing warrant
persons; searches of	

I. POLICY

The Fourth Amendment to the U.S. Constitution guarantees every citizen the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Supreme Court decisions regarding search and seizure place the responsibility on the police to ensure that citizens' Fourth Amendment rights are protected. Officers shall scrupulously observe constitutional guidelines when conducting searches and always remain mindful of their lawful purpose.

II. PURPOSE

The purpose of this general order is to establish guidelines and procedures which police officers must follow when conducting searches and seizures.

III. PROCEDURES - GENERAL

A. Legal authorities:

1. Section 19.2-52 of the Code of Virginia states that a judge or magistrate may issue a search warrant if:

- a. There is a reasonable and probable cause to do so.
 - b. There is a complaint on oath supported by an affidavit.
2. Section 19.2-53 of the Code of Virginia states that search warrants may be issued for the search of or for specified places, things or persons, and seizure therefrom of the following things as specified in the warrant:
- a. Weapons or other objects used in the commission of a crime.
 - b. Articles or things the sale or possession of which is unlawful.
 - c. Stolen property or the fruits of any crime.
 - d. Any object, thing or person including documents, books, records, paper or body fluids constituting evidence of a crime.
3. Supreme Court decisions:

The Supreme Court hands down decisions which must be used as guidelines in conducting searches. The court is going to consider:

- a. Was the search reasonable?
- b. Was there probable cause to issue the search warrant?
- c. Was the scope of the search appropriate?

IV. PROCEDURES - OBTAINING A SEARCH WARRANT

A. How to obtain a search warrant

1. Where to obtain a search warrant

- a. A search warrant may be obtained from any of the following three sources, according to § 19.2-52:
 - (1) any judge;
 - (2) any magistrate; or
 - (3) any other person having the authority to issue criminal warrants.

- B. Affidavits: Section 19.2-54 of the Code of Virginia requires that before the issuance of a search warrant, an affidavit must be filed and sworn to before a judge or magistrate. State Form DC-338 1/81 will be used for this purpose. A sample affidavit is found in the appendix to this instruction.

NOTE: THE SEARCH WARRANT MUST BE OBTAINED IN THE JURISDICTION WHERE THE PLACE OR PERSON TO BE SEARCHED IS LOCATED.

1. The affidavit must include the following elements:
 - a. a description of the place, thing, or person to be searched;
 - b. a description of the things or persons to be searched for;
 - c. a substantial allegation of the offense in relation to which the search is to be made;
 - d. an allegation that the object, thing or person to be searched constitutes evidence of the commission of the offense; and
 - e. material facts which would show that there is probable cause for the issuing of the search warrant.
2. Discussion: Description of place
 - a. In describing the premises to be searched, an officer should describe the appearance of the building, give its address, state that the search is to include the curtilage and outbuildings thereon, and give the city, town or county in which it is located. For example: "A two-story, red brick building with a green roof and green shutters, located at 410 Elm Street, Richmond, Virginia, the property of John Doe. The search to include the dwelling, the curtilage, and any outbuildings thereon."
 - (1) Curtilage is defined as the piece of ground within a fenced yard.
 - b. The affidavit must describe the place, thing or person to be searched with enough detail that when the description is transferred to the search warrant, the officer executing the search warrant can find and identify what it is to be searched without an unreasonable amount of effort.

3. Discussion: Description of person

- a. A person who is to be searched must be described in the affidavit so that he may be identified with reasonable certainty. His name must be given if it is known. If his name is not known, he may be called "John Doe," but the officer must describe what the person looks like and the place where he can be found. For example: "John Doe, a white male with black wavy hair and a stocky build observed using the telephone in Apartment 4-C, 1806 Patricia Lane, Richmond, Virginia."

4. Discussion: Description of thing

- a. The only guidance the department can offer on the description of things is to use specific language that leaves no doubt in the mind of the officer executing the warrant what thing shall be searched or seized. For example: "A 1968 Oldsmobile coupe, Maryland Lic. No. G E 2893.... This is listed to Jackie Lee McNeill, 7935 Pennsylvania Avenue, 101 Suitland, PG, Maryland."
- b. A police officer is permitted to search for and seize four kinds of property under § 19.2-53. They are the following:
 - (1) Weapons or other objects used in committing a crime. These are known as "instrumentalities" of a crime.
 - (2) Things that are illegal to sell or possess. These are known as "contraband."
 - (3) Things that have been stolen. These are known as the "fruits" of a crime.
 - (4) Anything that is evidence of the commission of a crime, for example documents, bloody clothing, or body fluids.

5. Discussion: Description of the offense

- a. The affidavit must describe the offense in relation to which the search is to be made. The description may be in brief, general terms. It is not necessary to use legalistic language or to refer to any specific section of the Code.

6. The affidavit must be supported by probable cause. See GO 2-1 for a definition. The officer must allege in the affidavit enough particular facts so that the magistrate

may decide if the search will likely result in successful seizure. Two kinds of facts must be considered:

- a. the facts from which the officer concluded that the person or thing is probably located at the place to be searched; and
- b. the facts which address the reliability of the source of the officer's information.
- c. The court can consider only those facts presented in the warrant and affidavit.
- d. Conclusions and suspicions are not facts.
- e. Facts must be recent.
 - (1) Before a search warrant can be issued, the magistrate must be satisfied that probable cause to search exists at the time the warrant is issued. His conclusion that probable cause does exist must be based upon facts reasonably related in time to the date of the issuance of the warrant.
- f. Example of sufficient facts justifying probable cause:
 - (1) "On June 6, 1972, a reliable informer advised the affiant that during the past 24 hours the informer had observed a quantity of heroin and a large supply of hypodermic syringes in the premises to be searched." The affidavit was held to be sufficient since facts were alleged to show how the informant concluded that marijuana was on the premises. Warren v. Commonwealth, 214 Va. 600, 601, 202 S.E.2d 885, 886 (1974).
- g. Example of insufficient facts:
 - (1) "Information received from CIA Agent Herb Hicks (indicated) that marijuana was kept in apartment." The affidavit was held to be insufficient. The officer stipulated where the information came from, but he did not allege any facts showing how the informant knew that the marijuana was in defendant's apartment. Stallworth v. Commonwealth, 213 Va. 313, 191 S.E.2d 738 (1972).

7. Reliability of facts

a. Personal observation by police is considered reliable.

b. Eyewitnesses:

Where search warrant affidavit discloses that the information related came from the victim of a crime, or from an eyewitness to the fact related, and the information appears reasonable, the magistrate may infer that it is reliable because it was based on first-hand knowledge.

c. Informants

(1) If there is no reason to hide the name of an informant, an officer should give the informant's name in the affidavit or let the informant fill in an affidavit himself. There is no reason not to disclose the informant's name, for example, if he is willing to testify in court.

(2) Concerning unnamed informants, see GO 2-11. When referring to unnamed informants, officers rely on a magistrate to make a practical common sense decision whether, given all the circumstances set forth in the affidavit before him including the "veracity" and "basis of knowledge" of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place, Illinois v. Gates, 462 U.S. 213 (1983). If an officer relies on information for proving probable cause given by an unnamed informant, in his affidavit he shall allege the following:

(a) the facts from which the informant concluded that the thing to be searched for is probably on the person or premises to be searched (these are the same kind of factors that must be alleged if they came from police observation or from a named informant) and,

(b) based on the totality of the circumstances, facts from which the officer concluded that

i) the informant is credible; or

ii) the information furnished by the informant is reliable.

(3) Informant reliability may be established by:

- (a) The informant has given reliable information in the past.
- (b) The informant is a private citizen whom the officer knows or who has a reputation for truthfulness.
- (c) The informant states that he himself has participated to some extent in the illegal activity.
- (d) The information that one informant gives is corroborated by another informant.
- (e) The information given by the informant is corroborated by police surveillance.

V. PROCEDURES - EXECUTING A SEARCH WARRANT

A. When a search warrant must be executed

- 1. A police officer is required by § 19.2-56 to execute a search warrant within 15 days of the date it was issued. If it has not been executed during that time, the officer must return the warrant to the magistrate who issued it. (State Form DC-339 1/81 shall be used for the warrant).
- 2. A copy of the affidavit must be attached to the warrant and served with it. Section 19.2-56.
- 3. A police officer may execute a search warrant either during the day or at night.

B. Gaining entrance to premises

- 1. Normal procedure

When a police officer executes a search warrant, he must follow the proper procedures when he enters the premises to be searched. If he fails to do so, then the subsequent search will be invalid, even if the officer enters without force, for example, by using a passkey or by opening a closed but unlocked door.

- 2. In most cases the officer must do all of the following before entering the premises to be searched:

- a. He must announce his presence as a police officer; and
- b. He must announce that his purpose is to execute a search warrant; and
- c. He must wait a reasonable time either to be admitted or refused admission to the premises.

3. When entrance is refused

If the officer is refused entrance after a reasonable time, he may force his way into the premises. A refusal may be expressed or implied. A refusal can be implied in two circumstances:

- a. No one has admitted the officer within a time in which it would be reasonable to expect someone to let the officer in if he is going to be admitted at all.
- b. The officer waiting to be admitted sees or hears suspicious circumstances, such as flushing toilets or footsteps running away from the door, which indicate that someone might be concealing or destroying evidence or trying to escape.

4. No-knock entry

In some circumstances a police officer may enter the premises to be searched without announcing his presence and his purpose. An officer may make a no-knock entry if he possesses facts which make him reasonably believe that an announcement would result in:

- a. the escape of the person to be searched or arrested; or
- b. the destruction of evidence; or
- c. bodily harm either to the officer or to someone within the premises to be searched.

5. In executing any warrants, officers may use whatever force is reasonably necessary under the circumstances to effect a lawful purpose.

C. Conduct of the search

1. Once evidence being searched for is located, the search must cease.

2. Officers may not use a search warrant to conduct a fishing expedition, i.e., if the search warrant is for a television, or large item, small places such as jewelry boxes may not be searched.
3. A police officer may seize only the property listed in the warrant. There are two exceptions to this rule. A police officer may seize other property if:
 - a. It is other evidence reasonably related to the offense for which the search warrant was issued.
 - b. It is property which the officer knows or has probable cause to believe is evidence of another crime.
 - c. A police officer, however, cannot seize evidence under these two exceptions if:
 - (1) his discovery of it is not inadvertent, that is, he knows before the search begins that the evidence is probably on the property, and he intends to seize it; or
 - (2) his discovery of it is made after he has found all the property listed on the warrant to be seized, unless it is in plain view.

D. Searches of persons found on premises

1. The Supreme Court has ruled that a person's presence on the premises to be searched with a warrant does not, without more, give rise to probable cause to search that person. If the police officer has reasonable belief that the person is armed and dangerous, then the officer may pat down or frisk the person for weapons. Absent that belief, the officer must have probable cause to support the search of a person on the premises without a warrant.
2. Detention of persons on the premises

But a warrant to search the premises for contraband does carry with it the authority to detain the occupants of the premises while a search is being conducted. If the search of the premises gives rise to probable cause to arrest the detainee, he may be arrested and his person searched incident to arrest.

3. Furtive movements

A police officer is permitted to search a person found on the premises if:

- a. The person makes a "furtive movement" which the officer would reasonably interpret to be an indication of being armed and dangerous.
- b. The officer has probable cause to believe that items are concealed on the person. But mere presence on premises does not constitute probable cause.

A furtive movement is defined as an action performed by stealth. Officers shall not document a person's behavior as "furtive movements" but shall specifically describe the person's actions.

4. Personal possessions

A search of a person's personal possessions is not considered a search of the person if they are outside his physical possession. Such possessions, then, would fall within the definition of things or places specifically to be searched, as set forth in the warrant.

5. Frisks

A police officer may frisk the exterior clothing of a person found on the premises for weapons, if he believes that his safety is in danger; however, it is unlawful to routinely frisk for weapons all persons present.

VI. PROCEDURES - RETURN OF THE SEARCH WARRANT

- A. After a police officer has finished a search, he is required by § 19.2-57 to follow the following procedures:
 1. he must note the date of execution on the search warrant; and
 2. under oath, he must make an inventory of all the property he has seized; and
 3. within three days of the date of the search (excluding Saturdays, Sundays, or legal holidays) he must file in the circuit court clerk's office (of the jurisdiction wherein the search was made):
 - a. the search warrant; and

- b. either the inventory of articles seized (which must be notorized) or a notation that nothing was seized during the search; and
- c. the affidavit (unless affidavit was made by voice or videotape recording).

B. Responsibility for property seized

1. All property seized must follow a rigorous chain-of-custody procedure. Documentation must appear in all narrative reports pertaining to the chain of custody of any items seized. The department evidence tag shall be used to mark all seizures.
2. In court, the judge wishes to ascertain how the item was moved from person to person from the time of seizure to the time of trial. The standard the court applies is one of reasonable certainty that no alterations or substitutions have occurred.
3. Officers shall place evidence in the locker reserved for the purpose at the police office.

VII. PROCEDURES - SEARCHES OF PERSONS

A. When a search warrant should be obtained

A police officer should get a warrant for the search of a person whenever there is enough time to get one.

B. A warrantless search of a person may take place under the conditions specified in GO 2-1, 2-4, 2-5.

C. Scope of search

1. If a search warrant authorizes the search of a person only, an officer may only search the following places:
 - a. the entirety of the person named in the warrant;
 - b. the area in immediate control of the person being searched from which he could reach for a weapon or for evidence so as to:
 - (1) protect the officer;
 - (2) prevent escape; and
 - (3) prevent the destruction of evidence.

2. A warrant to search one person does not justify the search of a companion.

D. What can be seized

1. Under a warrant authorizing the search of a person, a police officer may seize the following things:
 - a. anything in the permissible area which the warrant authorizes to be seized;
 - b. any other evidence in the permissible area reasonably related to the offense listed in the warrant; and
 - c. anything else that is evidence of an illegal act if:
 - (1) the evidence is in plain view of the place where the officer makes the search of the person; and
 - (2) the officer's discovery of the evidence is inadvertent, that is, the officer does not know the location of the evidence and does not intend to seize it before he goes to execute the search warrant.

E. Search incident to arrest

1. Need for a full custody arrest: general rule
 - a. A police officer may make a warrantless search of a person in connection with his arrest if the arrest results in the person's being taken into custody. However, a search may not be made in connection with a minor traffic offense for which the officer only issues a summons.
 - b. If an arrest is made without probable cause or with an invalid arrest warrant, or if it is for any other reason unlawful, the search incident to that arrest is also invalid. Leatherwood v. Commonwealth, 215 Va. 161, 207 S.E.2d 845 (1974).
2. For further details, see GO 2-2 and GO 2-4.

SAMPLE SUFFICIENT AFFIDAVIT

State of Virginia

City/County of _____

Before me, the undersigned, this day came I. M. Best, who, after being duly sworn, made oath that:

1. The offense in relation to which the search is to be made:

Possession and distribution of controlled drugs.

2. The description of the property to be searched:

Controlled drugs and drug paraphernalia

3. The description of the place to be searched:

Apartment D, occupied by Melvin Watson, including its curtilage, at 313 West 27th Street, Norfolk, Virginia.

4. The material facts constituting probable cause for the issuance of a search warrant:

On January 5, 1975, I received information from a reliable informant who states that he was as the apartment of Melvin Watson, 313 W. 27th Street, Norfolk, Virginia, this past week and he saw a large quantity of marijuana in a chest in the front room and also some marijuana was in a dresser drawer in the middle room. My informant also states that in the past month he has smoked marijuana in Watson's apartment and in the past month he has made two purchases of marijuana from Melvin Watson.

5. The property to be searched for constitutes evidence of the commission of the offense.

Signature of Affiant

Subscribed and sworn before me on _____

Magistrate

NOTE: This affidavit illustrates several points:

1. When describing the offense, it is not necessary to give the section of the Code.
2. When searching for contraband, the description need not be in detail as would be the case when searching for stolen property.
3. The place to be searched is a multiple-occupancy structure and the particular sub-unit is described.
4. The probable cause rests upon information from an unidentified informant. The affidavit shows that the informant knew where the narcotics were by personal observation, and that the informant is reliable because he made an admission against his interest.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: FIELD INTERVIEWS;
STOP/FRISK

NUMBER: 2-3

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 41.2.3

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: field interviews; stops; frisks;
investigative detention

I. POLICY:

The department expects and encourages officers to conduct field interviews. A field interview is a lawful stop of a citizen for investigative purposes. Officers shall document such stops for the purposes of identifying a suspect, witness, or victim, or for crime prevention, intelligence gathering, or community relations. The department further expects officers to gather such information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of citizens and the rights of officers to obtain information crucial to the reduction and prevention of crime. Further, field interviews frequently contribute to the building of a reasonable suspicion or even probable cause to arrest or conduct a search. The only restricted search that normally accompanies field interviews, the frisk or pat-down, may be performed when the officer suspects the presence of a weapon.

II. PURPOSE:

To establish policy and procedures for conducting field interviews and an accompanying frisk for weapons.

III. PROCEDURES:

A. Making the field contact; conducting the interview

1. Officers may make field contacts when they reasonably believe that some investigative inquiry is warranted. The Supreme Court stated, in Terry v. Ohio (392 U.S. 1, 1968), that an officer "may in appropriate circumstances and in an appropriate manner approach a person for the purposes of investigating possible criminal behavior even though there is not probable cause to make an arrest."
2. A field interview, therefore, requires voluntary cooperation from the citizen. In the absence of probable cause to arrest the citizen may discontinue the interview at any time and leave. The citizen may also refuse to produce identification or otherwise identify himself. A distinction is drawn herein between a field interview or contact (which is made to resolve an ambiguous situation) and a stop (or a brief detention of a person because of suspected criminal behavior).
3. Officers must be able to articulate the circumstances that warranted the stop of the citizen. The circumstances constitute the officers' reasonable suspicion. In court--should a field interview result in an arrest--an officer must justify his intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable circumstances derive from:
 1. Firsthand observations;
 2. Hearsay, as from informants;
 3. "Collective knowledge," or information shared by several officers (example: an officer may make an arrest or conduct a search at the request of another agency without knowing all of the facts which prompted the request);
 4. Totality of facts and circumstances. The department encourages officers to question persons whose behavior, conduct, or mere presence at a particular place and time does not match the officer's notion of what is appropriate for the place and time.

B. Field interviews and field interview cards serve as:

1. A source of information:

The field inquiry is based on the principle that the opportunity to apprehend criminals and to prevent crime increases with the number and frequency of persons interviewed. One way an officer can increase his skill as an observer is to obtain information from persons living or working within his patrol area.

2. A means of identifying the suspect:

An on-view arrest is not always based upon the immediate recognition of a wanted criminal. Frequently, it is the outgrowth of the action taken by a police officer who stops to question a person who has aroused his suspicions. Information obtained during a field contact may also be used at a later date to identify a criminal.

3. A means of obtaining suspects or witnesses.

The value of reported field inquiries becomes very pronounced when a crime is committed and there are but a few investigative leads. The investigator must then rely on the field interview reports to sift out useful information. A review of these reports will show if anyone had been questioned in the vicinity at the approximate time of the crime.

C. Place of the interview

1. The difference between a field interview and a lawful detainment is a thin one. As noted earlier, reasonable suspicion provides the key basis for the officers' actions. Virginia Code 19.2-83 gives officers the authority to stop, question, and frisk persons provided that:

- a. It is a public place;
- b. The officer reasonably suspects that the person has committed or is about to commit a felony; and
- c. The officer reasonably suspects that the person is carrying a concealed weapon and intends to do him bodily harm.

2. As a general rule, field interviews may be conducted anywhere the officer has right to be, including

- a. Town-owned or controlled property normally open to members of the public.

- b. Areas intended for public use or normally exposed to public view.
 - c. Places to which an officer has been admitted with the consent of the person empowered to give such consent.
 - d. Places where circumstances require an immediated law enforcement presence to protect life, well being or property.
 - e. Areas where an officer may be admitted pursuant to a lawful arrest or search warrant.
 - f. Any other area in which an officer may effect a warrant-less arrest.
3. Field contacts shall not be done to coerce a person to leave an area or place where he or she has a legitimate right to be and no violation of law has occurred.

D. Conduct of interviews

1. As noted above, a person interviewed by the officer may discontinue the interview at any time. Further restraints on the person's response may be justified under Virginia Code 19.2-83. Further details of frisk requirements are found under Section IV of this instruction. To repeat, during a routine field interview, persons shall not be detained in any manner against their will, nor shall they be required to answer questions or respond in any manner if they choose not to do so. The fine line drawn between a field contact and a stop and frisk must be strictly observed to avoid accusations of harassment. Since the distinction between a "contact" and a "stop" depends to a great extent on whether, under the circumstances, the citizen perceives that he is free to leave, officers shall comply with the following guidelines:
 - a. All requests during the contact should be phrased with neutral or optional words, such as "may," "would you mind," etc.
 - b. Abrupt, short responses which could be misunderstood and requests which could be misinterpreted as commands must be avoided.
 - c. The duration of a contact should be as brief as possible.

2. The success or failure of obtaining information beneficial to crime analysis and criminal investigation will depend upon an officer's ability to put citizens at ease and establish a rapport. However, during a field contact, if the person should ask whether he must respond, or indicate that he feels compelled to respond, the officer shall immediately inform him (or her) of the right to refuse, as well as the right to leave. Where citizens refuse or cease to cooperate during a contact, the refusal itself cannot be used as the basis for escalating the encounter into a stop and frisk.

IV. STOP AND FRISK OR INVESTIGATIVE DETENTION

- A. The legal authority to stop and frisk is defined in Virginia Code as given above in paragraph III.C.1. A temporary detention of a person to investigate suspected criminal activity is controlled by the Fourth Amendment.
- B. Investigative detention involves two distinct acts: (1) the stop and (2) the frisk.
- C. Stop - The detention of a subject for a brief period of time. In order to make the stop, the officer must have reasonable suspicion to believe that criminal activity is afoot and that the person to be stopped is involved. The courts have ruled that the following factors may be considered in building a reasonable suspicion.
 1. Officer has knowledge that a person has a felony record.
 2. A person fits the description of a wanted notice.
 3. A person has exhibited furtive conduct, such as fleeing from the presence of an officer or attempting to conceal an object from the officer's view.
 4. Clothing worn by a person is similar to description given in a lookout for a known offense.
 5. The officer observes a vehicle that is similar to that of a broadcast description for a known offense.
 6. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
 7. The area and time of day, such as a person observed in a public area which has a history of recurring crime during the same time as that of the stop.

8. Hearsay information is acceptable. In order for the information to be credible, the officer must have some means to gauge the reliability of the informant's knowledge.

D. Frisk - Should the officer reasonably believe that the person stopped intends to do him bodily harm or is carrying a concealed weapon, the officer may conduct a limited search of the person's outer clothing for weapons. The courts have held that, in the case where the subject was wearing a heavy overcoat, the officer was proper in having the subject remove the coat so that he may be patted down.

E. Protective search

Under some conditions, the protective search, the search for weapons, may be extended beyond the person detained. Such a search occurs most often involving vehicles. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:

1. A lawful investigative stop as defined herein or a lawful vehicle stop (see GO 2-2, 2-4).
2. A reasonable belief that the suspect poses a danger.
3. The search must be limited to those areas in which a weapon may be placed or hidden.
4. The search must be limited to an area which would ensure that there are no weapons within the subject's immediate grasp.

F. Period of detention

Investigative detention--as with non-criminal field interviews-- must be conducted as briefly as possible. Once the detaining officer determines that his basis for reasonable suspicion no longer exists, the person detained shall be immediately released. Should the suspicion be reinforced with additional information or the officer develops probable cause, the period of detention could be lengthened. The courts generally permit up to 20 minutes to constitute a reasonable period of time for the interview.

G. Recording the stop

1. A field interview card will be completed for each person an officer stops for an interview.

2. A field interview card may be completed on a subject who is stopped for a traffic violation if the situation warrants, according to the officer's judgment.
3. A field interview card may also be used as a field observation card. In these instances, the officer should fill out the card as completely as possible, using prior knowledge and current observations of the person or vehicle. This will eliminate the necessity of asking the dispatcher to log people or vehicles at specific locations. Examples of instances when the field observation card should be used include, but are not limited to, the following:
 - a. An officer stops a person for the purpose of conducting a field interview who refuses to give the officer any information and the officer has no reasonable cause to pursue the matter further.
 - b. An officer wishes to make note of a person in a specific place at a certain time, but the officer has completed a field interview card on the same person on another occasion.
4. The field interview cards will be maintained in a central card file at the police office. The interview cards remain available for the use of all officers. After the supervisor has received officers' field interview cards, he will return them to the officer and instruct him to file them.
 - a. Once a year, the chief shall assign an officer to review the the field interview file and remove and destroy all cards over one year old.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: ARRESTS

NUMBER: 2-4

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 72.12, 74.3, 82.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

public drunkenness

arrest; warrantless and with warrants

reciprocal states

booking

summonses

release from arrest

juveniles; arrests, booking

laws of arrest: summary

I. POLICY

Short of the application of force, an arrest is the most serious action an officer can undertake. An arrest can cause repercussions throughout a person's life, even if he or she is eventually found not guilty or never brought to trial. Officers shall accordingly exercise critical judgment in making arrests. Such judgment includes consideration for bystanders, the time, place, and location of offenses, and the use of force in making the arrests. Officers shall further consider alternatives to arrest consistent with carrying out their law enforcement mission.

II. PURPOSE

To define the authority of officers to arrest, and the mechanism for making arrests with and without a warrant.

III. PROCEDURE - GENERAL

- A. Definition of arrest: An arrest constitutes a seizure of the person for Fourth Amendment purposes. Further, the Fourth Amendment requires probable cause to arrest before any arrest. The test, in interviews or stops of persons, for whether an arrest has occurred--or a seizure of the person--is whether a reasonable person under the circumstances would have felt free to leave.

1. Section 19.2-249 of the Code further provides that if an offense occurs at the town/county boundary, or within 300 yards of the boundary, officers in either jurisdiction may take enforcement action.
2. Section 19.2-250 provides a further qualification. In criminal cases involving offenses against the Commonwealth, the jurisdiction of the department shall extend one mile beyond the corporate limits. Although this law gives the [your agency] jurisdiction into the county, the county does not receive it into the city. With the exception of hot pursuit, if an officer acts beyond one mile of the town limits, his status is that of private citizen.

IV. ARRESTS WITH A WARRANT

- A. Who may issue.
An arrest warrant may be issued by any judge or clerk of any circuit court, general district court or juvenile and domestic relations court (Section 19.2-71).
- B. When it may issue; what to recite.
Section 19.2-72 provides that the person having authority to issue an arrest warrant shall first examine on oath any complainant or other witnesses and, if probable cause exists, issue the warrant.
- C. What the warrant contains.
A warrant commands the accused to appear before a magistrate at a stated time and place. The warrant or summons will give the name of the accused, or a description if his name is not known, describe the offense and name the violation, and be signed by the magistrate. The warrant contains the complaint, and the "complaint shall consist of sworn statements of a person or persons of fact relating to the commission of an alleged offense." The warrant must not be too general or leave too much discretion to the officer to decide which suspect to arrest.
- D. Issuance of a summons instead of warrant.
Code Section 19.2-73 provides for issuance of a summons instead of a warrant "where there is reason to believe that the person charged will appear in the courts having jurisdiction over the trial of the offense charged." Summonses impose the same requirements to appear at an appointed place and time as with a warrant.
- E. Notice of issuance of warrants or summonses.
Code Section 19.2-73.1 provides that, normally, the county shall notify citizens of pending warrants or summonses, and direct their appearance in court for execution of such units.

F. Issuance and service of summons in place of warrants in misdemeanor cases.

Code Section 19.2-74 provides:

1. Whenever any person is detained by or is in the custody of an arresting officer for any violation committed in an officer's presence which violates any county, city, or town ordinance of any provision of this code punishable as a Class I or Class 2 misdemeanor or any other misdemeanor for which he may receive a jail sentence, except as otherwise provided in Title 46.1, or 18.2-266 of the Code of Virginia, or an arrest on a warrant charging an offense for which a summons may be issued, and when specifically authorized by the judicial officer issuing the warrant, the arresting officer shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving by such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody.
2. Whenever any person is detained by or is in the custody of an arresting officer for a violation of any county, city or town ordinance or of any provision of this code, punishable as a Class 3 or Class 4 misdemeanor or any other misdemeanor in which he cannot receive a jail sentence, except as otherwise provided in Title 46.1, or to the offense of public drunkenness as defined in 18.2-388 of the Code of Virginia, the arresting officer shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody. However, if any such person shall refuse to discontinue the unlawful act, the officer may proceed according to the provisions of 19.2-82.
3. Any person so summoned shall be held in custody after the issuance of such summons for the purpose of complying with the requirements of Chapter 23 (19.2-387 et, seq.) of this title. Reports to the Central Criminal Records Exchange concerning such persons shall be made after a disposition of guilt is entered as provided for in 19.2-390.
4. Any person refusing to give such written promise to appear under the provisions of this section shall be taken immediately by the arresting or other police officer before a magistrate or other issuing authority having jurisdiction, who shall proceed according to provisions of 19.2-82.
5. Any person who willfully violates his written promise to appear given in accordance with this section, shall be treated in accordance with the provisions of 19.2-128, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.

6. Any person charged with committing any violation of 18.2-407 of the Code of Virginia may be arrested and immediately brought before a magistrate who shall proceed as provided in 19.2-82.

G. Copy of Process to be Left With Accused

Code Section 19.2-75 - Except as provided in 46.1-78, any process issued against a person charged with a criminal offense shall be in duplicate and the officer serving such process shall leave a copy with the person charged.

H. Execution of Arrest Warrants

Code Section 19.2-76 provides that a warrant shall be executed by the arrest of the accused, and that an officer may execute within his jurisdiction a warrant or summons issued anywhere in the state.

Code Section 19.2-76 discusses the obligations of officers as follows:

1. An officer may execute within his jurisdiction a warrant or summons issued anywhere in the state. A warrant shall be executed by arrest of the accused, and a summons shall be executed by delivering a copy to the accused personally, or if the accused be a corporation, in the same manner as in a civil case. The officer executing a warrant shall endorse the date of execution thereon and make return thereof to a judicial official having authority to grant bail. The officer executing a summons shall endorse the date of execution thereon and make return thereof to the court to which the summons is returnable.
2. Whenever a person is arrested upon a warrant in a county or city contiguous to the county or city in which the charge is to be tried, the officer making the arrest may deliver the accused to the custody of an officer of a law enforcement agency having jurisdiction in the county or city in which the charge is to be tried, or he may bring the accused before a judicial officer to be dealt with as is provided hereinafter.
3. Whenever a person is arrested upon a warrant in a county or city other than that in which the charge is to be tried, or in a county or city contiguous thereto the officer making the areas shall bring the accused before a judicial officer authorized to grant bail in the county or city in which the accused is arrested. Such official shall either commit the accused to the custody of an officer for transfer forthwith to the county or city where the charge is to be tried, or admit the accused to bail or commit him to jail for transfer as soon as possible; and such official shall endorse on the warrant the action taken thereon. (Also see Virginia State Code 19.2-74, unless otherwise stated by the issuing officer).

I. Escape, Flight and Pursuit; Arrest Anywhere in the State

1. Code Section 19.2-77 - Whenever a person in the custody of an officer shall escape or whenever a person shall flee from an officer attempting to arrest him, such officer, with or without a warrant, may pursue such person anywhere in the state and, when actually in close pursuit, may arrest him wherever he is found. If the arrest is made in a county or corporation adjoining that from which the accused fled, the officer may forthwith return the accused before the proper official of the county or corporation from which he fled.
2. If the arrest is made beyond the foregoing limits, the officer shall proceed according to the provisions of 19.2-76, and if such arrest is made without a warrant, the officer shall procure a warrant from the magistrate of the county or corporation wherein the arrest was made, charging the accused with the offense committed in the county or corporation from which he fled.

J. Exemption of Such Witnesses From Arrest or Service of Process

1. Code Section 19.2-280 - If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.
2. If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

K. Arrest of Suspect Inside Dwelling

If an officer wishes to arrest a suspect inside his residence, he must first obtain an arrest warrant. If the residence belongs to the suspect, only an arrest warrant is required. If the dwelling belongs to someone else, the officer must obtain a search warrant as well.

1. A search warrant is not required if the officer is in hot pursuit or the owner of a residence consents to the officer's search for the suspect.

L. Return of Warrant

Upon executing the warrant, the arresting officer shall give the date of execution on it, then return it to the court, less copies gives to the arrested person.

V. Arrest Without a Warrant

A. Authority

As noted earlier, the search and seizure provision of the Fourth Amendment protects citizens from the arbitrary and oppressive interference by law enforcement officials with privacy. Further, officers must have probable cause that a crime has been committed, and that the person to be arrested has committed the crime. See GO 2-1, 2-2 for a fuller treatment of probable cause.

1. The Code permits a warrantless arrest of a person, but the sworn person so arrested "shall be brought forth with before a magistrate or other issuing authority having jurisdiction who shall proceed to examine the officer making the arrest under oath."

B. When Warrantless Arrests May Be Made

An officer may make a warrantless arrest:

1. When a person commits a crime in the officer's presence (Code 19.2-81);
2. The officer has "reasonable grounds or probable cause to suspect any person of having committed a felony not in his presence" (Code 19.2-81);
3. At the scene of any motor vehicle accident on any public roadway when, based upon personal investigation, the officer has "reasonable grounds to believe . . . that a crime as been committed by any person and there present" (19.2-1);
4. At any hospital or medical facility to which any person involved in a motor vehicle accident has been transported, provided the officer has "reasonable grounds to believe, based upon personal investigation, including information obtained from eye-witnesses, that a crime has been committed by that person" (19.2-81).
5. In the apprehension of any person charged with the theft of any motor vehicle on any public roadway when the officer "has reasonable grounds to believe . . . that a crime has been committed by any person then and there present" (19.2-81).
6. When any person is charged with a crime in another jurisdiction and the officer has received:
 - a. a photocopy of a warrant;
 - b. a telegram;
 - c. a computer printout;

- d. a facsimile printout; or
- e. a radio, telephone or teletype message which gives:

- (1) the name of the wanted person or an accurate description;
- (2) the crime alleged
- (3) an allegation that the person is likely to flee the jurisdiction of the Commonwealth (Code Sections 19.2-76, 19.2-81).

- 7. When the officer receives a radio message from the department that a warrant for an alleged misdemeanor is on file (Code Section 19.2-81);
- 8. When an alleged misdemeanor not committed in the officer's presence involves shoplifting and a "reasonable complaint of the person who observed the alleged offense" gives probable cause (Section 19.2-81);
- 9. For assault and battery when the officer has probable cause to arrest based upon the reasonable complaint of the person who observed the offense (Section 19.2-81);
- 10. When such officer has observed the registration of the speed of a motor vehicle by radar (or other electrical device), or when such officer has received a radio message from another officer who has observed the registration of speed by radar; provided, however, that:
 - a) the arresting officer is in uniform and displays his badge of authority and
 - b) if the arrest is based on such radio message from another officer, then
 - (1) such radio message must have been dispatched immediately after the speed of the motor vehicle was registered,
 - (2) such radio message must have furnished the license number or other positive identification of the vehicle.

C. Actions Upon Arrest

- 1. Upon arrest on a photocopy of the warrant, telegram, computer printout, facsimile printout or teletype message, the arresting officer shall serve a copy of the document on the accused.
- 2. The arresting officer should bring the accused before the magistrate for bail hearing (See 18.2-76 and 18.2-123).

3. If the person is arrested upon a charge in a county or city contiguous to [your jurisdiction] in which the charge is to be tried, the arresting officer may deliver the accused to the custody of a law enforcement officer having jurisdiction in which the charge is to be tried, or he may bring the accused before the magistrate pursuant to 19.2-123 Code of Virginia.
4. If the person is arrested based on a fugitive from another state, see Extradition, Code Section 19.2-100.
5. The magistrate should conduct a bail hearing and set bail or secure bond if appropriate just as if the accused had been arrested on the warrant from another jurisdiction. The police officer should not request the issuance of any arrest process such as duplicate warrants or fugitive warrants based on the charge in the other jurisdiction within Virginia.
6. The arresting officer will contact the law enforcement officials where the charge(s) was made and inform them that the accused has been arrested on the teletype message (or other arrest document), and if not bonded, ascertain when a representative will arrive to transfer the accused back to the locality having trial jurisdiction.

D. Juveniles

Refer to GO 2-29 concerning handling of juveniles, and Code Section 16.1-246.

E. Summonses

An arresting officer shall issue a summons to appear at a time and place specified in such summons whenever any person is detained by or in the custody of an arresting officer for:

1. "any violation committed in such officer's presence which offense is a violation of" any county, city or town ordinance, or any provision of the Code, or any other misdemeanor, punishable as a Class 1 or Class 2 Misdemeanor or for which the accused may receive a jail sentence. Section 19.2-74 (A)(1);
2. "an arrest on a warrant charging an offense for which a summons may be issued . . . when specifically authorized by the judicial officer issuing the warrant"; or
3. a violation of any county, city or town ordinance, or any provision of the Code, [except as otherwise provided in Title 46.1 of the Code (Motor Vehicles) or in Code §18.2-266 (Driving Motor Vehicle, Etc., While Intoxicated)] or any other misdemeanor, punishable as a Class 3 or Class 4 Misdemeanor or for which the accused cannot receive a jail sentence.

4. Anything in this subsection to the contrary notwithstanding, if any person is believed by the arresting officer to be likely to disregard a summons issued under the provisions of this subsection, or if any person is reasonably believed by the arresting officer to be likely to cause harm to himself or to any other person, then such person should be brought forthwith before a magistrate, and the procedure for warrantless arrest, pursuant to §19.2-82 should be followed, 19.2-74 (A)(1).
5. For Class 4 Misdemeanors, "the arresting officer shall take the name and address of such person and issue a summons" after which "the officer shall forthwith release him from custody," Code §19.2-74 (A)(2). The accused is required, however, to give his written promise to appear before being released from custody. The statute specifically allows the officer to take the accused before a magistrate immediately if the officer reasonably believes that the accused is likely to disregard the summons or to do injury to himself or others.
6. In addition to excepting ("as otherwise provided") Title 46.1 (Motor Vehicles), Code § 19.2-74 (A)(2) specifically excepts Code §18.2-388 which makes it a Class 4 Misdemeanor for a person to curse or swear profanely, or be drunk in public, Section 18.2-388. In an arrest for a violation, there is no need for a warrant, unless the arrested person requests that the charges be written in the form of a warrant, Section 16.1-129.1.

F. Summaries: Public Drunkenness

Section 19.2-74 controls the procedure for arrest for public drunkenness or profanity; therefore, the arresting officer may issue a summons to the accused rather than taking him into custody. Since Section 19.2-74 (A)(1) gives an officer discretion to issue a summons or bring the accused before a magistrate when the officer believes the person is likely to disregard a summons or to harm himself or others, then a person charged with public profanity or drunkenness may be arrested and incarcerated for that offense if necessary.

G. Release on Promise to Appear

1. In all the above situations, when the arresting officer issues a summons and releases the accused from custody, the person arrested must first as a condition of his release make a "written promise to appear at [the specified] time and place . . ." Sections 19.2-74 (A)(1) and 19.274 (A)(2). If such person refuses to give this written promise to appear, he "shall be taken immediately by the arresting officer or other police officer before a magistrate or other issuing authority having jurisdiction, who shall proceed according to the provisions of §19.2-74 (A)(3) (paragraph 2). Alternatively, if such person

gives his written promise, but later willfully violates this promise, he shall be subject to the penalties of § 19.2-128 [Class 1] Misdemeanor in addition to original charge and possible forfeiture of pledged security,"] Section 19.2-74 (A)(3).

2. When "any person [is] charged with committing any violation of §18.2-407 . . . [which proscribes riot or unlawful assembly, he] may be arrested and immediately brought before a magistrate who shall proceed as provided in §19.2-82 [procedure upon arrest without a warrant]," Section 19.2-74 (A)(3).
3. When release on a summons is appropriate, the arrested person will not be photographed or fingerprinted before release. This processing will be done after appearance in court and only in cases where there is a conviction, Section 19.2-74.

VI. Booking Procedures

A. Constitutional Considerations

Refer to GO 2-2, 2-5 for a discussion of search guidelines, and below for searches incident to arrest. Refer to GO 2-1,2-14 for a discussion of advising arrested persons of their rights.

B. Releases on summonses and mandatory arrest

1. The person will be released on a Virginia Uniform Summons at the location of arrest on all misdemeanors with the following exceptions:
 - a. Charges of driving under the influence
 - b. Charges of public drunkenness
 - c. The officer believes that the persons may disregard the summons
 - d. If the officer believes the arrested person will cause harm either to himself or another person
2. If the arrested person is not released on a summons or is charged with a felony, the following procedures will be followed:
 - a. The person will be transported to the magistrate's office to be formally charged, if the warrant was not obtained.
 - b. The officer will call the warrant clerk to obtain a document control number for the warrant.
 - c. If the warrant was obtained before the arrest and a summons cannot be issued, the person will be transported to jail and processing will begin upon arrival.

- d. The person must be read the charge on each warrant.
- e. A Virginia Uniform Summons must be filled out for each adult arrest (two juvenile charges may be put on one summons).
- f. An NCIC check should be made on the person before being released from custody.

C. Injury before or during arrest:

If a person receives an injury before or during an arrest and either requests medical attention or, in the officer's judgment, such attention is needed, it will be offered or obtained before beginning the booking procedure placing the person in jail.

D. Processing of paperwork:

1. All paperwork must be filled out, forwarded to the supervisor and routed.
2. Regardless of the type of criminal arrest, a Virginia Uniform Summons will be completed and routed as follows:
 - a. Page 1 - to respective court
 - b. Pages 2 & 4 - police records (will route DMV copy as required)
 - c. Page 3 - defendant
 - d. Page 5 - arresting officer
3. On a felony arrest, the following forms will be completed and sent to:
 - a. Police records:
 - (1) C.C.R.E. forms (except yellow copy)
 - (2) C.C.R.E. Fingerprint Card
 - (3) F.B.I. Fingerprint Card
 - (4) Local Fingerprint Card
 - (5) Two photographs (front and profile with pertinent information) will be taken
 - b. General District Court:
 - (1) Original Copy of served warrant
 - (2) C.C.R.E. form (yellow copy)
 - (3) Bond papers
 - (4) Jail committal

4. On a Class I or II misdemeanor arrest:

If the arrestee is not released on a summons or released following court conviction, the forms listed below will be completed and routed as follows:

a. Police records:

- (1) C.C.R.E. forms (except yellow copy)
- (2) C.C.R.E Fingerprint Card
- (3) Local Fingerprint Card (may be omitted if arresting officer knows that one already exists)
- (4) Two photographs (front and profile with pertinent information) will be taken

b. General District Court:

- (1) Original copy of served warrant
- (2) C.C.R.E form (yellow copy)
- (3) Bond papers (if subject bonded)
- (4) Two photographs (front and profile with pertinent information) will be taken

5. On Class III or IV misdemeanors:

a. Police records (see paragraph E,1)

b. General District Court:

- (1) Original copy of served warrant
- (2) Bond papers (if issued)
- (3) Jail committal (if detained)

6. On all juveniles taken in to custody for either misdemeanor or felony charges:

a. Records section - all photos and fingerprints taken as specified in GO 2-29, juvenile procedures

b. Juvenile and domestic relations court:

- (1) petitions
- (2) detention orders

c. Concerning juveniles charged where an offense report has been taken, a copy of the offense report will accompany page 1 of the Virginia Uniform Summons

d. Concerning juveniles charged where an offense report has not been prepared, a brief summary of the offense shall be provided by the arresting officer.

E. Further processing:

1. The arrestee is then returned to the magistrate who will consider a bond (except in those instances where a Virginia Uniform Summons is acceptable).
2. If bond is allowed, the magistrate completes a bond certificate which is attached to the warrant(s), and the person is allowed to leave.
3. If bond is not allowed or cannot be made, the person is then committed to jail by the magistrate, and a committal form is completed by the magistrate and attached to the warrant and the arrested person is placed in jail.
4. Items seized as evidence will be properly tagged and returned to the police department and placed in an evidence locker.

