

# General Order



# Manual

**Bryan**

**Cameron**

**Chief of Police**

**2023**



## *Department Mission*

### *Statement:*

*Our police department is committed to building strong relationships with Aqua Harbour through a community policing approach. Our mission is to work collaboratively with community members to identify and address public safety issues, reduce crime and fear of crime, and enhance the quality of life for all residents.*

*Through our commitment to these values, we strive to build a community where everyone feels safe, respected, and valued*

*Bryan Cameron  
Chief of Police  
2023*

**AQUIA HARBOUR POLICE DEPARTMENT**  
**RULES AND REGULATIONS & GENERAL ORDERS**  
**REVIEW DATES**

<b><u>RULES AND REGULATIONS</u></b>		<b><u>REVIEW DATE</u></b>
1-1	Organization of Manual; Definitions	03-16-2021
1-1A	Directives Development	03-16-2021
1-2	Rules of Conduct	03-16-2021
1-3	Organization and Authority	03-16-2021
1-4	Inspections	05-10-2021
1-5	Hiring Departmental Personnel	03-16-2021
1-6	Performance Evaluations	03-16-2021
1-7	Employee Discipline	03-16-2021
1-8	Sexual Harassment	03-16-2021
1-9	Complaints Against Police Personnel	05-10-2021
1-10	Grievances	03-16-2021
1-11	Off-Duty Employment	03-16-2021
1-12	Law Enforcement Training	03-16-2021
1-12A	Promotional Process	03-16-2021
1-13	Media Relations	03-16-2021
1-14	Ride-A-longs	04-10-2021
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1-16	Relationships with Other Agencies	04-10-2021
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1-19	Employee Benefits	03-16-2021
1-20	Termination of Employment	04-10-2021
1-21	Uniforms and Appearance	04-10-2021
1-22	Budget and Fiscal Management	03-16-2021
1-23	Bias Based Policing	03-16-2021
1-24	Line of Duty Deaths	03-16-2021
1-25	Electronic Data Communications	05-20-2021
1-26	Recording Police Activity	10-02-2021

**AQUIA HARBOUR POLICE DEPARTMENT**  
**RULES AND REGULATIONS & GENERAL ORDERS**  
**REVIEW DATES**

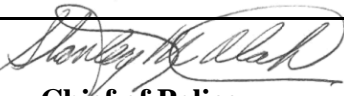
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**AQUIA HARBOUR POLICE DEPARTMENT**  
**RULES AND REGULATIONS & GENERAL ORDERS**  
**REVIEW DATES**

**GENERAL ORDERS**

**REVIEW DATE**

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<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>RULES AND REGULATIONS</b>
<b>SUBJECT: Organization of Manual; Definitions</b>	<b>NUMBER: 1-1</b>
<b>EFFECTIVE DATE: MARCH 16, 2016</b>	<b>REVIEW DATE: 02-12-19 by 804</b>
<b>AMENDS/SUPERSEDES: RR 1-1, Mar. 1,1994, Dec. 2001, Aug. 2006, DEC 2010</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLEPSC STANDARDS: ADM.09.01, ADM.09.02</b>	

## NOTE

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## INDEX WORDS

General order  
Manual; organization of  
Memorandum  
Policy  
Procedure  
Rule  
Rule and regulation

## I. POLICY

Law enforcement agencies are obligated to provide essential services to citizens to foster safe communities through crime reduction and deterrence. Law enforcement administrators are obligated to train, supervise, and guide personnel in performing a variety of tasks which helps create safe communities. At the same time, administrators seek to bolster employees' confidence and competence in performing tasks while reducing vulnerability to liability. To meet these obligations, agencies must manage themselves according to written orders. A manual of policies, rules, and procedures guides the day-to-day legal and ethical functioning of a law enforcement agency. To that end, this manual furnishes a blueprint for the performance of Aquia Harbour Police Department activities to established standards of performance.

## II. PURPOSE

This regulation outlines the organization of the manual, its authority, and defines three kinds of statements that appear in general orders and rules and regulations: policy, rule, and procedure.

## III. DEFINITIONS

### A. Policy: (ADM.09.01.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 needs of the community.

1. Each rule, regulation, or general order will begin with an agency policy statement.
2. Only the General Manager of the Aquia Harbour Property Owners Association, the Board of Directors, and the Chief of Police determine policy.

### B. Rule/Regulation: (ADM.09.01.c)

A rule/regulation is a specific prohibition or requirement governing the behavior of employees.

1. Rules/Regulations permit little if any deviation therefrom. Violations of rules normally result in administrative discipline.
2. Rules/Regulations also appear in general orders.

### C. Procedure: (ADM.09.01.b)

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 employees' actions in performing specific tasks within the guidelines of policy. Procedures are simply a series of tasks that comply with departmental rules and policies and are designed to facilitate the performance of specific activities and promote uniformity and efficiency of action. The primary purpose of procedures is to assist the organization reach specific ends or goals. It is this purpose and need that justifies their development and adoption.

1. Unlike rules, a failure to follow a procedure **may** result in administrative discipline. Procedures constitute the agency-approved guide to performing tasks. Employees may depart from procedures only when, in their professional judgment, the situation warrants. Employees must be prepared to justify their actions.
2. Procedures appear mostly in general orders and to a lesser extent within rules and regulations.

D. Memorandum

A memorandum provides useful, specific information to employees not amounting to a formal order or may constitute 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. There are two types of memoranda:
  - a. General memoranda provide useful, specific information to officers not amounting to a formal order. These memoranda may be issued by department members or other agencies (i.e. Sheriff's Office, AHPOA, AHPI etc.).
  - b. Instructive memoranda to all personnel constitute directives affecting specific behavior for a specific event or period of time and are usually self-canceling. The executive director, chief, or supervisors may only issue this type of memoranda.

E. Manual

A manual is a collection of rules and regulations and general orders of the department.

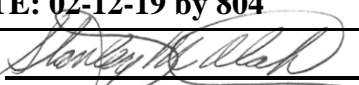
**IV. ORGANIZATION OF THE MANUAL**

A. The manual is divided into two components: rules and regulations, and general orders.

1. A rule and regulation, which contains rules primarily, as defined above, is an administrative order governing organizational matters, e.g., leave policy, off-duty employment, and promotions.
  - a. Because they contain many rule statements, rules and regulations permit little if any deviation therefrom.
  - b. The term Rules and Regulations as used in law enforcement are synonymous. Basically, they are a means of controlling and defining the behavior of all department employees. By assigning specific responsibilities to all personnel in the various levels of rank.
  - c. Rules and Regulations are necessary for the achievement of organizational goals. Primary among these is a requirement that all members of the department adopt a general standard of conduct both on and off duty consistent with the professional standards of the law enforcement community.
  - d. The Chief of Police issues rules and regulations.
2. A general order, (abbreviated GO) which contains procedures primarily, is an administrative order governing operational matters, e.g., use of force, transportation of prisoners, or searches and seizures.



- a. Because they contain many procedural statements, general orders permit a window of discretion. While violations of general orders **may** result in administrative discipline, the agency recognizes that an employee may depart from procedures only **if** the circumstances warrant, in the employee's professional opinion. Employees must justify their actions accordingly.
  - b. The Chief of Police issues general orders.
3. A special order (abbreviated SO) will be issued in order to describe either temporary changes in procedures or to amplify/change existing procedures before their scheduled review date. They will be placed in the General Order Book in back of the current GO/RR.
- 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 (1 signifies rule or regulation; 5 signifies regulation number 5, and 3 means page 3.)
- C. No rule and regulation or general order is valid unless signed by the Chief of Police.
- D. Within the context of any directive, the use of the word "shall" denote an action or behavior that is mandatory and unequivocal. The words "may" or "can" denote an action or behavior that is discretionary.
- E. Any member of the department is encouraged to suggest or recommend changes to the Chief of Police concerning the policy manual.
1. The process for developing directives is outlined in RR 1-1A.
- F. All personnel shall have electronic access to the General Order/Rule Regulation Manual. Whenever revisions are made, all personnel shall sign an acknowledgment indicating they have received notification of changes to the electronic General Order or Rule and Regulation Manual. (**ADM.09.02.a.c**)
- G. A Rule and Regulation, General Order Manuals shall be maintained at the Police Station, Chief's office, and Assistant Chief's office. (**ADM.09.02.b**)
- H. The manual shall be maintained, purged and updated by the Assistant Chief , whenever revisions are published.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Directives Development</b>		<b>NUMBER: 1-1A</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02-12-19 by 804</b>	
<b>AMENDS/SUPERSEDES: RR1-1A – DEC.10 2001, DEC.1,2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.09.01</b>			