VII. Release From Arrest

A. Legal Background

1. In some instances, officers may encounter a circumstance where probable cause develops to arrest a person for an offense only to find out shortly thereafter that the person under arrest did not commit a crime, or that further investigation reveals the event does not constitute a crime. It is imperative, then, that the officer end the arrest process immediately to avoid becoming liable for false imprisonment. False imprisonment, as defined in Montgomery Ward v. Freeman, 199 F 2D 720 (1953), "is the restraint of one's liberty without any sufficient legal excuse."
2. The Attorney General of Virginia has issued an opinion, Report of the Attorney (1971), Page 102, which states the following:

"It is my opinion, therefore, that an arresting officer, who may have had probable cause to initially make the arrest without a warrant, may thereafter conclude that further prosecution of the arrestee would be improper or fruitless and may, subsequently, discharge him from custody without the necessity of taking him before a magistrate."

As stated by the Attorney General, an officer is required to formally charge only those persons who have been placed under arrest, if the officer concludes that further prosecution would be proper and fruitful.

B. Procedure

1. The arresting officer shall not formally charge those under arrest when it is proven to his satisfaction that either the person under arrest did not commit a crime or that an event investigated is found not to constitute a crime.
2. When an officer releases a subject from arrest, he should take care to return the person to the same location occupied before the arrest. For example, an officer arrests a subject, then transports him to the magistrate when the officer learns that the probable cause he used to make the arrest no longer exists. Instead of releasing the subject along the roadside, the officer should return to the location of arrest and release the person. If a vehicle has been towed, the vehicle shall be returned to the operator/registered owner.
3. Upon releasing a person in this manner, the officer shall immediately contact his supervisor and advise him of the incident.
4. To protect himself and the department, the officer shall document in an incident report:
 - a. Date and time of arrest.
 - b. Person arrested (name, address, date of birth, race).
 - c. Location of arrest.
 - d. Location and time of release from arrest and whether the person was transported.
 - e. Reasons or discovery of information which led the officer to release from arrest.
 - f. Witnesses to the alleged crime, or to the fact the person arrested was allegedly involved.
5. If the officer makes an arrest based on probable cause, the arrest is lawful. Probable cause must continue to exist through the appearance of the officer and arrested person before the magistrate. If not, the officer must release the person as soon as practicable. See Code Sections 19.2-82, 83.

SUMMARY OF LAWS OF ARREST

Criminal Offenses - All offenses except Traffic as found in Title 46.1

1. Law enforcement officers shall issue a Uniform Summons on all misdemeanor offenses committed. The officer shall proceed to the magistrate with accused when any of the following exceptions are present:
 - a. Class 1 or 2 Misdemeanors (and all other jailable offenses).
 - (1) When there is a reason to believe accused will not appear.
 - (2) When there is a reason to believe accused will be of danger to himself or to others.
 - (3) When accused fails to give written promise to appear.
 - b. Class 3 or 4 Misdemeanors (and all other non-jailable offenses)
 - (1) When accused fails to give a written promise to appear, or refuses to discontinue the unlawful act.
 - (2) Violations of sections: 18.2-66 (Driving while intoxicated); 18.2-388 (Drunk in Public); 18.2-407 (Unlawful Assembly)
 - (3) When the accused is a non-resident of the Commonwealth.
 - (4) When the accused is unable to reasonably establish his name and address.

For offenses indicated by TI (Traffic Infractions) the accused should be released on summons upon giving his written promise to appear for the scheduled court hearing. All other offenses are considered to be misdemeanor unless so indicated.

2. Law enforcement officer shall issue a Uniform Summons on all traffic offenses committed in his presence except:
 - a. Traffic misdemeanors:
 - (1) When there is reason to believe accused will not appear.
 - (2) When accused fails to give written promise to appear.
 - b. Traffic Infractions:
 - (1) When accused fails to give written promise to appear.
 - c. Violations of law:

Law Enforcement officer shall proceed to magistrate with accused when any of the following exceptions are present.

- (1) Committed by motorists from reciprocal states which require revocation of license, if convicted.
- (2) When the accused holds a license from a non-reciprocal state.
- (3) When the accused is unable to reasonably establish his name and address.

RECIPROCAL STATES

See Section 46.1-179.2 for reference

As of July 1, 1984, the following states have been entered into a reciprocity agreement with Virginia and have joined the Non-Resident Violator Compact:

Alabama	Minnesota
Colorado	Mississippi
Connecticut	Missouri
Delaware	Nebraska
District of Columbia	New Hampshire
Florida	New Jersey
Georgia	New Mexico
Illinois	New York
Indiana	North Carolina
Iowa	North Dakota
Kansas	Pennsylvania
Kentucky	South Carolina
Louisiana	South Dakota
Maine	Tennessee
Maryland	Texas
	West Virginia

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: SEARCH INCIDENT TO ARREST

NUMBER: 2-5

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS:

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: search incident to arrest; use of force during a search; strip searches; search procedures

I. POLICY:

Officers who, during the course of duty, develop probable cause or reasonable suspicion that a crime has been committed, may make investigative stops of citizens, arrests, or conduct searches. The department encourages investigative activity and expects officers competently and knowledgeably to search whenever the occasion arises. Consistent with the policies of General Orders 2-1 through 2-4, officers shall not conduct general exploratory searches but shall adhere strictly to constitutional guidelines.

II. PURPOSE:

To establish guidelines for the search of person(s) who are placed under arrest and taken into custody.

III. PROCEDURE:

A. General

The Fourth Amendment to the U.S. Constitution states in part, "The right of the people to be secure in their person, houses, papers and effects against unreasonable searches and seizures shall not be violated."

The general rule is that a reasonable search may follow a valid arrest. The officer has the authority to make a search which may extend to articles carried by the suspect, and the suspect's immediate surroundings.

B. Time and place of search incident to an arrest

A search incident to an arrest must occur in such a way that it and the arrest are part of a continuous, uninterrupted transaction. Two things are necessary for this to occur:

1. The search must be made as soon as practical after the arrest.
2. The search must be made at or near the place of the arrest.

These two things have been fulfilled if the police officer takes the arrested person to the station house or to another detention center to be searched.

C. When a search before an arrest is valid

A search incident to an arrest is normally required to follow the arrest. A police officer cannot make a search of a person without probable cause and then arrest the person if something incriminating turns up.

A search before an arrest is valid only if:

1. Probable cause for the arrest existed before the search began; and
2. The search and arrest occur almost at the same time.

D. A police officer conducting a search incident to an arrest is permitted to use whatever degree of force is reasonable and necessary. If he used an unreasonable amount of force, the search is unlawful.

1. Officers are reminded that the use of deadly force to prevent the escape of a fleeing felon may constitute an unreasonable seizure under the Fourth Amendment [Tennessee v. Garner, 471 U.S.1, 105 S. Ct. 1694 (1985)]. The courts have extended the logic of the Garner decision to the use of any excessive force during an arrest.

E. Scope of search

A police officer making a search incident to an arrest may search only the following places:

1. The entirety of the person being arrested, [United States v. Robinson, 414 U.S. 218 (1973)]; and
2. The area in the immediate control of the person being arrested into which he could reach for a weapon or for evidence; the purpose of this search must be to:
 - a. protect the officer;
 - b. prevent escape; or
 - c. prevent the destruction of evidence.

[Chimel v. California, 395 U.S. 752 (1969)].

3. Accessories carried by the suspect may be searched incident to a full custodial arrest, for they are within the area in which the defendant might reach to grab a weapon or an item of evidence. [United States v. Litman, 739 F. 2d 137 (1984)].

F. Strip searches

Strip searches are governed by Code Section 19.2-59. They:

1. May not be conducted of persons arrested for traffic violations, Class 3 or 4 misdemeanors, or violations of city, county or town ordinances which are punishable by less than 30 days in jail, unless there is reasonable cause to believe on the part of the officer that the person is concealing a weapon.
2. Must be performed by persons of the same sex as the person arrested and on premises where the search can not be observed by persons not physically conducting the search.
3. A search of any body cavity must be performed under sanitary conditions and a search of any body cavity other than the mouth shall be conducted either by or under the supervision of medically trained personnel. See § 19.2-59.1 for definition and exceptions.

G. What may be seized

1. During a search incident to an arrest, a police officer may seize the following things:

- a. Anything in the permissible area (See Section D above) that is evidence of the offense for which the officer has probable cause to make the arrest.
 - b. Anything in the permissible area that is evidence of any other offense.
 - c. Anything else which is outside the permissible area that is evidence of the offense for which the officer makes the arrest or of any other offense if:
 - (1) The evidence is in plain view of the spot where that officer makes the arrest; and
 - (2) The officer's discovery of the evidence is inadvertent, that is, the officer neither knows the location of the evidence nor intends to seize it before he goes to make arrest.
- H. Searches incident to an arrest are not illegal. The Attorney General has decided that searches incident to lawful arrest are not prohibited by Code Section 19.2-59 which provides that no law enforcement officer shall conduct a search unless he has a search warrant issued by the proper officer. The opinion was provided to the Department of State Police in 1976.

IV. SEARCHES OF PRISONERS - PROCEDURES

The department advocates the following method of searching arrested persons:

1. Wall search: Place the suspect with hands high on a wall or other vertical surfaces and extended approximately three feet apart. Do not allow him to place his palms flat on the wall: have him extend his fingers. The feet should be positioned one of two ways. The first method is to separate the feet wide apart; the other is to make the suspect cross his legs. His legs should be far enough away from the wall so that the suspect would not have significant balance to push away from the wall with any force. The suspect's back should be in a straight line with the legs and not be arched. When searching the suspect's left side, the officer's left leg should be placed aligned with the middle of the suspect's back. With proper hand and foot location, the officer maintains complete control. With this approach, the officer searches with one hand.

Search the following:

- a. Hair
 - b. Open mouth (have suspect open mouth; officer checks visually)
 - c. Collar
 - d. Back of neck
 - e. Both arms
 - f. Armpits
 - g. Chest
 - h. Back
 - i. Waistline (feel inside the pants)
 - j. Inside belt
 - k. Crotch
 - l. Down both legs
 - m. Cuffs
 - n. Socks
 - o. Inside shoes
2. Body cavity search: Body cavity searches other than the mouth will be conducted either by or under the direct supervision of medically trained personnel and only when there is probable cause to believe a particular prisoner may be concealing contraband within a body cavity or otherwise on his or her person. Such searches will be conducted only in extreme emergencies to protect the lives of prisoners or to prevent serious breaches of security. Body cavity searches shall only be conducted by authority of the chief of police. Should a body cavity search become necessary, the following procedures will be followed:
- a. The officer will inform the prisoner of his intention to conduct a body cavity search thus giving the prisoner the opportunity to voluntarily surrender the suspected contraband.
 - b. The prisoner shall remove every article of clothing including wigs and dentures and shall give them to the officer for inspection.
 - c. Should the prisoner resist the cavity search and become violent, additional officers of the same sex as the prisoner shall restrain the prisoner and assist in stripping. Only sufficient force will be applied to complete the search in accordance with the procedure set forth.
 - d. Should a prisoner resist a cavity search and insufficient number of the same sex are available to restrain the prisoner, the following procedures will be followed:

- (1) Officers of the opposite sex may be called upon to subdue the prisoner, before he or she is stripped.
 - (2) Officers shall subdue the prisoner and apply the necessary restraints (handcuffs, shackles, etc.), then leave the room.
- e. In all cases, body cavity searches will be conducted only when considered absolutely essential and probable cause exists, and will be conducted so as to afford a minimum of embarrassment and maximum privacy for the prisoner.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: USE OF FORCE

NUMBER: 2-6

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 1.3, 41.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: force; use of; deadly force; non-deadly force;
weapons: on-duty; off-duty; PR24; Mace; shotguns;
tear gas; firearms; force: prohibited acts;
qualification; reporting use of force; vehicles,
firing at or from; choke holds

I. POLICY

Officers are confronted daily with situations requiring the use of force to effect an arrest or ensure public safety. The degree of force used depends on what the officer perceives as reasonable and necessary under the circumstances. Further, the officer may resort to more severe use of force to overcome either increasing resistance or an increasingly dangerous threat to public safety. The escalation in the use of force typically follows a pattern: physical force, PR24, Mace, tear gas, pistol, or shotgun. The department expects that officers will only employ the minimum force necessary to accomplish a legal purpose. When applying deadly force, officers' objective must be to stop or incapacitate the suspect, not to kill, unless no other choice presents itself. The objective of the use of any force is to overcome the suspect's resistance to an officer's lawful purpose. Police officers shall not unreasonably or unnecessarily endanger themselves or the public when applying this policy.

II. PURPOSE

To establish guidelines governing the use of force and its limitations, and to clearly describe prohibited activities.

III. DEFINITIONS

A. Deadly force includes:

1. The firing of a firearm, even though no intent exists to kill or inflict bodily harm.
2. Any force applied in any manner by any means that could reasonably be expected to cause death or great bodily harm.
 - a. "Great bodily harm" means bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any body member or organ.

B. Non-deadly force

Force employed which is neither likely nor intended to cause death or serious physical injury.

C. Firearms

Any weapon from which a projectile is forcibly ejected by an explosive.

D. Reasonable Belief

When facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

E. Serious Physical Injury

A physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.

F. Excessive force

Force is excessive when its application is inappropriate to the circumstances, resulting in serious injury or death to a suspect. No objective definition of excessive force can be offered: each situation must be evaluated according to particular circumstances.

IV. PROCEDURES FOR APPLICATION OF NON-DEADLY FORCE

A. Physical force

Officers may employ needed and reasonable physical force (holding, pulling, pushing, throwing, or exert greater strength to overcome

resistance) in order to defend themselves or another person or to subdue a resisting subject.

B. PR24

1. Officers may have to rely on PR24's to subdue a violently resisting subject; however, officers must realize that blows delivered to the head could prove fatal and blows delivered to other vulnerable areas are often more effective.
2. PR24's shall not be used to strike handcuffed individuals, nor to threaten or intimidate people.
 - a. The PR24 is mainly useful as an instrument to manage various control holds, not as a club or prod. Officers shall not raise the PR24 above the head to strike a blow.

C. Mace

1. When physical force or a PR24 have proven insufficient, an officer may need to resort to the use of Mace in an act of self-defense, defense of a third person, or to subdue a violently resisting subject. Officers must exercise sound judgment when using Mace and realize the dangers this chemical poses to the user, assisting officers, and people who may not react to the spray, e.g., highly intoxicated or mentally disturbed persons.
2. Mace will not be used to threaten to elicit information or persuade people to comply with orders, nor will it be used on people who are handcuffed, secured, and properly in custody.
3. Officers are responsible for obtaining immediate medical assistance to those who have been sprayed with Mace. To minimize the medical risks, officers must observe the following:
 - a. Avoid spraying subject(s) directly in the eye(s).
 - b. Keep the application to the absolute minimum required to effectively control the subject. Normally this requires no more than a one second spray.
 - c. Exercise great care in use upon person(s) who resist being taken from a vehicle. In such cases, use only as the last resort to prevent injury to subject(s) and officer(s). Remove the subject(s) from vehicles as quickly as possible after application.
 - d. Do not use on person(s) who are sick, intoxicated or who are not in possession of their normal protective reflexes, (such

as being able to turn away from the applied stream). NOTE: Applying a chemical agent to such persons can result in grave injury out of proportion to the threat they may present.

- e. Once the person has been sprayed with Mace, advise him not to rub his eyes. Allow the subject, within a half hour of being sprayed, to flush his skin and eyes with cold water.

4. Before using Mace, officers should consider:

- a. Whether sufficient physical force is available from assisting officer(s) to subdue the subject(s) without resorting to a chemical agent;
- b. The feasibility of summoning backup assistance;
- c. The capabilities of his weapon. (The most effective use of a chemical agent is well-aimed, one-second bursts at a sufficient distance from the person to allow the shotgun pattern to develop. The burst should be used and directed toward the face without necessarily aiming at the eyes.); and
- d. The wind conditions that may blow droplets back into the officer's face.

D. Tear gas

These chemicals are used primarily in dealing with unruly crowds and armed barricaded subjects.

1. Gas grenades are used to disperse unruly crowds and induce the surrender of barricaded subjects when negotiations have failed.
2. Tear gas gun is used to fire projectiles to the area of an armed barricaded subject when the use of hand-tossed grenades would be unsafe or impractical.
3. Tear gas may only be used with explicit permission by the chief of police.

V. DEADLY FORCE

A. Firearms - general

1. The use of a firearm, or other deadly force, is justified only when it is used:
 - a. In defense of the officer against death or serious physical injury; or

- b. in defense of another against death or serious physical injury; or
 - c. in the apprehension of a fleeing felon when:
 - (1) The officer has probable cause to believe that a felony has been committed and the person to be arrested has committed it; and
 - (2) the officer has identified himself/herself as a police officer, and given notice of their intention to arrest, time and circumstances permitting; and
 - (3) the officer reasonably believes that the person whose arrest is sought will cause death or serious physical injury to the officer or others if apprehension is delayed; and
 - (4) all other reasonable means of apprehension have been exhausted before deadly force is used.

(The U.S. Supreme Court recently ruled that the use of deadly force to prevent the escape of a suspected criminal is unconstitutional if the suspect appears to be unarmed and not dangerous.)
 - d. To kill seriously injured or dangerous animals when no other disposition is reasonably practical. A supervisor's approval should be sought when possible.
 - e. In routine firearm training or practice at an approved range.
2. All due care shall be used to prevent injury to citizens. Warning shots will not be fired for any reason. The use of deadly force to apprehend a misdemeanor is not justifiable unless the situation described above confronts the officer.
3. Shooting at or from moving vehicles is authorized only when:
- a. Any occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; or
 - b. when a vehicle is operated in a manner deliberately intended to strike an officer or a citizen; and all other reasonable means of defense have been exhausted (or are not present), which includes moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the officer's action.

4. Other, non-deadly force may be used to overcome opposing force and is justified when the officer uses only that amount of force necessary to effect and maintain the arrest.

B. Shotgun

1. Due to its wide shot dispersion, the shotgun will only be used when a possibility exists that the officer will be dealing with an armed suspect, e.g., armed robbery in progress, searching for armed suspects, answering calls when complainant has indicated a person is armed.
2. The chief of police may approve the use of shotguns on raids and stakeouts when he believes that threat to human life exists.
3. Shotguns will be encased and carried in patrol units.
4. Shotguns will be removed from vehicles before leaving them at any garage or service department.
5. Before beginning a tour of duty or immediately thereafter officers will inspect the shotgun assigned to the patrol car.
6. During regular firearms qualification, each officer will be required to fire a designated number of rounds with the shotgun and demonstrate proficiency with it.
7. The range officer or armorer will develop a shotgun maintenance schedule. He will clean and inspect shotguns according to schedule.
8. The general rules for the use of firearms above apply to shotguns.

VI. PROHIBITED ACTS

The following acts associated with the use of force are prohibited

- A. Firing into crowds.
- B. Firing a warning shot
- C. Firing at or from a moving vehicle, except as explained under V.A.3. above.
- D. Firing into a building or through doors when the person fired at is not clearly visible unless officers are being fired upon from such building or through such door.

- E. Firing at a suspect when lesser force could be used when the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force; or when there is any substantial danger to innocent bystanders. (When in doubt, don't shoot.)
- F. Application of choke hold or carotid control holds.
- G. Use of Streamlites or Kel-lites or other flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon ONLY to defend himself or another from imminent physical injury or death and then ONLY if Mace or a PR24 or firearm is not immediately available.
- H. Carrying or use of a second back-up firearm.
- I. The carrying or use of saps, blackjacks, slapjacks.

VII. WEAPONS

- A. Duty weapon - While on duty, an officer shall carry a department issued or approved weapon, either a .357 revolver or a .9mm semi-automatic pistol. The department shall issue ammunition for the weapon.
 - 1. Any officer who wishes to carry a personally-owned weapon on duty must request permission, in writing, from the chief of police. Weapons must be inspected and approved by the range instructor/armorer. In addition, the weapon must fire department-issued ammunition and the officer must qualify with the weapon as well as with department-issued weapons. Officers must buy ammunition for their personally-owned off-duty weapons.
 - 2. The chief of police shall maintain a record of all weapons used by officers either on or off duty. The record lists weapon descriptions, ammunition type issued, date of issue, and information pertaining to qualifications. Officers shall annually review the records to ensure that they are up to date.
- B. Officers are encouraged, but not required, to carry a handgun when off duty. An officer who elects not to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which he could have taken police action if he were armed. (Exception) Off-duty officers while operating a department vehicle shall be armed with an approved weapon.
 - 1. Officers who carry off-duty weapons must understand that in some social situations (e.g., sports) the carrying of a firearm would be inappropriate.

2. Officers who have consumed alcoholic beverages to the extent that their physical and mental abilities are impaired shall not carry an off-duty weapon under any circumstances.
3. All officers will submit on-duty weapons to the range instructor for inspection and ballistics testing before carrying them.

C. Qualification

Firearms qualification procedures we discussed under RR 1-18. No officer shall carry or use any firearm, Mace, or PR24 unless he has both received training in the use of the weapon and demonstrated proficiency in its use.

VIII. REPORTING USE OF FORCE

A. Physical force (including use of Mace, PR24, or firearms).

1. The officer shall immediately notify the sergeant or the chief of police (if the sergeant is unavailable) of any use of physical force.
2. In addition to required arrest and incident reports, the officer will submit a memorandum to the chief of police describing the incident, substantiating the force used, and any medical services rendered.
3. Depending on the seriousness of the injury, the chief of police shall notify the town manager and, in case of death, the Commonwealth's Attorney and the Medical Examiner.

B. Assignment

Pending administrative review, any officer who has taken the life of another person will be removed from line-duty assignment. This action protects both the officer's and the community's interest until the situation is resolved.

C. Psychological Services

Psychological follow-up of post-shooting trauma will normally be directed by the chief of police whenever deemed appropriate.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: USE OF HANDCUFFS/RESTRAINTS NUMBER: 2-7
EFFECTIVE DATE: REVIEW DATE:
AMENDS/SUPERCEDES: APPROVED: Chief of Police/Sheriff
CALEA STANDARDS: 71.3

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: handcuffs; restraints

I. POLICY:

The responsibility of an officer for the safe custody of his prisoner permits some discretion in the use of handcuffs and restraining devices. See also GO 2-8, Transporting Prisoners. The department requires officers to exercise safety awareness by carefully restraining most prisoners (except children) who must be transported to a jail or other location.

II. PURPOSE:

To establish guidelines for the use of handcuffs and restraining devices.

III. PROCEDURES:

A. Handcuffs:

1. Arrested subjects will be handcuffed when the officer has reasonable cause to believe their use is necessary for the safety of the arrested person, the officer, or other persons.
2. Handcuffs shall be used when transporting all prisoners charged with a felony.

3. Officers shall handcuff a subject with the hands in back, but may choose to handcuff hands in front owing to the suspect's deformity or disability.
4. When a suspect is handcuffed, use of the double lock will help insure prisoner and officer safety. The double lock device is normally located directly above the key hole on the locking mechanism of the bracelet and can be locked by inserting a pointed object (back of handcuff key, pen, pencil) in the lock and pushing down. Double locking reduces the chance of picking the lock or of the bracelet accidentally closing, further restricting circulation.

B. Body belt:

The body belt allows the officer to handcuff the prisoner in front yet restricts the movement of the prisoner's arms and hands. Normally, this device will be used when transporting prisoners considerable distances.

C. Ankle Shackles:

Ankle shackles shall be used by officers when transporting any prisoner they have reason to believe might be an escape risk.

D. Plastic handcuffs:

Plastic handcuffs shall be used when officers take into custody several prisoners, or when a prisoner requires multiple restraints. Officers must understand that, once applied, plastic handcuffs can only be removed with a knife or pair of shears.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: PRISONER TRANSPORTATION

NUMBER: 2-8

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 71.1, 71.2, 71.3,
71.4, 71.5

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INDEX WORDS: Prisoners; transportation of prisoners;
transportation of juveniles

I. POLICY:

Transportation of persons in custody is a constant requirement and a frequent activity. Transportation usually occurs in two instances. The first is immediately after arrest when the arrestee is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of prisoners from the detention facility, such as the county jail, to a hospital, doctor, dentist, or other medical facility, to court, or to attend a funeral or visit a seriously ill relative, and for other reasons. In all instances of transfer of persons in custody of the department, officers shall take care not to endanger themselves, and to ensure both the prisoner's safety and to limit opportunities to escape.

II. PURPOSE:

The purpose of this policy is to establish procedures to ensure that prisoners are transported safely.

III. PROCEDURES:

A. General:

1. With only limited exceptions, all prisoners will only be transported in secure, caged vehicles.

2. In no case shall a juvenile known or believed to be under the age of 15 years be transported with adults suspected of or charged with criminal acts.

B. Searching the prisoner:

The transporting officer should always search a prisoner before placing him into the vehicle. Officers should never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting officer should conduct a search of the prisoner each time the prisoner enters custody of the officer. See paragraph F, use of prisoner restraining devices.

C. Searching the police vehicles:

The transporting officer will search the vehicle before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his destination, officers shall again search their vehicles to ensure that the prisoner did not hide contraband or other evidence.

D. Positioning of prisoners in the transport vehicle:

1. When one officer is transporting one prisoner, the prisoner will be positioned on the rear seat on the side opposite the officer driving.
2. When one officer is transporting more than one prisoner, the prisoners will be located on the rear seat and, if circumstances warrant, the transporting officer may use seat belts to better secure the prisoners.
3. If more than one officer is involved in the same vehicle transporting prisoners:
 - a. One officer should position himself in the rear of the transporting vehicle with the one prisoner on the side away from the officer's weapon.
 - b. In a situation where more than one prisoner is transported by two officers in the same vehicle, the prisoners should be positioned on the rear seat and the assisting officer should position himself in the front seat in order to see the prisoners at all times.

E. Control of prisoners while transporting:

1. Observation:

- a. While transporting a prisoner, the officer will observe him at all times, even when it becomes necessary to allow the prisoner the use of a toilet.
- b. In a situation where observation is not possible (woman prisoner needing toilet facilities and male transporting officer or vice versa), the officer should ensure that he has as much control of the situation as possible. The prisoner should not be allowed in the facility with another person and the officer should ensure that there are not escape routes within the facility and that there are no weapons available to the prisoner.

2. Meals:

If necessary for the transporting officer to stop enroute for a meal while a prisoner is with him, he should choose an unfamiliar place. This minimizes any chance of prearranged plan for someone to attempt a release of the prisoner.

3. Stopping to provide law enforcement services while transporting:

When transporting a prisoner, the transporting officer will provide law enforcement services only in the following situations:

- a. When there is a need for the transporting officer to act immediately in order that a potential victim is not harmed.
- b. When a victim has been injured and assistance is required right away.
- c. When a crime is in progress and there is an immediate need because of safety reasons that the suspect be apprehended.
- d. In all of the above situations, the transporting officer should ensure at all times that his prisoner is secure and protected.
- e. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

4. Escape:

In the event a prisoner escapes while being transported, the transporting officer will use the following procedures:

- a. Assistance will be requested immediately from the jurisdiction the officer is in at the time of the escape.
- b. The transporting officer will offer his services in order to recapture the escapee as soon as possible. See also RR 1-17 Jurisdiction, and Virginia Code Section 19.2-77.
- c. The transporting officer will submit a written report to the chief of police as soon as he returns to the department explaining the circumstances of the escape.

5. Prisoner communication:

The transporting officer will not allow prisoners to communicate with other people while in transit unless the situation requires it. The officer shall use his good judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

6. Arrival at destinations:

When transporting prisoners from one facility to another, the transporting officer upon arriving at his destination with the prisoner will follow these procedures:

- a. Firearms will be secured in the designated place at the facility being entered.
- b. Restraining devices will be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
- c. The proper paperwork (jail committal, property form, etc.) will be submitted to the proper person at the receiving facility and, in situations that require it, the officer will ensure that proper signatures are obtained on paperwork to be returned to the department.

7. Medical facilities:

When a prisoner is transported to a medical facility and is admitted by the attending physician, the officer will immediately notify the sergeant. The sergeant will in turn use the following procedures to ensure control of the prisoner.

- a. Have the prisoner released from police custody, if appropriate, by contacting and seeking advice from the Commonwealth's Attorney and the magistrate.
- b. If the prisoner has to remain in custody, the medical facility should be requested to put the prisoner in as secure a private room as possible.
- c. The prisoner should be kept under observation at all times and, normally, restraining devices should be used. Officers should consult with medical personnel concerning use of restraining devices.
- d. The supervisor shall be notified of the situation as soon as practicable and will schedule officers for guard duty.
- e. The supervisor or sergeant will brief every officer on restrictions and duties of guard duty and will ensure that guards have radios.
- f. The supervisor or sergeant will ensure that guards are checked periodically and relieved as necessary.

8. Transport of dangerous/security risk prisoners to court:

When a transported prisoner is considered dangerous or a security hazard, the judge will be notified before the transport takes place in order that prisoner handling can be planned to minimize any chance of escape, injury to the prisoner or anyone else.

F. Special transport problems

1. Transport of prisoner by officer of different sex:

- a. When transporting a prisoner of one sex by an officer of another sex, an additional officer may be requested to accompany the transport whenever possible.
- b. When it is impractical to use a second officer, the transporting officer will at a minimum:
 - (1) Contact the dispatcher by radio and request that the time and odometer mileage be logged on a radio dispatch card.
 - (2) The transporting officer should proceed directly to the destination by using the shortest practical route.

- (3) Upon arrival at destination, the transporting officer will contact the dispatcher by radio and request that the time and the odometer reading be logged on the dispatch card.

2. Handicapped prisoner:

- a. When transporting a handicapped prisoner, the transporting officer will request assistance when needed in order that the transport may be completed in a manner that is the most convenient, comfortable and safe for both the prisoner and the officer. A Rescue Squad may be contacted for assistance. The transporting officer will ensure that whatever special equipment or medicine is necessary for the prisoner to have is taken as well.
- b. The transporting officer, when having a handicapped person in custody, must use common sense. When the handicap is such that no danger of escape or injury to the prisoner or officer exists, then the restraining devices may be inappropriate.

3. Injured/sick prisoners:

- a. At any time before, during, or after the arrest that the prisoner is injured or becomes sick, the officer will seek medical attention immediately. Medical attention will be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there.
- b. The transporting officer must use the same discretion as previously explained in using restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be totally incapacitated, restraining devices may not be appropriate.

G. Restraining devices:

1. See GO 2-7 for guidance.
2. When prisoners must be restrained during transport, the following procedures will normally be followed:
 - a. A single prisoner will be handcuffed with both hands behind his back. See GO 2-7.
 - b. In transporting more than one prisoner, each prisoner should be handcuffed in back with each prisoner's arm intertwined with another prisoner's.

- c. Leg and waist belt restraints may also be used in order to minimize the risk of injury or escape.
- d. Under no circumstances will a prisoner be handcuffed to a part of the transport vehicle itself, such as the door post, protective screen barrier, etc.
- e. Officers shall use ankle shackles or plastic handcuffs when transporting any prisoner that might be an escape risk.

3. Mentally disturbed prisoners:

If the use of a strait jacket becomes necessary to transport a mentally disturbed prisoner, the officer will request the assistance of Mental Health personnel. At no time will a strait jacket be used to restrain prisoners who do not require it.

H. Transport equipment:

- 1. All marked vehicles are equipped with a metal screen separating the front and rear compartments. Normally, these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.
- 2. All vehicles equipped with metal screen barriers and used in transporting prisoners will have the rear interior door and window handles removed in order to minimize the risk of escape by prisoners while transporting.

I. Documentation:

1. Prisoner identification:

When picking up a prisoner for transport at a detention facility, the transporting officer should ensure that he has the correct person. This can be accomplished by:

- a. Officer's personal knowledge of the prisoner.
- b. Requesting verification by the jail custodian of the prisoner's identity.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: OPERATION OF POLICE VEHICLES NUMBER: 2-9
EFFECTIVE DATE: REVIEW DATE:
AMENDS/SUPERCEDES: APPROVED: Chief of Police/Sheriff
CALEA STANDARDS: 41.2, 62.1

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: police vehicles; operation of; pursuit; rules governing operation of police vehicles; definitions; unmarked police vehicles; inspection; driving rules; justification of pursuit; emergency driving; vehicle response codes; roadblocks; ramming; dispatchers' responsibilities (regarding emergency driving); rules of pursuit; abandoning pursuit

I. POLICY:

All personnel operating department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its police officers to demonstrate exemplary driving behavior. All department personnel who operate police vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be minimally used consistent with both legal requirements and the safety of the public and police personnel.

II. PURPOSE:

To establish procedures governing the operation of police vehicles, with special attention to emergencies and pursuits.

III. DEFINITIONS:

- A. Normal or routine driving
That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road" and courtesy.
- B. Pursuit driving
That driving concerned with the pursuit and apprehension of a violator or violators in a motor vehicle, consistent with the provisions of Virginia Code Section 46.1-226. Pursuits are conducted using emergency equipment.
- C. Emergency driving
That driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Code Sections 46.1-226 and 46.1-199 govern emergency responses.
- D. Emergency equipment
Flickering, blinking, or alternating emergency lights and a siren, whistle or air horn designed to give intermittent signals automatically.

IV. PROCEDURES FOR ALL RESPONSES:

- A. General
 - 1. All departmental vehicles will be driven safely and properly in full compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets and the actions of police drivers are observed by many. Each police driver must set an example of good driving behavior and habits.
 - 2. Under certain emergencies as defined below, the Code of Virginia authorizes disregard of traffic regulations; however, both the operator and the department are not released from civil liability for failure to use reasonable care in such operation. Improper driving can cost each police driver, personally, civil damages while inflicting harm or injury to the driver, other law enforcement personnel, other citizens or causing property damage, and damaging the image of the department and law enforcement generally.
- B. Routine operation:

In case of accident or damage to any police vehicle, the driver will immediately request either the sergeant or a senior officer to

conduct an investigation which will be immediately reported on a state accident investigation form. The chief of police will review all such reports and take appropriate action, to include coordination with the town attorney.

2. Vehicles used in routine or general patrol service will be those that are conspicuously marked. Conspicuous marking increases safety, serves as a warning to potential violators, and provides citizens with a feeling of security.
3. Unmarked cars shall not be used for pursuit, but may be used for patrol. They may be used to stop vehicles provided they are equipped with grill-mounted emergency lights and headlight flashers.
4. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights and alley (side) lights on the rooftop light bar. Hazardous warning lights should be used at any time police vehicle is parked where other moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles (Code of Virginia, Section 46.1-267.2).
5. Seat belts and shoulder straps shall be worn by all police personnel or ride-alongs during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. The only exception is:
 - a. At approach to any scene of an incident or service call where the police officer believes a rapid departure from the vehicle may be required, the officer may release the seat belt. Seat belts will, however, be worn any time the vehicle is being operated under emergency conditions.

C. Inspection

1. Officers are daily responsible to check the cleanliness, general operability of equipment, and fluid levels (oil, brake fluid, gas) of their assigned vehicles.
2. Officers shall examine their vehicles at the beginning and end of their shifts for damage. Officers shall report any damage immediately to the sergeant.
3. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others.
4. Officers who discover a police vehicle in need of extensive repairs shall immediately inform the sergeant.

5. If, in the opinion of the chief of police, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.

D. Driving rules

1. Circumstances permitting, the driver must check the safety features of his vehicle before commencing operation. The check should include (but not be limited to) all lights, brakes, siren, horn, and steering.
2. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle which affects its operation.
3. During periods of inclement weather when police vehicles cannot be washed regularly, the driver must assure that headlight and taillight lenses are kept clean, insofar as circumstances permit.
4. No officer or employee shall operate any police vehicle which he believes to be unsafe.
5. The driver shall exercise careful observation of surrounding conditions before turning or backing any vehicle.
6. A police vehicle shall not be left unattended with its engine in operation.
7. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle in accordance with these factors.
8. The nature of certain crimes in progress may call for the use of the siren to be discontinued upon close approach to the location of the occurrence, and although such action is permitted by authority of this order, police vehicle operations under these conditions require extreme caution.
9. Emergency driving to the scene of a motor vehicle accident is permissible ONLY when an emergency exists, or when specific information indicates that conditions at the scene require the immediate presence of an officer.
10. Upon approaching a controlled intersection or other location where there is great possibility of collision, the driver who is responding under emergency conditions shall reduce the speed of his vehicle and control it to avoid collision with another

vehicle or pedestrian, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal, the officer shall stop his vehicle and assure by careful observation that the way is clear before proceeding through the intersection.

11. Regardless of the seriousness of the situation to which he is responding, and excepting circumstances that are clearly beyond his control, the operator of a police vehicle shall be held accountable for the manner in which he operates his vehicle.
12. At the scene of a crime, a motor vehicle crash, or other police incident, a police vehicle shall be parked in such a manner so as to not create an obstacle or hazard to other traffic. The emergency lights and four-way flashing lights should always be used to warn other drivers approaching the location.
13. The driver should lower one front door window far enough to hear other sirens and traffic warning signals.
14. Operators of police vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way (State Code 46.1-225).
15. In case of pursuit, should the violator enter a one-way street against the flow of traffic, or enter a major highway or interstate freeway by proceeding along an exit ramp, the pursuing officer shall not follow the violator but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel.

V. PROCEDURES FOR EMERGENCY DRIVING:

A. General

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified. The department, however, imposes on the officer the restriction of driving no faster than 20 miles per hour above the posted speed limit in an emergency response (excluding pursuits).

2. The final sentence in Code Sections 46.1-199 and 46.1-226 remind the officer that "Nothing in this section shall be construed to release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation." Recognizing that protection of human life is paramount, the responding officer must remember that his objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others.

B. Response codes

1. Calls for service are classified as Code 1 or 2 depending on circumstances. The Codes are defined as follows:
 - a. Code 1: Units responding to Code 1 calls as the primary and back-up units shall respond rapidly to the location of the emergency, by most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.
 - b. Code 2: Units responding to Code 2 calls shall respond to the location without delay by the most direct route, complying with all traffic regulations and shall not use emergency warning devices.
2. Dispatcher assignments

The dispatcher will assign Code 1 classification to those calls for police service which indicate a felony in progress or where the violator is armed, and all other requests alleging an implied or immediate threat to the safety of a person. Examples of Code 1 calls (but not all inclusive) are:

1. Police officer (or station) needs urgent help
2. Burglary in progress
3. Robbery in progress
4. Person with deadly weapon
5. Serious injury accident
6. Riot or large disturbance with fighting or injuries or damages occurring.

3. Upon receipt of a request for law enforcement service which necessitates the dispatch of a police unit, the dispatcher receiving the request shall determine sufficient facts to set the priority of the response.

a. The dispatcher shall obtain information about:

- (1) whether the perpetrator is still on the scene, or armed;
- (2) condition of the victim;
- (3) a hostage situation;
- (4) direction and method of travel of any fleeing suspects;
- (5) description of any fleeing vehicles.

b. When sufficient information concerning a request for service has been obtained, the dispatcher shall classify the complaint according to classification. Any doubt as to the character of the request shall be resolved in the presumption that an emergency exists and Code 1 assigned to the call.

c. Officer's response to call

- (1) Upon arrival at the scene of a call, the responding officer should rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 1 can be slowed or cancelled.
- (2) All units responding to robbery-and burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights.
- (3) In situations requiring silent response, e.g., alarm response, prowler calls, officers will respond as rapidly as possible, obeying all traffic laws and signs.

4. Officer-initiated response

When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary police service, the department authorizes an emergency response.

Examples include:

- a. At the scene of any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents or disasters).
- b. As a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent dangers.
- c. Responding to a non-Code 1 call, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as Code 1.
- d. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate police response.
- e. In response to an officer emergency request for assistance.
- f. For pursuit, see section VI.

VI. PROCEDURES FOR PURSUITS:

A. Officer Responsibilities

The officer who undertakes a pursuit does so at his or her discretion taking into consideration the factors listed below. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. The officer shall notify the dispatcher of the pursuit, direction of travel, description of the pursued vehicle, and location.

B. Supervisor's Responsibilities

The patrol supervisor shall monitor the pursuit and respond. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.

C. Back-up Responsibilities

The first back-up unit to respond shall assist the primary officer in making the arrest. He or she will also assume the responsibility of updating the dispatcher with the location and direction of travel of all vehicles involved, thereby allowing the primary officer to focus attention on the pursuit driving.

D. Dispatcher Responsibilities

1. Advise all other units of the pursuit and the information given by the pursuing officer. Assist in directing back-up units to strategic locations
2. Order the police radio cleared of all but emergency traffic.
3. Alert all other nearby law enforcement agencies of the pursuit and information given by pursuing officer when continuing beyond the town limits.
4. Query DMV, VCIN, and NCIC for license data and any warrants.

E. Justification for pursuit

An officer may pursue a vehicle only when he has probable cause to believe the violator has committed or is attempting to commit a serious felony (a felony involving the use or threatened use of violence) or when the necessity of immediate apprehension in case of a misdemeanor outweighs the level of danger created by the pursuit (e.g., DUI, reckless driving). Officer shall not pursue vehicles for minor traffic violations or violations of town ordinances.

Considerations in engaging in pursuit

1. Officers shall not operate a vehicle at a rate of speed that may cause loss of control. The department expects an officer to end his involvement in pursuit whenever the risks to his own safety, or the safety of others, outweighs the danger to the community if the suspect is not apprehended.
2. The decision to begin, responsibility for continuing, and the choice of method of pursuit rests primarily, if not solely, with the individual officer(s) involved. In deciding, he is faced with a dilemma because, although the law does not prevent him from using emergency speeds while engaged in pursuit, it does hold him criminally and civilly responsible for his actions. Therefore, he must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens. Such considerations include:
 - a. Does the seriousness of the crime warrant a chase at unsafe speed?
 - b. What is the possibility of apprehension?
 - c. Will the pursuit take place on residential streets, a business district or freeway?

- d. When a police officer begins pursuit of a fleeing vehicle, he must remember that citizens using public highways do not expect their travel to be interrupted by a high-speed chase or to become involved in an accident as a consequence. Children playing on the side of the street are likely to be drawn towards a police car with the siren and emergency light operating, rather than cautioned away from it.
 - e. Street and traffic conditions.
 - f. The weather conditions
 - g. Road conditions and lighting (visibility)
 - h. Balance the pursuit's danger to the public against allowing suspect to escape.
3. Intersections are a particular source of danger. Officers, when approaching an intersection where signal lights or stop signs control the flow of traffic, should:
- a. Decelerate and be prepared to apply the brakes
 - b. Enter the intersection only when safe, all cross vehicles are aware of the officer's presence, and at a reduced speed.
 - c. Resume pursuit speed only when safe. When using emergency light, siren and headlamps, the officer is requesting the right of way and DOES NOT ABSOLUTELY HAVE the right to run a red traffic light or stop sign.

F. Rules of pursuits

1. Officers shall not ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Pursuits shall be limited to two police vehicles, a primary and a secondary. Other police vehicles shall not leave their assignments to join the pursuit. Additional units may participate but only under order by the senior officer on duty or the sergeant.
3. Officers shall not fire their weapons from a moving police vehicle. Officers may only fire weapons at a vehicle under conditions described in GO 2-6, Paragraphs V. A.3 and VI.C.

4. Whenever the pursuit extends off roadway, as when the fleeing vehicle leaves the roadway and proceeds cross-country, the pursuing officer(s) must carefully consider whether or not the seriousness of the offense outweighs the risk to his safety and the potential damage to the police vehicle or private property. When the risks of pursuit exceed the need to capture the offender, THE OFFICER MUST DISCONTINUE PURSUIT.
5. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, officer should stop, give his location, and continue efforts to apprehend on foot. The back-up car, or second police vehicle, should be dispatched in close proximity to offer assistance.
6. A supervisor may direct that the pursuit be ended. If the pursuing officer receives such an order to stop the pursuit, he shall do so immediately and acknowledge the order. Also, the pursuing officer(s) must end the pursuit if at any time during the course of the pursuit he loses extended sight of the fleeing vehicle.
7. Only in the case of suspected fleeing felons whose escape poses a danger to life may officers set up a roadblock. The decision to erect a roadblock may only be made by the chief of police or, in his absence, the sergeant. A decision to erect a roadblock is a decision to use deadly force (the provisions of GO 2-6 apply). The decision to erect a roadblock must consider:
 - a. The safety of officers
 - b. The risk of physical injury to the occupants of the pursued vehicle
 - c. The protection of citizens and their property.

A roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify the dispatcher of its precise location. The department stresses that roadblocks constitute a last resort in stopping a fleeing violent felon.
8. Pursuits of misdemeanants shall not proceed beyond the Virginia State line. A pursuit of suspected felons may extend beyond the state line, but the pursuit shall be relinquished as soon as possible to police personnel of the entered state.
9. Officers, when accompanied by civilian passengers, shall not pursue. If a civilian is in the police vehicle at the beginning of a pursuit, that officer will turn the pursuit over to another officer, or deposit the civilian at an appropriate, safe location.