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**INDEX WORDS**

Directives  
Orders  
Policy Committee

**I. POLICY**

To achieve its objectives, the department must develop sound, written directives and govern all activities accordingly. Written directives include all written guidance issued by an appropriate authority. Written directives help department employees perform their jobs with confidence that they meet management's expectations. Through consistently applied and regularly revised orders, management promotes high standards of performance while reducing employees' doubts, confusion, anxiety, and distrust. This order describes the formal process by which directives are devised and evaluated.

**II. PURPOSE**

To outline the process of drafting and evaluating written directives.

**III. DEFINITION**


A. Directive

Any written order. For the purpose of this Rule and Regulation, "policy" is synonymous with "directive" and is issued only by the Chief of Police.

## IV. PROCEDURES

- A. The Chief is the department's policymaker. He/she shall regularly consult with senior managers to devise, review, and evaluate directives. Departmental directives are embodied within General Orders or Rules and Regulations. **(ADM.09.01.e)**
- B. The Chief chairs the standing **Policy Committee** which operates according to the following guidelines.
1. The Policy Committee shall be composed of a cross-section of ranks and functions including:  
*One or more non-sworn members; one or more sworn non-supervisory members; one or more sworn mid-managers; one or more sworn senior managers.*
  2. The Policy Committee shall meet at least once annually to create or develop a new General Order or Rule and Regulation, review older orders according to a schedule, or evaluate new ones. In his/her absence, the Chief shall designate the chair of the Policy Committee. The Policy Committee shall make appropriate recommendations to the Chief about retaining, revising, or developing written orders. **(ADM.09.01.d)**
  3. The Policy Committee shall conduct an immediate audit following any critical incident to review the applicability of department orders to the incident, to analyze how applicable orders helped or hindered the resolution of the incident, and to recommend changes to existing orders. The audit shall include an examination of how policy is enforced through training and supervision.
  4. In consultation with the Chief, the Policy Committee shall set a schedule of orders annually for review and evaluation. All orders shall be reviewed before the expiration of four years (maximum) for most orders, or annually for high-risk ones, as determined by the Chief.
- C. General Orders and Rules and Regulations shall be drafted with the following considerations.
1. Determine the employee's objective in performing tasks or activities covered by the order.
  2. Identify the problems the employee is likely to encounter when making decisions to reach the objective.
  3. Ensure that the order is positive, definitive, clear, and readily understood by all employees.
  4. Aim for permanency while promoting flexibility.
  5. Endeavor to address all *reasonably foreseeable* conditions.
  6. Ensure that orders are founded upon facts and sound judgment.

7. Ensure that orders are compatible with the public interest and conform to the law.
8. Ensure that employees understand that all orders provide a guide to action in recurring situations. Orders cannot possibly address every circumstance.
9. Ensure that the components of a written order (policy statements, rules, and procedures) follow the definitions given under RR 1-1, particularly in outlining the limits of officers' discretion.
10. General Orders and Rules and Regulations shall meet the standards of state accreditation.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Rules of Conduct</b>		<b>NUMBER: 1-2</b>	
<b>EFFECTIVE DATE:</b>		<b>REVIEW DATE: DEC. 08, 2018 BY 801</b>	
<b>AMENDS/SUPERSEDES: RR 1-2, MAR.1, 1994, DEC. 10, 2001, DEC.6,2006</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>FEB 4, 2011</b>		<b>VLEPSC STANDARDS: ADM.01.01, ADM.01.02, PER.03.04, PER.09.01, PER.09.02</b>	