10. When the fleeing suspect is apprehended in another jurisdiction, the pursuing officer shall take the arrested person before a judicial officer of that jurisdiction. The officers shall then go before the magistrate serving the town to obtain a warrant and ensure that a teletype is sent through VCIN to the apprehending jurisdiction as soon as possible, acting as a detainer.
11. When the fleeing suspect is apprehended within the county, the officer shall take the arrested person before the magistrate serving [your jurisdiction]. The on-duty supervisor will confer with the other jurisdiction to determine which jurisdiction will maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective magistrate.
12. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren-sound selection.

VII. ABANDONING PURSUIT:

This general order has noted the necessity for a pursuing officer to continually evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.

Officers may discontinue pursuit under the following circumstances:

- A. If, in the opinion of the pursuing officer or supervisor, the pursuit creates a clear and unreasonable danger to the officers and other motorists or pedestrians that outweighs the need for immediate apprehension.
- B. The suspects have been identified and can be apprehended later.
- C. The prevailing traffic, roadway, and environmental conditions render pursuit futile.
- D. The pursued vehicle outdistanced the officer, or its location is not known.
- E. The pursuing officer knows, or is reasonably certain that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or non-violent felony (the pursuit may stimulate the juvenile to recklessly disregard public safety).

Discontinuing a pursuit does not mean that the officer cannot follow the vehicle at a safe speed, or remain in the area ready to resume the pursuit if the opportunity presents and circumstances warrant. Officers, when pursuing, should resist the temptation to get into the violator's back seat--figuratively speaking--but instead simply follow the violator and allow him or her to make the driving mistakes. NO OFFICER CAN BE DISCIPLINED FOR DISCONTINUING A PURSUIT.

1. Officers shall review Code sections 46.1-199 and 46.1-226 regularly concerning civil liability of officers who pursue recklessly.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: WANTED/MISSING PERSONS

NUMBER: 2-10

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS:

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: missing persons; dispatcher's responsibilities
(re wanted/missing persons); wanted persons

I. POLICY

The VCIN and NCIC communication networks provide several different information files, two of which assist us in locating persons wanted by our department and those reported missing. The effectiveness of the system and departmental liability depend on accurate and prompt entry of wanted/missing persons information, as well as immediate cancellation of entries when no longer required.

Each officer is responsible for dealing with reports of missing or wanted persons to conduct proper investigations, prepare necessary reports, and request appropriate VCIN/NCIC entries. Each dispatcher making an actual entry must ensure that the entry contains accurate and complete information and that unnecessary delays in making the entry are avoided.

II. PURPOSE

To establish department guidelines explaining investigation of wanted/missing persons and the making of appropriate entries into VCIN and NCIC.

III. PROCEDURES

A. Wanted persons:

1. In order for a person to be entered into VCIN/NCIC files as wanted, one of the following criteria must be met:
 - a. A federal warrant is outstanding
 - b. A felony or serious misdemeanor warrant is outstanding.
 - c. Probation and parole violators meeting the criteria listed in a) or b) above.
 - d. Any juvenile meeting the criteria in a) and b) above, provided he will be tried as an adult for the charges placed.
2. Making the entry:
 - a. The requesting officer will complete an NCIC entry request form and forward to the investigator.
 - b. Upon his review of the request, the investigator will contact the Commonwealth's Attorney to confirm or decline extradition if the suspect is located.
 - c. If the Commonwealth's Attorney confirms that he will authorize extradition, the VCIN/NCIC entry will be made and the request form along with copies of other related paperwork will be filed in the teletype message file.
 - d. If extradition is declined, no VCIN/NCIC entry will be made and outstanding warrants/detention orders will be filed in the warrant file should the subject be located at a later date.
 - e. If the Commonwealth's Attorney cannot be located, the chief of police may authorize and approve the VCIN/NCIC entry; however, the investigator will continue attempts to locate the Commonwealth's Attorney. When located, should the Commonwealth's Attorney decline extradition, the investigator must insure that the original wanted entry is cancelled, with appropriate notation as to why it was cancelled. Notes should be made on the NCIC entry form concerning the time and date the Commonwealth's Attorney was contacted and any other relevant comments.
 - f. Dispatchers will follow guidelines set forth in VCIN/NCIC operating manuals.

3. Retention of wanted person records:

- a. A wanted person entry for someone who has not been located or who has one locate message entered will remain in the VCIN/NCIC file indefinitely. (A second locate message must be entered by the originator before the file is cleared.)
- b. The investigator is responsible for taking action to clear an entry when a wanted subject is located or when a decision is made by the Commonwealth's Attorney not to extradite a wanted person who has already been entered into the system.
- c. The dispatcher receiving such a request to cancel an entry by the investigator will follow VCIN/NCIC guidelines and clear the entry from the system.

B. Missing persons:

1. Officer(s) receiving a missing persons report must collect and evaluate information (pictures, descriptions, etc.) and investigate possible leads provided by the reporting person without delay.
2. For missing juveniles, the investigating officer should immediately establish the fact that the youth is missing (i.e., search of the residence, check school, friends' homes, local stores, parks, etc.).
3. Officers must be aware that there is no formal waiting period required before the department will accept a missing persons report.
4. Immediately following receipt of such report, the investigating officer will review the report with the sergeant. If any one of the criteria listed below is met, the missing person will be entered into VCIN/NCIC files.
5. A missing person record may be entered for the following:
 - a. A person of any age who is missing and under proven physical/mental disability or is senile, thereby possibly subjecting self or others to personal and immediate danger.
 - b. A person of any age is missing and in the company of another person under circumstances indicating that his physical safety is in danger.
6. State Police Form SP 67-8-15-81 may be used in identifying specific criteria above which the situation satisfied and if so used, should be attached to the NCIC entry form.

If criteria are met and the missing person is to be entered into NCIC, the requesting officer will complete an NCIC form and forward it to investigator for approval.

Documentation must be on file at the time entry is made supporting the stated conditions under which the person is declared missing.

Examples of acceptable documentation are:

- a. A missing juvenile report, done as a result of investigation by a police officer and filed with the police department.
- b. A written statement from a physician or other authoritative source corroborates the missing person's physical/mental disability.
- c. A written statement from a parent, guardian, next of kin or other authoritative source advises that the person is in danger or that his disappearance was not voluntary.

10. Retention period for missing persons record:

- a. A missing person record is retained indefinitely until action is taken by the originating agency to cancel or clear the record or until a locate command is placed against the record.
- b. A missing person record for a juvenile will be retained until a locate, clear or cancel, is placed against the record or until the juvenile reaches the age of 18.
- c. The duty dispatcher or records clerk receiving notification that the missing person has been located or that the investigating officer wants to clear or cancel the person, will follow NCIC guidelines and clear the entry from the system.

C. Unidentified persons:

1. Effective June 30, 1983, and NCIC file was established to aid in dealing with unidentified persons (unidentified body found, amnesia victim, etc.).
2. The file was established to provide a national file for the entry of unidentified deceased, unidentified disaster victims, unidentified living persons, and parts of a dismembered body.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: INFORMANTS

NUMBER: 2-11

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 41.2, 42.1, 42.2,
43.2, 51.1

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: informants

I. POLICY

The department encourages development and use of informants. The proper legal use of an informant can greatly assist the efforts of the officer in obtaining vital information that may be used in any investigation.

II. PURPOSE

The purpose of this order is to set forth procedures to help members of the department develop and effectively use informants and the information obtained.

III. PROCEDURE

A. Definition:

1. By definition, an informant is a person who provides information. A citizen giving an officer information about neighborhood activities is an informant. An arrested person who provides information about other participants in a crime is an informant. A "snitch" who provides information about who committed a particular crime and who receives money from an officer as payment is an informant.

2. An officer shall develop a variety of information sources or informants. In many cases, information will flow as a result of friendly, courteous conversations and questioning, by building rapport, by providing efficient police response, and by just listening and talking.
3. For purposes of this order, an informant is defined as someone who provides useful information concerning criminal activity including vice, organized crime, or intelligence and who expects some kind of return. Return is defined as payment in money or assisting the Commonwealth's Attorney or the courts or the satisfaction of a personal need to contribute to the improvement of the neighborhood.
4. In developing informants, officers shall ensure confidentiality of informant identities and transactions, but observe lawful accountability.

B. Identity of informants:

1. Each officer who wishes to develop and use an informant, as defined above, will prepare a confidential file envelope on the informant as follows:
 - a. On the front of an envelope, place the following information: officer's name and social security number and the informant's number, which is the officer's badge number followed by an alphabetic letter, A for first informant, B for the next, C for the next, etc. If the informant is a juvenile, write the word "Juvenile" on the envelope.
 - b. Prepare or collect the following and place inside envelope:
 - (1) Biographical and background information: name, aliases, address, telephone number, known acquaintances, habits, etc.
 - (2) Criminal history record, if any.
 - (3) Information the informant has or can be expected to provide.
 - (4) Record of any payments made.
 - (5) Degree of involvement of informants in any operation.
 - c. Seal the envelope and give it personally to the chief of police. The envelope will then be placed in the chief's safe.

2. The information files will not be opened unless an emergency arises which makes it essential to identify people. In this case, the chief of police will authorize disclosure of information. Files will be released only to the officer preparing the file or in response to legal subpoena.
3. Once an informant file has been prepared, all future references to the informant in any reports will be by informant number only. Informant names will not be used.
4. Two or more officers may develop the same person as an informant. Each officer will develop a separate informant file and assign an informant number.
5. Once the informant file has been prepared, the officer is responsible for keeping the file up-to-date. The officer simply requests the numbered file from the chief, places the additional information within, and returns it.
6. Informant files can be retained indefinitely, but officers are encouraged to keep only active informants on file.
7. Officers may retain their own duplicate informant files, but will be responsible for file security.

C. Use of police informants:

1. Police officers will not make any deals with people concerning charging, pleading, or sentencing. Police officers may, however, consult with the Commonwealth's Attorney regarding these matters.
2. Informant information may become the basis for a variety of legal and police processes. The officer should carefully consider the possibilities of being required to identify an informant in the courtroom, possibly placing the informant in jeopardy.
3. Informants as participants in offenses must be willing to testify in court.
4. Officers shall deal with informants very carefully and with circumspection, particularly with those of a different sex or those whose sexual preferences may make an investigation susceptible to compromise.
5. Use of juvenile informants is particularly sensitive so officers must obtain parental permission and consult with the Commonwealth's Attorney or juvenile court personnel.

6. The chief of police can provide information on the availability of funds to pay informants.
7. Specific guidelines exist through case law regarding the legal use of informants. The following points are offered to help officers judge the usefulness of their informants.
 - a. If possible, corroborate informant tips through independent investigation.
 - b. If informant tips form probable cause to arrest or search, the officer involved must be prepared to justify to the court why the informant is credible and his information reliable.

SEE GO 2-1 and 2-2 for more details on the legal use of informants.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: PATROL

NUMBER: 2-12

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 41.1, 41.2, 81.2

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INDEX WORDS: funeral escorts; residential lock-outs; dispatchers responsibilities (regarding patrol); patrol; emergency notifications; hazards; patrol; hospital response; mental patients; death investigations, preliminary; residential security checks; shoplifting arrests; handling juveniles (re shoplifting); shoplifting, evidence

I. POLICY

Patrol is the primary activity of law enforcement that includes much more than driving through neighborhoods looking for evidence of law-breaking. On patrol, officers engage in a wide variety of activities including enforcement of traffic and criminal laws, answering complaints, conducting investigations, community relations activities, transporting prisoners, and preventing crime. The department expects officers to conduct patrol vigorously to prevent crime, improve community relations, and detect and apprehend offenders.

II. PURPOSE

To define and outline procedures for handling commonly encountered patrol problems.

III. DEFINITION

Patrol can be defined in terms of its component activities:

- A. Crime prevention activities;
- B. Response to called-for services;
- C. Investigation of crime, offenses, incidents and conditions, including arresting offenders;
- D. Traffic direction and control;
- E. Regulation of certain business or activities as required by law;
- F. Maintenance of public order;
- G. Provisions of emergency services;
- H. Development of relationships between citizens and the department;
- I. Reporting of information to appropriate entities.

IV. PROCEDURES - General

A. Patrol coverage

1. The department operates 24 hours a day, seven days per week to provide citizens with law enforcement services. The department will provide, generally, the same services at all hours of the day or night in relation to answering calls for service, emergencies, preventive patrol, or traffic enforcement.
2. [Describe shift schedule for your department.]

B. Patrol activities

1. Response to some calls may require several officers to deal effectively and safely with the problem. Situations requiring the response of at least two officers include:
 - a. Potential or actual assault on an officer.
 - b. Possibility of or actual on-scene arrest for a felony or violent misdemeanor.

- c. Potential or actual resistance to arrest.
 - d. Possibility of or actual use of force.
 - e. Crime in progress.
 - f. Fleeing suspect.
2. Dispatchers will ensure the dispatch of two officers to calls listed above. An officer finding the circumstances listed above will request back-up assistance. Two officers assigned to such a call will coordinate their simultaneous arrival, where possible.

C. Incidents requiring presence of a supervisor

The sergeant or, in his absence, the chief of police, shall be notified and will assume command of the following incidents:

- 1. Serious injury to an officer
 - a. Accident involving a police vehicle.
 - b. Major crimes to include murder, bank robbery, jail break, or a heinous crime or assault where death may occur.
 - c. Barricade/hostage situations.
 - d. Disasters, catastrophes, or severe weather producing emergency conditions.
 - e. Serious complaint or incident involving a police officer.
 - f. Serious accident, injury or incident involving town personnel or property.
 - g. Any other incident where a supervisor is requested.

D. Hazards

A wide variety of hazardous situations such as bad road/weather conditions, unsafe structures, and potentially dangerous calls for service will normally be identified by patrol officers or announced by local media. Information about any of these hazardous or potentially hazardous situations should be reported, shared among officers and other agencies that ought to know, and passed on to subsequent shifts.

E. Special Notifications:

1. Emergency/next-of-kin messages

- a. Subject to the availability of personnel, emergency messages of any legitimate type, as defined by the person receiving the message, may be delivered. Officers shall deliver any message pertaining to a death, serious injury, or serious illness.
- b. Notifying next-of-kin where there is a death, serious injury or serious illness can place the officer in a delicate and uncomfortable situation. The following procedures should be used whenever possible and practical:
 - (1) Notification should be made as promptly as possible.
 - (2) The presence of a minister or relative/close friend (if known) should be obtained whenever possible before notification.
 - (3) If notification has to be made alone, the officer should offer assistance to the next-of-kin in contacting a relative, close friend or minister.
 - (4) Officers delivering emergency notifications shall tell citizens the source of information.
- c. When requested by another agency to make notification of next-of-kin, the dispatcher or officer should obtain whatever pertinent information about the situation is available in order to assist the relative receiving the message.

F. Highway maintenance/public utilities.

At any time when one of the below hazards exists, the officer shall request the dispatcher to notify the proper agency. Hazards may be grouped into two categories.

1. Hazards requiring immediate notification of the proper agency:
 - a. Essential traffic light in need of repair.
 - b. Large holes in road.
 - c. Electrical power lines down.
 - d. Large debris, etc.
 - e. Breaks in water, gas, or other utility mains.
 - f. Snow/ice on road.
 - g. Fire hazards needing immediate attention.

2. Hazards requiring notification at beginning of next business day:
 - a. Non-essential traffic lights in need of repair.
 - b. Small (non-hazardous) holes in road.
 - c. Street lights in need of repair.
 - d. Telephone/video cables down but not creating hazard.
 - e. Dead animals in road.
 - f. Potential fire hazards not requiring immediate attention.
 - g. Excessive growth of weeds, grass, etc.
3. Some hazardous situations may demand immediate notification of local radio stations in order to request immediate public service announcements. Normally, the chief of police shall contact local media for this purpose.

V. PROCEDURES - Conduct while on patrol

- A. Officers will acquaint themselves with traffic hazards, geography of their territory, and particularly the location of highways. Officers should also ascertain the names and addresses of habitual criminals and law violators, first aid stations, hospitals, ambulances, magistrates, sheriffs, General District and Circuit Court Judges, Commonwealth's Attorneys, medical examiners, public and private social service agencies, and any other public or private officials that would be helpful in the administration of their duties.
- B. Officers will employ the utmost care to protect themselves when stopping violators for infractions of laws. Consideration must also be given the stopping of vehicles from a safety standpoint, during inclement weather, on hills and curves, in dense traffic, or in any instance where life and property may be endangered.
- C. When an officer observes a violation of the law, he will either (1) warn, (2) arrest, or (3) issue a summons to the violator to appear before the court having jurisdiction.
 1. Any controversy incident to the warning, arrest, or summons will be avoided; the member will merely inform the offender:
 - a. The nature of the offense.
 - b. Why the offense was detrimental to the safety of the public, if this is appropriate.
 - c. The specific charge if a charge is made.
 - d. The procedure the violator will follow in order to bring the matter to a conclusion.

- D. Without exception, male officers transporting females shall notify the dispatcher that they are transporting a female prisoner. The report should include the point of origin, vehicle odometer reading, and the destination. Upon arriving at the destination the member will notify the dispatcher of arrival and odometer reading. The communications operator will log the information and record the time of each notification. The same procedure applies to a female officer and a male prisoner.
- E. Officers shall provide general and emergency assistance to motorists in accordance with their training and qualifications. This includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Officers will ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the officer is unable to remain with the motorists until help arrives, he/she will take the necessary steps to provide safety to the motorists or arrange for transportation. However, this does not preclude transporting the motorists to a place of safety when a need arises.

VI. PROCEDURES - Specific Patrol Problems

A. Hospital response

Officers may respond to calls for assistance from hospitals, or they may take prisoners to medical facilities for treatment, or they may interview hospitalized subjects. Officers must understand that they are not required to give up their firearms upon request by hospital personnel.

1. Mental patients

- a. In the absence of a court order for mental commission, or criminal charges of any nature, officers responding to any medical facility requesting their assistance in detaining a mental patient must not initiate such action. The responsibility for detaining such a patient rests with the hospital staff and security personnel. However, the officer responding to the hospital will provide assistance should the situation escalate to a confrontation where the safety of the staff or preservation of peace becomes a police problem.
- b. When a court order for mental commission is present, the officers must take whatever action is necessary to enforce the court order.

2. Handcuffed prisoners

Unless necessary to remove handcuffs in order for a prisoner to receive medical treatment, the handcuffs or restraints shall remain.

3. Interviews of patients/employees

- a. Officer(s) entering a hospital for the purpose of interviewing a patient in the emergency room shall notify hospital personnel on duty of their presence and the identity of the party to be interviewed.
- b. Officer(s) entering a hospital for the purpose of interviewing a patient in the patient's room or ward shall notify hospital personnel on duty at the nurses' station responsible for the care of that patient of their presence and the identity of the party to be interviewed.
- c. Officer(s) who must interview an employee of a hospital should make every effort to conduct the interview away from the hospital unless the purpose of the interview is in conjunction with the person's employment.

B. Preliminary death investigations

1. After arriving at the scene and until convinced to the contrary, all officers should consider every D.O.A. call as a possible homicide, and should be aware that a homicide may be "staged" to appear as a death by natural causes.

Responsibilities of First Officer on Scene.

If the death appears to be from other than natural causes, the officer should direct attention to the following functions in the order that his or her discretion dictates after an evaluation of the situation.

- a. Assuring the safety of persons to prevent further injury or death.
- b. A preliminary determination that the subject is actually deceased.
- c. Preservation of the scene and possible evidence.
- d. Radio call for police or rescue assistance.
- e. Gathering of witnesses.
- f. Requesting the presence of a supervisor.

3. All deaths must be pronounced by a physician, which may happen at the scene, at a hospital, or any other place designated by the medical examiner in medical examiner cases. The officer shall include in his or her report the time of pronouncement, the name of the physician, and where the body is to be taken.

4. Medical Examiner's Case.

If the circumstances of death fall into any of the following categories, or if there is any doubt as to its inclusion in one of these classifications, it should automatically be considered a medical examiner's case:

Classifications

- a. By violence; that is, accident, suicide, or homicide.
- b. Suddenly, when in apparent good health.
- c. When unattended by a physician (M.D. or D.O.)
- d. When in jail or in police custody.
- e. By unusual, suspicious, or unnatural means.
- f. When the body is to be cremated.
- g. Fetal deaths.

5. Non-Medical Examiner's Case.

For the purposes of this procedures, a non-medical examiner's case shall be defined as:

- a. A death resulting directly from a disease or illness which has been diagnosed and is actively being treated or attended to by a private physician, and;
- b. The death is not within the classification of a medical examiner's case, as defined above.

6. When medical examiner is not immediately available.

- a. If authority for removal of the body cannot be ascertained from the medical examiner within a reasonable period of time, a police supervisor, acting as an agent for the medical examiner, may contact the nearest funeral home, and have the body transported to the nearest hospital for pronouncement and custody. Family preference as to funeral director may be considered if transportation can be expeditiously handled.

If neither the attending physician nor the medical examiner can be contacted within a reasonable period of time, the body may be removed.

- b. The assistance of the Fire Department may be requested in emergency situations requiring the immediate removal of a body.

C. Residential security checks

The department will honor requests from citizens to conduct security checks of their homes when the owners are on vacation. To that end, any officer shall ask the citizen to complete the "Request for Security Check" form found at the end of this General Order. Officers shall advise citizens that occasional security checks cannot guarantee that their property will be safe from vandalism or burglary.

Shoplifting arrests

1. Virginia Code Sections 18.2-105.1, 19.2-81, and 19.2-74 concern detention of shoplifters, arrests without warrants, and issuance of summons in lieu of warrant. Officers shall consult these statutes for guidance.

Arrests by Special Police

2. Special police officers who work as store security may issue misdemeanor summonses for offenses in which apprehension is made within the scope of their employment. The special police must also complete an incident report. The special police must then present the incident report (including the retail cost of the item stolen) and any property, if necessary, to any police officers. In the event of a felony arrest, juvenile detention, or arrest for a misdemeanor, a police officer shall take charge and complete the paperwork.
 - a. Special police officers and their powers are discussed under Code Section 15.1-144.
 - b. When a sworn special police officer has decided not to release a misdemeanor on a summons, his decision should not be overruled by the officer without adequate justification.
3. Procedure for processing adult shoplifters arrested by store security personnel who are not special police officers:
 - a. The assigned unit shall respond to the scene, being constantly aware that a detained shoplifter may be a physical threat to all concerned.

- b. The officer should discuss the offense with the merchant, agent, or security guard to determine if an offense has actually occurred and if the merchant has established probable cause for the apprehension. Before these determinations, the officer does not have the right to conduct a body search or for evidence of the offense but he may upon reasonable fear for his safety, conduct a pat-down search of the subject's outer clothing for weapons. Any object thought to be a weapon and later found to be other evidence is admissible as to the offense.
- c. The knowledge of the merchant, agent, or security guard concerning the offense must be first-hand.
 - (1) Felony. If the offense is a felony, handle as a physical arrest according to the provisions of GO 2-4.
 - (2) Misdemeanor. If the offense is a misdemeanor, the officer may issue a summons unless the sholifter:
 - (a) Refuses to give written promise to appear.
 - (b) Appears likely to disregard the summons.
 - (c) Is reasonably believed likely to cause harm to himself, or another person.

4. Handling juveniles

The officer should verify the age of the offender. If the offender contends that he is a juvenile, and a verification cannot immediately be made, he must be treated as such until a determination to the contrary is made. The ascertainment of an offender's age and identification should be through whatever means available to the officer at the time, but caution should be taken to assure that a juvenile is not processed as an adult offender.

- a. Felony. If the offense is a felony:
 - (1) Obtain all available information on the offender, and provide that information to the complainant. Assist the complainant in preparing a juvenile petition.
 - (2) Transport the juvenile to the police office. Contact a parent to pick up the child. Advise the parent that a petition is being sought.

b. Misdemeanor

- (1) Every effort should be made to contact a parent from the store. A parent, if reached, may be requested to respond to the store for release of the juvenile.
- (2) If a parent responds, or if the officer is assured of proper identification, the officer may release the juvenile at the scene after advising the parent or juvenile that a juvenile petition will be sought. Factors to be considered in this action are the same as those for the release of an adult on a misdemeanor summons.

5. Evidence - Special Considerations

Section 19.2-270.1 Code of Virginia, allows for the introduction of a photograph of shoplifted property as competent evidence. The process of authentication of these photographs is rather involved, and the decision to use a photograph should be made only after careful deliberation, and not merely at the request of the merchant. Officers shall consider:

- a. Is the item perishable?
- b. Would the impounding of the item represent an undue hardship to the merchant?
- c. Does the size or nature of the item make impounding impractical?

E. Funeral escorts

1. Criteria: All funeral procession escorts must be approved by the chief of police. All such requests must be made at least 24 hours before the escort.
 - a. Funeral homes are responsible for coordinating with other agencies if the procession passes into another jurisdiction.
 - b. Funeral homes must inform all procession participants of any requirements and provide all equipment necessary.

2. Officers' responsibility

- a. Officers shall have the authority to refuse to start any escort which presents a hazard to the safety of either the officer or the public. If an officer refuses to start a funeral escort for any reason, he must contact his supervisor.
- b. Officers shall choose the route to be taken based upon resources available, weather, time of day, traffic flow, road hazards, and any permits issued.
- c. In the event the procession is larger than anticipated, the officer in charge of the procession will consider the following:
 - (1) completing the escort as requested;
 - (2) waiting until additional assistance can arrive;
 - (3) escorting a manageable number of vehicles to include the family vehicle and funeral coach.
- d. The requesting party may choose to proceed without benefit of an escort.
- e. All processions which proceed on an interstate highway will be advised that interstate traffic will normally not be stopped for the procession.

3. Vehicle Requirements

a. Police

- (1) A police vehicle escorting a funeral procession shall have emergency lights in operation at all times. Only marked police vehicles may be so used.
- (2) The siren should be used as appropriate to warn other drivers that the procession is proceeding through the area.

b. Other

All vehicles participating in a funeral procession shall have their headlights illuminated.

F. Residential and vehicle lock-outs

The police department will assist citizens who are locked out of their residence or vehicles only in an emergency.

1. Persons requesting assistance in gaining access to a vehicle or residence from which they are locked out shall be referred to private businesses, unless one of the following circumstances exists:
 - a. Medical emergency or
 - b. child or disabled citizen locked in the home; or
 - c. child, disabled citizen or animal locked in the vehicle; or
 - d. for a police related matter as authorized by a supervisor; or
 - e. when the welfare of a person could otherwise be in jeopardy.
2. If no emergency (as described above) exists, officers shall advise citizens:
 - a. That the police department has neither the expertise nor the special equipment necessary to enter the locked vehicle or residence; and
 - b. to call a locksmith or service station for assistance.
3. The above rules apply regardless of whether the request comes from a citizen, fire department, or animal control personnel.
4. When called to a lock-out, the officer shall:
 - a. Determine if an emergency exists; and
 - b. request proper identification from the requesting party and make a reasonable inquiry to determine that the requesting party has a right to gain entry (except in life-threatening situations or emergencies where immediate action is necessary); and
 - c. advise the requesting party that the city is not responsible for any damage incurred by the assisting officer; and
 - d. call for assistance, when necessary, from the fire department or other appropriate agency; and
 - e. avoid forcible entry if possible and appropriate to the emergency.

DATE: _____

Request for Security Check

NAME: _____ ADDRESS: _____ PHONE #: _____

DEPARTURE DATE: _____ RETURN DATE: _____ DESTINATION _____

RESIDENCE: _____ BUSINESS: _____ SECURITY SYSTEM: YES _____ NO _____

AUTOMATIC LIGHTS: NO _____ YES _____ IF YES, LOCATION _____

HAVE KEYS BEEN LEFT WITH ANYONE? YES: _____ NO _____ PHONE NO: _____

IF YES, NAME: _____ ADDRESS: _____

WILL ANYONE BE WORKING ABOUT OR HAVE ACCESS TO PREMISES DURING YOUR ABSENCE?

YES: _____ NO: _____ IF YES, NAME(S) _____

IN CASE OF EMERGENCY DO YOU WISH TO BE NOTIFIED BY COLLECT CALL: YES: _____ NO: _____

c/o NAME: _____ ADDRESS _____ PHONE # () _____

I REQUEST A SECURITY CHECK BE MADE OF MY PREMISES AND AGREE TO NOTIFY YOU OF MY RETURN.

SIGNED: _____ DATE _____

OFFICER'S SECURITY CHECK REPORT

DATE	TIME	STATE IF PREMISES SECURE OR OTHER	OFFICER'S INITIALS

Dear Resident,

This security check service in no way guarantees that your property will be safe from vandalism or burglary, but merely provides the police department with information of your whereabouts and other pertinent facts if a crime should occur.

Have a safe journey and please call us upon your return.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: ALARM RESPONSE

NUMBER: 2-13

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 81.1, 81.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: alarms, dispatcher's responsibilities (re: alarms)

I. POLICY

Alarms are a means of notifying the local law enforcement agency that a robbery or burglary is in progress when the use of a telephone is impractical or impossible. Officers will exercise sound judgement and proceed with extreme caution when answering any type of alarm call. Despite the large number of false alarms, no officer can afford an alarm that turns out to be real when he thought it was false.

II. PROCEDURES

To establish a plan of action to be taken in response to activated alarms.

III. PROCEDURES

A. Activated alarms: Dispatching/response/notification:

1. When a silent alarm signal is received, two units will be dispatched (one closest to the scene and a backup) immediately to the alarm location. Other available units will proceed to the area in their respective district closest the location, and stand by maintaining radio silence, unless another emergency exists.

2. If units are dispatched to a bank alarm a considerable distance away, the siren and emergency lights can be used, but the siren should be turned off within hearing distance from the location of the alarm.
3. The dispatcher will immediately begin and maintain telephone contact with the business or home until the responding officer advises the dispatcher, over the telephone, that the alarm was false. Dispatchers will telephone businesses only during working hours.
4. If the telephone call goes unanswered, responding units shall be so advised.

B. Bank alarms:

1. Before arrival, responding units shall, by dispatcher assignment or prearranged agreement, know which unit will cover the front and which will cover the rear.
2. Units should attempt to arrive simultaneously and position themselves at opposite corners of the building, but not in front of entrances or windows, if possible. Suspects leaving the building should not be able to readily see police vehicles.
3. Officers should approach entrances with caution using available cover to their best advantage, but should not enter the building.
4. A bank officer should appear outside with proper identification. Officers shall not approach the bank officer: the bank officer should approach the officers.
5. If no bank officer approaches in a reasonable time and the dispatcher has telephone contact with the bank, then officers should consider the alarm to be a robbery in progress. In this event, maintain safe position and advise the dispatcher and ALWAYS KEEP RADIO CONTACT.
6. If the officer determines that the alarm is false:
 - a. Only one officer will enter the bank and the backup officer will stand by maintaining radio contact with dispatch.
 - b. The officer entering the bank will be satisfied that no robbery is taking place. Officers shall not rely solely on the teller or bank official saying that the alarm was false.

C. Business alarms:

1. All possible exit areas should be covered.
2. If the business is closed, the owner or other person on the call list should be notified immediately.
3. A business, showing no physical signs of break-in, shall be entered only after the owner arrives. Officers shall conduct a complete, thorough search of the premises.
4. Officers at the scene knowing that a break-in has taken place and the perpetrator is still inside the building should take the appropriate action to apprehend the suspect(s).

D. Residential alarms:

1. Officers shall try to contact the owner or person left in charge of the residence before entering.
2. Officers shall check for suspicious persons or vehicles.
3. Unescorted entry should only be made if a suspect is still on the premises.

E. Robbery/burglary:

1. If a robbery or burglary has taken place and dispatch has the victim or reportee on the telephone, they will obtain any available information about suspect's description, mode and direction of travel, and will advise the business or home to keep everyone out except police personnel.
2. Officers shall proceed with caution in the event the suspects are nearby.
3. Secure crime scene and all physical evidence and summon appropriate personnel; see GO 2-14, Investigations.

F. False alarms:

1. If responding officers determine the situation to be a false alarm, they will so advise dispatcher by telephone or radio.
2. The chief of police will confer with businesses showing repeated false alarms in order to curb the problem.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: INVESTIGATIONS

NUMBER: 2-14

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 42.2, 43.1, 51.2,
83.4 through 84.4

NOTE: This directive is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

commonwealth's attorney; relationship with
disposition of cases
organized crime
investigation; preliminary

investigation; follow-up
information; sources of
interviews/interrogations
evidence collection

I. POLICY

The primary purpose of a police investigation is to collect facts leading to the identification, arrest, and conviction of an offender, and to organize and present the facts for a successful prosecution. The single most important criterion which determines a successful investigation is the officer's obtaining and handling information supplied by a victim or witness after the crime. The department expects officers to treat investigations as a skill developed through training and experience, a skill that demands intelligence, logic, and discipline.

II. PURPOSE

To establish guidelines for the general conduct of preliminary and follow-up investigations.

III. PROCEDURE - PRELIMINARY INVESTIGATIONS

A. General

The preliminary investigation begins when the first unit arrives at the scene of a crime (or a citizen requests assistance in a telephone call) and continues until postponement of the investigation until specialized detectives can intervene assuming that postponement will not jeopardize the investigation.

B. A preliminary investigation consists of, but is not limited to, the following activities:

1. Provide aid to the injured.
2. Protect the crime scene to ensure evidence is not lost or contaminated.
3. Determine if an offense has actually been committed, and if so, the exact nature of the offense.
4. Determine the identity of the suspect or suspects, and effect an arrest if it can be accomplished either at the scene or through immediate pursuit.
5. Furnish other field units with descriptions, method and direction of flight of suspects, and other relevant information concerning wanted suspect or suspects or vehicles.
6. Obtain complete identification of all witnesses.
7. Determine in detail the exact circumstances of the offense.
8. Arrange for the collection of evidence.
9. Legally obtain written statements from victim, witnesses, and from the suspects.
10. Decide the necessity of some degree of follow-up surveillance of the crime scene.
11. Accurately and completely record all pertinent information on the prescribed report forms.

C. Follow-up:

The initial stages of all preliminary investigations, including crime scene processing, will be conducted by patrol officers. In certain serious crimes as defined in Section IV investigators will be called, will respond, and will assume responsibility for completion of investigation.

D. Supervisory Responsibilities

The sergeant or the senior officer on duty shall ensure that an adequate and complete preliminary investigation has been made to review, screen, and approve the officer's report. Screening should include review of facts to ensure all essential information indicating a criminal act is included, along with legibility, clarity, and completeness. Supervisors shall review, approve, and sign crime reports.

E. Crime Scene Control

Officers shall limit access to crime scenes to those persons immediately and directly connected with the investigation. Investigating officers shall apply this rule to other officers of the department of other agencies, or the community regardless of rank or position.

F. Suspension of Cases

A patrol officer making an initial report of a crime will indicate in the report whether or not the case should be suspended. The officer will notify the reporting party of his decision to suspend the case. The reviewing supervisor will endorse or deny this recommendation. Such a recommendation shall be based on the following:

1. Availability of witnesses.
2. Naming of a suspect.
3. Information about suspect's location.
4. Information about suspect's description.
5. Information about suspect's identification.
6. Information about suspect vehicle.
7. Information about traceable property.

8. Information about significant modus operandi.
9. Information about significant physical evidence.
10. Presence of evidence technician who indicates that good physical evidence is present.
11. A judgment by the patrol officer that there is enough information available that, with a reasonable investment of investigative effort, the probability of case solution is high.
12. A judgment by the patrol officer that there is sufficient information available to conclude that no one other than the suspect could have committed the crime.

IV. PROCEDURES: FOLLOW-UP INVESTIGATIONS

- A. Homicides, rapes, and commercial robberies, major disasters, hostage situations, bombings, and kidnappings will be followed-up by the investigator. Officers conducting preliminary investigations of such offenses shall contact the investigator as soon as practicable. Other cases may be assigned to the investigator by the chief of police, depending upon the circumstances.
- B. Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In such cases, the assigned officer's immediate supervisor will determine whether the investigation should be discontinued until the assigned officer's next tour of duty or continued by the investigating officer, or an officer on the relieving shift.
- C. Except in cases where the investigation would be jeopardized by its temporary discontinuance, it shall remain the responsibility of the assigned officer.
- D. A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion he works on it. The investigator will maintain a file to ascertain that supplemental reports are submitted as required.
- E. On major offenses, supervisors shall ensure that each officer who responds submits a supplement detailing what that officer saw and heard as it pertains to the offense.

F. A follow-up investigation consists of, but is not limited to, the following activities:

For a non-criminal case:

1. Interviewing complainants and witnesses.
2. Locating missing persons.
3. Determining if information or suspicious activity relates to criminal activity.
4. Distributing information to the proper persons or agencies.
5. Locating lost property and returning same to the owner.
6. Investigating deaths, overdoses, suicides and injuries to determine if a crime was committed.
7. Making necessary notifications, conducting necessary inspections, etc.
8. Recording information obtained.

For a criminal case:

9. Reviewing and analyzing reports of preliminary investigations.
10. Recording information obtained during follow-up investigation.
11. Reviewing departmental records for investigative leads.
12. Seeking additional information (from other officers, informants, contacts in community, other investigators/agencies, etc.).
13. Interviewing victims and witnesses.
14. Interrogating suspects.
15. Arranging for the dissemination of information as appropriate.
16. Planning, organizing, and conducting searches.
17. Collecting physical evidence.

18. Recovering stolen property.
19. Arranging for the analysis and evaluation of evidence.
20. Reviewing results from laboratory examinations.
21. Identifying and apprehending the offender.
22. Checking for suspect's criminal history.
23. Determining if other crimes may have been committed by the suspect.
24. Consulting with the Commonwealth's Attorney Office in preparing cases for court presentation and assisting in the in the prosecution thereof.
25. Notifying victims and witnesses when their presence is required in court.
26. Attendance to testify in court.
27. Plan, organize, obtain warrants for, and conduct searches.
28. Arrange for polygraph examinations, if necessary.

V. SOURCES OF INFORMATION

A. General

Officers, through their routine performance, must cultivate sources of information from which to draw in an investigation.

B. Informants

Information is available from many sources, e.g., concerned citizens who wish to remain anonymous, criminals who have first-hand knowledge of illegal activity, and relatives or friends of those involved in criminal activities. These sources should be kept in mind when conducting investigations and related interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it.

1. Informants, when used in any investigation, must be documented. Consideration of information from informants, and an examination of their reliability shall be done with the chief of police in consultation with the Commonwealth's Attorney.
2. Requests for money to pay informants will be handled case by case. The department does not budget for such money, so the chief of police will consult with the town manager on such matters.
3. Informant confidentiality will be maintained. Officers will not discuss cases involving informants with anyone not participating on the case.

C. Interviews and Interrogation

1. Field Interviews:

Field interviews are a productive tool and source of information for the police department. They should be used only in the pursuit of legitimate goals of the department and not to harass citizens. When used properly they can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals. Legal guidelines are discussed under GO 2-3.

2. Victim-Witness Interviews

- a. The trauma/stress to which the victim or witness has been subjected should be considered and the interview conducted in such a manner as to reduce stress and minimize further problems.
- b. The age, physical limitations, and credibility of witnesses should also be considered.
- c. Interviewing techniques specific to victims are discussed under GO 2-28.

3. Interrogation of Suspects

Interrogations to obtain investigative leads can be very useful, but all constitutional precautions must be taken and recorded if the interrogation is to be used in court later. Detailed notes or a recorded tape should be made of the interrogation for court use giving time, date, location, officers present, waiver of rights, time interrogation ended.

Statements obtained during an interrogation must not be based on coercion, promises, delays in arraignment, or deprivation of counsel. In order to use a statement in court, a suspect should be advised of his Miranda rights, and the officer must be able to demonstrate that the suspect understood those rights. See GO 2-1 for further legal requirements. Juvenile victims, witnesses, and suspects must be given the same constitutional protection as adults. The following additional safeguards should be followed:

- a. Parents or guardians shall be notified whenever a juvenile is interrogated, taken into custody, or charged.
 - b. The number of officers engaged in the interrogation should be kept to a minimum. The interrogation should be short.
 - c. A brief explanation of the juvenile justice system and departmental procedures should be provided.
- D. Collection, preservation, and use of physical evidence.

Officers must realize that physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.

1. All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge. See GO 2-15, 2-16 for further requirements.

VI. RELATIONSHIP WITH COMMONWEALTH'S ATTORNEY

- A. All personnel are required to make appointments in advance, be on time, have subject for discussion ready, and keep conversations brief.
- B. In every contested case, misdemeanor or felony, the officer involved will make an appointment with the Commonwealth's Attorney or his assistant to discuss the case before trial. Normally, if the return date of a case is put off, this is an indication that the case will be contested.
- C. During any investigation (or during planning for arrest or pretrial stages), any questions of law or criminal procedure will be addressed to the Commonwealth's Attorney or assistant. Questions on police procedures will be addressed to the chief of police.

- D. Any criminal cases referred to the Commonwealth's Attorney which result either in a decision of declined to prosecute or dismissed due to department mishandling must be carefully reviewed by the Commonwealth's Attorney. The Commonwealth's Attorney has been asked to call such cases to the attention of the chief of police.

VII. ORGANIZED/VICE CRIMES AND POLICE INTELLIGENCE INFORMATION AND COMPLAINTS

- A. Officers may receive information on or complaints regarding organized crime, vice, or matters of law enforcement intelligence demanding investigation. Organized crime and vice activities and areas of police intelligence interest may include any of the following:
 - 1. Corruption, extortion, bribery.
 - 2. Illegal sale and distribution of liquor, tobacco, firearms, on controlled substances.
 - 3. Prostitution, pornography.
 - 4. Gambling.
 - 5. Theft/fencing rings.
 - 6. Loan sharking or labor racketeering.
 - 7. Terrorism, subversive activities, civil disorders.
- B. Officers receiving such information will prepare an incident/information report which should include the following information:
 - 1. Type of illegal/suspected activity, location, names and addresses of suspects involved and information concerning the activities.
 - 2. If complainant, name, address, and telephone number.
- C. Initially, the reporting officer will conduct no preliminary or follow-up investigation, but will personally contact the sergeant and the chief of police concerning the reported information.
 - 1. The chief of police will confer on the case with appropriate state, federal, or local law enforcement agencies.

VIII. DISPOSITION OF CASES

- A. The investigator shall maintain files of all cases assigned to him. All case files will be appropriately labeled with the date of incident, name of victim, name of suspect or arrested person.
1. The file shall contain the original incident report, any supplementary reports, statements, reports of disposition of any property stolen, confiscated, recovered, or otherwise pertinent to the case, plus arrest reports, and anything else the investigator deems pertinent.
- B. When the investigation is complete, the investigator shall close the case under (and include in the file a statement giving) one of the following labels:
1. Cleared - an arrest has been made in this case.
 2. Exceptional Clearance - the identity and address or exact location of the culprit is known and sufficient evidence to obtain a warrant exists. However, due to some reason outside the control of the police, no arrest will be made. Examples: Complainant will not prosecute; Commonwealth's Attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the department.
 3. False Report - the reporting party lied in order to mislead the police concerning the incident. Do not confuse unfounded and false report. It is a violation of the law to deliberately make a false report. An unfounded report is usually made in the belief that the offense actually occurred, but, in fact, it did not.
 4. Suspended - all leads have been exhausted. No further investigation is possible or practical until new leads develop.
 5. Unfounded - the offense did not really occur in the first place, although at the time of the original report, it was believed to have occurred. If the investigation has exhausted all leads, yet the possibility remains that new facts may come to light given future inquiry, the case shall remain open.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: COLLECTION/PRESERVATION
OF EVIDENCE

NUMBER: 2-15

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 83.1, 83.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: evidence; collection; preservation; crime scene;
exclusionary rule

I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key ingredients of any investigation. The crime scene is usually the starting point of a criminal investigation. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. The officer or investigator must always be aware that any physical evidence collected might someday have to be presented in court; therefore, it is imperative that each officer carefully process a crime scene not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes and forms, thereby necessitating various recovery, preservation, and submission techniques. The officer or investigator shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory. The officer collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

II. PURPOSE

The purpose of this general order is to establish responsibilities for officers/investigators processing crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory, and to consider the legal dimension of the use of physical evidence.

III. PROCEDURES

- A. Responsibilities of first officer on a crime scene:
 - 1. Responding to the scene promptly and safely.
 - 2. Protecting the scene to prevent the destruction or contamination of evidence.
 - 3. Preparing the original offense report.
 - 4. Locating items of evidence.
 - 5. Locating witnesses.
 - 6. Photographing and sketching the scene when appropriate.
 - 7. Collection of physical evidence.
 - 8. Preservation and packaging of physical evidence.
 - 9. Submission of evidence to the forensic lab for analysis.
- B. Scene processing by an investigator: Certain serious offenses, of the type listed in GO 2-14, require that an investigator process the crime scene.
- C. Crime scene processing equipment
 - a. Officer/investigator responding to a crime scene will make a determination of equipment needed for processing. The department shall maintain a complete evidence collection kit to include a camera, film, sketching equipment, fingerprint recovery tools, blood recovery materials, tweezers, scissors, boxes, bags, envelopes, tape, marking tools, evidence tags, and materials for lifting impressions (footprints, tire tracks).

D. Arrival at the crime scene: The following procedures should be followed by the first officer on the scene:

1. Officers shall not rush into the crime scene: an armed suspect may still be present. Rushing into the scene may also result in the accidental destruction or contamination of evidence.
2. Officers must first render aid to a victim at the scene, unless the officer must immediately protect himself from a suspect still at the scene. If the officer has probable cause to believe that the suspect committed a felony, he should place him under arrest, search him, and note any spontaneous statements the suspect may make, and advise him of his rights if he is to be questioned further. After rendering aid to an injured person and arresting a suspect, if necessary, an officer will take care to process the crime scene in a manner least destructive to the evidence.
3. The officer must request the dispatcher to notify the supervisor and determine equipment needs if the officer is competent to process the scene.

E. Protecting the scene

1. The first officer on the scene shall establish a perimeter around the scene and direct assisting officers to help secure the scene.
2. Crime scenes may be secured by the following methods:
 - a. Police officer(s)
 - b. Barricades or rope or banner guard used to define area to be protected.
 - c. Signs used to control access

F. Notes and reports - valuable records

1. The officer's original notes are his personal and most readily available record of the crime scene. He must refer to those notes to complete any or all other finished reports required of actions taken on the scene of the crime.
2. Types of information the officer/investigator should record at the scene include:
 - a. Case number
 - b. Date & time of arrival at scene
 - c. Location of scene

- d. Name of victim
 - e. Name of suspect, if known
 - f. Actions taken at scene
 - g. Name of collecting officer
- G. Preliminary scene survey: Officer/investigator actions at the crime scene should include the following:
- 1. Observe and record (look but don't touch)
 - 2. Determine nature and extent of crime scene
 - 3. Determine location of evidence
 - 4. Determine order of collection
 - 5. Duplicate movement of perpetrator, and plan search accordingly
 - 6. Note all existing conditions (lighting, environment)
 - 7. Note items out of place or damaged
 - 8. Note relationship between items
 - 9. Initial rough sketch should be made
- H. Crime scene sketch: Detailed crime scene sketches normally are prepared only in major crimes. Minimum detail to be contained in the sketch include:
- 1. Time and date of preparation
 - 2. Location of offense
 - 3. Location of items of evidence in the scene
 - 4. Location and names of victims, witnesses, and suspects
 - 5. Relationship of the crime scene to other rooms, buildings, or roads
 - 6. Name of person preparing the sketch
 - 7. Direction of north

8. What lights were on/off
 9. What windows were open
 10. Radio/television, on or off
- I. Photographing the scene: At the end of the preliminary scene survey, overall photographs of the scene should be taken.
 1. Overall photos should be taken from several different locations
 2. If an interior scene, a wide-angle lens should be used
 3. Photograph the surrounding area thoroughly
 - J. Information to be recorded on photographs: The officer processing the scene will maintain a record of each photo taken at the crime/incident scene. Information recorded when taking the photos will include:
 1. Type of camera used
 2. Kind of lighting used (existing light or flash)
 3. Date and time of exposure
 4. Person taking photos
 5. A brief description of subject in photos
 6. Kind of film used
 7. Case number
 - K. Midrange photography: Midrange photography is used to orient the viewer as to the exact location of items of evidence in the scene.
 1. If possible, the officer should attempt to include two items of evidence into the field of view. If this is not possible, then a common item (desk, bed, table, etc.) should be included in all the midrange photos.
 2. Midrange photos should always be taken with a normal lens to prevent distortion.

- L. Close-up photography: Before any item of evidence is moved, a close-up photograph should be taken as follows:
1. Fill field of vision with item.
 2. Take one close-up shot of item with a scale. A ruler in the evidence collection kit can be used for this purpose.
 3. The officer can place a strip of masking tape across the face of the ruler, making sure not to cover the measuring increments. Information to be written on the tape include:
 - a. Item number
 - b. Case number
 - c. Date
 - d. Officer's initials
- M. Location of evidence-measurements: Before collecting any item of evidence, take measurements using triangulation or the coordinate method.
- N. Collection of evidence: At the appendix to this order is a physical evidence collection guide published by the Virginia Bureau of Forensic Science which contains information on the collection, packaging and submission of different types of physical evidence to the lab. When collecting items of evidence, the officer should consider:
1. The use of tongs or tweezers where possible. The officer should avoid touching the item of evidence with his hands or anything that might contaminate the item.
 2. Proper order of collection:
 - a. The officer should collect perishable evidence first.
 - b. If destruction of evidence is not a concern, then the officer should work his way through the scene, collecting in a logical sequence, trying to avoid disruption of other items of evidence.
 3. Collection of known samples: The forensic laboratory can only compare known items with those showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items as hairs, fibers, paint, glass, soil, and tool marks.

4. Documentation of each item collected: All items of evidence that are collected by the officer processing the crime scene will be listed on the physical evidence recovery log (see Appendix). For each item listed, the following information will be noted:
 - a. A complete description of the item (including make, model, and serial numbers, if any).
 - b. The source (from whom or location from which the item was obtained).
 - c. The name of the person collecting the item.

0. Marking evidence:

1. In many instances, marking and labeling of evidence may represent a single process. In instances where the evidence is large, complete identifying data may be recorded directly on the evidence. This will include the officer's name, date, time, location of recovery, item, number and case number.
2. In other instances, the small size or nature of the item collected will not permit complete information noted directly on the item. In these instances, the container or attached tag should be marked.
3. The crime scene search officer should establish the habit of marking similar items in the same location; for example, on the trouser band, or under the right front pocket of the trousers, or on the right hand side of the handgun. This will save time and embarrassment in looking for the identifying marks when asked to identify the evidence on the witness stand.
4. Instruments which may be used for marking physical evidence include permanent markers (felt tip pens), scribes (diamond tip or awl), or, where labels are used, ball point pens.
5. The officer collecting the item of evidence will be the person responsible for marking or labeling the item at the time it first comes into custody.
6. Each officer or investigator should develop his own identifying mark. Normally it shall be his initials, but may be some other mark.

P. Packaging of items of evidence:

1. The collecting officer should choose a container suitable to the type of evidence he intends to package. Considerations in choosing the proper container include:
 - a. The size and weight of the item.
 - b. Whether the item is moist (which could rot or deteriorate if packaged in plastic or an airtight container).
 - c. Wet (soaked) items must be packaged in plastic and transported immediately.
 - d. The appendix offers suggested data for inventorying many different types of evidence.
2. The officer should avoid any contamination of evidence by packaging all items separately.
3. Fluids or stains shouldn't be allowed to touch and should be carefully rolled in paper.
4. Pack the item to minimize interior movement within the package.
5. Seal the package with tape.
6. The collecting officer should initial across the seal.
7. The officer should label the exterior of the package.
8. Whenever possible, the package should be labeled before placing the evidence in it so as not to damage contents while writing on it.

Q. Latent fingerprinting: When processing the crime scene for latent fingerprints, the officer/investigator shall take the following into consideration.

1. The size of the item to be dusted.
2. The type of surface.
3. Potential for destruction if moved. If movement or transporting the object will destroy latent prints, the object should be processed at the scene.

- R. Overall measurements: Obtaining of wall, room, and building measurements is one of the last operations to be performed in the processing of the crime scene. The overall measurements are vital in the production of the final crime scene sketch but must be obtained last so as not to damage or destroy items of evidence.
- S. Final organized search: A final, thorough search should be conducted at the crime scene in case evidence may have been overlooked. Wherever possible the use of a fresh officer on a final search is preferred; he may find what you overlooked.
- T. Preservation and submission of evidence to the forensic laboratory:
1. Responsibility for requesting lab examinations:
 - a. Under normal circumstances, the responsibility for the submission and request for lab examination will lie with the officer or investigator who actually processed the scene and took custody of the evidence.
 - b. In those cases where there may be more than one officer processing the scene, one officer will be appointed by the sergeant to take custody of all evidence collected and to be responsible for the submission of same to the forensic laboratory for analysis.
 2. Preservation of perishable or deteriorating items:
 - a. When a rapidly deteriorating item of evidence has been collected (for example, a liquid sample of semen, a blood soaked shirt, etc.), it should be transported to the forensic laboratory the same day, if at all possible.
 - b. Any time an officer transports a perishable item to the laboratory for immediate analysis, the laboratory should be called first so they will be ready to receive the item.
 - c. In those cases where immediate transport to the forensic lab is not possible:
 1. Refrigerate (no more than one week) and transport to lab.
 2. Air dry (no more than one week) and transport to lab.

3. Non-perishable items of evidence: Avoid contamination and package properly.
4. Many items submitted to the lab must be accompanied by a known specimen so a comparison can be made. The investigating officer on the case will be responsible for obtaining any required known specimens, following legal procedures, and submitting them, along with the items of evidence, to the forensic lab for analysis and comparison.
5. The request for Laboratory Examination (form DCLS FS 002):
 - a. Any evidence submitted to the Division of Consolidated Laboratory Services, Bureau of Forensic Science, will be accompanied by a completed Request for Laboratory Examination form DCLS FS 002 (12079). The Bureau of Forensic Science automatically will supply written results on all requested examinations.
 - b. The investigating officer is responsible for completing the request form and include it with the submitted evidence.
 - c. The bottom part of the request form is reserved for documentation of chain of custody and must be completed by relinquishing officer as well as receiving person at the lab.
 - d. For requirements as to maintaining chain of custody, see GO 2-16, Property/Evidence Control.

U. Special considerations:

1. The officer/investigator processing a crime/incident scene shall prepare a report giving an accurate account of events. This information should be placed in the offense/incident report and will include:
 - a. Date and time he arrived at scene.
 - b. The location of the crime.
 - c. The name of the victim, if any.
 - d. The name of the suspects, if any.
 - e. The officer's actions at the scene.
 - f. The case number.

2. Failure to recover physical evidence/photograph scenes of serious offense/incidents: Whenever photographs are not taken or where physical evidence is not recovered from the scene of a serious crime against person or property, the officer/investigator assigned will prepare a report giving the reasons why these things were not done. This may be included in offense report or subsequent follow-ups.
3. The Evidence Tag: Refer to GO 2-16, Property/Evidence Control
4. Processing Stolen Vehicles: Stolen vehicles shall be treated with the same care in processing for physical evidence as any other crime scene. As with any other recovered property, the owner shall be notified as well as the agency to which it was reported stolen.

V. Legal requirements:

Officers need to understand several important legal principles regarding the legal use of physical evidence. As noted above, officers must exercise a chain of custody of all evidence.

1. Definition: A chain of custody is the series of documented links between the time the evidence was obtained until presented in court. The links are officers who handled the evidence, and where and when they did so.
2. The most crucial principle for the collection and handling of evidence is the exclusionary rule.
 - a. Definition: The exclusionary rule requires that evidence seized or discovered in violation of the suspect's Fourth, Fifth, and Sixth Amendment Rights cannot be admitted in court.

Officers shall rigorously maintain a chain of custody and shall always remain mindful of constitutional safeguards.

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DIVISION OF CONSOLIDATED LABORATORY SERVICES

BUREAU OF FORENSIC SCIENCE

PHYSICAL EVIDENCE COLLECTION GUIDE

INTRODUCTION

Officers and investigators must be aware that the evidence they collect in a criminal investigation may be presented in a court. People collecting evidence, therefore, must strive to develop collection and preservation techniques which will avoid challenges later on the grounds that it has been confused, altered or contaminated. If the evidence is properly collected, handled and identified, and the forensic laboratory is used, then chances are great that evidence will be successfully presented during trial.

MARKING TECHNIQUES

MARK EVIDENCE - When the size and/or nature of the evidence allows, and when there is no possibility of contamination, obliteration or destruction, the specific item of evidence should be marked for identification. When marking the actual item of evidence, initials or a personal mark will suffice.

MARK CONTAINER OR TAG - When the size or nature of the evidence does not allow, or there is any possibility that marking the evidence will contaminate, obliterate or destroy the evidence, do not mark that particular item of evidence. When these conditions exist, properly mark the packaging material or container for identification purposes. Also, a properly marked evidence tag may be attached to certain evidence. If a tag is used, those with a metal wire and lead seal are preferred. The container or tag may then become part of the evidence presented in court.

IDENTIFYING INFORMATION - When marking packing material(s) container(s) or tag(s), the following identification information should be used: agency case number, date, location from which evidence was collected, name or initials of person collecting evidence, the individual item of evidence number, and a description of the evidence (particularly important if opaque packaging material is used).

MARKING INSTRUMENTS

PERMANENT TYPE MARKER - A permanent, black, fine- or medium-tip marker is suggested for use on most types of evidence. This type of marker is particularly useful for marking items when a ball-point pen is unsuitable.

SCRIBE - A sharp tip, tungsten carbide scribe is recommended for etching on hard surfaces where the use of a marker or pen may be difficult or impractical.

NOTE TAKING

All items of evidence collected shall be properly documented. Notes on each piece of evidence should include a description of the item, the exact location where found (take measurements), date, time, the identity of the finder, the item of evidence number and any other pertinent information involved with the specific item being collected.

COLLECTION TECHNIQUES

When possible, all items shall be recovered, collected, and submitted by one primary collection officer. Direct contact between hands and evidence should be avoided; the use of tweezers to collect evidence is recommended. All items should be packaged separately; this procedure will prevent cross-contamination. Seal packaging material with tape and initial; avoid contact between tape and evidence.

PACKAGING MATERIALS

PAPER BAGS - Paper is the most versatile of all packaging materials. Paper bags are convenient to use, generally inexpensive, easy to obtain, and come in a variety of sizes. Paper is a porous material which allows the evidence to "breathe," thereby reducing the possibility of bacterial contamination of certain types of materials, such as items bearing blood or other physiological fluids, soils, and plant life containing moisture. Paper packaging materials should not be used to package very wet items of evidence, and care must be taken not to reuse bags that may contaminate evidence.

PLASTIC BAGS - Though plastic bags are relatively inexpensive, easy to obtain, and available in many sizes, the non-porous nature of plastic will not allow air contact with the evidence and therefore may contribute to bacterial contamination. Plastic bags are suggested for use only when the evidence is too wet for paper packaging. If plastic is the choice of packaging material and organic material is enclosed, then the evidence should be taken directly to the laboratory (same day), refrigerated until transported to the laboratory (maximum one week), or air dried and transferred to a paper bag. If a transfer of packaging materials is made, be sure to maintain each container which may

contain valuable trace evidence. Advise condition of evidence to receiving examiner. Do not package firearms identification evidence in plastic packaging material.

MISCELLANEOUS MATERIALS - Pill boxes, ointment tins, glass vials, glass jars, paint cans, cardboard boxes, envelopes, etc. may be used when a particular situation dictates their use. These items should be previously unused. (See specific packaging instructions.)

PACKAGING INFORMATION

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
BUILDING MATERIALS--		
Glass (known)	3-inch piece of broken glass	Identify, wrap & seal
Glass (questioned)	All	Identify, place in box between protected layers of tissue, wrap and seal
Metal (known)	Submit item or up to 1/4 lb.	Identify, wrap in paper and seal
Metal (questioned)	All to 1/4 lb.	Identify, wrap in paper and seal
Rope, twine & cordage (known)	One yard	Identify, wrap & seal
Rope, twine & cordage (questioned)	All	Identify, wrap & seal
Safe insulation (known)	1/2 lb.	Pack in paper or plastic container. Indicate make, model, age of safe & identify information on
Safe insulation (questioned)	All to 1 lb.	Place in paper or plastic container, identify and seal
Wire (known)	3 feet (do not kink)	Wrap, identify & seal

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
Wire (questioned)	All (do not kink)	Wrap, identify and seal. Mark ends to be examined.
Wood (known)	One foot section	Wrap in paper, identify and seal
Wood (questioned)	All	Wrap in paper, identify and seal
DRUGS--		
Capsules	All, unless excessive amounts*	Identify, package in box or vial to prevent crushing and seal
Liquids	All, one bottle each	Identify, package in such a way to prevent leaking or breaking
Plant material	Small amounts, submit all. Weights over ten pounds, submit at least _____?	Package in a paper envelope or bag so moisture can escape, tie. Avoid placing pipes and other paraphernalia to be tested into bags with plant material. Identify and seal but do not use excessive amounts of tape when sealing package.
Powder	All, unless	Identify, seal pack-samples cannot escape or cross-contaminate
Tablets	All, unless	Same as capsules

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
FINGERPRINTS--		
Latent print lifts	All latent prints and when possible elimination prints of all people who have legal access to the area of object in question.	Transfer the processed print from the object to a color contrasting non-porous card or cards using transparent tape. Place complete identifying information on reverse side of lift. Also, note the exact location from which latent was removed. Place in any envelope and seal.
Non-porous items, i.e., glass, metal	All	Powder items at the scene if possible; use black powder and clear tape or place item in a paper or plastic container, minimize interior movement of evidence, label as to content, identify and seal.
*Excessive amounts of drugs or plant material - call lab for specific instructions.		
If evidence requires other examinations in addition to latent prints, do not powder process at the scene. To avoid contamination submit item to lab for all examinations.		
Porous items, i.e., paper, unpainted wood, etc.	All	Handle with tweezers if possible, place in paper or plastic container, identify and seal.

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
FIREARMS--		
Bullets	All	When possible, scratch initials on nose or base, wrap individually in soft paper and place in a small rigid container to prevent movement during transit. Label container, identify and seal.
Cartridges or shot shells (unfired)	Two	Scratch initials on side of case or shell near mouth, wrap in paper and place in small rigid container, identify and seal. DO NOT MAIL.
Cartridge cases (fired)	All	If recovered from revolver cylinder, note position of chambers, mark chambers to correspond with cartridge cases designation. Scratch initials inside of mouth. Wrap individually in paper and place in a rigid container. Label container, identify and seal.
Clothing	Send only clothing that may contain powder, powder residue or gun shot penetrations.	Identify with tag, place between layers of paper and wrap individually so no residue will be transferred or lost. Label container.
Firearms	All	Unload, record cartridge case/cylinder relationship; when firearm is a revolver, scratch initials on frame, wrap in paper, label paper as to content and place in a cardboard box for transmittal. Never use plastic bags for firearms.

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
Shot wads	All	Initial end with permanent marker, wrap individually in soft paper, place in rigid container. Label container, identify and seal.
FRACTURE MATCH--		
All items	ALL	Known and questioned items packaged separately. Protect each piece from chipping or breaking in transit by using layers of soft packaging material in a box. Identify & seal.
HAIR AND FIBERS--		
Fibers (known)	Entire garment or other item if possible. If not possible, a representative sample of all fibers present.	Identify, wrap in paper and seal. Separate from questioned items.
Fibers (questioned)	All	Place in clean paper, fold properly*, place in envelope, seal and identify.
Hair (known head)	10 to 12 pulled from various parts of the head (a representative sample).	Place in envelope, seal and identify. Do not allow tape to make contact with hair sample.
Hair (known pubic)	10 to 12 pulled from various parts of pubic area (a representative sample).	Place in envelope, seal and identify. Do not allow tape to make contact with hair sample.

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
Hair (questioned)	All	Small specimens, should be placed on clean paper, properly folded* and placed in envelope, seal and identify. Larger specimens may be placed in an envelope or zip-lock plastic bag and sealed. Do not allow tape to make contact with hair sample.
QUESTIONED DOCUMENTS--		
Fraudulent items, i.e., checks, money orders, credit card invoices, drug prescriptions, notes and messages (robbery, threatening, extortion, suicide, murder, etc.), fraudulent contracts, papers, licenses, identification cards, etc.	All originals	Place questioned items in an envelope, separate from known items. Advise on outside of envelope if questioned items are to be processed for fingerprints. Identify and seal.
Obliterated, eradicated and indented writings	All originals	Protect by placing in separate plastic envelopes (evidence envelopes); identify and seal.
Specimen handwriting and handprinting	Obtain amount sufficient to reflect suspect's full range of writing traits, characteristics and habits.	Study questioned writing to become familiar with misspellings, arrangement, use of printed or or longhand style of capital letters, etc. Duplicate writing conditions of questioned documents as to paper size and format, writing instrument, size and shape of writing, and writing speed in obtaining exemplars.

(SPECIMEN)

(AMOUNT)

(INSTRUCTIONS)

Signature cases
(known specimen)

Obtain 15-20 signatures repeated on separate slips or dummy forms. Obtain additional writing samples by using personal history forms or other handwriting specimens forms in common use, including narrative writing. Exemplar booklets are available from the Bureau of Forensic Science. Non-request specimens should be provided where suspect concentrates on disguising efforts. Addresses and identification particulars on checks should be included in obtaining specimens.

Do not allow suspect to see questioned exhibit before necessary exemplars have been obtained. Give no instructions initially as to spelling, punctuation, capitalization, etc. Number each exhibit in order given and indicate on back when suspect is instructed to spell differently, etc. Remove from sight as soon as completed. If questioned signature appears unnatural, have suspect furnish some samples using unaccustomed hand sample; signature of any person whose name is forged should also be furnished.

Extended writing cases (known specimens)

Obtain several samples in letter-for-letter or word-for-word order from dictation, or use same procedures applicable to signature cases where appropriate.

Both upper and lower case handprinted specimens should be obtained if questioned writing is handprinted. Supplementing dictated specimens with non-request writing (employment records, credit, applications, correspondence, school papers) are often helpful).

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
Typewriting (known)	Obtain three copies in full word-for-word order of questioned typewriting. Include partial copies in light, medium and heavy degrees of touch. Also obtain carbon paper sample of every character on the keyboard in both upper and lower case.	Removal of ribbon may be important when there is evidence of questioned message thereon. For carbon paper samples, either remove ribbon or place ribbon in stencil position.
SEROLOGY-- (IMPORTANT - SEE NOTE AT END OF THIS SECTION)		
Blood (liquid known)	1 tube unpreserved (clotted sample - red top vacutainer)	Submit same day to the laboratory, or refrigerate until**
Blood (liquid questioned)	As much as possible to 1 tube	Submit same day to the laboratory, or refrigerate until**
	or	
	transfer to clean dry non-porous surface (i.e., piece of glass, etc.)	Scrape blood crust off non-porous surface onto clean white paper, fold properly* and place in envelope and seal.
Blood (dried stains, non-fabric)	Submit item if possible. If not possible, describe location of stain and either (1) scrape crusts onto clear paper (being careful not to scrape contaminants), or (2) use blood recovery kit.	Wrap each item separately and seal so as to retain blood that might chip off during transit.
		(1) Fold properly*, place in envelope and seal. (2) Submit same day to the laboratory or refrigerate until**. Submit control swabs.

*Use druggist fold

**Refrigerate a maximum of one week

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
Blood (dried stains, fabric)	Submit item if possible.	Wrap each item separately in clean, plain paper so no bloody area rubs against another.
Blood (stained fabric, wet)	Submit item immediately or air dry (use no heat or direct sunlight).	Package so no bloody area rubs against another. Paper bags allow air to reach fabric and help in drying. Use plastic bags only if excessive blood and fear of contamination of other items is a problem. Wrap and seal, keeping transfer of stains in mind as above.
Body Secretions (known)	3 or 4 cotton swabs thoroughly wet with saliva.	Place in plastic bag or vial and submit the same day to the lab or air dry or submit two control swabs.
Body Secretions (unknown)	All/Same as blood, see specific category	
Clothing	All	Wrap in paper and seal each article individually. If wet, air dry before packing.

* Use druggist fold

NOTE: All wet blood or body secretions will deteriorate unless cared for properly. When submitting these items to the laboratory, indicate to the examiner that these types of samples are enclosed.

Controls, which indicate if the unstained material in any way affect the tests, must be submitted with all questioned samples. Controls are obtained by collecting an unstained, clean section of the questioned item, or if the blood recovery kit is used, a saline swabbing of the unstained area in question.

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
SHOE AND TIRE IMPRESSIONS --		
Plaster Casts (i.e., tire treads & shoe prints)	All shoe prints, circumference of tire if possible.	Submit soil intact with case when possible. Wrap in paper, place in a box & pack to prevent breaking. Do not use plastic bags. Allow case to dry before transmitting.
Lifts (i.e., shoe & tire prints)	All	Label for identifi- cation, place in envelope and seal.
Photographs	All	Label for identifi- cation, place in envelope and seal.
Shoes	All	Identify, wrap in paper and seal.
Tires	All	Identify and place in large box, if possible.
SOILS AND MINERALS --		
All Known	1/4 lb.	Used sealed paper container to avoid spillage.
All Questioned	All to 1 lb.	Use sealed paper container to avoid spillage. Do not use glass container or envelopes.
TOOL MARKS --		
Tools	All	Identify, wrap each separately & seal.
Tool Marks	Submit item bearing marks, if possible.	Protect marks on item photograph, cut out portion bearing marks or prepare a rubber case of marks. Identify, wrap and seal.

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
TOXICOLOGY --		
Blood	If possible submit one tube of unclotted blood per specific drug analysis requested. If the drug is unidentified or unknown, submit at least one tube of blood plus urine or vomitus.	Identify and seal sample. Refrigeration is preferred, but not usually required.
Urine	Several Fluid ounces if possible.	Identify and seal sample. Refrigeration is preferred but not usually required.
Vomit or Stomach Washings	As much as available.	Identify and seal sample. Refrigeration is preferred but not usually required.
TRACE EVIDENCE --		
Acids (Known)	1 pt. liquid	Plastic or all glass bottle. Tape bottle top to secure and label for identification. DO NOT MAIL.
Acids (Questioned)	All to 1 pt.	Plastic or all glass bottle. Tape bottle top to secure and label for identification. DO NOT MAIL.
Adhesive Tape (Known)	Recovered roll	Package in plastic bag, identify and seal.
Adhesive Tape (Questioned)	All	Do not cut, wrap or distort. Place on thick sheet of plastic and transfer plastic with tape into a box. Avoid tape contact with box. Identify box and seal.

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
Alkalies (Known)	1 lb. solid	Plastic or all glass bottle, tape bottle top to secure and label for identification. DO NOT MAIL.
Alkalies (Questioned)	All to 1 lb.	Plastic or all glass bottle. Tape bottle top secure and label for identification. DO NOT MAIL.
Arson debris	As much as possible from point of origin.	Package in clean glass or metal container so as not to lose volatiles. Seal and identify. DO NOT MAIL.
Explosion debris	All	Place in a plastic bag, transfer bag into a box, identify and seal.
Explosive materials (i.e., blasting caps, fuse, dynamite, etc.)	All	CALL LABORATORY FOR INSTRUCTIONS
Gasoline, kerosene or other suspected volatiles	All to 1 gallon	Place in a clean metal container, identify and seal securely. Glass container may be used if top does not have rubber-type seal. DO NOT MAIL.
Matches	All	Place in a small metal or glass container, identify and seal.
Oil (Known)	1 quart	Place in a small metal or glass container, identify and seal. DO NOT MAIL.
Oil (Questioned)	All to 1 quart	Place in a clean metal or glass container, identify and seal. DO NOT MAIL.

(SPECIMEN)	(AMOUNT)	(INSTRUCTIONS)
Paint (Known)	1/2 square inch or equivalent with all layers represented.	Place in clean vial, or in clean paper, fold properly, *place in envelope, identify and seal.
Paint (Questioned)	All	If submitting sample only, package same as known. If submitting item of evidence, wrap carefully and seal so as to retain paint that might chip off in transit.
Wood (Known)	All to one foot in length	Protect area to be examined. Wrap in paper, identify and seal.
Wood (Unknown)	All	Protect area to be examined. Wrap in paper, identify and seal.

* Use druggist fold.

ADDRESSES

Central Region

Department of General Services
Division of Consolidated Laboratory Services
Bureau of Forensic Science
P. O. Box 99
Richmond, VA 23208
Phone: 804-786-4706

Department of General Services
Division of Consolidated Laboratory Services
Bureau of Forensic Science
Northern Virginia Regional Branch
2714 Door Avenue
Merrifield, VA 22116
Phone: 703-573-8636

Department of General Services
Division of Consolidated Laboratory Services
Bureau of Forensic Science
Tidewater Regional Branch
401 A Colley Avenue
Norfolk, VA 23507
Phone: 804-627-6237

Department of General Services
Division of Consolidated Laboratory Services
Bureau of Forensic Science
Western Virginia Regional Branch
920 South Jefferson Street
Roanoke, VA 24016
Phone: 703-982-7192

DIVISION OF CONSOLIDATED LABORATORY SERVICES

BUREAU OF FORENSIC SCIENCE

Evidence Mailing Instructions and Addresses

EVIDENCE MAILING INSTRUCTIONS

Any items of evidence packaged and mailed to the bureau shall bear the appropriate laboratory address and the return address of the submitting agency. Please do not include the name of the examiner or section, or the type of evidence on the outside wrapper of the package. Instead, double wrap the package as shown in the diagram and provide additional information attached to the inner wrapper.

When using the U.S. Postal Service for transmittal of evidence, it is necessary to maintain the proper chain of custody. To maintain reasonable control over evidence transmitted in this matter, mail evidence shall be certified or registered with a return receipt requested. This method of shipment allows the sender to maintain a written record of the various stages of transmittal.

If mailing general correspondence without included evidence, law enforcement agencies may use the name of the examiner or section in the address.

After packing the evidence securely in a cardboard box or manila envelope, seal and mark as evidence. Then, as shown in this diagram, attach a completed "Request for Laboratory Examination" DCLS-FS-002 (12-79) form to the package or envelope.

Finally, wrap the sealed box again with an outside wrapper or place the envelope inside a larger envelope, seal with tape, attached certified or registered mail forms and affix the proper address for the desired Bureau laboratory.

A supply of form DCLS-FS-002 (12-79) is maintained in the central laboratory as well as in the bureau's regional laboratories. Obtain copies of the form by writing or visiting any of the Bureau of Forensic Science laboratories.

THE USE AND SUBMISSION OF THE BUREAU OF FORENSIC SCIENCE

"REQUEST FOR LABORATORY EXAMINATION" FORM

Form DCLS-FS-002 (12-79) "REQUEST FOR LABORATORY EXAMINATION," has been revised to permit personnel in the laboratory to serve you in a more efficient and orderly fashion.

This form provides an evidence receipt for the officer, and evidence work sheets to remain with the evidence while in the laboratory.

The form should be completed by the investigating officer prior to being hand carried or mailed to the laboratory with the evidence. With this procedure the person receiving the evidence will be able to process the request much more rapidly.

Use either a typewriter or ball point pen to complete the form. If handwritten, the form should be resting on a hard surface. This will permit the last copies to be legible.

When mailing evidence and the completed request form to the laboratory, please detach the last copy of the form which is to be retained by you for your records. Also, detach the last page of carbon and discard. (See the attached sheet for packaging and mailing instructions.)

In those instances where the officer hand-carries the evidence to the laboratory, the entire request form (include all copies) should accompany the evidence. Upon accepting the evidence, the examiner will sign the request form and return a copy to the submitting officer to serve as a receipt.

A brief explanation of the various sections on the form is presented below. Each explanation is numbered to correspond with the specific section on the accompanying sample request form.

1. The full name and title of the investigating officer to whose attention the results of examination are to be directed.
2. The date the form is completed.
3. The full name and address of the submitting agency, including zip code.
4. The case number assigned to this specific investigation by your agency. The inclusion of this number will greatly enhance communications between the laboratory and the submitting agency.
5. Do not write in this block. It is used for the laboratory file number which is assigned at the time the evidence is received.

6. Your agency telephone number, including area code.
7. Full name(s) of the victim(s). If name or names are unknown, list as "Unknown." Do not use abbreviations or nicknames unless full name is not available.
8. List the age, race, sex and any other pertinent descriptive information about the victim. This information may be of value in aiding the examiner during the examination of certain evidence or when communicating with various agencies involved with the particular case.
9. Full name(s) of suspect(s). If name or names are unknown, it should be listed as "Unknown."
10. List the age, race, sex and any other pertinent descriptive information about the suspect. This information may be of value in aiding the examiner during the examination of certain evidence or when communicating with various agencies involved with the particular case.
11. The date or approximate date that the offense occurred; the type of offense, i.e.: rape, burglary, death investigation, illegal whiskey, etc. (Please submit only one offense per request form.)
12. The projected date of trial in which results of examination will be needed for litigation.
13. If known, give a brief statement of what occurred and how. Also, indicate the type of examination(s) you wish to have performed on the evidence, i.e.: blood, fingerprints, firearms, etc.
14. If the submission is a second or subsequent submission in the same investigation and you know our FS file number, please indicate in this space.
15. Indicate how the evidence is to be returned to you. If it is to be picked up by you or your representative, please arrange to do so as soon as possible after receiving the examination results. Evidence storage space is extremely limited. Personal pick-up should apply to large or fragile evidence. It is advisable to call the laboratory before traveling to pick up evidence.
16. List all evidence being submitted. Include descriptive data, i.e.: evidence number, name, make, model, color, size, serial number, etc. where applicable. Also after each item, state manner of preservation when applicable and specific examinations requested. In cases involving a large number of items, the examinations requested may be placed on a separate sheet of plain paper with corresponding item number.

- *17. The printed name of the individual submitting evidence to laboratory.
- *18. Signature of individual whose name appears in space #17. Also, the date that evidence is being submitted.
- *19. Signature of laboratory personnel receiving evidence from submitting officer and date evidence is being received.

*DO NOT USE this space for transfers within your agency. This space is for laboratory use only.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: PROPERTY/EVIDENCE CONTROL

NUMBER: 2-16

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 83.4, 84.1, 84.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: property and evidence; temporary release of; evidence control form; property control form; narcotics evidence; blood evidence; alcohol evidence; photographs

I. POLICY

It is the policy of the department that all evidence and property recovered or turned into this agency be properly packaged, handled, recorded, stored, and accounted for.

II. PURPOSE

The purpose of this order is to establish a lawful system for the safe and efficient storage and retrieval of evidence or other valuable items that enter the custody of this department.

All personnel shall maintain strict accountability for all property held as property and evidence.

In no way shall these policies and procedures be interpreted to supersede any federal or state statute. These policies and procedures are intended to comply with existing laws.

III. PROCEDURES

A. Officer responsibilities:

1. The recovering officer will be responsible to properly package and label all items collected or recovered as property or evidence, to prevent any tampering, contamination, or destruction of same.

2. Upon return to the police department, the recovering officer shall immediately list and describe all items recovered on a property and evidence form (See Appendix to this order)
3. All property and evidence and all related property and evidence forms (except those articles which may be sent to the lab) must be delivered immediately to the property locker.
4. Reporting officers should, when possible, check all property against NCIC or VCIN records.
5. For property that may be lawfully released to the owner, the recovering officer shall immediately attempt to notify the owner (by telephone or letter) that the department is holding their property and make arrangements to return the property to the rightful owner.

B. Use of property and evidence form:

1. The property and evidence form found in the appendix to this order, shall be used for all property coming into custody of the department.
2. When handling lost/found property, a copy of the form will be made and given to the citizen (when a citizen turns over property to the department).
3. Each property and evidence form shall receive a case number which shall be recorded on respective offense/incident reports or in the narrative of addenda.
4. The recovering officer shall complete blocks numbered 1-10 on the form as completely as possible (see appendix to this order).
 - a. Block 1 is for classifying property or evidence, so that the custodian will be aware of its status.
 - b. Enter the offense or incident report number in block 2 if applicable.
 - c. In block 3, describe the item as accurately as possible (including color, model numbers, brand name, serial numbers, approximate value, etc.).
 - d. Block 4 will indicate where the item was found or seized.
 - e. Enter in block 5 the date and time the property was seized or found.

- f. Block 6 will name the person recovering or finding the property or evidence.
 - g. Block 7 will name the owner of the property or evidence and address (if known). Also indicate if the owner has been notified that this department is holding his property.
 - h. Block 8 will have the name and address of the person(s) arrested if property or evidence recovery was incidental to the arrest. Space is provided to write the related charge, arrest date, sex, and race.
 - i. Block 9 is reserved for remarks such as an NCIC hit.
 - j. The recovering officer will sign the form in block 10 and date it.
5. The officer who finds the property completes the necessary paperwork and deposits the property in the locker is responsible for amending the property form each time the property is removed, analyzed or otherwise dealt with. The original recovering officer is further responsible for the property and all relevant paperwork until the property leaves departmental custody permanently.

Following recovery, the officer may complete the following blocks as appropriate:

- a. Block 11 denotes date/time the property was placed in the locker.
- b. Block 12 indicates the evidence is stored (circle one).
- c. Block 13, after determining disposition, a check is place in the appropriate space.
- d. Block 14 is filled in when a letter is sent to the Commonwealth's Attorney for a court order. "Yes" is written in the block along with the date and time the order was requested.
- e. Block 15 is filled in when a disposition is known. The custodian will have the officer sign and date the form in this block to verify the disposition of the property in order that it may be released or destroyed.

C. Temporary release of property and evidence

- 1. Officers are responsible for checking out needed evidentiary materials for investigative cases, laboratory analysis, or testimony purposes.

2. When receiving evidentiary materials from the locker, officers must sign for the property on the designated form and on the evidence tag (affixed to the property). The officer's signature acknowledges receipt and full accountability for the property, agreeing that the property will be returned the same day unless an alternative date is set with the releasing custodian. To minimize delay in picking up property, officers should advise evidence custodian one working day in advance of items they wish to obtain.
 3. When returning property or evidence, officers shall sign in the items as appropriate. The officer shall obtain the prosecutor's authorizing signature on the property form for release of evidence on a case pending appeal. Further, the officer shall ascertain from the prosecutor when contraband may be destroyed, and upon approval, arrange for destruction or other disposal as soon as possible.
 4. Extended release of property for use in official police business will be permitted only upon written authorization of the chief of police. Such authorization will specify the person and the property and will fix a date on or before which the property must be returned.
- D. The property and evidence disposition section of the form (on reverse side) will be filled out every time property or evidence is disposed of or returned to the owner.
- E. Evidence custodian (EC) responsibilities:
1. Will be accountable for control of all property and evidence stored in the property and evidence storage room, and will ensure that all stored property is properly documented in property records of the department.
 2. Will maintain a locker room that is clean, orderly, secure and will take necessary steps to insure that property and evidence in custody is being protected from damage or deterioration or theft.
 3. Access to the property room or locker will be restricted only to the chief of police or his designee. Access by all other persons is normally prohibited.
 4. All property and evidence will be stored in a designated area.

5. A separate protected area will be maintained for the storage of money, jewelry, weapons, and precious metals.
6. Will maintain a facility for the storage of items of perishable nature needing refrigeration.
7. Will be responsible for the maintenance of records on recovered property indicating continuity of property and evidence from entry into the system to its final disposition.
8. Will release property and evidence only to authorized persons and may demand proof of authorization or identification of the owner or investigating officer to whom they are releasing property.
9. The investigator shall check the files monthly for property and evidence that is unclaimed or of no further evidentiary value, and to obtain from the recovering officer a signed release for disposal. Officers will then make arrangements for returning the property to the owner.
10. The investigator will ensure that final disposition of found, recovered, and evidentiary property is accomplished within six months after legal requirements have been satisfied. The evidence custodian will report any exceptions to this to the chief of police.

F. Weapons:

1. Officers and employees of this department will not under any circumstances keep any weapon that is found, turned in or confiscated.
2. All weapons coming into the custody of this department will be immediately inspected to insure their safe storage. It is imperative that all firearms be unloaded before placing in the locker.
3. All firearms coming into custody of the department will be checked by the recovering officer against NCIC/VCIN stolen files.

G. Drugs and narcotics:

1. In the case of drug property or evidence, the recovering officer should obtain a gross weight (content and package) for quantitative and quality control.

- a. Scales for weighing are provided at the offices of [describe location]. Before using the scales, officers should check to insure the scale is at zero balance and correctly set.
 - b. The gross weight will be witnessed by another officer.
 - c. If the drug is a tablet or capsule, a count may be substituted for gross weight. This exception is permissible when the drug is sealed in tamper-proof protective packages.
2. All drug evidence will be processed to the lab for examination within five days of receipt.
 3. Each time narcotics property is removed, the package or container should be inspected for tampering and weighed.
 4. Seizures in excess of 10 pounds of controlled substances or marijuana are addressed in Virginia Code Section 18.2-253.1. This section sets forth disposal procedures for large amounts of controlled substances.

H. Alcohol:

1. All property and evidence consisting of alcoholic beverages and their containers must be sealed so that there is no chance of leakage while in police custody
2. It is the Commonwealth Attorney's opinion and advice that alcoholic beverages seized should not all be considered contraband.
 - a. Contraband alcoholic beverages would be those seized from those persons that are under age, where the persons' possession of alcoholic beverages is in itself illegal (refer to Article 4, Sections 53,55,62).
 - b. Alcoholic beverages seized or recovered which are not contraband or used for evidence should be returned to owner.

I. Blood samples (D.U.I. arrests):

If, during processing, a DUI suspect does not wish to have the private blood sample (blue box) mailed, it is imperative that the arresting officer fill in the suspect's name and also the time and date in the space provided on the side panel of the box. The box will then be secured in one of the evidence lockers.

J. Photographs:

1. Forms will be provided for officers to mail film to the State Lab for processing (form DCLS-FS-032).
2. Upon completion of court proceedings, the photos should be returned to the appropriate case files. (Photos should be identified on reverse side, including name of person taking picture, date, time, and location.)

PROPERTY/EVIDENCE CONTROL FORM

1 Hold for: Evidence Contraband Found Property Other				2 Incident/Report #	
3 Item Description					Approx. value
4 Where found/seized				5 Date & Time	
6 Person recovering/finding			7 Owner & address		Notified Yes No
8 Person(s) Arrested			Offense	Date arrested	Sex Race
Address					
9 Remarks (NCIC/VCIN HIT)			10 Officer's Name & Date		

FOR DEPARTMENT USE

11 Date/Time Received		12 Where Stored SHELF SAFE WEAPON'S LOCKER	
13 Disposal Status _____ Returned to Owner _____ Dispose Of			
14 Commonwealth Attorney Notified		Date	15 Officer's Signature and Date

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: DISPOSAL OF LOST, FOUND
OR UNCLAIMED PROPERTY

NUMBER: 2-17

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 84.1, 74.5

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: lost property; found property; unclaimed property;
money, unclaimed; narcotics, blood alcohol, weapons,
gambling devices, disposal of

I. POLICY

All lost, found, and unclaimed property of non-evidentiary value will be disposed of according to federal and state statutes. Personal property coming into the possession of the department as evidence may be disposed of only after approval by the Commonwealth's Attorney. Under no circumstances will property turned in or seized become the property of any employee of the department.

II. PURPOSE

To establish guidelines for the disposal of lost, found, and unclaimed property of non-evidentiary value.

III. PROCEDURES

A. Responsibilities:

Each officer is responsible for the safe storage of evidence, found property, and contraband. Officers are equally responsible for proper record keeping of all property. Officers shall maintain appropriate logs of all incoming and outgoing property, plus documents concerning auctions or destruction of contraband. The chief of police shall ensure correct accountability of all property.

B. Release of non-evidentiary and lost/found property:

1. Non-evidentiary and lost/found property shall be released to the true owner or his agent when claimed.
2. Satisfactory proof of ownership (i.e., serial number, receipts, sales slip, invoice) must be presented. In lieu of proof listed above, when an owner can describe a property item in great detail as to color, style, brand, scratches, marks, and condition (things which a non-owner would not be expected to know), property may be released.
3. Any other person seeking release of such property, particularly when there is a dispute about ownership, shall be advised that that property can be released to them only as a result of:
 - a. A valid court order, or
 - b. Written consent from town attorney or Commonwealth's Attorney.

C. Disposal of lost, found and non-evidentiary property:

1. The investigator will prepare a quarterly list of non-evidentiary items that have remained unclaimed in the proper locker for a period of time as specified by law, following which disposal is required.
2. The investigator shall present the quarterly property list to the chief of police.
3. The chief of police will then ensure disposal of these items in accordance with procedures specified by law (i.e., advertisement, public sale, deposit of proceeds), and will provide a certificate of such disposal, properly witnessed by disinterested persons, for files. The chief of police may delegate this responsibility.