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**INDEX WORDS**

- |                             |                       |
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| Confidentiality             | Obedience to laws     |
| Conflict of orders          | Obedience to orders   |
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Freedom of Speech	Uniforms
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### I. POLICY

The policy of the Aquia Harbour Police Department is to ensure that all members maintain an exemplary standard of personal integrity and ethical conduct in their relationship with other members and the community. The recognition that our primary responsibility is to the community requires the understanding that police powers are limited and police action, in whatever form, must be accountable to the community.

### II. PURPOSE

The rules and regulations contained herein are designed to serve as a professional standard governing conduct.

### III. DEFINITIONS

#### A. Moral turpitude

An intentional act or behavior displayed in words or actions which violates public morals or the common sense of the community involving but not limited to intent to defraud, intentional dishonesty for personal gain, lying, perjury, subornation of perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or excessive use of force.

#### B. Good moral character

The attributes of a prospective employee that enhance his or her value to the department and to public service which include honesty, integrity, truthfulness, obedience to the oath of office and the code of ethics, respect for authority, and respect for the rights of others.

### IV. CODE OF ETHICS (ADM.01.02)

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

As a law enforcement officer, my fundamental duty is to serve the community; 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 to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will 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 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 my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, 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 never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself to my sacred honor . . . law enforcement.

## **V. GENERAL DUTIES**

- A. All officers shall, 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 Commonwealth of Virginia and Stafford County Code, according to the rules, regulations, and general orders of the department. Officers must know that when they act under color of law, they are enforcing the law according to statutes, written administrative guidance in the department, common usage, and custom. Further, officers shall exhibit good moral character in the administration of their duties according to departmental orders.
1. The department maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement.
  2. Management reserves the prerogative to discipline personnel for violations of the rules listed in this order. The decision to discipline and the measure of discipline employed depend on the consequences of the employee's actions, the employee's current and past performance..
  3. All written or oral orders given by the department are performance measures, which

address three components of employee performance, that is, conduct, behavior, and work proficiency.

B. Obedience to laws and orders

1. Authority: Employees shall obey all federal and state laws, and ordinances of Stafford County or any other municipality in which the employees may be present. Employees shall obey all lawful orders, written or oral, issued to them by competent authority. The term "employees" includes sworn, non-sworn and civilian personnel. **(ADM.02.01)**
2. Oath of Office: Prior to assuming sworn status all patrol officers shall take an oath of office swearing to enforce the law and uphold the Constitution of the United States and the Commonwealth of Virginia. **(ADM.01.01)**
3. Violation of law: Supervisors shall not knowingly or willfully issue any order in violation of any law or order of the department.
4. Conflict of orders: Employees shall promptly obey any lawful order of a supervisor, including any order relayed on behalf of a supervisor by an employee of the same or lesser rank. If an employee receives two apparently lawful but different orders that may conflict, the last order given shall be followed unless the order is retracted or modified. If an employee receives conflicting orders, the employee shall inform the person giving the last order of the conflict. The person giving the conflicting order shall then resolve the conflict by retracting, modifying, or requesting the employee to comply with the latest order. If the conflicting order is not altered or retracted, the employee may 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, Commonwealth of Virginia, however, a refusal to obey is the responsibility of the employee and he or she shall be required to justify the action.
6. Chain of Command
  - a. Members shall be mindful of the chain of command in all formal communication regarding Department matters. All communications need not necessarily follow formally defined lines of responsibility and authority. They should be based on common sense and should be such as to strengthen the working relationship between individuals and groups. In making contacts that bypass a superior, each member shall keep the superior informed of:
    1. Any matter for which the superior may be held accountable,
    2. Any matter in disagreement or likely to cause controversy between organizational units,