D. Unclaimed money or other valuables:

1. Unclaimed monies and other valuables held by the department that fall into or are closely related to the following categories must be reported to the Department of Treasury, Division of Unclaimed Property, in accordance with Title 55 of the Virginia Code:
 - a. Currency
 - b. Coins
 - c. Stamps
 - d. Precious Metals
 - e. Precious stones and gems

- f. Securities
- g. Art objects
- h. Antiques (including weapons)

2. The chief of police will report annually a list of unclaimed monies and valuables to the Department of Treasury on provided forms. Subsequent disposal of these items will be in accordance with their response.

E. Weapons:

1. Following all criminal proceedings, legally possessed weapons not ordered confiscated by the court will be returned to the owner or the owner's agent.
2. Proof of ownership (i.e., serial number, receipts, sales slip or detailed description) will be required before release.
3. Disposal of contraband weapons and those ordered confiscated by the court will be in accordance with court orders and Sections 18.2-308 and 310, and 4-53 of the Code of Virginia.

F. Drugs/narcotics:

1. Large seizures in excess of 10 pounds of controlled substances or marijuana will be disposed of in accordance with Section 18.2-253.1 of the Virginia Code.
2. Controlled substances and marijuana of no evidentiary value will be disposed of in accordance with Section 18.2-253 of the Virginia Code.
3. Property seized in connection with the illegal manufacture, sale or distribution of controlled substances will be handled in accordance with Section 18.2-249 of the Virginia Code.

G. Alcohol:

1. Alcoholic beverages which are not contraband and have no evidentiary value should not be seized, but should be retained by owner.
2. Contraband alcoholic beverages (i.e., beverages possessed by those under age) and alcoholic beverages confiscated by the court will be disposed of in accordance with Section 4-53, 55 and 62 of the Code of Virginia.

H. Gambling:

1. Property and evidence seized incident to an arrest for violation of Virginia Code Section 18.2-336 shall be forfeited to the Commonwealth by order of the court having last jurisdiction.
2. Monies seized will be disposed of according to court order.

I. Blood samples (DUI arrests):

1. The chief of police shall destroy blood sample containers in accordance with Virginia Code Section 18.2-268, unless otherwise directed by the accused or his attorney.
2. The destruction shall be routinely accomplished by the officer who originally recovered the evidence.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: CRIME PREVENTION SERVICES

NUMBER: 2-18

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 45.1, 45.2

NOTE: This directive is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

crime prevention
neighborhood watch

security surveys
operation identification

I. POLICY

Crime prevention is the anticipation, recognition, and appraisal of crime risks and the initiation of action to remove or reduce such risks. The policy of the department is to promote crime prevention using all department employees to develop and implement procedures and programs which reduce the opportunity for or lessen the loss arising from crime.

II. PURPOSE

The purpose of this order is to set forth procedures for the delivery of crime prevention services.

III. PROCEDURES

A. Police officers, generally:

1. All officers upon request and when appropriate will provide knowledgeable, instructive advice to the public concerning steps which can be taken to reduce the opportunity for or lessen the loss from crime.

2. All officers upon request and when appropriate will conduct brief surveys of homes or small businesses and orally advise the owner or occupant of security strengths and weaknesses.
3. All officers shall be aware of and where appropriate offer their assistance to crime prevention activities taking place within their assigned patrol area such as: neighborhood watch, business watch, safe home, and CB radio patrol.
4. All officers shall make referrals to the appropriate resource either within or outside the department in response to crime prevention requests which exceed their knowledge or capability to accommodate.
5. No officer or other employee of this department shall advise any person that the use of any crime prevention suggestion or program will prevent that person or any other person from becoming the victim of a crime, but will only lessen the probability of victimization.
6. Crime prevention activities undertaken by police officers will be reported on daily activity reports.

B. Crime prevention unit/officer:

1. The department's crime prevention officer is responsible for developing, implementing, and coordinating the department's crime prevention program. This assignment of responsibility does not relieve other officers of being aware of and involved in crime prevention procedures and activities.
2. The crime prevention officer will request and study trends of crimes that are generally considered preventable and develop procedures and programs to reduce the opportunity or lessen the loss from crimes.
3. The crime prevention officer will consult with police officers, supervisory, and investigative personnel to gather information concerning trends in crime, and public and police response to them.
4. Crime prevention personnel will develop an expertise in all phases of crime prevention including, but not limited to, the following areas:
 - a) Security hardware
 - b) Alarm/warning systems
 - c) Lighting

- d) Basic residential and business construction practices
 - e) Media relations
 - f) Public speaking
 - g) Use of volunteers
5. The crime prevention officer will establish a working relationship with architects, developers, contractors, and others in the building trades to identify and correct practices used in the planning, design, and construction of any building and the space surrounding it which create the opportunity for crime.
 6. The crime prevention officer will contact and develop a working relationship with local building officials, community planners, and zoning officials to review plans for new construction or development within the community to identify and correct components of those plans which may create unwanted crime opportunities.
 7. The crime prevention officer will establish a working relationship with print and broadcast news media to promote and advertise crime prevention procedures and programs.
 8. The crime prevention officer will establish a working relationship with professional, civic and community groups to develop, promote and implement crime prevention programs.
 9. The crime prevention officer will establish a working relationship with other local, state, and national government and non-government crime prevention programs to exchange information on past, current and planned crime prevention activities.
 10. The crime prevention officer will coordinate with fire prevention personnel to insure that crime prevention procedures and programs do not compromise fire safety programs and to insure that fire safety programs do not compromise crime prevention programs.

C. Formal Programs

Officers are encouraged to develop, stimulate the growth of, or otherwise participate in the following programs:

1. Neighborhood Watch (Business Watch) is the formal organization of residents to enable them to deter crime in their neighborhood by relying on their awareness of and concern for their fellow neighbors to detect or discourage suspicious or criminal activity.

- a. Requests to establish a neighborhood watch (business watch) will be forwarded to the chief of police for action.
- b. The chief of police or his designee will make an introductory presentation to the interested neighborhood watch group, maintain contact with the group once established, and contact it at least every three months.
- c. Homes wishing to participate in neighborhood watch also must participate in the security survey and Operation Identification programs.
- d. The chief of police or his designee will maintain a list of all neighborhood watch programs with names, addresses, and phone numbers of leaders and block captains.
- e. The chief of police or his designee will provide quarterly crime reports to the neighborhood watch groups detailing the crimes which have been reported in their specific neighborhoods.

2. Security survey:

A security survey is an evaluation of the security strengths and weaknesses of a home or business and presenting that evaluation to the owner or occupant for correction.

- a. Patrol beat officers are authorized to conduct brief surveys of homes or small businesses upon request or if there is an apparent need, time permitting. Only oral recommendations are to be made.
- b. Requests for in-depth surveys with written recommendations are to be forwarded to the chief of police. Surveys of any large structure or facility are to be conducted by whomever the chief of police selects. Outside agencies' crime prevention units may be asked to assist.
- c. All security surveys performed by officers are to be considered information offered to the police in confidence. Surveys are not considered information available through Freedom of Information Act Requests.
- d. Officers making recommendations during security surveys will not recommend any particular brand name product or device.

D. Operation Identification

Operation Identification is the retention of serial numbers or other identifying marks property owners use to assist in the identification and recovery of stolen property. When the property has no serial number, the owner is encouraged to permanently engrave the property in several places with an easily recognized and traced identification mark such as a driver's license or a Social Security number.

1. The chief of police will establish procedures for the loan of engravers for persons wishing to identify their property.

E. Site plan review

Site plan review is the review of site plans for new commercial or residential development or redevelopment to identify components of the plan which once implemented may create crime opportunities and to make reasonable recommendations to correct the crime-related deficiencies in the plan.

1. The crime prevention unit is responsible for all site plan reviews.
2. The crime prevention unit will contact the community planning department and request that it be allowed to review development or redevelopment plans for security-related strengths and weaknesses.
3. Crime prevention personnel will visit construction sites and informally inspect projects for security strengths and weaknesses and then make informal suggestions for improvements to the appropriate project officials.

F. Other programs:

There are many other crime prevention programs aimed at specific types of crimes. Many of these programs can be incorporated into public educational programs or neighborhood watch activities as needed. Some of these programs are:

1. Auto theft prevention
2. Child safety
3. Street lighting
4. Check fraud

5. Victim services
6. Elderly crime prevention
7. Bicycle theft

Again, if necessary, the chief of police can contact Department of Criminal Justice Services for assistance in delivering such programs.

IV. REPORTING

A. Recordkeeping:

The chief of police or his designee will maintain up-to-date information on the following crime prevention activities for reporting and evaluation purposes.

1. Neighborhood watch
 - a. Number of neighborhood watch programs
 - b. Date specific neighborhood watch programs begun
 - c. Number of initial and follow up neighborhood watch presentations
 - d. Number of block captains
 - e. Names, addresses, and telephone numbers of neighborhood watch program leaders and block captains
 - f. Number of homes and businesses participating in neighborhood watch
 - g. Number and types of reports made to police by neighborhood watch participants
 - h. Number and types of arrests resulting from reports by neighborhood watch participants
2. Operation Identification
 - a. Number of times engraver loaned out
 - b. Number of victim property identifications and returns made through serial number tracing

- c. Number of victim property identifications and returns made through Operation Identification number tracing
 - d. Number of arrests made through serial number tracing
 - e. Number of arrests made through Operation Identification number tracing
3. Security survey
- a. Number of informal security surveys conducted by non-crime prevention personnel (residential and business)
 - b. Number of follow-up visits to site where security surveys were previously conducted
 - c. Rate of compliance to recommendations found during follow-up visit
4. Educational programs
- 1. Number and types of programs
 - 2. Number of attendees
5. Other programs
- 1. Number and types presented
 - 2. Number of participants or attendees

V. CRIME PREVENTION ASSISTANCE

Assistance in promoting crime prevention programs can be obtained from the following:

- A. Virginia Crime Prevention Center - Department of Criminal Justice Services - 805 East Broad Street - Richmond, Virginia 23219 - (804) 786-4000
- B. Virginia Department of State Police - 7700 Midlothian Turnpike - Richmond, Virginia 23235 - (804) 323-2000
- C. National Crime Prevention Council - The Woodward Building - 733 15th Street, N.W. - Washington, D.C. 20005 - (202) 393-7141
- D. National Criminal Justice Reference Service - Box 6000 - Rockville, Maryland 20850 - Toll Free (800) 851-3420

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: TRAFFIC LAW ENFORCEMENT

NUMBER: 2-19

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 61.3, 62.1

NOTE: This directive is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

traffic
enforcement; traffic
juveniles; traffic violations by
radar

DUI
traffic stops - routine
traffic stops - felony
Virginia Uniform Summons

I. POLICY

Traffic law enforcement involves all activities or operations which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citations, but includes warnings to drivers and pedestrians which help prevent them from committing minor violations. Traffic enforcement may react to observed violations, at accidents, or in response to community concerns, or may be proactive to prevent traffic violations. However, overzealous enforcement without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic.

II. PURPOSE

The purpose of this general order is to prescribe procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, pedestrians, and the courts.

III. PROCEDURES - GENERAL

A. Types of Enforcement Actions:

1. Warnings:

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. A properly administered warning can be more effective than any other type of enforcement. For minor traffic violations, professional courtesy may be extended to other law enforcement personnel by issuing oral or written warnings.

2. Virginia Uniform Summons (VUS):

A VUS should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

3. Physical Arrest:

Officers will make a physical arrest, in compliance with Virginia Code Section 46.1-179 in the following circumstances:

- a. Violations of traffic laws pertaining to driving under the influence of alcohol or other intoxicants.
- b. Whenever a felony has been committed involving a vehicle.
- c. When the operator refuses to sign the promise to appear on the traffic summons.
- d. Whenever the operator is licensed by a non-reciprocal state.
- e. When the officer has reason to believe that the person will not comply with the summons if issued.

B. Handling Special Categories of Violators:

1. Non-residents:

Officers should consider use of warnings for non-residents who commit minor, non-hazardous violations. If appropriate, given the type of violation, officers may arrest non-residents by issuance of a summons, provided the violator's

home state is a reciprocal one. If the non-resident desires to post a cash bond or collateral with a magistrate, he may do so. If non-residents are from a non-reciprocal state, they must be taken directly to a magistrate.

2. Juveniles:

Juvenile traffic offenders are prosecuted in juvenile and domestic relations court and that should be so noted on the summons. Officers issuing a traffic summons to a juvenile offender should advise them as to their options regarding prepayment or court appearance and that a parent or guardian must accompany them when they appear before the court.

3. Foreign/Diplomats/Families/Servants, and Other Consular Officials.

a. Diplomatic immunity is granted by the United States Government under provisions of the Vienna Convention on Diplomatic Relations. Generally, these provisions apply to two classes of immunity;

1. diplomats and members of their families enjoy full immunity,
2. employees of diplomatic missions and with respect to acts performed in the course of their official duties.

b. The burden is on the diplomat to claim immunity and show valid credentials.

4. The lieutenant governor and members of the Legislature, under Title 30-6, Code of Virginia:

a. During the session of the General Assembly and for five days before and after the session, the lieutenant governor, a member of the General Assembly, or the clerk thereof, and their assistants, shall be privileged from custodial arrest except for treason, a felony, or a breach of the peace. Officers may issue traffic summonses for a moving offense or for a DUI physical offense.

5. Military personnel:

Military personnel who are first passing through the town may be treated as non-residents or, if from this area, as residents.

6. Members of Congress

- a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.
- b. If a member of Congress is stopped for a traffic infraction, he shall, upon presentation of valid credentials, be immediately released. The officer may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress, or on official business.

C. Information Regarding Traffic Summons:

The Virginia Uniform Summons will be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following information:

1. Court appearance schedule.
2. Whether court appearance by the motorist is mandatory.
3. Whether the motorist may be allowed to prepay the fine before court and enter a guilty plea.
4. Any other information necessary before release of the motorist.

IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS:

The following guidelines for routine traffic law enforcement are provided to assist officers to decide whether or not a traffic summons shall be issued.

A. Speed Violations:

Shall be a clearly demonstrated speed in court. May depend on location of violation (congested area, downtown, school zone, etc.).

B. Other Hazardous Violations:

Consider degree of hazard, place, previous accident history of location, current directed patrol emphasis.

C. Equipment Violations:

With only annual inspections now required of vehicles, consider issuance of summons for any essential equipment defects.

D. Public Carrier/Commercial Vehicle Violations:

Consider congestion, lack of parking, and carrier needs for delivery access. Repetitive violators should be cited.

E. Other Non-Hazardous Violations:

Consider warning unless repetitive or flagrant.

F. Multiple Violations:

May cite all if deemed necessary, but normally pick the most serious violation and warn on others.

G. Newly Enacted Laws and/or Regulations:

Normally, a grace period is established during which only warnings will be given. Thereafter, officer should use discretion. Officers may allow a reasonable period of time, normally:

1. One month before issuing a summons for a
 - a. Violation of a newly enacted traffic law.
 - b. Speeding violations in an area in which the speed limit has been reduced.
2. One week after expiration before issuing a summons for:
 - a. Expired state license tags.
 - b. Expired state inspection stickers.

H. DUI:

See VI. of this G.O.

V. TRAFFIC LAW ENFORCEMENT PRACTICES GENERAL

A. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.

1. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
2. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
3. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
4. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.

B. Objectives of Traffic Stops:

There are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental and physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Enforcement procedures should minimize conflict which may develop between the officer and violator and assist in achieving the two major objectives, which are:

1. To take proper and appropriate enforcement action.
2. To favorably alter the violator's future driving behavior.

C. Traffic Violator/Officer Relations:

1. Followed in all traffic stops:
 - a. Be alert at all times for the unexpected.

- b. Be absolutely certain the observations of the traffic violation were accurate.
- c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
- d. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
- e. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, decide on the formal enforcement action before contacting the violator. Exceptions include stopping an out-of-state driver committing a violation that would not be a violation in his jurisdiction, such as right turn on red light. The officer may then decide to issue a warning rather than a citation.

2. Before making a vehicle stop:

- a. Maintain a reasonable distance between the vehicle and the police unit.
- b. Locate a safe spot to stop the vehicle.
- c. Activate the emergency red lights and, when necessary, siren to signal the vehicle to stop.
- d. Advise the dispatcher of the intention to stop the particular vehicle, giving:
 - 1. Location of the stop
 - 2. Vehicle's license tag number and/or other description when necessary.
- e. Officer should position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle shall be positioned so that it will offer the officer some protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer, and all other traffic.

3. When stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, in addition to the above:
 - a. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before the actual stop.
 - b. Train the unit's auxiliary lights (spotlight and alley lights) on the occupant(s) of the vehicle when applicable.
 - c. When necessary use the unit's public address system to give the occupant(s) of the vehicle instructions.

4. Hazards

- a. On multi-lane roadways, the officer should insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
- b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer shall direct him to move to a safer location. Officers shall use the public address system to instruct violators to move to a safer location. If the officer's oral directions and gestures are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.

5. Approaching the Violator

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, follow these procedures if possible:

- a. The officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
- b. The officer shall approach from the rear of the violator's car, looking into it rear seat and stop behind the trailing edge of the left front door. This position shall be maintained if there are only occupants in the front seat

of the vehicle. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position and at the same time keep all occupants of the vehicle in view.

- c. In cases where the violator's car has occupants in both the front and rear seats, the officer should approach to the leading edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
- d. In traffic stops made by two-man patrol vehicles, the passenger officer shall handle all radio communications, write all notes and messages relayed from the communications center, and during the traffic stop shall leave the vehicle and act as an observer and cover for his fellow officer. At no time shall the two officers approach the violator together.
- e. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop, signaling the violator (the spot light should not be used except in what officers perceive as dangerous situations), and positioning the police vehicle. After the stop, the head lights shall be on low beam for the safety of oncoming traffic, and emergency bar lights and emergency flashers in use on the patrol vehicle (as well as during the day).

6. Communicating with the Violator

In transacting his business with the violator, the officer shall:

- a. Greet the violator courteously with an appropriate title.
- b. Inform the violator what traffic law he has violated and the intended enforcement action; the violator should not be kept in suspense.
- c. Ask for the violator's driver license and vehicle registration, and accept only these forms. If the driver offers money, the officer shall refuse the money and advise the driver of the illegality of the offer.
- d. If the driver has no driver's license, obtain another document of identification.
- e. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.

- f. Complete the forms required for the enforcement action taken or exercise an oral warning, if appropriate.
- g. Explain to the violator exactly what he is supposed to do in response to the action taken and how this action will affect him.
- h. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
- i. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

7. Conducting the Transaction

- a. Return the violator's driver's license, registration, and a copy of the warning.
- b. Release the defendant after he:
 - (1) signs the summons, and
 - (2) receives a copy of the summons.
- c. Assist the violator in safety re-entering the traffic flow.
Do not follow the violator.

D. Stopping a Known or Suspected Felon:

Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located by an officer, he will notify the dispatcher immediately of his location and give a thorough description of the vehicle and its occupants. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop.

The officer will keep support units informed of the location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle will not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-officer felony vehicle stop.

The following procedures will be used in effecting the stop:

1. The officer will plan to stop the suspect vehicle in a location which presents minimal danger to other citizens.
2. When conditions are appropriate and support units available, the officer will move into position to the rear of the suspect vehicle.
3. The officer will signal the violator to stop, using all emergency equipment to warn other traffic.
4. The violator will be stopped on the extreme right side of the road.
5. If the violator is known to be armed and dangerous, the officer will have his weapon easily accessible and ready for immediate use.
6. When the suspect vehicle begins to stop, the officer will turn off the siren and turn on the public address system.
7. The officer will park the police vehicle so that it provides maximum protection and cover.
8. At night, the officer shall focus all lights on the interior of the suspect vehicle.
9. The officer will leave the police vehicle quickly but remain behind the door and accessible to the public address system microphone.
10. The officer making the stop is in command and will direct each occupant, using the public address system, to get out of the vehicle and into the appropriate search position. First, once suspects are stopped, the officer shall order the driver to shut off the motor and drop the keys on the ground outside his door. Next, the officer shall order occupants to place their hands, palms up, on the ceiling of the vehicle. Officers shall then order occupants to exit the vehicle on the driver's side only, one at a time. Occupants will then be ordered to lie face down on the ground.
11. If a public address system is not available, the officer will give voice commands if they can be heard; if this fails, the officer will cautiously approach the vehicle, keeping all occupants in view, to a point where he can be heard.
12. To reduce confusion, the officer will instruct support officers, as appropriate, and will be the only officer to direct the suspects.

13. The support officers will cover the arresting officer and remain on the curb side of the vehicle until all occupants are in the search position.
14. Officers will exercise extreme caution not to get within each other's line of fire.
15. When all occupants have been removed from the vehicle, the support officers shall move to cover the arresting officer while the persons are searched.
16. Arrestees will be searched and handcuffed before transportation.

E. Persons Charged with Revoked/Suspended Operator's License:

1. The Virginia Uniform Summons (VUS) may be issued when an officer has stopped a vehicle and identified the driver as driving with a revoked or suspended operator's license (Virginia Code 46.1-350).
2. An officer who sees a person driving who is known to be under suspension or revocation may swear out a warrant if not able to stop the violator.

F. Speed Enforcement:

Excessive speed is the second greatest cause of death and injury on the American highways. An officer shall uniformly enforce speed laws within [your jurisdiction]. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. Pacing:

The officer shall follow the vehicle being paced at a constant interval for a distance adequate, normally two or more city blocks, to obtain a speedometer reading. Speedometers must be calibrated at least every six months and calibration filed with the Clerks of the District and Juvenile Courts.

2. Radar:

Radar shall not be used for "filler" or "slack" officer time, but shall be applied where vehicle speed is a hazard to other motorists or pedestrians. The following guidelines govern the use of radar, which will always be operated in compliance with manufacturer's instructions. All departmental radar units meet current NHTSA standards.

- a. The radar unit must be properly installed in the vehicle and connected to the appropriate power supply.

- b. Operators must thoroughly understand the effective range of the radar unit so observations can support the speed meter readings.
- c. The operator must choose an appropriate location in accordance with the directions of his commanding officer relative to traffic accident experience in which speed has been identified as a contributing cause. The location must also be conducive to the effective and safe operation of radar.
- d. The radar unit shall be properly calibrated to insure accuracy in checking speed. The operator must follow the manufacturer's recommended specific methods of checking calibration without exception. Any problems with the operation of radar units or apparent malfunction shall be promptly reported to the chief of police.
- e. In court, officers must establish the following elements of radar speed:
 - (1) The time, place, and location of the vehicle, the identity of the operator, the speed of the vehicle, and the visual and radar speed check.
 - (2) Officer qualifications and training in use of radar.
 - (3) Proper operation of radar unit.
 - (4) The unit was tested for accuracy before use and after use by an approved method.
 - (5) Identification of the vehicle.
 - (6) Speed limit in the zone in which officer was operating and where the signs were posted.
- f. The chief of police or his designee is responsible for the proper care and upkeep, maintenance, and calibration of radar units, maintenance of records, and that appropriate certificates are filed with the Clerks of District and Juvenile Courts.

VI. DUI ENFORCEMENT PROCEDURES

A. General:

Various courts have interpreted driving under the influence to mean that the ability to operate a motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs. It does not

- a. Gaze nystagmus (only if properly certified)
- b. Walk and turn
- c. One leg stand
- d. Reciting of alphabet
- e. 10 count
- f. Nose find
- g. Coin lift

Officers may employ additional tests, but they must be performed in the same order and manner every time.

2. If the operator fails the roadside tests, an alco-sensor will be requested and offered to the operator, if available (State Code 18.2-267). The operator may refuse the alco-sensor test, and must be advised of his/her right to refuse.
3. At the officer's discretion or if the operator fails the alco-sensor test, he/she will be arrested for driving under the influence and taken before the magistrate.

(Note: The alco-sensor will be used only on suspected DUI offenders.)

4. The officer will make a full written report of the circumstances of the DUI arrest, formation of probable cause, and witnesses' observations.

F. Arrest

The arresting officer shall:

1. Advise the arrestee that any person, whether or not licensed by Virginia, who operates a motor vehicle in this state gives implied consent to have a sample of his blood or breath taken for a chemical test to determine the alcoholic content of his blood or breath if such person is arrested for violation of 18.2-266 within two (2) hours of the alleged offense.
2. If the arrest occurs as a result of operation of a motor vehicle that occurred on private property or the operation of a Moped anywhere, the Implied Consent Law (18.2-268) does not apply. This shall not preclude the arresting officer from attempting to obtain consent from the arrested person to submit to a chemical analysis of his blood or breath. Officers requesting blood or breath samples under these conditions are conducting a custodial interrogation. Therefore, the arrested subject shall be advised of his Miranda warnings before consent is requested. The officer shall make all reasonable attempts to obtain a blood or breath sample.

- a. Miranda is not required before the driver takes sobriety tests, or otherwise before questioning.
3. Advise the arrestee that he may elect to have either a breath or blood sample taken, when available, but not both. It is not a matter of defense that either test is not available.
4. If the arrestee refuses the available test, advise him that unreasonable refusal of the test constitutes grounds for the revocation of the privilege of operating a motor vehicle in Virginia, and that a separate charge will be placed for which he will have to answer to in General District Court.
5. If he still refuses, the arrestee will be further advised of the Implied Consent Statute and penalties by the magistrate. If the arrestee refuses to sign a declaration of refusal (DGS-24-013), which shall be presented to the arrestee at this point, then the magistrate may sign the form certifying the refusal.

G. Blood Test Procedure

1. Take the arrested person to a physician, registered professional nurse, graduate laboratory technician or other technician designated by order of the Circuit Court acting upon recommendation of a licensed physician, who will withdraw blood for the purpose of determining its alcoholic content.
2. The arresting officer will also witness the doctor or technician taking the blood sample and ensure that an alcohol solvent is not used to cleanse the withdrawal location. The officer will initial the vial labels (on two vials) before the doctor or technician seals the vials in their containers. The initial will be placed on the label where it will not interfere with the date written by the doctor or technician who took the blood sample.
 - a. The medical person taking the sample will place the name of the medical person taking the sample and the name of the accused on the label of each vial with the date and time the blood was taken.
 - b. The arresting officer will take possession of the two vials and seal them in two containers designed to hold them. The officer shall, before the end of the tour of duty, mail one vial to the Virginia State Division of Consolidated Laboratory Services.

The arresting officer shall further:

- (1) Place the name of the arrested person, officer's name, date and time of arrest on the blue container.
- (2) Mail the other container to the laboratory selected by the accused, if the accused so directs. If the accused does not recommend disposition of the sample at this time, the officer shall keep the sample in the department refrigerator for up to 72 hours.
- (3) Destroy the container if no such direction is received in writing within 72 hours.

H. Breath Analysis

1. Chemical analysis of a person's breath will be performed by anyone possessing a valid license, issued by the Virginia State Division of Consolidated Laboratory Services. This may include the arresting officer or anyone participating in the arrest. In the event the breathalyzer machine is inoperable or a licensed operator is not available, this test is deemed not available.
2. The type of equipment and the methods used to perform breath analysis will be in accordance with the regulations of the Virginia State Division of Consolidated Laboratory Services.
3. The testing officer will issue a Certificate of Breath Alcohol analysis (DGS-24-015) which will indicate that the test was conducted in accordance with the manufacturers specifications, the equipment on which the test was conducted has been tested in the last six (6) months and was found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.
4. The certificate of breath alcohol analysis (DGS-24-015) is a three copy form. The forms will be handled as follows:
 - a. White copy, original, will be given to the magistrate to be forwarded to the General District Court along with the VUS and warrant.
 - b. The second or green copy will be given to the arrested person.
 - c. The third or yellow copy is for department use and is to be forwarded to the chief of police for filing for a period of one (1) year, after which it may be destroyed.

I. Accident Investigation

Officers shall also undertake:

1. Identification of a witness who saw the suspect operating a motor vehicle.
2. Questioning the witness as to the suspect's condition, actions, and statements immediately after the accident.
3. Establishing a time lapse from the time of the accident to the time of arrest.
4. Questioning the witnesses and the suspect as to what, if anything, the suspect ingested between the time of the accident and the officer's arrival.

VII. SPECIAL TRAFFIC PROBLEMS

- A. Identification and referral of driver recommended for reexamination to the Division of Motor Vehicles:

During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement he may take, the officer will notify the Virginia Division of Motor Vehicles of these findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description of the disability noted. Form Driver Deficiency Report (found at the end of this order) may be used for this purpose.

- B. Pedestrian and Bicycle Safety:

1. The chief of police will review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The chief may recommend to officers enforcement measures including steps to:
 - a. Reduce or eliminate human or environmental factors leading to accidents.
 - b. Reduce or eliminate the behavior, decisions and events that lead to the accidents.

C. Off-Road Vehicles (Including Dirt Bikes, Snowmobiles and Mopeds):

1. Accidents involving off road vehicles that do not occur on a public highway do not require a traffic accident report. If the responding officer finds it convenient, he may complete an accident report, State Form FR 300 P, and attach it to the offense report.
2. Any officer observing an unlicensed off-road vehicle on the highways that cannot be legally operated on the public highways, shall order it removed, and take appropriate enforcement action.
3. Officers shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.
4. Officers shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks or property.
5. Officers shall enforce trafficway crossing rules and regulations.

**DECLARATION OF REFUSAL TO PERMIT
TAKING OF BLOOD OR BREATH SAMPLE**

Section 18.2-268 of the Code of Virginia provides that any person, whether licensed by Virginia or not, who operates a motor vehicle upon a public highway in this State on or after January 1, 1973, and is arrested for operating such motor vehicle while under the influence of intoxicants or while such person has a blood alcohol concentration of 0.15% or more by weight by volume, if arrested within two hours of the alleged offense, shall be deemed thereby to have agreed as a condition of such operation to consent to have a sample of blood or breath taken for chemical testing to determine the alcoholic content of that person's blood. Pursuant to said section, the arresting officer may elect which sample to require. If the person so arrested refuses to permit the taking of a sample in accordance with the arresting officer's election and the refusal to do so is unreasonable, such refusal constitutes a separate offense and will, upon the conviction of the offense of unreasonably refusing to permit the taking of such sample, result in the suspension of that person's license for period of six months for the first offense and one year for a second or subsequent offense or refusal occurring within one year of the first or other such refusal.

DECLARATION OF REFUSAL

Having read the above statement and having been advised by the arresting officer and the committing magistrate of the law requiring that I permit the taking of a blood or breath sample in accordance with the arresting officer's election and of the penalty for unreasonably refusing to permit such sample to be taken, I refuse to permit the taking of the blood or breath sample as selected by the arresting officer and herewith make this declaration of refusal as prescribed by law.

Witness

Person Arrested

_____, 19____
Date

CERTIFICATE OF COMMITTING JUSTICE

(To be executed by the committing magistrate, justice, clerk or assistant clerk only if the person arrested refuses to permit the taking of a blood or breath sample in accordance with the arresting officer's election and further refuses to execute the declaration of refusal inscribed above.

I, _____, a _____,
(Name) (Title)

of the City/County of _____, Virginia, do

hereby certify that I advised _____, who has been arrested
(Person Arrested)

for violating § 18.2-266 of the Code of Virginia, or a similar ordinance of a county, city or town, and has refused to permit the taking of a blood or breath sample in accordance with the election of the arresting officer, that his or her refusal to permit such sample to be taken, if found to be unreasonable, constitutes grounds for revocation of his or her privilege to operate a motor vehicle

upon the highways of Virginia, and I do hereby certify that _____
(Person Arrested)

refused or failed to execute the declaration of refusal inscribed above.

Signature of Committing Officer

_____, 19____
Date

COMMONWEALTH OF VIRGINIA

CERTIFICATE OF BREATH ALCOHOL ANALYSIS

DEPARTMENT OF GENERAL SERVICES
DIVISION OF CONSOLIDATED LABORATORY SERVICES
BUREAU OF FORENSIC SCIENCE

DATE OF REPORT

NAME OF ACCUSED
ADDRESS

NAME OF COURT
ADDRESS

BREATH ANALYSIS

CONDUCTED BY:		AGENCY	
DCLS LICENSE NUMBER	LICENSE EXPIRES	DATE TEST CONDUCTED	TIME SAMPLE WAS TAKEN
TEST EQUIPMENT INSTRUMENT NO.:	NUMBER	WAS TESTED FOR ACCURACY BY DIVISION OF CONSOLIDATED LAB. SVCS. AND FOUND ACCURATE ON:	DATE

RESULTS: BLOOD ALCOHOL CONTENT _____ % BY WEIGHT BY VOLUME

ATTEST:
I CERTIFY THAT THE ABOVE IS AN ACCURATE RECORD OF THE TEST CONDUCTED; THAT THE TEST WAS CONDUCTED WITH THE TYPE OF EQUIPMENT AND IN ACCORDANCE WITH THE METHODS APPROVED BY THE DIVISION OF CONSOLIDATED LABORATORY SERVICES; THAT THE TEST WAS CONDUCTED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS; THAT THE EQUIPMENT ON WHICH THE BREATH TEST WAS CONDUCTED HAS BEEN TESTED WITHIN THE PAST SIX MONTHS AND FOUND TO BE ACCURATE, AND THAT I POSSESS A VALID LICENSE TO CONDUCT SUCH TEST. GIVEN UNDER MY HAND THIS _____ DAY OF _____, 19_____

BREATH TEST OPERATOR

LICENSE NUMBER

OF VIRGINIA, COUNTY OR CITY OF

SUBSCRIBED AND SWORN TO BEFORE ME THIS

DAY OF _____, 19_____

NOTARY PUBLIC, MAGISTRATE, CLERK, OR DEPUTY CLERK OF COURT

MY COMMISSION EXPIRES

FOR COURT

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF GENERAL SERVICES
DIVISION OF CONSOLIDATED LABORATORY SERVICES
BUREAU OF FORENSIC SCIENCE**

**FORM PRESCRIBING THE PROCEDURE TO OBTAIN AN INDEPENDENT ANALYSIS OF BLOOD SAMPLE AND LIST
OF LABORATORIES APPROVED BY THE DIVISION OF CONSOLIDATED LABORATORY SERVICES**

To The Person Arrested For Driving Under The Influence Of Intoxicants:

Portions of your blood sample have been placed in each of two vials or tubes, and sealed and labeled as prescribed by law. The vials have been placed in two containers—one brown and one blue—provided by the Division of Consolidated Laboratory Services, Bureau of Forensic Science. The brown container will be forwarded by the arresting officer to that Division.

The second (blue) container will be forwarded by the arresting officer to the laboratory selected by you from the list of laboratories approved by the Division of Consolidated Laboratory Services set out below, if you so direct in writing by executing this form. If you do not elect to execute the form at this time, the arresting officer will deliver the blue container to the chief police officer (sheriff of the county, chief of police of the city or sergeant or chief of police of the town) of the county, city or town in which your case will be heard. If, within 72 hours after receipt by him of the blue container, the chief police officer is directed by you or your counsel to do so, he will forward the blue container to a laboratory of your choice selected from the list set out below. Such direction by you or your counsel must be in writing by executing this form. If no such written direction is received by such chief police officer within 72 hours after receipt by him of the blue container, the container will be destroyed. Upon your request, the results of either or both analyses will be made available to you by the Division of Consolidated Laboratory Services and the laboratory you select.

Alexandria, Va.

- () Alexandria Hospital Laboratory
4320 Seminary Road
Alexandria, Virginia 22314

Arlington, Va.

- () Dr. William D. Dolan
1701 N. George Mason Drive
Arlington, Virginia 22205
- () Dr. William F. Enos
601 South Carlin Spring Road
Arlington, Virginia 22204
- () Hunter Memorial Laboratory
2801 North Fairfax Drive
Bldg. 3 Building
Arlington, Virginia 22203

Fairfax, Va.

- () American Medical Laboratories, Inc.
11091 Main Street
Fairfax, Virginia 22030

Harrisonburg, Va.

- () Dr. Talbot & Hathaus
738 South Mason Street
Harrisonburg, Virginia 22801
- () Valley Medical Laboratories
1031 South Main Street
Harrisonburg, Virginia 22801

Norfolk, Va.

- () Clinical Pathology Laboratory
103 DePaul Medical Building
Kingsley Lane
Norfolk, Virginia 23505
- () Laboratory, Norfolk General
600 Gresham Drive
Norfolk, Virginia 23507

Petersburg, Va.

- () Professional Medical
Laboratories, Inc.
402 South Sycamore St.
Petersburg, Virginia 23803

- () Dr. Russ, Griffin & Small
801 South Adams Street
Petersburg, Virginia 23803

Richmond, Va.

- () Commonwealth Laboratory, Inc.
P. O. Box 8025
Richmond, Virginia 23223
- () Consolidated Biomedical
Laboratories, Inc.
P. O. Box 25249
Richmond, Virginia 23260

Roanoke, Va.

- () Drs. Gale, Jozefiak & Pooley
Bellevue & Lake Avenues
Roanoke, Virginia 24014
- () Valley Pathology Associates
1321 Third Street, S.W.
Roanoke, Virginia 24016

TO: _____ OR: _____
Arresting Officer Chief Police Officer

VIRGINIA

Please forward the blue container with the blood sample of _____
(Person from whom blood sample was taken)

to the laboratory indicated by check mark above. (Signature) _____
(Person from whom blood sample was taken)

OR

(Signature) _____

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: ACCIDENT INVESTIGATION

NUMBER: 2-20

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 63.1, 63.2, 63.3

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: traffic accident; accident

I. POLICY

An objective of the department is the reduction of motor vehicle accidents. To accomplish this, the department performs a variety of traffic accident investigations including providing emergency service to the injured, protecting the accident scene, conducting accident investigations and follow-ups, preparing reports and taking proper enforcement action. The purpose of accident investigation is to properly determine the cause of an automobile crash and use the information to develop enforcement that will reduce accidents. Accident reports are used by the Division of Motor Vehicles, the Department of State Police and the Department of Highways at the state level and by the town locally to study the frequency of crashes at a given location and time, the causes, and the road conditions that existed at the time. The reports are also used to develop selective enforcement programs, engineering studies, and to promote street and highway safety.

II. PURPOSE

The purpose of this policy is to establish guidelines for the proper handling of traffic accidents and for the collection and use of data that will reduce automobile accidents resulting in property damage, injury or death.

III. PROCEDURES - General

A. Accident report and investigation, general:

1. Virginia Code requirements concerning the reporting of traffic accidents include:
 - a. Section 46.1-399: The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify police.
 - b. Section 46.1-401: The driver of any vehicle involved in accident resulting in injury or death or total property damage to an apparent amount of five hundred dollars or more shall, within five days, make a written report of it to DMV.
 - c. Section 46.1-401: Police officers who investigate an accident for which a report must be made, either at the time of and at the scene of the accident, or thereafter and elsewhere, by interviewing participants or witnesses, shall within 24 hours after completing the investigation, forward a written report of the accident.
2. The terminology used in the above laws requires "reports of accidents." For departmental purposes, a report is made by a police officer who has investigated an accident at the scene or elsewhere, the length, duration and depth of investigative effort proportionate to the seriousness or harm done.
3. A police officer shall respond to and prepare a report of accident involving any of the following:
 - a. Death or injury
 - b. Property damage in excess of \$500
 - c. Hit and run
 - d. Impairment due to alcohol and drugs
 - e. Hazardous materials
 - f. Any accident involving town property, vehicles, equipment or facilities
4. Officers shall also be assigned to respond to any accident involving disturbances between parties or which create major traffic congestion as a result of the accident or where vehicles are damaged to the extent that towing is required. Police vehicles may be assigned to any other accident, not listed above, to assist persons involved with information exchange. Time permitting, officers may investigate and report such accidents for departmental use.

- B. Accident scene responsibilities of the first officer at the scene include:
1. Administering emergency medical care (basic life support measures) pending arrival of rescue squad.
 2. Summoning additional help as required (officers, rescue, tow truck, etc.).
 3. Protecting the accident scene.
 4. Preserving short-lived evidence (broken parts, skid marks, etc.).
 5. Establishing a safe traffic pattern around the scene.
 6. Locating witnesses and recording key accident information (license numbers, observation of damage before vehicles are moved, etc.).
 7. Expediting removal from roadway of vehicles, persons, and debris (in property damage only accidents, where possible, get vehicles off roadway immediately to get traffic moving).
- C. The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. He is then also the primary investigating officer and in charge at the scene, unless the supervisor deems it more appropriate to assign another officer these responsibilities.
- D. In case of accidents that occur on private property, accident reports need not be filled out if property damage does not exceed \$500.
- E. In case of extremely inclement weather where an accident involves only property damage, the dispatcher or officer may, with the supervisor's approval:
1. Obtain information over the phone to complete the accident report (FR 300) and request that the involved parties come to the department and file a report in person within 48 hours of the incident. The employee taking the telephonic report shall record the name, address, operator license number, and telephone number of all involved drivers and shall forward them to the chief of police (or his designate) who will confirm the filing of the required reports.

IV. PROCEDURES - Accident scene

A. Accident scene information collection:

1. At the scene of the accident, the investigating officer must gather information concerning the accident for subsequent use in completing necessary report forms. Information to be collected at the scene may include, but is not limited to:
 - a. Interviewing principals and witnesses and securing necessary identity/address information.
 - b. Examining/recording vehicle damage.
 - c. Examining/recording effects of the accident on the roadway or off the roadway on other property/structures, etc.
 - d. Taking measurements as appropriate.
 - e. Taking photographs as appropriate.
 - f. Collecting/processing evidence.
 - g. Exchanging information among principals.

B. Accident investigation follow-up activities:

1. Follow-up activities which may be necessary include:
 - a. Collecting of scene data.
 - b. Obtaining/recording formal statements from witnesses.
 - c. Reconstructing accidents.
 - d. Submitting evidentiary materials for laboratory examination.
 - e. Preparing accident or offense reports to support criminal charges arising from the accident.
2. In a particularly serious accident involving severe injuries, fatalities, multiple vehicles, etc., it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident crash team specialists, or other specialists. Such expert assistance shall be requested through the chief of police.

- a. At the scene of the accident, the officer may take immediate enforcement action and issue a Virginia Uniform Summons.
- b. If officer at scene concludes DUI and defendant is still there, DUI arrest should be made before transport.
- c. If the driver is transported to hospital before arrival of an officer, and the officer later concludes DUI, an arrest warrant should be obtained.
- d. In other traffic-related investigations, when the officer leaves the scene of the offense and follows up and later identifies an offender or offense, arrest warrants shall be obtained.

C. Accident scene procedures:

1. Upon the receipt of a report of a motor vehicle accident that requires the services of a police officer, the officer assigned shall proceed Code 2 or Code 1 depending on injuries (see GO 2-9. The police vehicle shall not be parked at the scene in a manner that will endanger other pedestrians, motorists, or citizens. The officer should consider using the police vehicle as a shield to protect the scene as well as himself. The officer shall leave his vehicle emergency lights on.
2. During periods of reduced visibility or darkness, the officer shall put on reflectorized safety vest before leaving the vehicle. Flares are available in each police vehicle for use in creating an illuminated warning pattern to alert other.
3. In case of danger of fire from leaking or ruptured gas tanks or where there is any major crash of two or more vehicles where there is any sign of hazardous materials having been transported, the Fire Department shall be called out.
4. All police vehicles are equipped with a copy of the current emergency response guidebook, which permits both rapid identification of DOT vehicles, and contains placards for hazardous materials and gives information concerning the nature of the hazard, emergency procedures, and evacuation disasters. Any police officer arriving at the scene of such an accident and seeing hazardous materials placards shall immediately request the Fire Department. The fire chief will assume control of any scene involving hazardous materials and all officers will provide support as required. Any investigation of the accident will occur after approval by the fire chief.

5. Any property belonging to accident victims will be protected from theft or pilferage and if victims are not present, it shall be brought to the police, properly tagged, and held for the victims.
6. Virginia Code Section 18.2-324 requires any person removing a wrecked or damaged vehicle from a highway to remove any glass or other injurious substance dropped upon the highway. Where the quantity of accident debris is too great for the wrecker operator to do this, the town public works services shall be requested. The Fire Department will assist in washing down combustible substances.

D. Accident report (State Form FR 300):

1. Section 46.1-40 of the Motor Vehicle Laws of Virginia states "Every law enforcement officer who, in the course of duty, investigates a motor vehicle accident, or in which a report must be made either at the time of and at the scene of the accident or thereafter and elsewhere, by interviewing participants or witnesses, within 24 hours after completing the investigation, forward a written report of the accident to the Division of Motor Vehicles."
2. An accident report will be filed on all accidents that occur on public property within the town. Public property is defined, for the purpose of accident reports, as any highway, roadway, street or public parking lot maintained by the state, county, or town.
3. In the event of an accident that occurs on private property, an accident report will be filed if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$500, or involves government-operated vehicles). The reports filed on any other type of an accident on private property shall be used for departmental use only and not forwarded to the Division of Motor Vehicles.
4. Coding of the Virginia Police Accident Report is standardized as well as mandated by the Virginia Division of Motor Vehicles.

E. Disabled vehicles

1. Officers shall not push nor pull any vehicle with a police vehicle.
2. Officers may use jumper cables to use a police vehicle to start a disabled one. Officers shall take care not to cross cable polarity.

3. Officers shall direct motorists who are low on gas to the nearest station. If completely out of gas and no station in town is open, the officer may use no more than two (2) gallons of gas from police gas supply to get the motorist to the nearest town where there are 24-hour stations. Any gas used for this purpose must be entered in the gas book along with gas ticket stating when the gas was used.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: TRAFFIC CONTROL

NUMBER: 2-21

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 64.1, 66.1

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS: traffic control

I. POLICY

The department performs traffic functions such as point traffic control, parking control, school crossing guard supervision, emergency assistance, provides motorist information, identifies and reports hazards, checks abandoned vehicles, recovers stolen vehicles, and provides traffic safety information and recommendations. The general public relies upon the police for assistance and advice when faced with the many routine and emergency traffic situations which can and do develop in an urban society. Often there is no other private or public agency available to provide such services. Therefore, the police regularly respond to traffic-related incidents where an arrest will probably not be made or where unlawful activity is not involved. Traffic control and services are such cases. The department expects officers to perform such services diligently and responsibly, mindful of the expectations of the community.

II. PURPOSE

The purpose of this general order is to establish uniform procedures for the provision of traffic direction and control, traffic engineering, and ancillary traffic services.

III. PROCEDURES

A. Methods of manual direction of traffic:

1. When an officer is directing traffic, he knows and uses standardized, appropriate gestures and audible signals to stop, start, and turn traffic.
2. To indicate that the officer is present for the purpose of directing traffic, he should:
 - a. Turn the signal light (if there is one) to blink or flashing.
 - b. Position himself so that he can be seen clearly by all, usually in the center of the intersection or street.
 - c. Stand straight with weight equally distributed on both feet.
 - d. All hands and arms at his sides except when gesturing.
 - e. Stand facing or with his back to traffic which he has stopped and with his sides to traffic he has directed to move.
3. How to stop oncoming traffic:
 - a. To stop traffic, the officer shall first extend his arm and index finger toward and look directly at the person to be stopped until he is aware of the officer's gesture.
 - b. The pointing hand is raised at the wrist so that its palm is toward the person to be stopped, and the palm is held in this position until the person is observed to stop. To stop traffic from both directions on a two-way street, the procedures are then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.
4. How to start traffic:
 - a. The officer should first stand with shoulder and side toward the traffic to be started, extend his arm and index finger toward and look directly at the person to be started until that person is aware, or it can be reasonably assumed that he is aware, of the officer's gesture.

- b. With the palm up, the pointing arm is swung from the elbow only, through a vertical semi-circle until the hand is adjacent to the chin. If necessary, this gesture is repeated until traffic begins to move. To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.

B. Signalling aids:

1. The whistle is used to get the attention of the drivers and pedestrians. It is used as follows:
 - a. One long blast with a STOP signal.
 - b. Two short blasts with the GO signal.
 - c. Several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal.
2. The voice is seldom used in directing traffic. Arm gestures and the whistle are usually sufficient. Oral orders are not easy to give or understand and often lead to misinterpretations which are dangerous. An order which is shouted can antagonize the motorist. Occasionally a driver or pedestrian will not understand the officer's directions. When this happens the officer should move reasonably close to the person and politely and briefly explain his directions.
3. Use of flashlight with illuminated cone or baton:
 - a. To stop a driver with the baton, the officer should face the oncoming traffic, hold the baton in the right hand, bend the right elbow, hold the baton vertically, then swing the baton from left to right through an arc of approximately 45 degrees.
 - b. The GO and LEFT TURN direction are the same gestures as those previously described except that the baton acts as an extension of the hand and index fingers. Signals and directions given with the aid of the baton should be exaggerated and often need to be repeated because of the poor visibility existing.
4. A flashlight alone can also be used to halt traffic, but less effectively and safely than with cone attachment. To stop traffic slowly swing the beam of the light across the path of oncoming traffic. The beam from the flashlight strikes the pavement as an elongated spot of light. After the driver has stopped, arm signals may be given in the usual manner, the vehicle's headlight providing illumination.

C. Manual operation of traffic control devices:

On occasion, officers must manually operate traffic control signal lights, normally to either attempt to recycle a signal light or to place the signal lights on flash or blink. Officers shall manually control traffic control devices only in the following situations:

1. When traffic lights malfunction.
2. To facilitate movement at traffic accidents or other emergencies.
3. To provide a thoroughfare for a motorcade or funeral procession.
4. To alleviate congestion resulting from use of automatic controls particularly during planned, special events.

D. Special event traffic control:

For any other special event, the chief of police will ensure the preparation/implementation of a special traffic plan which addresses: ingress and egress of vehicles and pedestrians; provisions for parking, spectator control; public transportation; assignment of point control duties and reliefs; alternate traffic routing; temporary traffic controls and parking prohibitions; emergency vehicle access; and appropriate media coverage of such plans.

E. Traffic control at fire scenes:

Officers responding to the scene of a fire call will ensure observance of the following rules in regards to traffic control:

1. No vehicles, including those of volunteer firemen, will be allowed to drive into the block where fire apparatus is parked and operating.
2. No vehicles will be allowed to cross fire hoses without the approval of the fire chief.
3. In cases of fires at a facility such as the hospital or prison, no vehicles, including those of volunteer firemen, will be allowed on the grounds.
4. The exception to the rules above will be life-saving vehicles on actual calls for services.

5. Vehicles which are parked which interfere with fire operations may be towed as needed.

F. Traffic control during adverse road and weather conditions:

1. The chief of police will notify the local radio stations, public works, and the fire department of adverse road conditions that will affect the motoring public.
2. The chief of police may close a street if, in his opinion, the surface conditions and terrain are unusually hazardous. He should request public works assistance in alleviating the problem and request public service radio announcements be made concerning the closure.
3. The chief of police shall request dispatchers to notify the proper utility company and assign officers to direct traffic and safeguard movement at the scene of all downed power lines, broken gas or water mains or at construction sites, when the situation endangers the safe movement of traffic.

G. Escorts: See Go 2-12.

H. Roadblocks: See Go 2-9.

I. Traffic ancillary services:

1. Stranded or disabled motorists:
 - a. Officers will provide reasonable assistance to motorists. This may include requesting the dispatcher to call wreckers or obtaining other services as needed. Time and duty permitting, the officers may assist stranded and disabled motorists to obtain fuel and repairs, but officers are not required to perform the repairs personally.
 - b. Under normal circumstances, police vehicles shall not be used to jump start or push non-governmentally owned vehicles.
 - c. Officers shall be aware of possible dangers to motorists who are stranded in isolated areas and hazardous locations on the highway, and shall take steps to reduce these threats by transporting motorists to safer locations or setting out flares to warn other motorists.

- d. If the officer must leave the scene before the arrival of requested assistance, he shall request that another unit check by the area and provide assistance or protection.
- e. Officers will be familiar with the area and be able to provide directions to various locations within the city and county.

2. Highway emergencies:

Officers arriving upon the scene of any highway emergency shall request the dispatcher to obtain necessary services and then provide emergency first aid, fire suppression, and obtain additional assistance as the situation requires, pending arrival of appropriate emergency services.

3. Emergency escorts:

- a. Officers shall not provide escort to other emergency vehicles. Officers may direct traffic at intersections to expedite the movement of other emergency vehicles.
- b. Emergency escorts will only be given to private vehicles en route to hospitals when the patient's life would be endangered in moving him from a private to an emergency vehicle. In cases where escorts are provided, the officer shall:
 - 1. Drive at a speed not to exceed the posted speed limit by more than 10 miles per hour. The officer must remember that the driver of the escorted car may not be as skillful a driver as himself and may also be emotionally upset.
 - 2. Notify the sergeant or supervisor.
 - 3. Insure that the escorted vehicle has its headlights on and the police vehicle has its emergency flashers operating.
 - 4. Obey all traffic lights, proceeding through them only after it is safe for TWO vehicles to do so.

4. Procedures for reporting road hazards and debris:

- a. An officer locating hazardous debris in the roadway shall remove it or request the dispatcher to notify public works to have it removed from the road to a safe location.

- b. Officers shall report all highway defects to the dispatchers and, in turn, dispatchers will contact the department of public works as soon as the situation dictates. This will normally be done by the use of the telephone.
- c. Requests or suggestions for additional or new highway safety features will be forwarded through the chain of command to the chief of police who will forward the request to the appropriate department or agency, if the situation warrants. These requests will specify the services/actions requested and location.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: UNUSUAL OCCURRENCES

NUMBER: 2-22

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 46.1, 46.2

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INDEX WORDS: special operations, unusual occurrences

I. POLICY

Unusual occurrences include emergencies resulting from natural or man-made disasters or civil disturbances which include riots, disorders, violence or labor disputes. Special operations include barricade/hostage situations, bomb threats/disposal, VIP protection, special events, and civil defense. While such situations are not common occurrences the department expects its personnel to respond to them in a manner consistent with the department's professional image.

II. PURPOSE

The department must respond effectively to any unusual/special events. The many variables involved prevent precise development of plans for specific situations; however, basic planning can be performed to guide officers.

The department must be prepared to participate in the town emergency operations plan which covers disasters, civil defense, and civil disorder.

III. PROCEDURES

A. Administration:

1. The chief of police is responsible for overall planning of law enforcement response to unusual occurrences and special operations and for department participation in the town emergency operation plan.
2. All officers and supervisors will familiarize themselves with all such plans in order that they may readily perform assigned responsibilities.
3. The following General Orders provide unusual occurrences and special operations planning, guidelines, and procedures:
 - a. GU 2-23, Hostage/Barricade Situations
 - b. GU 2-24, Hazardous Materials Incidents
 - c. GU 2-26, Civil Disturbances
 - d. GU 2-27, Disasters
4. The chief of police is responsible for coordinating all law enforcement plans with the municipal, county, or state official charged with emergency activities.
5. Aid to other jurisdictions in unusual situations and mutual assistance are covered under RR 1-17.

B. Operations:

1. A variety of maps and photomaps are available to serve in plotting operational commitments including:
 - a. Communications center console map showing all key utility sites and public buildings and areas.
 - b. Photomap of the town in briefing room.
 - c. Portable map boards in chief's office.
 - d. Maps of parking lots and housing park areas.

C. Special operations:

1. Supervisors must know the abilities of assigned personnel and shall use this information in assigning or calling out officers for use in special operations. They shall use officers they know by skill qualification, training, physical fitness and agility, psychological stability, and inter-personal communication skills which are best suited for special operations such as hostage/barricade, decoy/surveillance, etc.
2. Officers selected for such special operations will be under the command and control of the commander directing the special operation until properly relieved.
3. Bomb disposal operations must be conducted by either the EOD Detachment at the nearest military base by Virginia State Police personnel. Telephone numbers are available to dispatchers.

D. Special events:

Special event plans will include, at a minimum:

1. Special personnel qualification requirements, if any.
2. Command and control.
3. Written estimates of traffic, crowd, or crime problems anticipated.
4. Logistics requirements.
5. Coordination inside and outside the department.

E. Mobilization/call-back:

1. In any emergency/special operation where additional departmental law enforcement resources are required, the chief of police may:
 - a. Hold over the shift due to go off so that personnel of two shifts are available, or
 - b. Call back additional personnel.

2. Some special operations are planned weeks in advance and, where possible, additional personnel required will be given advance notification of time, place, uniform, duties, etc. For other operations such as raids, security considerations may limit advance notification to minutes.
3. The chief of police will assign personnel called back as required, using the skills, knowledge, and abilities of called-back officers where appropriate.
4. Call-back time is paid time and will be strictly controlled and accounted for, minimizing expenditure where feasible.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: HOSTAGES

NUMBER: 2-23

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 47.1

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INDEX WORDS: hostage; dispatcher responsibilities (re: hostages);
barricade

I. POLICY

Hostage and barricade situations present special problems to police officers and citizens because of their danger. Each hostage/barricade situation is different, but a basic plan may provide officers with guidelines to help defuse the situation safely. Whatever situation does arise, the department expects its officers to react logically and sensibly. Above all, officers shall not fuel a hostage taker's stress but should strive to contain or limit the situation.

II. PURPOSE

The purpose of this general order is to establish procedures to follow should a hostage/barricade situation arise.

III. PROCEDURE

A. General:

The first 10-20 minutes of a hostage/barricade situation are the most emotionally charged and, therefore, offer the greatest danger. Stress is high both among police and citizens involved. Normally, there is no need to rush to a solution; time may reduce stress and allow communication to begin. Additionally, time is needed to assess the situation and to secure the surrounding area.

2. Dispatcher responsibilities:

Since dispatchers may be the first to receive information concerning a hostage/barricade situation, they shall attempt to gather as much information as possible and transmit it to officers in the field clearly and quickly so upon arrival at the scene they are aware of the dangers. Information gathered by dispatchers shall include:

1. Where is the event taking place?
2. Where is the complainant calling from (number and location)?
3. What are complainant's name and telephone number?
4. Can complainant see the scene?
5. Are the suspects armed? With what?
6. How many suspects are there?
7. What do suspects look like?
8. Are there any other persons involved? If so, how many?
9. Is officer already there or approaching the scene?
10. Attempt to keep person on phone until police units arrive.

C. Responsibilities of first officer and supervisor on scene:

The duties and responsibilities of the first officer on the scene will include:

1. Assess whether a hostage/barricaded situation exists.
2. Inform dispatch and request the supervisor's presence and additional back-up.
3. Attempt to contain the situation at its present location.
4. Safely remove all innocent persons from the danger area. Those persons who cannot be immediately removed shall be instructed to seek protection where they are if gunfire is taking place.
5. Inform the on-duty supervisor of all pertinent facts upon his arrival.
6. Assist the on-duty supervisor in gathering as much information as possible about the situation, including:
 - a. Suspect:

- (1) Location - floor, room, roof, basement?
 - (2) What types of weapons does he possess (handguns, rifles, hand grenades, dynamite, etc.)?
 - (3) Who is he - criminal suspect (burglar, rapist) mentally ill, militant? Complete physical description? Mental and physical condition?
 - (4) What is his purpose?
 - (5) What crime has he committed?
- b. Hostage - physical description (age, height, weight, sex, hair, etc.)? Physical and mental condition?
- c. Location:
- (1) Interior and exterior descriptions
 - (2) Identify all possible escape routes
 - (3) Determine locations of service (water and electricity connections).
 - (4) Determine in which rooms telephones are located.
 - (5) Determine if police scanner is in the building.

D. Supervisor's responsibilities:

Upon arrival at the scene, the supervisor will assume command of all police personnel and make all appropriate decisions until he is relieved by higher authority. Duties and responsibilities of the supervisor include:

1. Decision to notify appropriate personnel within department and support agencies.
 - a. The supervisor shall notify the chief of police .
 - b. After determining the danger of the situation, the supervisor or his designee will make the appropriate notifications, which may include call-backs.
 - c. Call back of department personnel - see GO 2-22, Unusual Occurrences.

- d. Rescue squad - to stand by in general area.
 - e. Hospital emergency room - alert to possible injuries.
 - f. Fire department - to stand by in general area.
 - g. State Police - to provide specialized services such as K-9 unit, helicopter. Contact State Police, see RR 1-17, Jurisdiction - Mutual Aid.
 - h. News Media - to inform public to stay out of area. See RR 1-13.
2. Establish an inside and outside perimeter to ensure a safe area in which to operate.
 3. Establish a command post in a safe area while maintaining observation of the scene.
 4. Arrange for the evacuation of any injured persons.
 5. Arrange for and supervise the evacuation of any bystander in the danger area. If bystanders cannot be evacuated, they will be instructed to seek protection where they are.
 6. Establish communications with the suspect or suspects to determine their demands or intentions. Some guidelines to be followed in establishing communications include:
 - a. Attempt to locate relatives, friends, or neighbors.
 - b. The telephone company will assist if a telephone number is needed. See Code of Virginia, Section 18.2-50.1, "Emergency control of telephone service in hostage or barricaded situations; penalty."
 - c. If unable to contact the suspect telephonically, use public address system or the bull horn.
 - d. Have a relative or friend converse with the suspect, but do not allow that person to go inside the building.
 - e. Make every effort to persuade the suspect to surrender voluntarily before using force.

E. Special equipment:

Hostage/barricade incidents may require the use of specialized equipment on the scene.

1. All officers assigned to the immediate area of danger will wear protective vests.

F. Use of force/chemical agents:

The on-duty supervisor following consultation with the chief of police will authorize the use of force or chemical agents. See Go 2-6, Use of Force.

G. Negotiating with barricaded persons/hostage taker:

Negotiation involves establishing trust between the hostage taker and the negotiator which involves some "give and take" on both parts. Of primary importance is establishing a dialogue:

1. In negotiating, practically all demands are negotiable except:
 - a. Supplying the hostage with weapons.
 - b. Additional hostages or exchange of hostages.

H. Chase/surveillance vehicle/control of travel route:

The on-duty supervisor will ensure that, should the hostage taker get a vehicle, all possible routes of travel are covered by units. Additionally, surveillance vehicles may be assigned in order to observe the activities of the hostage taker.

I. De-escalation:

Once the hostage taker has been captured, the following actions shall be performed:

1. The suspect shall be removed from the scene immediately in a screened unit. His rights shall be read to him and he shall be searched by the officer assigned to investigate the case. He shall be taken directly to headquarters.
2. Hostages shall be removed immediately upon capture of the suspect.
 - a. Radio communication shall be made that the hostages are coming out.

- b. Medical treatment shall be provided, if needed.
 - c. Find a quiet area so that hostages may be united with their families.
 - d. The on-duty supervisor shall assign the investigator to interview each hostage to obtain statements.
3. The crime scene shall be preserved until processed for evidence by officers assigned.
- a. The area will remain cordoned off until the on-duty supervisor declares it open.
 - b. Units that are no longer needed shall be cleared for normal assignments by the on-duty supervisor.
 - c. Investigations shall be made into any surrounding property damage, e.g., bullet holes in neighboring buildings or destroyed lawns and gardens. Investigations should include pictures.

J. After action reports:

The on-duty supervisor shall submit a comprehensive report to the chief of police on all hostage/barricade incidents containing all facts.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: HAZARDOUS MATERIALS

NUMBER: 2-24

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 63.1, 63.2, 66.1

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INDEX WORDS:

hazardous materials
evacuations

I. POLICY

Hazardous materials are now occasionally transported through the town. Therefore, the possibility of an accident involving a vehicle carrying hazardous substances has become a reality. The extent of damage from an accident involving one of these vehicles depends largely on the response of emergency personnel and their ability to correctly identify and deal with such an incident.

II. PURPOSE

To establish procedures for the initial response and investigation of accidents involving vehicles carrying hazardous materials.

III. PROCEDURE

A. General:

Because of the hazard which might exist or may develop through an accident, especially a derailment or overturned vehicle transporting hazardous materials, officers must exercise extreme caution. Therefore, officers shall take the following actions:

1. Any evidence of leaking liquid or vapor will be sufficient that officers shall seal off the area until positive identification can be made by the Fire Department, which shall be immediately called. The Fire Department will assume authority and responsibility for emergency procedures.
2. Identification of hazardous material may be accomplished by:

- a. Placards:

Placards are displayed at the front, rear, and on both sides of all vehicles (including rail cars) hauling hazardous materials; however, experience has shown that placards are sometimes either not displayed or mis-identified placards are made of paper so if the vehicle is on fire, placards may have burned before the officer's arrival. Each patrol officer shall carry on duty a departmental brochure identifying placards in use.

- b. Driver:

When the accident involves a truck, the driver of the truck may be able to supply information about the load transported; however, the driver is not required to know a great deal about cargo or emergency measures for handling it except for explosives. In case of explosives, the driver is required to have in possession and be familiar with documents containing procedures to be followed in the event of accident or delay.

- c. Shipping papers:

- (1) Where the hazardous material is transported by truck, the driver is required to have a copy of the shipping papers which show the name of the materials, classification, and quantity. By using these papers and the Emergency Response Guide, the officer can identify the hazard associated with the material and ways of handling it.

- (2) Where the hazardous material is transported by rail, the shipping papers will be located in the caboose and will have attached to them instructions for handling all hazardous materials on the train. Additionally, a manifest is located in the engine listing each car on the train in order from the engine back to the caboose and the contents of each car. If the conductor is not at the caboose when emergency personnel arrive, officers shall try to find him because he will have these papers in his possession.

d. Chem-cards:

To supplement the placarding system, many shippers of chemicals provide the drivers with Chem-cards which provide emergency information. Although Chem-cards are subject only to voluntary use, the officer shall ask the driver for them.

3. Approach the accident scene up wind if possible. If radiological materials are involved, do not approach. Await fire department personnel or HAZMAT teams who have special monitoring equipment.
4. The on-duty supervisor shall respond and ensure appropriate notifications are made.
5. The chief of police will immediately notify the town manager of the situation and will keep him advised of any changes.
6. Normal accident investigation procedures will be suspended until such time as appropriate clearance has been received, whereupon the accident will be investigated and reported as provided in GO 2-20.

B. Evacuation:

When the possibility of an evacuation of all residents/inhabitants of part or all of the town exists, the chief of police shall consider:

1. Manpower requirements.
2. Method of notifying persons to be evacuated (i.e., door to door, PA system, use of local radio stations, etc.).
3. Size of area and number of people living in the area to be evacuated.
 - (a) Area maps
4. Use of mass transportation to move evacuated persons.
5. Housing of evacuated persons, where possible, in local/county schools.
6. Security of evacuated areas to prevent looting, premature return.

7. The fire chief will make the decision when it is appropriate for people to return home.

C. Key contact agency information requirements:

The key contact agencies and persons are available for evaluation and assistance in the handling of hazardous material incidents and evacuation. Every effort must be made to obtain the following information before contacting these agencies:

1. Location of the accident.
2. Hazardous material involved and shipper, if known.
3. The color and number on any labels on the carrier or cargo.
4. Type of environment (residential, rural, business, etc.).
5. Size of the container and amount of product leaking.
6. If rail, location of hazardous material car from the head of the train, car number and description of car (i.e., tank car, box car, etc.).
7. If aircraft, initial and number.

D. Key agencies:

Depending on the hazardous materials involved, one or more of the following agencies will be contacted:

1. Chemical Transportation Emergency Center (CHEMTREC), (800) 424-9300 (toll free).
2. Pesticide Safety Team Network (PSTN), contacted through CHEMTREC, (800) 424-9300 (toll free).
3. Pesticides - Department of Agriculture and Consumer Services (804) 786-3798.
4. Radioactive Materials - Department of Health, (804) 786-5932, off duty, (804) 323-2300; ask for Radiological Health Specialist support.
5. Etiological (disease causing agents) Agents - Department of Health, (804) 786-5188.

- f. Oil or polluting substances in water - Water Control Board,
(804) 257-0080.
- g. Hazardous Chemicals - Division of Consolidated Laboratory
Services, (804) 786-7900.
- h. State Department of Emergency Services, (804) 323-2300, if
additional state or federal HAZMAT teams are needed, or other
resources.
- i. State Emergency Operations Center
Richmond, VA
Phone: 804-323-2300
- j. Office of Emergency Services
Pulaski, VA
Phone: 703-980-2500

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: BOMB THREATS

NUMBER: 2-25

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 47.1

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INDEX WORDS:

bombs

searches (bombs)

explosions

dispatcher responsibilities (re bomb threats)

I. POLICY

Bomb threats and actual bomb emergencies present a serious threat to officers, the public, and to property. Presently, more actual bombings of public and private buildings have occurred than at any time this century. Law enforcement must be able to effectively respond to all bomb threats, assess them, and handle each efficiently to provide for the safety of the general public. Additionally, officers must be able to properly investigate bomb threat/bomb emergencies in order to apprehend those responsible.

II. PURPOSE

The purpose of this general order is to establish procedures for handling bomb threats and actual bomb emergencies.

III. PROCEDURES

A. Administration:

1. The on-scene supervisor shall have the authority to implement this plan and will assume command of the operation until relieved by the chief of police.
2. In accordance with GO 2-14, investigations, bomb threats will normally be investigated by officers, while actual bombings require the assignment of investigators. The on-scene supervisor may decide it appropriate to call out the investigator if the threat involves extortion or terrorism.

3. The FBI must be notified of any actual bombings. Bomb blasts in schools or at federal installations will be investigated by the FBI.

B. Duties and responsibilities of dispatcher:

The duties and responsibilities of the dispatcher receiving a bomb threat/bomb emergency call include:

1. Obtain as much information as possible such as:
 - a. Exact location of the bomb
 - b. Time set for detonation
 - c. Description of bomb
 - d. Type of explosive
 - e. Type of bomb (pipe, etc.)
 - f. Reason for bombing
2. Notify and dispatch the chief of police (if actual bombing) to the scene.
3. Record pertinent information.

C. Duties and responsibilities of the on-duty supervisor:

Upon notification by the dispatcher, the supervisor will immediately respond to the scene. Radios shall be turned off. Additionally, the supervisor shall:

1. Assess the situation, make a determination of notification of command personnel, investigative personnel or FBI.
 - a. If a call back of additional officers is necessary, the dispatcher will be instructed to do so in accordance with GO 2-22, Unusual Occurrences.
 - b. Determine what outside agencies shall be notified or assistance requested such as fire, rescue, hospitals, the FBI, and Virginia State Police.
 - c. If a bomb is found, have the dispatcher contact the State Arson Investigator's Office.

2. Interview the person who received the original call. All details, such as the caller's voice, mannerisms, background noises, and the time shall be gathered. The time the call was received is most important since most bombs are activated by a watch or clock which restricts the "bomber" to a 12-hour period or less. Play back tape recording of the bomb call, if one was made.
3. Instruct officers about traffic control in general area.
4. Establish a security perimeter around the scene.
5. Coordinate with outside agencies that have been called, as they arrive.

D. Duties and responsibilities of investigating officer:

Upon arrival at the scene, the investigating officer will assume responsibility for the completion of the preliminary investigation and begin a follow-up in accordance with GO 2-14, Investigations. If an actual explosion has occurred, detailed investigation and crime scene processing should await the arrival of the investigator.

E. Evacuation:

1. The final decision to evacuate a building must be left up to its management. The role of law enforcement is to provide information and recommendations which the management officials may use in making the evacuation decision.
2. If the decision is made to evacuate the building, officers may assist in the process.

F. Searching the premises:

1. The decision to search a building is also a building management decision, with police providing recommendations. Since building employees are most familiar with the building and the space therein, part of the building management responsibility includes providing assistance to police/fire building search teams.
2. When the decision to search has been made, the on-scene supervisor will designate search team(s) as needed, depending on the size of the area to be searched.
3. Officers shall coordinate the search to avoid repetition. Care should be exercised, however, to impress upon the searchers the importance of not disturbing any suspected bomb that may be located. A floor plan of the building shall be obtained and be available for immediate reference.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: CIVIL DISTURBANCES

NUMBER: 2-26

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 46.1, 46.2

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INDEX WORDS:

civil disturbances
news media; notification re civil disturbances
dispatcher responsibilities (re civil disturbances)

I. POLICY

Civil disturbances may take various forms and vary in size and amount of danger to the general public. Civil disturbances include riots, disorders, and violence arising from dissident gatherings, rock concerts, political conventions, and labor disputes. Of primary importance in any civil disturbance is defusing of the situation and restoring general public order. The officers must be able to respond to any civil disturbance, isolate it from the remainder of the community, protect life and property, and maintain control.

II. PURPOSE

The purpose of this general order is to establish procedures for the police department's response and handling of civil disturbance situations.

III. PROCEDURE

A. Authority for plan implementation:

1. On-duty supervisors are authorized to implement this plan. Appropriate notification of implementation must be made to the chief of police.
 - a. The chief of police will immediately notify the town manager of the situation and will keep him advised of any changes.

2. The on-duty supervisor shall be responsible for implementing the plan until relieved by the chief of police.

B. Departmental resource:

The supervisor implementing this plan shall determine what, if any, additional departmental resources are required.

1. Additional personnel may be called back in accordance with GO 2-22, Unusual Occurrences.
2. For additional equipment needs beyond that readily available to the supervisor, contact should be made immediately with the chief of police.
 - a. Each officer should have readily available a vest, riot helmet, and a PR 24.

C. Duties of first officer(s) on the scene:

The duties of the first officer(s) arriving at the scene of a disturbance include:

1. Observe the situation from a safe distance and determine if crowd is peaceful or potentially violent.
2. Notify the dispatcher concerning the seriousness of the situation and request the supervisor and additional back-up to respond.
3. Try to identify, by observation, the leader of the group.

D. Duties of the on-scene supervisor:

Upon arrival at the scene, the supervisor will assume command until relieved by higher authority. His duties and responsibilities shall include:

1. Assessing the situation for seriousness and danger. If the situation is minor, it may be handled with existing resources.
2. Maintaining communications with the dispatcher providing such information as:
 - a. Estimated size of the crowd and area involved
 - b. Gauging the mood of the crowd
 - c. Weapons, if any, involved

- d. Any destroyed property involved
 3. Establish a command post from his vehicle, using the police radio for communication.
 4. Deciding on number of personnel/equipment needed. If a call back is begun, the supervisor will determine the assembly point and equipment to be worn.
 5. Instruct dispatch to make proper notifications, to include:
 - a. Fire Department - to stand by in area
 - b. Rescue Squad - request stand by in area
 - c. Hospital emergency rooms
 - d. Neighboring jurisdictions
 - e. State Police
 - f. Ethnic/civic group leaders
 - g. News media - to provide public information
 - h. Commonwealth's Attorney - to provide legal advice on arrest/confinement
 - i. District/Juvenile Court, judges and magistrates - arrest/confinement
 - j. National Guard
 6. Instruct officers about traffic control in disturbance area.
- E. Duties and responsibilities of dispatchers:

When a civil disturbance arises, dispatchers will:

1. Make appropriate notifications requested by the supervisor. Officers, notified of call back, will be told when and where to report and what personal equipment will be needed.
2. Make news media referrals to the supervisor.
3. Inquiries concerning any casualties will be referred to the appropriate hospital.

F. Operations:

Once appropriate and adequate personnel are in place, the supervisor will:

1. Approach the crowd and inform the leader or leaders that the assembly is unlawful and they have to disperse. If the crowd is violent, this may be accomplished by using the P.A. system in police vehicle or the bull horn.
2. A time limit for dispersal should be established and no extensions allowed.
3. If the crowd fails to disperse and continues its activity, the supervisor will, after consultation with the chief of police:
 - a. Authorize the use of tear gas/force.
 - b. Order the formation of police lines and move into the crowd for control.

G. Transportation:

All departmental vehicles will be available for transportation of officers and equipment to the scene, and for prisoner transport from the scene. If additional transportation is required, the director of public works will be contacted for additional vehicles.

H. Public facility security:

Attempts will be made to provide security to all public facilities threatened by any crowd to include:

1. Town water supply
2. Fire/rescue/hospital buildings and access to these
3. Town hall
4. Schools

I. Public information/rumor control:

The supervisor will respond to appropriate news media requests in order to keep the public informed and to dispel rumors.

J. De-escalation procedures:

Once the disturbance has been brought under control and the situation has returned to normal, the supervisor will begin de-escalation procedures to include:

1. Disengage officers as appropriate.
 - a. On duty officers will return to normal patrol operation.
 - b. Called-back officers will return issued equipment to the command post.
2. Assign officers to remain in area of disturbance to protect from any recurrence of trouble.
3. Discontinue the command post.
4. Ensure that departmental equipment is collected.

K. Post-occurrence duties/after-action reports:

The supervisor, upon returning to the police office, will perform the following duties:

1. Prepare a detailed report, providing all factual information about the incident to the chief of police, along with any appropriate recommendations.
2. Provide factual information to the news media.
3. Arrange for evidence collection at the scene.

L. Mass arrest procedures:

During the course of a civil disturbance, mass arrests may become a reality and must be handled quickly and efficiently providing for transportation to jail, release on summons, arrestee rights, etc.

Arrested persons will be removed from the point of disturbance by the arresting officer and brought to a point where initial booking will take place. The supervisor will establish an arrest team to handle prisoners. Arrest team duties will include:

1. Photographing the arrested person with the arresting officer with a Polaroid camera. Arrest/identification information will be recorded on the back of the photo.
2. Prisoner will then be transported to the town jail where formal charging/booking will take place.
3. Arrested persons will be allowed the opportunity to contact legal counsel at the conclusion of booking.
4. Arrested persons who are injured will be given medical treatment before any booking begins.

5. The Commonwealth's Attorney or his assistant will provide legal advice to the supervisor as appropriate.

6. Juveniles involved in arrests will be treated according to juvenile procedures set forth in GO 2-29, Juvenile Procedures.

M. Use of force:

Officers will use the minimum amount of force necessary to effect an arrest or control the disturbance.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: DISASTERS

NUMBER: 2-27

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 46.1

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INDEX WORDS:

disasters
emergencies

I. POLICY

The following plan for handling disasters is a rough outline of duties and responsibilities that generally apply.

II. PURPOSE

To establish procedures for responding to a natural or man-made disaster.

III. PROCEDURES:

A. Definitions:

1. Natural disaster - any hurricane, tornado, storm, flood, high water, wind-driven water, earthquake, drought, blizzard, ice storm, fire or other natural catastrophe resulting in damage, hardship, suffering or possible loss of life.
2. Man-made disaster - Any industrial or transportation accident, explosion, conflagration, major power failure, resources shortage, or other condition such as sabotage, oil spills, and other injurious environmental contaminations which threaten or cause damage to property, human suffering, hardship or loss of life.

B. Authority for placing plan into operation:

1. On-duty supervisors are authorized to place this plan into operation. Appropriate notification of situations requiring plan implementation must be made to chief of police. The chief of police shall immediately notify the town manager of the situation and will keep him advised of any changes.
2. The supervisor will then be responsible to implement the plan until relieved by the chief of police.

C. Departmental resources:

1. Supervisors implementing this plan may determine that additional departmental resources are required.
2. Additional personnel may be called back.
3. For equipment needs beyond that readily available to the supervisor, he shall contact immediately the chief of police.

D. Disaster operations:

1. The exact nature of the disaster, buildings or area affected, location, and potential danger will determine the response. The supervisor will give consideration to the following:
 - a. All police units at the scene of a disaster must provide information concerning conditions found, so that the supervisor can evaluate the magnitude of the required response. The dispatcher should also obtain information for the supervisor from other emergency service and utilities as available.
 - b. Depending on the nature of the disaster, a field command post may be established in the vicinity of the disaster. The command post will be the police vehicle of the ranking officer present at the scene. In any major disaster, the command post will be located at the police office.
 - c. The supervisor must communicate necessary information to emergency services, utilities, town departments, and to media agencies. Under some circumstances, it may also be necessary to loan police radios to emergency service/utility crews with whom essential contact must be maintained.

- d. In any situation involving casualties, provision of casualty information will be the responsibility of the hospital and public inquiries will be so directed.
- e. The chief of police will have area media agencies notified and establish a media briefing point either in the vicinity of a small-scale disaster or at the police office in case of an area-wide disaster. Regularly, information will be provided directly to media representatives present. All media agencies will be advised that no telephone inquiries will be responded to in order to reduce the burden on dispatchers and telephone lines.
- f. The supervisor or chief of police should advise the Virginia State Police office and area sheriffs departments of any disaster and may, subsequently, request additional law enforcement support as required.
- g. The involvement of one or more buildings, public or private, can generate a requirement for the provision of security to prevent looting, theft, or trespass.
- h. It may be necessary to block roads and reroute traffic away from the affected area. Emergency service units shall be so advised, and announcements made over local radio stations.
- i. Necessary public works, utilities companies should be notified of road clearance needs, broken mains, and downed lines.
- j. The supervisor or chief of police will ensure an orderly de-escalation of controls, personnel, as appropriate, as the disaster is reduced.
- k. Any special transportation needs may be requested from appropriate town departments or other emergency services.
- l. Supervisors involved will prepare after-action reports concerning all police activity during a disaster as well as recommendations concerning the handling of any future problems. A completed after-action report will be provided to the town manager by the chief of police. After-action reports will include any budgetary impact, commitments, and obligations.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: VICTIM SERVICES

NUMBER: 2-28

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Sheriff/Chief of Police

CALEA STANDARDS: 42.2

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INDEX WORDS:

victims
crisis intervention
interview techniques

dispatcher responsibilities (re victims)
patrol responsibilities (re victims)
investigator responsibilities (re victims)

I. POLICY

"If we take the justice out of the criminal justice system, we leave behind a system that serves only the criminal" (L. Herrington, Chairman, President's Task Force on Victims of Crime, 1982). The rights of suspects and defendants involved in the criminal process are unquestionably important; yet it is equally important to protect the rights of the victims of crime. Victims have a need and an expectation to obtain fair and humane treatment from law enforcement personnel. Crime victims often suffer physical, psychological, and financial injuries. The first source of protection for most victims is the police officer. "The manner in which police officers treat a victim affects not only his immediate and long-term ability to deal with the event but also his willingness to assist in a prosecution" (President's Task Force on Crime, 1982). A victim treated well during crisis provides the officer with a better witness who will give a more accurate account of what happened. The department recognizes the importance of adequate victim services. Responsiveness to the needs of crime victims must be a department priority.

II. PURPOSE

The purpose of the policy is to establish guidelines, responsibilities, and procedures for crime victim assistance.

III. PROCEDURES - General

A. General responsibilities

1. "Victim" means a person who suffers as a direct result of a crime committed upon his/her property or person. (Virginia Code 19.2-368-2)
2. All members of the department have responsibilities for and shall support crime victim assistance procedures.
3. Department personnel shall consider victims as clients of the criminal justice system who are to be treated with respect and fairness.
4. Department personnel shall view victim assistance as a partnership. Better treatment of victims will result in better investigations leading to more convictions.
5. Cultural/language differences may exist. Personnel are encouraged to use interpreters and translator services, if needed. Such services, if not provided by the department, may be found at local colleges and universities or certain ethnic agencies. (Virginia Code 19.2-164)
6. All personnel shall receive periodic in-service training on the nature and impact of victimization.
 - a. The chief of police shall provide in-service training at least annually concerning victim assistance.
 - b. Training will include recognition of symptoms of crisis (shock, disbelief, denial, anger, fear, guilt, frustration); suggested approaches to interviewing victims; resources available to the officers. (See Appendices to this order.)
 - c. The chief of police shall ensure that department personnel are trained periodically about current procedures used locally in the processing of a victim's case and the victim's role in each stage.
7. Officers are required to render assistance to victims, unless victims refuse it. An officer who has a duty to act to assist a victim may be liable for negligence for improperly performing, or failing to perform, a duty. (Federal and state courts have decided recently that victims of crime have a right to equal protection of the law under the 14th Amendment of the Constitution and that victims, under certain circumstances, may have a special relationship with law enforcement agencies. Failure to

provide either an appropriate response to victims or to respond upon the pleadings of a victim for help may be judged as malfeasance or nonfeasance of official law enforcement duties and obligations.)

IV. DISPATCHER RESPONSIBILITIES (Includes personnel who receive calls for assistance.)

A. Dispatchers are often the first police personnel to talk with crime victims; thus, they must make judgments about the appropriate response needed to the victim's call.

1. Dispatchers shall ask the following, if possible:

- a. Are you physically hurt? Do you need medical assistance?
- b. Location? (reverse a and b for crime in progress)

Further, dispatchers shall:

- c. Reassure victim that help is on the way.
- d. For victims of violent crimes or child victims, keep the victim on line until officer arrives. Above all, use common sense.

B. Crime victims may respond in several different ways. Behavior and words of victims (no matter how hysterical or uncooperative) should be considered a normal part of the process of dealing with victims.

C. Dispatchers shall maintain a written list of department personnel and other agencies who can provide information and assistance to victims or their representatives. The chief of police or his designee shall ensure that the list is updated annually.

V. PATROL RESPONSIBILITIES (First officer on scene; see also GO 2-14)

A. Arrival at scene

1. Patrol officers shall:

- a. record date and time of arrival
- b. determine location and condition of victim
- c. determine if suspect is still at crime scene (initiate crime broadcast, if applicable)
- d. summon ambulance, if indicated

2. Patrol officers must explain their role to crime victims and why they need to ask questions.
 3. Patrol officers shall know and practice crisis intervention skills. (See Appendix 1 to this General Order.)
- B. Crime scene preservation
1. First officer on the scene is responsible for preserving crime scene and to fully explain to the victim what the investigation will entail. (See GU 2-15)
 2. Ensure that evidence is not destroyed or contaminated. Further, an officer must remain at the crime scene until evidence is processed.
 3. Victim must be informed of the necessity of taking photographs of the person and removing personal belongings for evidence. Officers shall use tact in explaining evidence collection procedures because the victim may well be upset or distraught. (See GU 2-15)
- C. Officers shall demonstrate concern for the victim after the crime has occurred. To this end, officers shall freely provide information about available social services, the criminal justice process, or accommodate any other reasonable need.
- D. Identify and separate witnesses.
1. Record names and addresses of witnesses and other persons at the scene.
 2. Obtain valid identification, if possible.
 3. Obtain preliminary statements.
- E. Interview victim separately from witnesses and in privacy.
1. Victims are interviewed; suspects are interrogated. Interviews with victims require patience, firm but not overbearing control, tact, and a demonstrated concern for their discomfort.
 2. Establish rapport with the victim. Explain the necessity of asking specific personal questions.
 3. Use appropriate interview techniques.
 4. For further instruction, see Appendix 2 to this General Order.

F. Assess medical/psychological needs of victim.

1. Arrange for appropriate treatment as soon as possible. The victim may want or need to be examined and reassured of his or her physical condition. Similarly, the victim may want or need to speak to someone for psychological support (relative, friend, or counselor).
2. Victim may be confused or unable to express his or her needs. Use good judgment and, if appropriate, refer victim to another agency.

G. Transportation of crime victims

1. Victims may be transported in department vehicles when necessary to accomplish a police purpose: to a medical facility, to the department or other criminal justice agency, to a safe shelter.
2. Once the victim is taken to the necessary destination, an officer will escort the victim inside, ensuring that the proper authority is notified of arrival.

H. Completing the crime (incident) report

1. The purpose of the crime report is to document the incident for further investigation and prosecution.
2. Reports must be factual, clear, concise, and unbiased.
3. Be specific. Use victim's own terminology in report.
4. Avoid personal opinions regarding any comments made by victims or witnesses.
5. Use effective communicative skills which are both easy to understand and supportive of the victim. (See Appendix 1 to this General Order.)
6. At completion of the initial investigation, provide the victim with the case number, officer's name and badge number, classification of crime, date of report, and phone number to obtain or relay additional information. Advise victim of how to obtain a copy of incident report.

I. Patrol officers should give brochures to the victim or victim representative that explain the next steps to be taken in the case.

- J. Determine where the victim will be over the next several months: obtain addresses for any temporary or permanent residence, place of business, or other place to contact.
- K. Patrol officers should distribute the following to crime victims or their representatives. (See Appendix 3 to this General Order.)
 - 1. Victim compensation information card (for violent offenses)
 - 2. Victim and Witness Information Brochures
 - 3. Victim/Witness Program Brochure (if one exists)
 - 4. Copy of crime report (or information card)
- L. Property control--If an officer takes property from the victim for purposes of investigation, he or she shall provide a written receipt for such property to the victim accompanied by an explanation of why it is required as evidence. (See GU 2-16)
- M. Notify the victim of the department's interest in protection from intimidation or threats by defendant, his family or friends. Instruct the victim to call the department if such occurs.
- N. Media relations (See GU 1-13)
 - 1. Use discretion with media personnel. Do not give reporters specific information about the case that might impede its investigation and prosecution.
 - 2. Protect the victim's identity by not releasing the victim's name or address. Advise reporters to contact the chief of police for information.
- O. When the investigator arrives, the patrol officer will report all that has been done.