3. Any matter that requires advice from the superior or their coordination with other organizational units,
  4. Any matter that involves recommendations for changes in established Standard Operating Procedure.
- b. The chain of command will be used in determining lines of responsibility and delegation of authority, absent written orders to the contrary.
  - c. The officer responsible for preparing a report of an incident shall be in command of that incident until the reporting officer is directed to relinquish command by a superior.
  - d. Members shall attempt to resolve personnel or interpretive issues with their immediate supervisor before bringing the issue to the immediate attention of a higher level.
  - e. The concept of chain of command will not prevent a member from communicating to the Chief of Police their individual perceptions of corruption, neglect of duty, misconduct, and/or any inappropriate behavior on the part of any member or members of the department.
6. Civil rights: All members shall observe and respect the civil rights of citizens as the term "civil rights" is commonly understood. Respect for constitutionally protected rights is paramount. See GO 2-1 through 2-5 for specifics relating to this area.
  7. False statements: On any official matter whatsoever, members shall not knowingly lie, give misleading information, or falsify oral or written communications in any official report or in their actions when it is reasonable to expect that the information may be relied upon because of the employee's affiliation with the department.
  8. Enforcement while off duty: If an officer, while off duty, witnesses a violation of the law committed in his or her presence which, in the officer's professional judgment, demands immediate attention, the officer may make an arrest, providing that
    - a. the law violation was committed within the confines of Aquia Harbour and
    - b. the officer does not use his or her own personal vehicle to chase or pursue the violator but observes all traffic laws applicable to citizens, *and*
    - c. he or she displays police identification to the violator and announces his or her purpose, *and*
    - d. the officer can make the arrest without jeopardizing his or her own safety, the safety of the violator, or the public.
  9. Knowledge of Laws and Regulations

Members of Law Enforcement are considered by the general public to be sources of information; therefore, members of this Department shall be familiar with appropriate Federal, State, and County laws and ordinances, and with the Rules, Regulations and Procedures of the Department.

C. Disciplinary/personnel actions (PER.09.02.a.b.c)

1. Disciplinary actions may include a warning, an oral or written reprimand, and 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. See RR 1-7 for specific guidance on disciplinary actions.
2. As appropriate, disciplinary action may be taken for any of the following reasons:
  - a. Incompetent or inefficient performance 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 which discredits or injures the public. (Insubordination consists of direct, tacit, or constructive refusal to do assigned work.)
  - c. Mental or physical unfitness for the position which the employee holds.
  - d. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude (see III.A) or which shocks the conscience of a reasonable person, or a pattern of misconduct as displayed by series of misdemeanor convictions.
  - e. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, 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 his or her supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of the 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. Posting bail 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 specific legal counsel or bondsmen to any person.
  - h. Publicly criticizing supervisors, the General Manager or any AHPOA official or board member.
  - i. Use of harsh, profane, or obscene language to any member of the department or to the public.
  - j. Sleeping on duty, unless required or authorized by special assignment, or Supervisor approval.
  - k. Sexual conduct 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, other orders of the department, or in the laws or ordinances of which the department is responsible to enforce.

D. General conduct: (**PER.09.01**)

- 1. Employees shall display respect for their supervisors, subordinates, and associates. The department expects all employees to display good moral character in on- and off-duty contexts and to apply their judgment accordingly. When on duty and in the presence of the public, supervisors shall be addressed or referred to by rank.
- 2. Employees shall address their subordinates, associates, supervisors, or members of the general public courteously and shall not use abusive, violent, insulting, or provoking language.
- 3. Employees shall at all times be civil and courteous. They shall maintain an even disposition and remain calm, regardless of provocation, in executing their duties.
- 4. Employees shall not slander or speak detrimentally about the department or another employee. See section J below.
- 5. Employees shall always display absolute honesty.
- 6. Employees shall cooperate and coordinate their efforts with other employees and law-enforcement agencies to ensure maximum effectiveness.
- 7. Employees shall restrict personal conversations or personal associations to an appropriate minimum while on duty.