IV. INVESTIGATOR RESPONSIBILITIES

- A. The investigator's purpose is to follow-up the preliminary investigation, to provide additional investigation to effect an arrest, and to prepare the case for prosecution. Immediate assignment of an investigator may occur following personal violent crimes. (See GU 2-14 and patrol responsibilities, GU 2-12.)
- B. Arrival at scene
 - 1. Upon arrival, the investigator will receive a report from the patrol officer who completed the preliminary investigation.

2. Investigators must explain their role to crime victims and why they need to ask additional questions, perhaps repeating the patrol officer's questions. Also explain the need for and procedures concerning crime lab tests.
3. Investigators should be knowledgeable about and use crisis intervention skills. (See Appendix 1 to this General Order.)

C. Collection of additional evidence

1. Investigators shall gather all pertinent evidence at the scene which will lead to the apprehension of the criminal.
2. Make the necessary arrangements for forensic tests, drawings, and photographs.
3. Use proper collection techniques. (See Appendix to GU 2-15)
4. Record all information with accuracy, clarity, and completeness.
5. Review test results after their return from lab.
6. See also GU 2-15 and GU 2-16

D. Care and return of victim's property used as evidence

1. Notify victim where the property is stored, when it can be reclaimed, and how to reclaim it.
2. The victim shall not be charged any fees for the collection, storage, and preservation of property.
3. Expedite the return of property. Photograph as much as possible in order to return the property to its owner sooner. (See GU 2-16)

E. Seek other pertinent information from other officers. Review preliminary reports and prepare notes concerning items/information needed.

F. Conduct any further interviews of victims (and witnesses) several hours or days following the incident. Choose a time and place convenient for the victim, if possible. (See Appendices 1 and 2.)

1. Obtain additional information which the victim was reluctant or forgot to provide during the preliminary investigation.
2. Clarify any inconsistencies in the original report.

3. Check for bruises or injuries which were not initially visible or not photographed and have photos taken.
- G. Transportation of crime victims. (See paragraph V.G)
- H. Attempt to determine the identity of the suspect(s), if unknown, through the use of one or more of the following:
1. Arrange for the victim to develop a composite drawing. (If Identi-Kit operator is available, he may need to spend time alone with the victim to accomplish this.)
 2. Arrange for victim to review police photographs. Provide necessary transportation. To assure an accurate identification, a reasonable number of photos should be shown to the victim, even if suspect is selected almost immediately. (See GO 2-1)
 3. Arrange for victim to review physical line-up of potential suspects. Provide necessary transportation. Explain the process to be used and choose a time convenient for the victim. (See GO 2-1)
 4. Before viewing the line-up, the victim shall be instructed as follows:
 - a. Neither the victim's identity nor address will be revealed to the suspect.
 - b. The purpose of the line-up is as much to exonerate the innocent as it is to identify the accused.
 - c. Victims must look at the line carefully and voice any doubts or uncertainties about an identification.
 - d. A victim may request that the participants in the line speak certain words, make certain gestures, or assume particular poses. All participants will be required to perform the same acts.
 - e. Victims are not required to talk to the defense attorney during the line-up.
 5. Identification procedures may be very traumatic for the victim as he or she will be confronting the accused for, perhaps, the first time since the incident. Allow victim's attorney or advocate to accompany him/her during the line-up.
- I. Arrest of suspect. The victim shall be notified as soon as possible about the arrest, custody status, and charges filed.

- J. The investigation will prepare a case presentation to include any available evidence and lab results, to be used in court. Remember, the investigator will be with the victim through all court proceedings while prosecutors and defense attorneys may change.
- K. It is the investigator's responsibility to:
1. maintain victims's case confidentiality;
 2. provide support for the victim;
 3. protect the victim/take action regarding intimidation or threats by the defendant and his family or friends;
 4. keep the victim informed of results of hospital/lab tests;
 5. notify the victim if defendant makes bond or has a bond reduction hearing scheduled;
 6. explain the criminal justice procedures pending. Remind the victim that he or she will see the accused in court and reassure the victim's safety;
 7. work closely with prosecuting attorneys in pretrial and trial preparations;
 8. give victim one's name and phone number for further contacts;
 9. advise victim of social service agencies, including the victim assistance program (such as victim/witness assistance program, domestic violence shelter, or sexual assault center) if one exists in the area.
- L. The investigator shall notify the victim when the department closes (clears) the case by any of these means:
1. Victim non-cooperation, which should happen rarely if victims are encouraged and supported during the investigation.
 2. Cases of non-prosecution--explain to the victim that a lack of prosecution or legal insufficiency does not reflect on his or her credibility.
 3. Unfounded cases--only when it is proven that the offense did not occur.
 4. Exceptional clearance--consult the UCR guidelines for this procedure and explain reasons to the victim.

Appendices to General Order 2-28

1. Crisis Intervention Skills
2. Interviewing
3. Printed Information for Victims

Appendix 1 to General Order 2-28

Crisis Intervention Skills

A crisis is any situation where stress (the crime) leads to a breakdown of usual coping (problem-solving) methods. Morton Bard defines the crisis of victimization as the sudden, arbitrary, unpredictable violation of self that leaves a victim feeling so shattered that he or she cannot continue to function the way he or she did before the crime occurred.

A victim's response to crisis is the series of reactions to the stress of a sudden or unexpected trauma. The response may include the following:

1. Immediate response to crisis--shock, disbelief, denial, helplessness.
2. Post-trauma display of emotions--anger, fear, frustration, guilt, depression.

Examples: screaming, crying, hysterics
 severe depression
 uncontrolled body trembling
 anger, clenched fists, locked jaws
 rapid speech and breathing
 frozen into immobility
 overtly calm after violence
 physical opposites--ex. calm vocal tone and
 wringing of hands

3. Re-experiencing the incident--nightmares
 flashbacks (especially on month/year anniversaries)
 tunnel vision (think only of the crime)
 unresponsive, immobile
 confrontation with reality bit by bit
 mind avoids details (self-doubt, self-denial)
4. Resolution--coming to terms with reality of victimization
 regaining lost control over life
 resuming a normal existence
 may take 2 months to 2 years to reach

It is very important for victims to know this reaction can occur (they aren't going crazy). To know that these are normal symptoms can help the victim predict and prepare. To understand this reaction will help them move toward a resolution. Most victims can resolve this crisis reaction by themselves or with the assistance of short-term counseling.

Crisis intervention means to alleviate the discomfort a person is feeling due to the impact of a crisis. It is psychological first aid meant to focus on immediate help. It helps the person function by mobilizing resources and finding successful ways to cope with the incident.

The key to crisis intervention is active listening. It involves listening to the words spoken and the feelings expressed--sometimes they are incongruous. Listening with empathy, which is listening from the speaker's viewpoint, not the listener's, is very important. The listener's reflection and clarification of feelings, summaries, and understanding is part of the process as well. The appearance of genuine caring and trust is essential in the relationship.

Objectives of Crisis Intervention

1. To appear genuinely interested in helping (for rapport).
2. To get victim to talk freely and frankly and to assess a problem (includes identifying and clarifying the problem).
3. To be aware of and respect the person's responsibility to make own decisions.
4. To be accepting, objective, and non-judgmental toward the victim's account.
5. To assist the person in putting things into perspective by helping to focus on needs and to be aware of alternatives and resources including person's own emotional strengths.
6. To listen carefully to what the person has to say, allowing him or her to tell story in own way and to ventilate feelings (active listening).
7. To reassure the person and offer emotional support along with assistance and guidance.
8. To provide pertinent information regarding the crisis.
9. To refer to the appropriate agency (agencies) which can best meet the person's needs.

Victims can give clearer, more accurate accounts of the incident if their intense feelings have been replaced with feelings of calm and trust. Help the victims to help themselves and they will also help you.

Appendix 2 to General Order 2-28

Interviewing

"Interviewing is the questioning of a person who is believed to possess knowledge that is of official interest to the investigator." (O'Hara, C., Fundamentals of Criminal Investigation)

Several factors influence interviewing skills at the crime scene and at later investigations. They include an understanding of crisis/stress theory, personality of the victim, type of response given to the victim, and a knowledge of interviewing procedures.

Stages of the interview process:

1. Preparation--build security and rapport, focus on victim needs, emphasize feelings
2. Information--obtain good reconstruction of incident by use of good communication skills
3. Supportive closure--develop partnership with victim, explain future criminal justice contacts

Principles of Interviewing

1. Interview should occur as soon as possible after crime.
2. Setting must be as safe, comfortable, and private as possible (more information will be shared).
3. Introduce self and state reason for your presence.
4. Establish an honest rapport with victim.
5. Listen to what the victim says (requests) and react to his/her needs.
6. Remember the goal of interviewing is to get information from the other person. Talk only enough to keep him talking and to maintain necessary control over the interview.
7. Observe both verbal and non-verbal communication.
8. Ask the victim to state in his/her own words what happened.
9. Do not argue with the victim.

10. Maintain strict impartiality. Don't pass judgment.
11. Avoid making any suggestions during the interview.
12. Don't jump to conclusions in an effort to summarize.
13. Help prepare victim for future contact with the justice system.

Techniques of Questioning

1. Questions should be simple.
2. Questions should be asked one at a time to avoid confusion.
3. Questions should not be worked to give the impression of an implied answer.
4. Allow the victim to 'save face' if a mistake is made in answering.
5. Project a positive attitude and ask questions in a positive manner.
6. Silence is not to be taken as a negative attitude. It allows time to think and clarify responses.
7. Interviewer must not dominate the interview. The victim needs to regain control lost during the crime.
8. Ask open-ended questions to increase the amount of information that will be given. Do not ask "yes" or "no" closed questions except at the beginning of interview when it is important for victim to gain some measure of control by simple decisionmaking.

Verbal/Non-Verbal Techniques

1. Eye contact--Direct eye contact is important for communication to the victim that one is listening and concerned.
2. Body posture--Monitor one's body posture to determine what is being communicated (leaning towards victim indicates interest, sitting upright and rigid indicates impersonality, arms crossed and stern look provokes anxiety).
3. Uniform--Remove hat and turn down radio.
4. Personal distance--Closeness to victim expresses concern, too close is less than two feet (can be threatening), greater distance increases formality.

5. Touching--Help the victim's initiation of touching by putting forth hand or placing it close on table to allow victim to reach out (as a beacon to the victim, officer allows the victim to touch for reassurance if he or she so desires without undue pressure).
6. Vocalization--The volume, speed, pacing of speech is important:
 - a. Speak to victim in slow, soft voice.
 - b. Allow a few seconds between questions.
 - c. Pacing questions slowly gives the impression of patience and concern.
7. Notetaking--Ask permission to take notes first. Explain that notetaking is necessary for accuracy.
8. Active listening--Use the skills of listening:
 - a. clarification
 - b. summarization
 - c. allowing silence

A COMPARISON OF INTERVIEWS AND INTERROGATIONS

Interview	Interrogation
<p>Why (purpose)</p> <p>To gather and to test validity of information to determine the particulars of the matters under investigation.</p> <p>Who (subject)</p> <p>Victims and witnesses who are willing to provide police with any information they possess about the matter under investigation.</p> <p>When (timing)</p> <p>Interviews should take place as soon as possible after the event has occurred so statements of witnesses are not affected by memory loss, influence of talking to others, and other factors. Immediate gathering of information enables the investigator to prepare for interrogation of suspects.</p> <p>Where (location)</p> <p>At a place convenient and familiar to the subject; or in a neutral setting. The subject's home, place of business, or any other place where privacy is assured, is preferred.</p> <p>How (method)</p> <p>Low pressure, informal atmosphere is preferred to allow the subject to tell in narrative style what he or she has to offer. Specific questions should be used to gather more detail and to jog the witness's memory.</p>	<p>To gather and to test validity of information to determine that the subject was responsible for, or involved in, the matter under investigation.</p> <p>Persons suspected of crimes as well as others who may have information but are reluctant to offer it.</p> <p>Interrogations should take place ideally when the investigation has gathered enough information to know how truthful the subject is. They are more fruitful after witnesses and victims have been interviewed and physical evidence has been located and evaluated.</p> <p>The police station is best since it enables the officer to control completely the security of the subject as well as other factors that might tend to be distracting.</p> <p>Basically, the same method as with interviews but the atmosphere is more formal and the officer works toward a more specific purpose.</p>

(From the Criminal Justice Training Council, Vermont 1987)

Appendix 3 to General Order 2-28

Printed Information for Victims

Distribution of certain printed materials to crime victims or their representatives is a necessity in order for adequate and thorough information to be disseminated. The following are attached and recommended:

1. Victim Compensation Information Card
(VA Code 19.2-368.1 to .18)
(obtain brochures and applications from
Division of Crime Victims' Compensation
P.O. Box 5423, Richmond, VA 23220, (804) 257-8686) or
1-800-552-4007
2. An Informational Guide for Crime Victims in Virginia
(obtain from Department of Criminal Justice Services,
805 E. Broad Street, Richmond, VA 23219, (804) 786-4000)
3. An Informational Guide for Witnesses of Crime
(obtain from Department of Criminal Justice Services,
805 E. Broad Street, Richmond, VA 23219, (804) 786-4000)
4. Victim/witness assistance program brochure (attach one from
your locality).

Other brochures available at no charge from the Department of Criminal Justice Services include:

Victim/Witness Assistance Program brochures (samples)

A Statement of Principles and Recommended Judicial Practices
to Assure Fair Treatment of Crime Victims and Witnesses

Sexual Assault--A Handbook for Victims

Sexual Assault--How to Recognize It
How to Prevent It

Virginia Network for Victims and Witnesses of Crime Brochure

Law Enforcement's Role in Victim Assistance (1/2-inch VHS
videotape for loan, or send a blank tape for a copy)

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: JUVENILE PROCEDURES

NUMBER: 2-29

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS: 44.1, 44.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

custody; of juveniles
questioning; see Interrogations
transportation (of juveniles)
confinement of juveniles
summonses; of juveniles
fingerprints; of juveniles
juvenile; handling of - general
juvenile; handling of - formal
juvenile; handling of - informal

information; confidentiality
status offenses
runaways: see status offenses
truant: see status offenses
incorrigible juvenile: see status offenses
juveniles: procedures for handling crimes
committed by
juveniles; escapees

I. POLICY

The department's interests concerning juvenile offenders reflect those of the community: to prevent and control juvenile delinquency. The department expects officers to handle juveniles consistent with common sense and the dictates of state law. The department's policy includes the identification, apprehension, and conviction of juveniles charged with crimes. The best interests of juveniles and the community, however, dictate a limited application of our arrest powers against juveniles who are charged with status offenses. Accordingly, officers may handle errant juveniles informally, particularly status offenders, those in need of protection, and those suspected of committing minor criminal offenses. The authority to carry out the provisions of this order derive from Virginia Code Sections 16.1-246, 16.1-247, and 16.1-299. In case of minor or status offenses, officers should divert juveniles from the formal criminal justice process, and instead choose community referral.

II. PURPOSE

To establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses, and those charged with criminal offenses.

III. DEFINITIONS

Child, Juvenile, Minor: A person who is less than eighteen years of age.

Status Offender: A juvenile who commits an act which is unlawful only if committed by a juvenile, i.e., (1) a juvenile who is subject to compulsory school attendance but is habitually absent without justification (truant); (2) a juvenile who is habitually disobedient to the lawful commands of parents or other responsible persons (incorrigible); (3) a juvenile who remains away from or who habitually deserts or abandons the family (runaway).

Delinquent Acts: Acts designated as a violation of a law of the Commonwealth of Virginia or an ordinance of any city, county, town or federal law, but not to include status offenses.

Delinquent Child: A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his/her 18th birthday.

Intake Officer: A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert or petition the court and leave a detention or shelter care order.

Juvenile Court: The name by which the Juvenile and Domestic Relations District Court is often called. This court is responsible for the judicial processing of juvenile offenders, and the determination of abuse and neglect cases. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.

All juvenile offenses occurring in [your jurisdiction] are heard in the District Juvenile and Domestic Relations Court located at []. Officers are expected to appear to prosecute their cases.

Person Acting for a Parent: A teacher, relative over the age of eighteen, or any adult willing to accept the responsibility for the juvenile.

IV. PROCEDURES - GENERAL

A. Overview

1. All members of the department will cooperate with juvenile justice and support activities. Department policies regarding juvenile operations will be provided to local juvenile court personnel for their review and comments and suggestions as to ways our procedures can be improved.
2. All department personnel must thoroughly understand and practice the provisions of this order.

B. Handling of juvenile offenders - General

1. A juvenile offender should be handled with firmness and respect: this sets the tone for the entire processing of the juvenile's case. The contact a juvenile has with the police is his or her first impression of society's enforcement system. The police officer's proper handling may prevent the recurrence of anti-social behavior. A police officer's warning is often all that is required to keep the juvenile from having to appear in juvenile court. Improper handling often creates the mistaken but lasting impression that all police officers and other government officials are unfair, untrustworthy, and inflexible, and may result in the juvenile's complete rejection of lawful authority.
2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory hearing. Terms such as "take into custody" and "not innocent" substitute for "arrest" and "guilty" to avoid giving the juvenile's behavior a criminal label. Where appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.

C. Guidelines for informal or formal handling:

1. The officer may handle a juvenile either informally or formally. Informal handling is managing a situation by releasing the juvenile under warning to a parent or guardian. This requires either the parent picking up the child or the officer taking the

child home and informing the parents of the alleged offense. Formal handling occurs when the juvenile is brought before the juvenile court or an intake officer for further processing and deciding the proper disposition.

2. In making the decision to handle either informally or formally, the officer should consider the following:
 - a. Seriousness of offense.
 - b. Prior record of child.
 - c. Age of youth.
 - d. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated.
 - e. Degree of wrongful intent, violence, premeditation, knowledge of violation.
 - f. Likelihood that the child or parent can be successfully referred to a helping agency.

Broadly speaking, two alternatives exist for handling juveniles:

D. Informal handling:

1. Informal handling includes the officer's use of:
 - a. Warning and releasing to a parent or guardian.
 - b. Requiring the parents to pick up the juvenile.
 - c. Taking the youth home and informing the parents of the reasons for his being picked up.
 - d. Referring the family to a community social service agency.
 - e. When handling the juvenile informally, the police officer must ensure that the parents are notified.
2. Notes on informal handling
 - a. When handling informally, the officer shall complete a juvenile history sheet. This provides the department and juvenile court with a means of charting the juvenile's behavior patterns.

- b. A juvenile's right of privacy must be respected. Guidelines for discussions of this type of case should be strictly observed, and information gained should be provided to others only on a "need to know" basis.
- c. When the police officer encounters a victim/complainant who demands to bring a child before the juvenile court, and it is believed the matter should be handled informally, the officer shall contact the intake officer for assistance.
- d. Even when he is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.
- e. Even if officers handle a case informally, they may still follow-up the case at a later time or, at any time, refer the juvenile and his parents to an appropriate social service agency.

3. Sample offenses for informal handling

Generally, first offenses involving the following types of offenses should be handled informally; however, the list is not complete and officers' good judgment is important.

- a. Runaways.
- b. Annoying telephone calls.
- c. Cursing and abuse.
- d. Drunkenness.
- e. Creating a nuisance.
- f. Disorderly conduct.
- g. Curfew violation and other status offenses (more specific discussion of status offenses follows).

4. Philosophy of informal handling

When handling a case informally, the officer should keep in mind that the objective of the juvenile justice system is to rehabilitate rather than punish. Keeping the child in the patrol car discussing the case for an inordinate length of time will appear to the juvenile to be punishment, and might be unconstitutional or illegal. Officers shall decide without delay whether formal or informal handling is in order, then apply the appropriate guidelines of this order.

E. Formal handling:

1. Formal handling occurs when the juvenile is taken before the juvenile court or intake officer for their decision on the proper disposition.
2. Generally, the following situations will require formal handling of the juvenile:
 - a. Delinquent acts that if committed by an adult would be felonies.
 - b. Delinquent acts involving weapons.
 - c. Delinquent acts involving aggravated assaults and batteries.
 - d. Delinquent acts committed by juveniles under probation or parole or with a case pending.
 - e. Delinquent acts that are repeated.
 - f. When the police arrive at the scene of domestic violence and discover a child at risk.

F. Taking juveniles into custody:

No juvenile may be taken into immediate custody except, in accordance with Virginia Code Section 16.1-246,

1. With legal detention order, or
2. When child is alleged to be in need of services, and
 - a. There is clear and substantial danger to child's life or health; or
 - b. Custody is necessary to insure child's appearance before court; or
3. When, in presence of arresting officer, a child commits a crime and officer believes custody necessary for protection of public interest; or
4. Officer has probable cause to believe child has committed an offense which if done by adult could be felony; or
5. Officer has probable cause to believe child is escapee from Department of Corrections, jail, detention home, court-placed residential family, or residential treatment facility; or

6. Officer has probable cause to believe child has either run away from home or is without adult supervision at night and in circumstances officer reasonably concludes there is clear and substantial danger to child's welfare.

G. Guidelines for taking juveniles into custody

1. Do not take custody of a juvenile or assume an overly authoritative position when the purposes can be accomplished by asking appropriate, permissible questions at the location of contact.
2. When stopped on the street, detain juveniles for the briefest time that will permit the purpose of the stop to be accomplished. The decision of either formal or informal handling should be made in a reasonable time.
3. If it is necessary to take the juvenile into custody, do so with the least possible embarrassment to the juvenile and his family. For example, when picking up a juvenile at school, work through the principal's office. Have the juvenile brought there instead of going to the classroom. If he works, try to arrange to pick him up before or after working hours. Unless there is special justification for doing otherwise, don't remove the juvenile from the home.
4. When the juvenile court offices are open, a juvenile taken into custody shall be transported to the juvenile intake office for processing.
5. When the juvenile court is closed, depending upon the circumstances, the officer may release the juvenile to a parent or guardian. If the officer feels immediate juvenile court intervention is necessary, the officer should contact the juvenile intake officer on call for assistance.
6. Notification of parents or guardians is required in every case that a juvenile is taken into custody, to inform them of the circumstances and to pick up the juvenile.

H. Transportation of juveniles

Virginia Code 16.1-254 states that no juvenile under age 15 shall be transported or conveyed in a patrol wagon. No juvenile under 18 is to be transported in the same vehicle with adults suspected of or charged with criminal acts. (The term "patrol wagon" as used above means what is commonly referred to in most departments as "paddy wagon," and is not construed to mean a marked police vehicle.)

I. Legal aspects of confinement of juveniles

Section 16.1-249 of the Virginia Code (1977) puts certain restrictions on the place of confinement. No person known or alleged to be under the age of 18 is to be confined in any jail or other facility with adults. However, a person 15 or older may be detained in a jail or other facility for the detention of adults if:

1. The jail or lockup is certified to hold juveniles, and;
2. a judge or intake officer decides that a juvenile detention facility is not secure enough given the nature of the crime; or
3. space in a juvenile detention facility or shelter is unavailable; or
4. the detention home where the juvenile should be placed is more than 25 miles from where the juvenile is taken into custody and is in another city or county. A juvenile detained for this third reason may be kept there for only 18 hours. In addition, a juvenile detained in an adult facility for any of these reasons has to be in a room entirely separate and removed from adults. A juvenile need not immediately be charged when a petition is unavailable because the juvenile court intake office is closed. He may be returned to his home and released to his parents, with notification to them as to the charges and the necessity of the parents and juvenile appearing in court upon receipt of the petition, which can be filed by the arresting officer or the complainant the following court day.

In the case of a juvenile 15 years or under, when custody is an absolute necessity and a petition is unavailable, a court intake officer must be called out, regardless of the hour, in order to place the juvenile in confinement. This is accomplished by requesting the dispatcher to contact the intake officer on call for juvenile court, who will arrange for the juvenile to be placed in custody.

NOTE: This provision does not apply to juveniles previously tried and convicted as adults.

[DCJS administers Juvenile Justice and Delinquency Prevention funds for networks of sheriffs' departments to pay off-duty officers to transport children to detention facilities.]

J. Questioning juveniles

1. Normally, officers shall contact the parents or guardians of a juvenile before questioning and the parents will be given an opportunity to both understand what the questioning will cover and to be present during questioning. If this is not feasible, the officer may go ahead and question anyway, but must very carefully ensure that all rights of the juvenile are protected.

2. When questioning a juvenile in custody, the same rules and procedures used for an adult must be followed. Under no circumstances shall the child, any more than an adult, be compelled to answer questions either by physical force or psychological pressure or deceptions. Consult GO 2-1 for legal guidelines.
3. No juvenile can be compelled to answer any questions which may tend to incriminate him. Juveniles are entitled to the full Miranda Warnings and these rights must be explained in the presence of parents, circumstances permitting, guardian or counsel.
4. Officers should keep in mind that when questioning a juvenile, they should not prolong the interview beyond what is needed in order to complete their investigation. Also, the interrogation should be handled by one officer if at all possible in order to lessen the chance of the juvenile feeling intimidated or pressured.
5. Officers are reminded that the rules governing searches, frisks - or pat-downs, reasonable suspicion, and probable cause all apply to juveniles.

K. Written citations/summonses:

An officer may use the Virginia Uniform Summons form, just as for an adult, in the following situations:

1. Violation of the traffic laws.
2. Violation of town ordinances establishing curfew violations or animal control violations.
3. Violation of game and fish laws.

L. Fingerprints and photographs of children:

Virginia Code Section 16.1-299 provides that fingerprints and photographs may be taken and filed under the following circumstances:

1. May be taken of a child fifteen years of age or older who is charged with a delinquent act which would be a felony if committed by an adult.
2. May be taken of a child thirteen years of age or older who is charged with the following offenses:
 - a. Malicious wounding.
 - b. Use of a firearm in committing a felony.
 - c. Attempted poisoning.

- d. Extortion.
- e. Robbery.
- f. Rape.
- g. Arson.
- h. Murder.

- 3. May be taken of child regardless of age or offense if he is taken into custody for and charged with a violation of law, and a law enforcement officer has determined that there is probable cause to believe that latent fingerprints found during the investigation of an offense are those of such child.
- 4. Other physical samples may be taken from a juvenile for identification purposes only after the officer has conferred with the juvenile court or the Commonwealth's Attorney for advice and assistance as to the legalities and proper procedure for obtaining such samples. Samples include but are not limited to: hair, blood, urine, nails, breath, stomach contents, handwriting.

M. Dissemination/retention of fingerprints and photographs:

- 1. The chief of police is responsible for the department's compliance with Virginia Code requirements on dissemination and retention of juvenile records including fingerprints and photographs.
- 2. Fingerprint cards and photographs will be destroyed when:
 - a. No petition is filed against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law.
 - b. A juvenile is found not guilty by juvenile court or circuit court of a charge of delinquency.
 - c. A juvenile less than thirteen years of age and under who is found guilty of a delinquent act.
- 3. Fingerprint cards and photographs may be retained when the court finds that a juvenile thirteen years of age or older has committed a delinquent act.
- 4. Fingerprints and photographs may be retained and copies sent to CCRE when:
 - a. A juvenile fifteen years of age or older is certified to the circuit court and is found guilty as an adult of the offense charged.

- b. A juvenile thirteen years of age or older is found guilty of malicious wounding (18.2-52), use of a firearm in committing a felony (18.2-53.1), attempted poisoning (18.2-54.1), extortion (18.2-59), related crimes (18.2-77 through 18.2-88), or murder in a juvenile court and is adjudicated delinquent.
 - 5. Juvenile fingerprint cards and photographs, authorized for retention, will be separately and securely maintained. Access to these records will be restricted to official use, and may be viewed by the public only on the authorization of a court order.
- N. Confidentiality of records/release of information:
- 1. Virginia Code Section 16.1-301 requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning a child are protected against disclosure to any unauthorized person.
 - 2. Officers may release, upon request to one another and to other local state or federal law enforcement officers, current information on juvenile arrests limited to name, address, physical description, date of arrest, and charge. Such information may only be used for current investigation.
 - 3. For release of juvenile information to the media, see RR 1-13, Media Relations.
 - 4. The chief of police will ensure that noncriminal records of juveniles, particularly field interview cards, are destroyed annually.

V. PROCEDURES - SPECIFIC RESPONSIBILITIES

- A. Specific responsibilities of departmental personnel
- 1. The officer shall:
 - a. Notify the juvenile's parent or person acting for a parent of the specific acts which brings the juvenile to the attention of the police; and
 - b. contact the intake officer at the court when appropriate; and
 - c. contact their immediate supervisor when it is discovered that a detained juvenile is definitely innocent, or that no crime has actually been committed; and

d. complete all required paperwork with complete information on the child, parents, complainant and witnesses.

2. The supervisor shall:

a. Review and approve all paperwork by the arresting officer.

b. If the arresting officer or the supervisor determines that the juvenile in custody is in fact innocent, the supervisor shall immediately contact the intake officer, relate the facts of the case, and request a decision whether to release or detain if charges are pending.

B. Child protection

When probable cause exists that a juvenile is without adult supervision at such hours of the night and under such circumstances that it is reasonably concluded that there is a clear and substantial danger to the juvenile's welfare, the officer shall:

1. Take the child into immediate custody; and

2. notify the intake officer of the juvenile court, who will decide if a petition should be filed. If the intake officer decides a petition should not be filed, the officer will:

a. return the child to his/her home; and

b. release child to parent, guardian, legal custodian or other person acting for a parent; or

c. release the child.

3. The officer shall complete an offense/incident report on the matter.

VI. STATUS OFFENSES

A. Runaways will be investigated as follows:

Police officers taking a report of a runaway child shall:

1. have the parent and/or guardian review the original report for its accuracy, particularly for verification that the birthdate and physical description of the child are as they stated; and

2. complete an incident report on the matter; and

3. broadcast a lookout for the runaway juvenile.

4. Contact the local runaway shelter (if any) to locate the child.

5. The supervisor shall review the completed report and ensure entry of appropriate information in VCIN and NCIC.

B. Taking runaway into custody

When probable cause exists that a juvenile has run away from home, the officer shall:

1. Local

- a. Take the child into custody; and
- b. verify runaway youth status; and
- c. notify the intake officer of the juvenile court of the action taken, who will then determine whether to:
 - (1) place the child in a youth shelter;
 - (2) refer to the Department of Social Services; or
 - (3) release the juvenile to a parent, guardian, legal custodian or other person acting for a parent; or
 - (4) release the juvenile, and
 - (5) complete a Virginia Missing Children Information Clearinghouse Report.

In any event, officers shall complete incident reports for any runaways taken into custody.

2. Out-of-town

- a. Take the child into custody; and
verify runaway status with the teletype from the other jurisdiction; if a detention order is on file, follow the instructions for serving a detention order as discussed below; and
- c. notify the intake officer of the juvenile court of the action taken; the intake officer will then determine what the next step will be. The officer shall:
 - (1) follow the intake officer's instructions for detention or child placement; and
 - (2) notify parents that the child is in custody and if the child is to be released and the parents cannot respond within a reasonable period of time, then

(3) contact a runaway house for space available.

C. Truant

1. When custody occurs because a juvenile is a reported truant by school officials, or an officer reasonably determines because of the child's age and circumstance that a juvenile is a reported truant, the juvenile shall be taken into custody and delivered to the appropriate school personnel and released.
2. The officer will complete a field interview which will include the name of the person notifying the parent of the truancy and the name of the person to whom the juvenile was released.

D. Incurrigible

1. Juveniles who are in violation of the status offense of incurrigible generally are handled through the Juvenile and Domestic Relations Court.
2. If an officer receives a call from a parent for a situation where no crime has been committed but a child is disobedient to the parent or guardian, the officer shall immediately contact the intake officer for guidance.

VII. CRIMINAL OFFENSES/DELINQUENT ACTS

A. Interrogations

Follow the provisions of Section IV. J. above.

B. Warnings/petitions

1. Officers have the statutory authority (16.1-246) to arrest a juvenile on probable cause without a warrant or petition in felony cases.
2. A warning may be issued in all cases where a juvenile has committed an act which, if committed by an adult, would be a Class 2, 3, or 4 Misdemeanor.
3. Use of the warning is prohibited when:
 - a. The complainant or victim is committed to proceeding with prosecution, or
 - b. The juvenile is known to have been warned or arrested in the preceding year for an act which, if committed by an adult, would be a crime.

4. A complaint shall be made in all cases in which a juvenile is taken into custody for an act which, if committed by an adult, would be a Class 1 Misdemeanor or a felony; except a warrant shall be sought under the following conditions:

- a. The intake officer of the juvenile court refuses to issue a petition sought for a Class 1 Misdemeanor or a felony. In such cases, the arresting officer or complainant may appeal the refusal to a magistrate, provided the arresting officer continues to believe the charge initially sought should be made. The officer shall include, with the material presented to the magistrate, written notice of the refusal from the intake officer. There is no appeal from an intake officer's refusal for Class 2, 3, or 4 Misdemeanors.

A magistrate's finding is final. If a warrant is issued, it shall be returnable to the juvenile court as a petition.

C. Immediate custody

1. Juveniles may be taken into immediate custody:

- a. According to the provisions of IV. F. above; or
- b. when a juvenile has committed a misdemeanor offense involving shoplifting in violation of Section 18.2-103 and, although the offense was not committed in the presence of the officer who makes the arrest, the arrest is based on probable cause on reasonable complaint of a person who observed the alleged offense (see GU 2-4); or
- c. when there is probable cause to believe that a juvenile has committed an offense which would be a felony if committed by an adult; or
- d. when a detention order or warrant is known to be on file in this or another jurisdiction.

2. Notification of parents

- a. Such notification shall be made by telephone or in person, as soon as reasonably possible after the juvenile is taken into custody.

3. Warnings

Officers who release juveniles after issuance of a warning will complete a field interview card. On it, the officer will give

a complete clothing description and all details relating to the facts surrounding the contact.

D. Release or detention of juveniles charged with delinquent acts

1. Officers will whenever possible release a juvenile to a parent or person acting for a parent, who, (1) is available and willing to provide supervision and care; and (2) promises to bring the juvenile before the court when requested. However, the arresting officer will seek from the court to detain a juvenile whenever:

a. the child is alleged to have committed an act which would be a felony or Class 1 Misdemeanor if committed by an adult and at least one of the following conditions are met:

- (1) The release of the child constitutes an unreasonable danger to the person or property of others; or
- (2) the release of the child would present a clear and substantial threat of serious harm to such child's life or health; or
- (3) the child has threatened to abscond from the court's jurisdiction during the proceedings or has a record of willful failure to appear at a court hearing within the immediately preceding twelve months; or
- (4) the child has fled from a detention home or facility operated by the Department of Corrections; or
- (5) the child is a fugitive from another state where there is an outstanding detention order or warrant; or
- (6) the child has failed to appear for a court hearing on a delinquent act.

b. The officer will inform the intake officer of arrests in cases of all felonies and Class 1 Misdemeanors and inform them of whether a parent or custodian of the juvenile has been notified of the arrest.

E. Service of warrants, detention orders or temporary detention orders

1. Warrants/detention orders/temporary detention orders will be served on juveniles in the same manner as adults except that:

a. When the juvenile court is in session:

- (1) Officers who arrest juveniles, at the request of the court on a detention order, will advise the intake officer by phone of the arrest of the juvenile.
- (2) The intake officer will instruct the officer on whether to bring the child directly to the court or the detention home in the most expeditious manner possible.
- (3) A parent or other person acting with parental authority will be given notice by the arresting officer of the action taken and the reason for taking the juvenile into custody.
- (4) The officer will inform the intake officer whether the parent or guardian was notified of the juvenile's arrest.
- (5) The officer shall complete an offense report.
- (6) Officers shall file the original copy of the executed detention order with the clerk of the Juvenile and Domestic Relations Court on the same day it is executed. Officers will see that the detainee is served with a copy of the detention order.

b. When the juvenile court is not in session:

- (1) Follow procedures as above except omit Step 5, and the intake officer will advise where to place the juvenile; and
- (2) ensure that the paperwork is available to court personnel the next working day.

F. Handling of escapees

1. Immediate custody of escapees:

- a. Juveniles who are escapees from jail, a detention home, or other institution in which they were placed by order of juvenile court, Child Protection Services or other licensed child welfare agency may be taken into immediate custody when:

- (1) there is a detention order or warrant known to be on file in this or another jurisdiction; or
- (2) an officer has probable cause to believe that a juvenile has escaped or run away from jail, detention home, residential child care facility or home in which they were placed by the court, the Department of Social Services, or a licensed child welfare agency.

2. Return or placement of escapees:

- a. Whether juvenile court is open or closed, the juvenile may be returned and released to the facility from which the juvenile escaped or fled.
- b. When court is open or closed and the juvenile is not released to the facility from which the juvenile escaped or fled, the officer shall contact the intake officer of the court who will determine where the juvenile will be placed.

3. Reporting requirements

- a. The officer shall complete an offense report with applicable supplements.
- b. When a locally-placed juvenile runs away from an unsecured group home, no matter where that home is located, the officer shall:
 - (1) Take an offense report for a missing juvenile (runaway); and
 - (2) complete a Virginia Missing Children Information Clearinghouse Report. The adult reporting the juvenile missing will sign the report.
- c. When an out-of-town placed juvenile has either escaped from the detention home or run away from a local group home, the officer shall:
 - (1) Notify the administrator reporting the missing juvenile to contact the jurisdiction which placed the juvenile in the facility to make the original report; and
 - (2) complete an offense report including a suspect description.

d. When an escaped juvenile or one that has run away from a group home is apprehended, the officer will:

- (1) If a locally-placed juvenile, complete a supplement to the original report, to be booked. (In most cases the juvenile court will have already filed a detention order on the juvenile.)
- (2) If an out-of-town juvenile from an out-of-town facility, complete an original offense report including a suspect description.
- (3) If an out-of-town placed juvenile escaped or ran away from a local facility, supplement the offense report and notify the jurisdiction that placed the juvenile of the apprehension.

(Officers will initiate a search and broadcast a lookout for any juvenile reported missing or escaped from a local facility.)

G. Interviewing of detained juveniles

Officers wishing to interview or question juveniles held in detention must:

1. Inform the juvenile's parent or guardian and the attorney, if any, that an interview will be requested; and
2. request permission of the Juvenile and Domestic Relations Court to conduct the interview; and
3. arrange the interview, if approved, consistent with detention home rules and regulations; and
4. provide a copy of the court's approval to the detention home; and
5. before the interview, inform the juvenile of his/her legal rights.

Child Victims

The victimization of children is widespread. The Department of Health and Human Services estimates that more than one million children are victims of maltreatment by their parents each year. This includes physical and sexual assault, as well as neglect. Each year more than 2,000 children die from such crimes. Other studies suggest that perhaps 20% of all children are sexually assaulted (by acquaintances, relatives, or strangers). Over 50,000 children are abducted by strangers each year. Victimization at school is now more frequently reported. Accurate victimization data for children under the age of 12 is non-existent, but what is known is alarming enough.

The problem of child victimization is frequently encountered by law enforcement officers. Due to the nature of police services within a community, suspected cases of child abuse and neglect are often referred/reported to them. Child victimization is a complex social issue demanding medical, social, legal, and educational services.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: CHILD ABUSE

NUMBER: 2-30

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Sheriff/Chief of Police

CALEA STANDARDS: 42.2, 44.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

interviewing (children) dispatcher responsibilities (re child abuse/neglect)
child abuse patrol responsibilities (re child abuse/neglect)
child neglect investigator responsibilities (re child abuse/neglect)

I. POLICY

It is the policy of the department to protect and ensure the safety and welfare of the children in this jurisdiction. All police officers must be knowledgeable about child abuse and neglect, their effect on children, and help the children who become victimized. Coordination with other criminal justice and social service agencies is a necessity. Initial responsibility for investigation of such cases lies with the police department. Law enforcement must assume leadership in the prevention of child victimization and in the prosecution of offenders.

II. PURPOSE

The purpose of this policy is to establish guidelines for investigating crimes in which the victims are children.

III. PROCEDURES

A. General Responsibilities

1. "Child" refers to any person under the age of 18 years.

2. Department personnel shall be aware of local social service agencies for cases involving child victims. Officers shall know how and when to contact agency representatives, especially Child Protective Services (CPS) and Juvenile and Domestic Relations Court.

- a. CPS--statewide number to call (800) 552-7096
(directly call your local number)

In circumstances involving no imminent danger to a child, a police officer shall record complainant's name, address, telephone number, and pertinent information concerning the alleged abuse or neglect and transmit this information immediately to CPS, and they shall jointly determine the proper course of action.

- b. Juvenile and Domestic Relations Court

If the officer finds a child in a situation which presents an imminent danger to the child's health or life, the officer may take the child into custody without parental permission if a court order is not immediately available from the court (VA Code 63.1-248.9). Otherwise, the court may grant the police officer an emergency removal order (VA Code 16.1-251), and a hearing shall be held as soon as practicable, but not later than 5 days (VA Code 16.1-252).

3. Department personnel shall be trained and knowledgeable about child abuse and neglect, its effects on children, and how to identify it. (See Appendix 1 to this order.)
4. All personnel interacting with child victims will use appropriate communication skills. (See Appendices to GO 2-28.)
5. The protection of all children is vital to the well-being of the community.
6. All officers shall know the sections of the Virginia Code that pertains to crimes most commonly committed against children:
 - a. child abuse--VA Code 63.1-248.2, 16.1-228
 - b. child neglect--VA Code 18.2-371-1, 18.2-371, 18.2-314
 - c. sexual exploitation of children (rape)--VA Code 18.2-61
 - d. child abduction/kidnapping--VA Code 18.2-47-49
7. The department shall work with local schools and agencies to educate children to identify and prevent their own victimization and to provide community awareness.

B. Dispatcher (communication center) responsibilities

1. The dispatcher must decide if the child is in imminent danger (due to injury, or threat thereof, or abandonment). If so, a patrol officer shall be sent to the child immediately. If circumstances do not involve imminent danger, a referral to CPS will be made as soon as possible. Nevertheless, an officer shall be dispatched. The department and CPS will then do a follow-up investigation jointly. (CPS does not need to be contacted in cases where the assailant is not a parent or guardian of the child.)
2. The dispatcher shall obtain the following information to give to the patrol officer or investigator assigned to the case:
 - a. child's name, age, and address
 - b. child's present location
 - c. parents'/guardians' names and addresses
 - d. nature and extent of injury or condition observed
 - e. complainant's name, location, and relationship to the child

If possible, also obtain information about the history of any previous injury to this child and identification of person responsible.

3. A written form can assist the reporting process and should be instituted. See Appendix 2 to this general order for an example of such form.
4. It is important to give support and reassurance to the complainant regarding the appropriateness of the report and its confidentiality, if applicable.
5. If there is a report of possible sexual assault, refer to sexual assault procedures (GU 2-31).

C. Patrol responsibilities

1. Arrival at scene--obtain all pertinent information from the Dispatcher.
2. Initial contact
 - a. If the patrol officer suspects child abuse, he shall explain his or her role in ensuring the health and safety of the child.
 - b. If entry to the home is refused and the officer feels entry is necessary, he/she may gain entry in one of several ways:

- (1) In a non-emergency, obtain a court order or a search warrant from a magistrate or juvenile judge (VA Code 16.1-246).
 - (2) In an emergency, forced entry without a warrant is legal when there is probable cause that a child is in danger.
- c. The officer shall immediately ensure the safety of the child. Summon an ambulance or administer first aid, if necessary. Reassure the child that he or she is safe now and that the child has done nothing wrong.
3. Transport the child victim to a safe place, if necessary. This may include a local, court-approved juvenile shelter. (See Victim Service procedure, GO 2-28, transportation of crime victims.)
 4. If the child is a victim of sexual assault, refer to Sexual Assault procedures (GO 2-31).
 5. Interviewing the victim
 - a. Child victims require special treatment. To minimize the number of times the child will have to tell his story, coordinate with other agencies (example: CPS, the courts) before interviewing. If the child is the victim of possible parental abuse, some strategies to consider include:
 - (1) The child's age--he may be too young to interview (a child's capacity to deal with information differs from an adult's);
 - (2) Interviewing the child may deteriorate even further the parent-child relationship;
 - (3) Observe and note child's reactions during the initial contact;
 - (4) Interviewing the victim of child sexual abuse requires particular skills (see sexual assault, GO 2-31);
 - (5) Usually the parents should not be present during the interview of the child (the child may be afraid to tell the truth);

- (6) The officer must be sensitive to the emotional stress of the child due to the interview itself (some children may not even understand that the behavior of the parents has been abusive or neglectful);
 - (7) Inform the child of the parents' awareness of the interview;
 - (8) The officer should not appear to be taking sides against the parents. Children will generally become defensive if someone criticizes their parents, even if they agree;
 - (9) The interview should be conducted in language the child understands;
 - (10) The interview should always include what will happen next and how the officer will use the child's information;
 - (11) Provide reassurances to an anxious child victim by expressing belief in the child's story and an understanding of the child's dilemma.
- b. Allow a supportive person to be present during the interview for the child's emotional comfort (eg., non-abusive parent or child advocate).
 - c. At the beginning of the interview, the officer shall attempt to gain the child's confidence. The officer shall introduce himself or herself to the child, give the purpose of his or her presence, and attempt to conduct the interview on an informal, friendly basis with the child. If the interview will be tape-recorded, allow the child to test his or her voice before it is begun.
 - d. The officer must try to determine the emotional state of the child. Is the child ready to tell the truth and to talk about the incident? If not, delay the interview to a more appropriate time.
 - e. Encourage young child victims to be active (play with a toy, draw a picture, hold a stuffed animal) during the interview. This will relax the child and allow for a more thorough interview.

- f. If the officer decides that the child is in need of supervision he cannot or is not getting in the home, the officer should so inform the child. In deciding whether protective custody is needed, the officer shall be guided by:
 - (1) the maltreatment in the home, present or potential;
 - (2) evidence of abuse, torture, or neglect by the parent;
 - (3) the parents' refusal to obtain needed medical or psychological care of the child;
 - (4) parental anger and discomfort by the officer's investigative efforts which are directed toward the child;
 - (5) evidence that the parents cannot provide for the child's basic needs;
 - (6) there is a history of prior offenses/allegations in which the child is the victim.
- g. See Victim Services, interviewing the victim procedures (GU 2-28).

6. Interviewing witnesses (including the parents/guardians)

- a. Create an atmosphere of support and understanding. Remain non-judgmental until all the facts are known.
- b. The officer must communicate in a friendly manner and allow the adults to express their anger and fears concerning the incident.
- c. Assess resistance to the interview. It may be in the form of denial, uncooperative attitude or explanations of how uncontrollable the child is.
- d. If the officer prepares to interview the suspect, he shall give Miranda warnings in accordance with GU 2-21.
- e. If parental child abuse is suspected, interview each parent separately and be alert to any apparent vagueness or inconsistencies in the explanations each gives for the allegations. Parents should be told the reason for the interview and be treated with respect.

- f. Witnesses may be reluctant to discuss a family with an officer (due to fear of retaliation or because of breaking confidentiality). Officers should explain the use of any information provided and that efforts will be made to maintain the identity of witnesses in confidence.
 - g. See Victim Services, interviewing witnesses procedures and Appendices, GO 2-28.
7. See Victim Services GO 2-28 patrol responsibilities procedures for guidelines to:
- crime scene preservation
 - completing the crime report
 - property control
 - media relations

D. Investigator responsibilities

- 1. Child victims have little power and depend on police officers and social service agencies to take action in whatever way is needed to lessen their victimization. The investigator shall determine whether or not criminal prosecution is the best means to achieve that end.
- 2. The investigator shall place a high priority on coordinating and communicating with social service agencies involved in the child victim's case (ex. CPS, Juvenile and Domestic Relations Court, court-appointed guardian, or child advocate).
- 3. Either the investigator or the officer must make an oral report of child abuse/neglect to the Department of Social Services. A copy of the offense report must be sent to Social Services.
 - a. In severe cases of abuse, the officer shall ask the dispatcher to contact Social Services so that a case-worker can respond.

Appendices to General Order 2-30

1. Child Abuse and Neglect Guidelines
2. Suspected Child Abuse/Neglect Report Form

Child Abuse and Neglect Guidelines

Abuse Indicators

Recognizing Physical Abuse:

- Injuries on several surface areas of the body
- Injuries in various stages of healing
- Complications arising from old injuries
- Nonaccidental bruising patterns
- The shape of an instrument imprinted on the skin
- Cigar/cigarette burns

When the Parent:

- Presents an explanation of the injury inconsistent with the appearance of the injury
- Is evasive or vague
- Presents a contradictory history
- Gives a history of repeated injury
- Is reluctant to give information
- Projects cause of injury onto a sibling/third party
- Oral threats against the child
- Has unrealistic expectations of the child
- Is psychotic or psychopathic
- Personally misusing drugs/alcohol

When the Child:

- Has an unexplained injury
- Is unusually fearful, non-spontaneous, refuses to speak in front of parents
- Overly eager to please adults
- Shows evidence of overall poor health

Neglect Indicators

Living Conditions

- Consider the child's complete environment
- Avoid associating low income as synonymous with neglect
- Burned-out or condemned building (unsafe housing)
- Unsanitary conditions--human and animal waste on floors
- Lack of heat in house during winter months
- Danger of fire from open heating units
- Children sleeping on cold floors or dirty/wet beds
- Infestation of rodents (rats/mice)

Health Hazards

- Malnutrition--underweight and small in stature
- Undernourishment with poor living conditions
- Lack of food in the house for children
- Lack of medical care provided for children
- Emotional damage from poor conditions, verbal abuse

(From The Police Perspective in Child Abuse and Neglect, IACP, Inc., Gaithersburg, Maryland, 1977)

PHYSICAL AND BEHAVIORAL INDICATORS OF ABUSE AND NEGLECT

TYPE OF ABUSE	PHYSICAL INDICATORS	BEHAVIORAL INDICATORS
PHYSICAL ABUSE	<p>Unexplained Bruises and Welts:</p> <ul style="list-style-type: none"> - on face, lips, mouth - on torso, back, buttocks, thighs - in various stages of healing - clustered, forming regular patterns - reflecting shape of article used to inflict (electric cord, belt buckle) - on several different surface areas - regularly appear after absence, weekend or vacation <p>Unexplained Burns:</p> <ul style="list-style-type: none"> - cigar, cigarette burns, especially on soles, palms, back or buttocks - immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia) - patterned like electric burner, iron, etc. - rope burns on arms, legs, neck or torso <p>Unexplained Fractures:</p> <ul style="list-style-type: none"> - to skull, nose, facial structure - in various stages of healing - multiple or spiral fractures <p>Unexplained Lacerations or Abrasions:</p> <ul style="list-style-type: none"> - to mouth, lips, gums, eyes - to external genitalia 	<p>Wary of Adult Contacts</p> <p>Apprehensive When Other Children Cry</p> <p>Behavioral Extremes:</p> <ul style="list-style-type: none"> - aggressiveness, or - withdrawal <p>Frightened of Parents</p> <p>Afraid to go Home</p> <p>Reports Injury by Parents</p>
PHYSICAL NEGLECT	<p>Consistent Hunger, Poor Hygiene, Inappropriate Dress</p> <p>Consistent Lack of Supervision, Especially in Dangerous Activities or Long Periods</p> <p>Unattended Physical Problems or Medical Needs</p> <p>Abandonment</p>	<p>Begging, Stealing Food</p> <p>Extended Stays at School (early arrival and late departure)</p> <p>Constant Fatigue, Listlessness or Falling Asleep in Class</p> <p>Alcohol or Drug Abuse</p> <p>Delinquency (e.g. thefts)</p> <p>States There Is No Caretaker</p>
SEXUAL ABUSE	<p>Difficulty in Walking or Sitting</p> <p>Torn, Stained or Bloody Underclothing</p> <p>Pain or Itching in Genital Area</p> <p>Bruises or Bleeding in External Genitalia, Vaginal or Anal Areas</p> <p>Veneral Disease, Especially in Pre-teens</p> <p>Pregnancy</p>	<p>Unwilling to Change for Gym or Participate in Physical Education Class</p> <p>Withdrawal, Fantasy or Infantile Behavior</p> <p>Bizarre, Sophisticated, or Unusual Sexual Behavior or Knowledge</p> <p>Poor Peer Relationships</p> <p>Delinquent or Run Away</p> <p>Reports Sexual Assault by Caretaker</p>
EMOTIONAL MALTREATMENT	<p>Speech Disorders</p> <p>Lags in Physical Development</p> <p>Failure-to-thrive</p>	<p>Habit Disorders (sucking, biting, rocking, etc.)</p> <p>Conduct Disorders (antisocial, destructive, etc.)</p> <p>Neurotic Traits (sleep disorders, inhibition of play)</p> <p>Psychoneurotic Reactions (hysteris, obsession, compulsion, phobias, hypochondria)</p> <p>Behavior Extremes:</p> <ul style="list-style-type: none"> - compliant, passive - aggressive, demanding <p>Overly Adaptive Behavior:</p> <ul style="list-style-type: none"> - inappropriately adult - inappropriately infant <p>Developmental Lags (mental, emotional)</p> <p>Attempted Suicide</p>

(From The Role of Law Enforcement in the Prevention and Treatment of Child Abuse and Neglect, U.S. Dept. of Health and Human Services)

Suspected Child Abuse/Neglect Report Form

Date of report _____ Report taken by _____

Child's name _____ Age _____ Sex _____
address _____

Child's present location _____

Parent's(s') name(s) _____
address _____

Reporter's name and relationship _____
address _____
telephone number _____

Person alleged responsible for abuse/neglect _____
address _____

Nature and extent of the suspected abuse/neglect _____

Physical injuries observed/reported _____

Reported cause of injuries _____

Behavioral indicators observed/reported _____

Other indicators observed/reported _____

Type of reporting source: mandatory, anonymous, permissive

Action taken by reporting source _____

Possible witness(es) to the incident _____

Other information _____

Sexual Assault

Sexual assault is a humiliating and often terrifying and brutal crime. It can happen to a man as well as a woman and to a child as well as an elderly person. It includes any sexual conduct which a person is forced into without his or her consent (VA Code 18.2). Each victim requires strong support from medical, legal, law enforcement and social service personnel.

The crime of sexual assault is, at times, misunderstood. In order to deal effectively with those who have survived a sexual assault and educate others about the crime, law enforcement must understand that rape and other sexual assaults are not crimes of passion, but acts of criminal aggression, most of them violent. The offender, not the victim, is responsible for the sexual assault.

Victims react to an attack in a variety of ways. The stereotype of a hysterical woman calling the police is just that--a stereotype. Many victims are calm and composed. The emotional state of the victim immediately following the assault is one of intense emotional shock. That shock may be expressed as hysteria, anger, fear, or as outward calm. But the disbelief and shock are usually the underlying feelings.

Reporting the crime is often difficult for victims. The FBI estimates that a large percentage of sexual assaults are unreported. Victims of sexual assault may have difficulty deciding what to do after the crime. Official reports have many uses. Once the report is taken, it can be kept on file for future use if the victim later decides to prosecute. As rapists are recidivists (repeaters), the police, with the aid of several written reports, can often identify the person based on his similar mode of operation and description.

Police personnel who first come into contact with a sexual assault victim may be the most important people the psychologically and physically violated victim will see. It is important to remember that a rape undermines the victim's sense of control. She or he must be allowed to regain a feeling of control by making decisions and by being listened to in a supportive, non-judgmental way.

Most police officers understand the technical aspects of evidence collection necessary for the case. Their difficulty is handling their discomfort when interviewing a victim. Many officers report that this feeling makes the evidence collection and the technical investigation more difficult. Regardless of the result of the police investigation, the establishment of rapport between the officer and the victim is always a plus. Being able to respond to sexual assault victims in a constructive way is a benefit to the officer and enhances the department's image in the community.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: SEXUAL ASSAULT

NUMBER: 2-31

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Sheriff/Chief of Police

CALEA STANDARDS: 42.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

patrol responsibilities (re sexual assault)
investigator responsibilities (re sexual assault)
children (interviews of sexual assault victims)
dispatcher responsibilities (re sexual assault)
evidence collection (re sexual assault)
interviews (of sexual assault victims)

I. POLICY

The department recognizes the fact that sexual assaults (rape, forcible sodomy, incest, child molestation, sexploitation of children, and attempts thereof) are personal violent crimes that have great psychological or physical effects on the victims. It shall be the policy of this department to assist sexual assault victims in a supportive manner, using appropriate crisis intervention skills (see Appendices to GO 2-28). Because of the seriousness of these offenses and the delicate nature of the investigations involved, it is important for the department to undertake diligent investigations in order to increase the reporting of these crimes. Reducing recidivism through the apprehension and prosecution of the assailants shall be a department priority.

II. PROCEDURES

A. General responsibilities

1. "Sexual assault" means those offenses involving sexual penetration or contact with any person by force or threat of force, fear, or intimidation, or any attempts to force sexual penetration or contact on any person.

2. Department personnel shall be aware of community services available (sexual assault crisis centers/hotlines, mental health centers, medical clinics, victim assistance program) to victims of sexual assault.
3. Department personnel shall be trained and knowledgeable about sexual assault investigation and its impact on victims. (See Appendix 1 to this order.)
4. Department personnel shall use appropriate communication skills when interacting with sexual assault victims. (See Appendices to GO 2-28.)

B. Dispatcher (communication center) responsibilities

1. If hospital personnel call in the sexual assault report, the dispatcher shall obtain initial information only (name and location of victim, reporter's name and job title, victim's condition). Confirm that a sexual assault support person has been contacted for the victim, if possible.
2. If the victim calls to make a report, she or he may or may not want police intervention.
 - a. If the victim wants no department response, the dispatcher shall:
 - (1) Try to obtain as much information as possible concerning the crime details. Do not insist on the victim's identity.
 - (2) Explain to the victim that she or he does not have to prosecute even if she or he makes a report.
 - (3) Encourage the victim to go to the hospital for treatment and evidence collection. Payment conditions should be told to the victim. (Criminal Injuries Compensation Fund was established in 1977 - see VA Code 19.2-368.1 through 368.18).
 - (4) Even if no report is made, refer the victim to a sexual assault crisis center or victim/witness program for further assistance.
 - b. If the victim wants police response, the dispatcher shall:

- (1) Obtain initial information only--name, present location, telephone number, basic incident details, victim's condition.
- (2) Ensure the victim's safety. A patrol car should be dispatched immediately. Ask for name, if known, description of the assailant, possible location or direction and means of flight from the scene, and the time elapsed since the crime. Stay on the line until the officer arrives, if possible. Be supportive and use crisis intervention skills. (See Appendix to GO 2-28.)
- (3) If the assault occurred within the last 72 hours, explain to the victim the necessity of not washing self or clothes, not douching, not combing hair or putting on make-up, and not touching or moving anything at crime scene. If the victim has already destroyed some evidence, reassure victim, but ask not to do any more "cleanup."
- (4) If the assault occurred more than 72 hours earlier, recommend the victim to seek medical attention anyway and dispatch an officer.
- (5) Ask the victim if he or she wishes the presence of a sexual assault crisis worker, family member or friend for further support (at the hospital or department).
- (6) Ask if victim has transportation or not. Have officer go to wherever victim is, if possible. Transport the victim to the hospital or department (see GO 2-28, Victim Services, transportation procedure) or explain that an officer will meet the victim at the specific location.

3. Give a complete report of information obtained to the patrol officer assigned to the case before he or she initially contacts the victim.
4. See Victim Services, Dispatcher responsibilities (GO 2-28) for additional procedures.

C. Patrol responsibilities

1. The patrol officer has certain immediate responsibilities:

- a. The primary concern is the victim's physical well-being. Give attention to the victim's emergency medical needs. Ensure safety.
 - b. Preserve the crime scene. Call evidence technician unit.
 - c. The officer should be alert to any suspect in the vicinity. Give crime broadcast, if applicable.
 - d. The officer shall explain to the victim his or her role and what will be done at the scene and through follow-up.
2. The patrol officer shall obtain detailed information essential to determine what offense (or offenses) actually occurred. (Ex. Abduction - VA Code 18.2-47, -48, -49
- Assault - VA Code 18.2-57, -51, -53, -56, 427
- Child Abuse, Neglect - VA Code 16.1-241,
18.2-314-371.1
- Conspiracy - VA Code 18.2-22, -367, -23
- Murder - VA Code 18.2-31, -32
- Sexual Offenses - VA Code 18.2-344, -366, -387,
-379, -370, -48, -346-8, -355,
-358-61, -63, -64, -67, -361
3. Obtain preliminary statements from victim and witnesses. Try to establish rapport and get only the needed information. (See Appendices to GO 2-28.)
 4. The officer shall inform the victim, preferably in writing, of counseling services available in the area. (Inform the victim that Division of Crime Victims' Compensation now pays counseling fees, if needed.) Ask whether the victim would prefer to have a 'support' person (sexual assault worker, family member, or friend) present if this has not already been done by dispatcher.
 5. The patrol officer shall arrange for transportation or transport the victim to the hospital for a sexual assault examination, if appropriate (if the assault occurred within the last 72 hours). Explain the medical and legal necessity of this exam. (See Appendix 2 to this order.) Inform the victim to take a change of clothing along. The officer may provide transportation back home following the exam.

6. See GO 2-12 and Victim Services GO 2-28, for additional guidance.

D. Investigator responsibilities

1. The investigator shall obtain a complete report from the patrol officer assigned to the case.
2. The initial contact with the victim may happen in different ways:
 - a. At the crime scene--The patrol officer shall protect crime scene and the investigator shall establish rapport with the victim, transport the victim to the hospital, and begin the preliminary investigation.
 - b. At the hospital--Arrange for the collection of evidence needed for prosecution. Explain sexual assault exam procedures, and establish rapport for further interviews. The investigator shall not be in the room during the sexual assault exam but should have the victim sign a consent form in order to obtain a copy of the hospital report. (See Appendix to GO 2-15 and Appendix 2 to this order.)
 - c. At the police department--Before interviewing, review the patrol officer's report and establish rapport with the victim by allowing her or him to ventilate.
3. The investigator shall be trained in sexual assault procedures.
 - a. The investigator should allow the sexual assault crisis worker to be with the victim as support if the victim desires.
 - b. If the victim prefers a woman investigator, every attempt to provide one should be made, but if one is not available, the investigator shall nevertheless encourage the victim's cooperation.
 - c. Prepare the victim for each phase of the investigation. By explaining what must be done and the reasons why, the officer will encourage the victim's cooperation.
4. Follow-up interviews by the investigator
 - a. Privacy is a necessity for follow-up interviews. Choose a quiet room at the department or go to the

victim's home. A support person to aid the victim may be helpful to the investigation. Advise this person of his or her role and ask the person not to interfere with questioning.

b. Questions which must be addressed include the following:

- (1) Assault circumstances: where approached? how?
where occurred?
when and how?
- (2) Assailant: name, if known?
color of hair? clothing?
height? weight? identifying
marks?
- (3) Multiple assaults?
- (4) What happened during the assault?
Were weapons used? Describe them.
Were threats made? What were they?
Was there a fight or struggle?
Injuries sustained?
Drugs/alcohol involved?
Sexual detail--what did he try/obtain?
Other degrading acts?
Did he ejaculate?
Was there talk? What was said?
- (5) How long was assailant with you?
- (6) What was done immediately after attack?
- (7) Feelings about prosecuting?

c. At the conclusion of the interview, the investigator should ask about any additional assistance needed. (Counseling services are always recommended.)

d. Encourage the victim to call later with additional details or to ask questions. Give a number.

e. Interviewing child sexual assault victims requires special guidelines. See Appendices to GO 2-30 and Appendix 3 to this order.

5. See GO 2-14 and Victim Services GO 2-28, Investigator responsibilities for additional guidance.

Appendices to General Order 2-31

1. Sexual Assaults/Victim Impact
2. Evidence Collection - Sexual Assaults
3. Interviewing Child Victims

Appendix 1 to General Order 2-31

Sexual Assaults/Victim Impact

Sexual Assault is one of the most frightening crimes that can be committed against a person. It is a crime of violence. Any forced sexual contact or unwanted sexual touching is a crime, whether persons are married to each other or not. Indirect assaults include obscene phone calls, exhibitionism, and indecent exposure. Direct assaults include rape, incest, child molestation, sodomy, and attempts thereof. The two highest level felony sexual assaults are discussed below.

Incest--is a sexual involvement with a blood or step relative. The most frequent offender is the father and the most frequent victim is the daughter, but other possibilities exist: mother/son, grandfather/granddaughter, uncle/niece, etc. Coersion is built on trust and love rather than violence. The offender is often immature with low self-esteem and unsure of his own sexual needs. The victim doesn't want to be rejected. Incest can range from fondling to full intercourse. The victim's feelings are very confused because of the relationship with the offender and the rewards/threats by the offender.

Rape--is forced sexual attack against the will of the victim. It may include many different sexual acts--vaginal, oral, anal intercourse, foreign object intercourse, plus other humiliating acts (urination by offender, lewd remarks, physical injury). Rapists commonly have low self-esteem, desire for dominance, frustration and instability. They may be anti-social and violent. Social pressures many times trigger a rape. Common reactions of victims are shock, embarrassment, anger, fear, guilt, confusion, and lack of power (control).

These attacks are usually emotionally traumatizing experiences from which it may take months or years to recover. Initial concerns will be venereal disease, pregnancy and injuries. At first, the victim will experience confusion, shame, and fear. Later on, the helplessness, worthlessness, isolation, distrust, anger, fear, and guilt will become strong feelings. Trouble may persist in the form of inability to express affection, relate sexually, or relate to family members. Crisis counselors trained to deal with sexual assault can help the victim cope with the assault and find a resolution to the incident and the inappropriate feelings. An active support system and building new strengths and relationships are positive factors in post-rape recovery.

Appendix 2 to General Order 2-31

Evidence Collection--Sexual Assaults

General Rules

1. Safeguard crime scene and evidence that is collected.
2. Call a Crime Scene Unit, if available.
3. Use caution not to damage, mark, or contaminate evidence.
4. Initial and date all items seized.
5. Document chain of evidence in report.
6. Place all evidence in appropriate containers, seal, initial.
7. See Appendix to GO 2-14 for complete instructions.

At the Crime Scene

1. Collect undergarments, clothing, bedding, rugs, or other appropriate items which may contain semen, blood or be damaged.
2. Collect wash cloths or towels which may have been used.
3. Collect bottles, glasses, or other objects which may contain latent prints.
4. Search scene for foreign objects (buttons, hair, pieces of torn clothing).
5. If crime occurred outdoors, take soil samples from several areas and sketch the location of each sample taken.
6. If crime occurred in car, gather sweepings from seats and floors, search floor mats for stains along with seat covers.
7. If entry was forced into victim's house, gather samples of broken glass, paint samplings, and note any pry marks.
8. Photograph crime scene.
9. Photograph bite marks, scratch marks, or other signs of brutality or injury to victim. Only female officers or medical personnel should photograph private sexual areas.

Notes to be Prepared

1. Description of exact location where each piece of evidence was found. [Example: one white bra, left strap torn, found on the ground in rear yard of (address), 6 feet south of rear stairs.]

2. Description of victim's appearance and behavior.
Note: bruises or marks, facial discoloration
disarrayed clothing
smeared makeup, hair disheveled
confused or dazed behavior
bewilderment or disorientation
apparent hysteria or crying, incoherent speech
3. Description of victim's clothing. Note locations of torn garments, dirt, stains--blood, semen, grass.
4. Description of suspect. Physical description as provided by victim with special attention to items which would not be readily visible if the suspect were clothed: scars, tattoos, moles.
5. Have all signs of trauma or injury, as well as emotional state of the victim, recorded on hospital record. Be certain that smears are taken from vagina, anus, and mouth of victim.

INTERVIEWING CHILD VICTIMS

GUIDELINES FOR CRIMINAL JUSTICE SYSTEM PERSONNEL

I. Preparing for Interview

Before interviewing the child, obtain relevant information from parents/guardian, and if applicable, Child Protective Services case-worker, physician, and/or Sexual Assault Center/Rape Relief counselor.

- A. Explain your role and procedures to above personnel, and enlist their cooperation.
- B. Determine child's general development status: age, grade, siblings, family composition, capabilities, ability to write, read, count, ride a bike, tell time, remember events, any unusual problems, physical, intellectual, behavioral, knowledge of anatomy and sexual behavior, family terminology for genital areas.
- C. Review circumstances of assault (as reported already by child to other person): what, where, when, by whom, and to whom reported: exact words of child; other persons told by child; how many have interviewed child; child's reaction to assault; how child feels about it and what, if any, behavioral signs of distress (nightmares, withdrawal, regression, acting out) have occurred.
- D. Determine what reactions and changes child has been exposed to following revelation of the assault(s); believing; supportive; blaming; angry; ambivalent; parents getting a divorce; move to a new home.

II. Beginning the Interview

- A. Setting - The more comfortable for the child, the more information she/he is likely to share.
 1. Flexibility - A child likes to move around the room, explore and touch, sit on the floor or adult's lap.
 2. Activity - Playing or coloring occupy child's physical needs and allows her/him to talk with less guardedness.
 3. Privacy - Interruptions, distract an already short attention span, divert focus of interview, and make self-conscious or apprehensive child withdraw.

4. Support - If the child wishes a parent or other person present, it should be allowed. A frightened or insecure child will not give a complete statement.

B. Establishing a Relationship

1. Introduction - Name, brief and simple explanation of role and purpose: "I am the police officer here to help you. My job is to talk to children about these things because we want for them to stop happening."
2. General exchange - Ask about name (last name), age, grade school and teacher's name, siblings, family composition, pets, friends, activities, favorite games/TV shows. (If often helps to share personal information when appropriate, e.g. children, pets.)
3. Assess level of sophistication and ability to understand concepts: does child read, write, count, tell time, know colors or shapes; know the day or date: know birthdate remember past events (breakfast, yesterday, last year) understand before and after; know about money; assume responsibilities (goes around neighborhood alone, stays a home alone, makes dinner, etc.)

III. Obtaining History of Sexual Assault

A. Preliminaries

1. Use language appropriate to child's level; be sure child understands words. (Watch for signs of confusion, blankness or embarrassment, be careful with words like incident occur, penetration, ejaculation, etc.)
2. Do not ask WHY questions ("Why did you go to the house?" "Why didn't you tell?") They sound accusatory.
3. Never threaten or try to force a reluctant child to talk. Pressure causes a child to clam up and may further traumatize her/him.
4. Be aware that the child who has been instructed or threatened not to tell by the offender (ESPECIALLY if a parent) will be very reluctant and full of anxiety (you will usually notice a change in the child's affect while talking about the assault). The fears often need to be allayed.
 - "It's not bad to tell what happened."
 - "You won't get in trouble."
 - "You can help your dad by telling what happened."
 - "It wasn't your fault."
 - "You're not to blame."

5. Interviewer's affective response should correspond with child's perception of assault (e.g., don't emphasize jail for the offender if the child has expressed positive feelings toward him.)
6. Ask direct, simple questions as open-ended as allowed by child's level of comprehension and ability to talk about the assault.

B. Statement

1. WHAT

- "Can you tell me what happened?"
- "I need to know what the man did."
- "Did he ever touch you? Where?"
- "Where did he put his finger?"
- "Have you ever seen him with his clothes off?"
- "Did you ever see his penis (thing, pee pee, weiner) get big?"
- "Did anything ever come out of it?"

Once basic information is elicited, ask specifically about other types of sexual contact.

- "Did he ever put it into your mouth?"
- "Did he ever make you touch him on his penis?"

2. WHO

Child's response here will probably not be elaborate. Most children know the offender and can name him, although in some cases the child may not understand relationship to self or family. Ascertain from other sources what is the exact nature/extent of the relationship:

3. WHEN

The response to this question will depend on child's ability, how recently assault happened, lapse between last incident and report, number of assaults (children will tend to confuse or mix separate incidents). If the child is under six, information re: time is unlikely to be reliable. An older child can often narrow down dates and times using recognizable events or associating assault with other incidents.

- "Was it before your birthday, the weekend, Valentine's Day?"
- "Was it nighttime or daytime?"
- "Did it happen after dinner, 'Happy Days', your brother's bedtime?"

4. WHERE

The assault usually occurs in the child's and/or offender's home. Information about which room, where other family members were, where child was before assault may be learned.

5. COERCION

What kind of force, threat, enticement, pressure was used to insure cooperation and secrecy?

- "Did he tell you not to tell?" "What did he say?"
- "Did he say something bad would happen or you would get in trouble if you told?"
- "Did the man say it was a secret?"

C. Assessing Credibility and Competency

1. Does child describe acts or experience to which s/he would not have normally been exposed? (Average child is not familiar with erection or ejaculation until adolescence at the earliest.)
2. Does child describe circumstances and characteristics typical of sexual assault situation? ("He told me that it was our secret"; "He said I couldn't go out if I didn't do it"; "He told me it was sex education.")
3. How and under what circumstances did child tell? What were exact words?
4. How many times has child given the history and how consistent is it regarding the basic facts of the assault (not times, dates, circumstances, sequence of events, etc.)?
5. How much spontaneous information can child provide? How much prompting is required?
6. Can child define difference between truth and a lie? (This question is not actually very useful with young children cause they learn this by rote but may not understand the concepts.)

IV. Closing the Interview

A. Praise/Thank Child for Information/Cooperation

B. Provide Information

1. Child--Do not extract promises from child regarding testifying. Most children cannot project themselves into an unknown situation and predict how they will behave. Questions about testifying in court or undue emphasis on trial will have little meaning and often frightens the child (causing nightmares and apprehension).
2. Parent--Provide simple, straightforward information about what will happen next in the criminal justice system and approximately when, the likelihood of trial, etc.

C. Enlist cooperation--Let them know who to contact for status reports or in an emergency, express appreciation and understanding for the effort they are making by reporting and following through on process.

D. Answer questions; solicit responses.

Adapted from information by Chief Fred F. Drenkham, Executive Director of the Cuyahoga County Police Chiefs Association in Cleveland, Ohio.

Domestic Violence

Domestic violence (spouse abuse) recently has received widespread public attention as a serious social problem affecting people in all economic, social, and ethnic groups. Many law enforcement agencies consider violence within the family to be the most frequent and under-reported crime in the United States. Many police officers have found spouse abuse to be a difficult and frustrating problem for the criminal justice system to handle effectively. Some people have become frustrated, indifferent or even hostile after encountering victims who are repeatedly abused and either do not press charges or return to the battering relationship. Still others hold onto faulty beliefs that victims really provoke the attack or masochistically enjoy beatings.

Persons who resort to violence lack self-control. Stress, isolation, and family background are often involved. There is a cycle of violence. This cycle has been described by L. Walker as having three phases:

1. Tension-building--when the victim denies, minimizes, and is subjected to increasing verbal threats.
2. The explosion--the acute battering phase when the actual violent episode erupts. Tension cannot be denied and loss of control occurs.
3. The loving respite--when the abuser completely changes behavior, once again calm and loving. Both abuser and victim may believe the abuse will never occur again, but the tension soon builds again (phase 1).

The patrol officer who responds may find the disputants in any one of these phases. The officer must be aware of this cycle in order to respond appropriately and effectively.

A recent study has concluded that victims of domestic violence are less likely to be repeat victims if they seek help through the legal system. As law enforcement officers, it is most important to know that abuse often begins as a threat or a shove, but escalates into repeated beatings causing serious physical injury. If effective intervention does not occur, the abuse continues and, in some cases, it may lead to homicide. A study in Kansas City determined that in 85% of the cases of serious assault and homicide within the family, police had responded to a disturbance call at the residence at least once in the prior two years. In 50% of the cases, they had visited those residences five or more times. Findings in Minnesota found that arrest was the most effective law enforcement response in reducing domestic violence. Arrest was compared to mediation and taking no action. The proper response includes the use of arrest, a response which may deter future violence.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: DOMESTIC VIOLENCE

NUMBER: 2-32

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Sheriff/Chief of Police

CALEA STANDARDS: 41.2, 42.2

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

domestic violence
search of premises
interviewing (participants of domestic dispute)
dispatcher responsibilities (re domestic violence)
patrol officer's responsibilities (re domestic violence)
arrests; in family fights

I. POLICY

It is the policy of the department to assign domestic violence (domestic disturbance) calls on a high priority. Law enforcement must exercise leadership in the community in responding to domestic violence. An immediate legal response can make a major difference in the disputants' lives. Department personnel responding to a domestic disturbance call shall (1) terminate the conflict, (2) arrest persons when probable cause exists that a crime has occurred, (3) provide safety and security for the crime victim(s), (4) and refer participants to appropriate agencies to prevent future occurrences.

II. PURPOSE

A. General responsibilities

1. "Domestic violence" means the acts of striking, threatening, harassing or interfering with the personal liberty of any spouse/cohabitant or former spouse/cohabitant.

2. Department personnel shall refer victims of domestic violence to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies). Referrals help prevent future disturbances.
3. Department personnel shall be trained about domestic violence and its impact on society. Personnel must be well trained to confront unexpected violence. Studies estimate that family disturbance calls are frequent and are one of the leading causes of police fatalities in the line of duty.

B. Dispatcher (communication center) responsibilities

1. Because the dispatcher is likely to be the first person to receive the call, he or she is a key person in determining the type of response.
2. The dispatcher is responsible for deciding whether a police officer is needed at the scene. To assist in making that decision, the dispatcher shall determine the following, if possible:
 - a. Who is complaining?
 - b. Is the crime (incident) in progress?
 - c. Is a weapon involved?
 - d. Have you or any others at the address been injured?
Is an ambulance needed?
 - e. Name and location?

At this point, if there is evidence of injury or weapon, or major threat of violence, dispatch a car immediately (and ambulance, if needed). Keep the complainant on phone if possible and obtain additional information:

- f. Assailant's whereabouts? If not known, obtain direction of travel and elapsed time.
 - g. Were alcohol or drugs involved?
 - h. Has there been a previous history/reports?
3. Maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. Advise the victim of the intended department response. Use crisis intervention skills. (See Appendix to GO 2-28.)

4. The dispatcher shall provide the responding officer with as much information as possible to identify risks at the scene.
5. See Victim Services, GO 2-28, Dispatcher responsibilities.

C. Patrol responsibilities

1. Arrival at scene

- a. Obtain all available information from the dispatcher upon arrival.
- b. Approaching the scene:
 - (1) When possible, officers should arrive in pairs;
 - (2) Avoid the use of sirens and other such alarms in the vicinity of the scene. (Often, the assailant will be emotionally out of control and may turn a weapon upon the officers, if alerted);
 - (3) Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away.
 - (4) Before knocking on door, listen and look in any nearby window to obtain additional information about the situation (layout of house, number of people involved, weapons);
 - (5) Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door when knocking. The unexpected may occur when the door opens.

2. Initial contact with occupant(s)

- a. Identify selves as police officers by name, give an explanation of police presence, and request entry into the home (when conditions permit). Ascertain identity of complainant--ask to see complainant.
- b. If entry is refused, officers must explain that they must make sure there are no injured persons inside.
- c. Refusal of entry or no response to a knock at the door may require a forced entrance to check safety of people inside.

- d. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent.
 - (1) A spouse can consent to the search of premises used jointly by both husband and wife. This is also true if man and woman are only cohabitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.

- e. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist: for example, if police believe that someone is in distress and in need of assistance.
 - (1) Officers shall evaluate the following elements when considering a warrantless entry: (a) the degree of urgency involved and the time required to get a warrant; (b) the possibility of danger to others, including police officers left to guard the site; (c) whether the suspected offense is serious or involves violence; (d) whether officers reasonably believe that persons may be armed. Finally, officers are reminded that they have a lawful right to investigate any situation which they might reasonably believe to be an emergency.

- f. Once inside, establish control by:
 - (1) Inquiring about nature of dispute;
 - (2) Identifying disputants;
 - (3) Being aware of potential weapons in surroundings;
 - (4) Determining if person(s) are in other rooms (children and other adults) and the extent of their injuries. These persons should be separated from the parties involved and kept out of hearing range (so their witness status will not be compromised).

- (5) Protecting the victim from further abuse. Separate from assailant and arrange for medical attention if victim is hurt. If victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment.
3. Transporting domestic violence victim--see Victim Services transportation procedure (GO 2-28).
4. Interviewing the parties (disputants)
 - a. Ensure safety and privacy by interviewing victim in a separate area away from the assailant (if identifiable).
 - b. Critical to the success of the interview is the police officer's manner. Officers must show interest through effective listening, have an appearance of interest in the problem, and remain aware of non-verbal communication signals. (See Appendices to GO 2-28.)
 - c. Officers shall attempt a low-key approach in domestic violence cases and project the role of mediator/helper rather than that of authoritarian. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance along with appropriate facial and head movements demonstrates interest and encourages the victim to continue speaking.
 - d. Allow the parties to describe the incident (individually) without interruption at the beginning of the interview (ventilation relieves emotional tension).
 - e. After the parties ventilate their emotions, the officer(s) should ask about details of points for clarification and summarize the stated accounts (this allows the parties to point out anything that may be misrepresented).
5. Interviewing witnesses
 - a. Witnesses to the incident--children, other family members, and neighbors--should be interviewed as soon as possible.
 - b. These witnesses may also be in a significant emotional crisis that may influence accuracy of their accounts.
 - c. If witnesses provide information about prior assaults, document them to help establish a pattern.

- d. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

6. Arrest decision

- a. Once officers have assessed the situation, they must make a determination whether or not to arrest the assailant. If so, arrest will follow the requirements of GU 2-4.
- b. Officers can make an arrest without a warrant if there is probable cause that a misdemeanor or a felony has been committed. (VA Code 19.2-81)
- c. Arrest is the most appropriate response when these factors are present:
 - (1) serious, intense conflict;
 - (2) use of a weapon;
 - (3) previous injury or damage;
 - (4) previous court appearance against the offending party;
 - (5) previous attempt to sever relationship;
 - (6) second call for police;
 - (7) when a felony has occurred;
 - (8) evidence of drugs or alcohol at assault;
 - (9) offenses committed with officer present;
 - (10) valid warrants on file for other crimes;
 - (11) a protective order has been violated.
- d. The department promotes a policy of arrest when elements of an appropriate crime are present.
- e. If the abusive person is not arrested,
 - (1) complete an incident report;

- (2) inform the victim that she or he may file criminal proceedings at a later date. Provide information about how to file a criminal charge, including time, location, and case number, if available;
- (3) advise the victim of the importance of preserving evidence;
- (4) explain to the victim about protective orders and restraining orders and how to obtain them (obtain information from the Commonwealth's Attorney).
- (5) If the victim wants to leave the premises to ensure safety, remain at scene while the victim packs essentials. Advise victim to take only personal items plus important papers;
- (6) give the victim phone numbers of emergency shelters in the area and the police emergency number;
- (7) assure the victim that the police department will assist in future emergencies but that he or she must become responsible for own safety.

7. Gathering evidence

- a. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate the attack, and the crime scene itself.
- b. Victim's account of injuries sustained can be corroborated by a doctor.
- c. When feasible, photographs of injuries should be made.
- d. Photographing the crime scene to show that a struggle occurred is preferred; if not possible, make a written description of it.
- e. All articles of evidence should be collected as in other investigations (see also Appendix to GO 2-14).

8. Documenting the incident

- a. Written police reports shall follow general crime report writing procedure (see Victim Services crime report procedure GO 2-28).

b. Include in all incidents of domestic violence:

- (1) facts and circumstances of the incident;
- (2) victim's statements as to the frequency and severity of prior incidents of abuse by same family member;
- (3) victim's statements as to the number of prior calls for police assistance;
- (4) disposition of the investigation.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: TOWING/WRECKERS

NUMBER: 2-33

EFFECTIVE DATE:

REVIEW DATE:

AMENDS/SUPERCEDES:

APPROVED:

Chief of Police/Sheriff

CALEA STANDARDS:

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:

inventory (of vehicles)
towing

I. POLICY

Officers must understand when the towing and storage of vehicles is appropriate and legal. Whenever possible, owners or operators of vehicles for which towing is required will be encouraged to specify a towing service of their own choice. When required, the officer will summon a tow truck, unless a specific request for a particular tow service has been made by the owner or operator of the vehicle to be towed.

II. PURPOSE

To establish procedures for towing vehicles.

III. PROCEDURES - GENERAL

A. Accident: Any vehicle involved in an accident shall be removed to the shoulder of the road or elsewhere as soon as possible after necessary accident investigation information has been obtained. Vehicles shall be removed from the shoulder without unnecessary delay.

1. Vehicles may be removed to the shoulder of the road or other legal parking spot which does not obstruct or impede vehicle travel on the roadway. Officers shall not push cars with police vehicles.
 2. If this is not possible, and a traffic hazard is potentially created, towing of the vehicle at the expense of the owner may be ordered by the police officer.
- B. Emergency: Any vehicle found illegally parked in the vicinity of a fire, traffic or airplane accident or area of emergency which creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be ordered towed, at the expense of the owner, by a police officer. Vehicles being used by radio, T.V., and press are exempt unless they obstruct police, fire, or rescue operations.
- C. Impeding/danger to traffic: No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in cases of mechanical breakdown or accident. If such disabled vehicle is not promptly removed and creates a traffic hazard, the police officer may order the vehicle towed at the expense of the owner.
- D. State/county/municipal vehicles: Paragraphs A, B, and C above shall not apply to any vehicle owned or controlled by the state or a local unit of government while actually engaged in construction or highway maintenance.
- E. Blocking driveway or parking area: Any police officer discovering or having report of any motor vehicle, trailer, or other vehicle blocking a driveway or parking area, or obstructing or interfering with the movement on any driveway or parking area without the land owner's permission may order the vehicle towed at the expense of the owner of the vehicle.
- F. Unattended traffic hazard/violation of law: Officers may tow any motor vehicle found on the public street or grounds unattended by the owner/operator that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law.
- G. Unattended vehicle: Whenever any motor vehicle is left unattended for more than ten days upon any public or privately-owned property other than the property of the vehicle owner, the police officer may order it towed at the expense of the owner of the vehicle.
- H. Abandoned vehicle: Whenever any motor vehicle is abandoned upon public or privately-owned property, without the permission of the owner, leasee, or occupant thereof, the police officer may order

it towed at the expense of the owner of the vehicle. A vehicle may be presumed to be abandoned if 1) it lacks either (a) a current license plate; (b) a current county, city or town tag or sticker; or (c) a valid state inspection sticker, and 2) it has been in a specific location for ten days without being moved.

I. Removal from private property

1. No removal will be ordered from private property under subparagraphs G and H above without receiving a written request of the owner, leasee, or occupant thereof. Such request shall indemnify the town against any loss incurred by reason of removal, storage, or sale thereof.
2. Property owners, etc., may act immediately to have vehicles towed which are occupying lot, area, space, building or part thereof without their permission under Virginia Code 46.1-551 which requires them to order the vehicle towed and notify simultaneously a law enforcement officer.

J. Evidence/crime involvement: Vehicles that are of an evidentiary value or involved in the commission of a crime will normally be towed at the request of the officer to the police department compound at police department expense.

K. DUI vehicles: A vehicle driven by a DUI suspect that is legally and safely parked shall be locked and left there if the suspect consents. The suspect may turn the keys over to a friend or relative who will move the vehicle, or the suspect may request the vehicle be towed by a particular garage. If the suspect 1) does not consent to locking and leaving a legally and safely parked vehicle, or 2) refuses to allow a friend or relative to move the vehicle, or 3) does not request a particular tow service to move an illegally parked or hazard-creating vehicle, the police officer may order it towed for safekeeping at the owner's expense.

IV. TOWING PROCEDURES

- A. Police officers shall know under which provisions (subparagraphs A-K above) the vehicle will be towed.
- B. Preferably, the vehicle owner/operator will name the towing company to be used.
- C. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer will normally ask the dispatcher to send a wrecker.

- D. In an emergency involving major traffic congestion, the officer will so notify the dispatcher and will request a wrecker.
- E. If the vehicles involved are larger than normal passenger vehicle or pickup size, the officer should so advise the dispatcher who has a separate list of specially equipped wrecker services.
- F. Dispatchers will log a notification section on their report whenever a tow service is requested. The time the dispatcher called the tow service will be recorded.
- G. When the wrecker arrives on the scene, the officer will advise the dispatcher of time of arrival and any other subsequent problems.
- H. Dispatchers will be notified of all vehicles being towed by officers or owners of private property and will record date, time, place towed from and to, license number, make or model, and color of vehicle in the towed vehicle log.

V. INVENTORY

- A. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked will not be inventoried. Officers are reminded of the "plain view doctrine" and the limitations upon the authority to search incidental to a lawful arrest. See GO 2-5 for further details.
- B. A vehicle inventory tow-in report will be completed when an officer assumes responsibility for towing a vehicle, and complete an inventory list before allowing the wrecker driver to pull the vehicle.
- C. Before the vehicle is removed, officers will obtain the signature of the tow truck driver on the inventory report and provide the tow driver a duplicate copy of the report.
- D. Officers will turn in original copy of the inventory report to the police chief.