8. An officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.
9. Employees shall not at any time use or attempt to use their official position, badge, or credentials for personal or financial gain or any advantage.
10. Employees shall adhere to the personnel policies set forth in the AHPOA Employee's Handbook.
11. Officers shall refuel the cruisers used on a daily basis prior to the end of their tour of duty unless extenuating circumstances prevent the officer from refueling.

E. Influence

No member will bring or attempt to bring influence to bear upon any member of the Department for the purpose of securing or obtaining promotion, transfer or change in duty assignment or to avoid or reduce the penalties for reprehensible action or conduct; nor shall any member knowingly permit any petition to be formulated or presented by citizens in their behalf, requesting or suggesting such.

F. Gifts, bribes, gratuities, rewards

1. Employees shall 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 shall not accept either directly or indirectly any gifts, gratuity, loan, fee, or any other thing of value arising from or offered because of, or in connection with any law-enforcement activity.
3. Employees shall not accept any gift, gratuity, or other thing of value, the acceptance of which might directly or indirectly influence any manner of official business, or which might adversely reflect on the department, any employee, or a supervisor-employee employment relationship.
4. Employees shall not accept any gift, gratuity, reward in money, or other considerations for services in the line of duty to the community, or to any person, business, or agency except lawful salary and that authorized by *Virginia Code*.
5. Employees found to have accepted bribes shall be dismissed with prejudice.

G. Professional Attitude - Discourtesy

- a. Members shall attempt to maintain a positive attitude and strive for objectivity toward all persons and situations encountered during the performance of their duties.

- b. Members have been trained to understand the impulses in both themselves and the people with whom they deal. This understanding also attempts to eliminate their own expressions of prejudice and any unjustifiable action, thereby inspiring a greater degree of respect and cooperation in the citizen.

H. Loyalty

- a. Loyalty is a two-way process. Management must have a concern for the welfare of their subordinates and recognize their responsibility to support them in their proper actions. This does not include protecting them from the consequences of their misdeeds.
- b. Members of the Aquia Harbour Police Department have an obligation to be loyal to their peers, to their supervisors, to the administration of the Department, and to the Association, which employs them as long as those to whom they are responsible are acting lawfully and in accordance with Department policy. Proposed charges or grievances against the Department should be handled within the Department and not taken to the public.

I. Suggestions or grievances

- 1. Employees 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 supervisor may communicate the suggestion either orally or in writing through the chain of command 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.
- 2. All police department employees will use the grievance procedure set forth in the AHPOA Employee's Handbook.

J. Duty

- 1. Employees shall 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. While on duty, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
- 3. While on duty, officers shall 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 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 are encouraged to maintain a telephone at their home. Officers shall notify the Chain of Command of their telephone number, address, and any changes thereto.
7. All officers shall, as required by department policy, 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 its circumstances.
10. While on duty, officers shall constantly keep the dispatcher informed of their whereabouts.
11. Officers shall maintain a professional attitude and manner when communicating by radio, telephone and pager. Officers shall communicate generally in (plain language), abiding by FCC requirements and the requirements of the department. See **GO 2-40** on Communications for authorized 10-code use.
12. Loitering  
  
Members of the Department will not exhibit the appearance of loitering or remaining in public establishments for extended periods, nor by such actions, which may give the appearance of a lack of police coverage.
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, and citizens, property owners and guest ride-along.
14. Officers shall clean the interiors of their police vehicles daily. Officers shall have their police vehicles washed as needed to maintain a professional appearance.
15. Officers shall keep their financial affairs in good order and under control. Failure to pay debts in a timely manner 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. On Duty Officers must carry police identification with them at all times. In addition, while on duty, officers shall carry a valid driver's license.

K. Leave:

1. Employees shall not be absent from duty without first obtaining permission from their supervisors.
2. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible.
3. Employees must request vacations as soon as possible. Exceptions will be handled on an individual basis by their supervisor for minimal notification.
4. Employees should refer to the AHPOA Employee Handbook for specific questions relating to Leave and Sick Leave etc.
5. A leave of absence/administrative leave without pay may be granted at the discretion of management to *annual full-time* employees for good cause. See AHPOA Employee Handbook for more details.

L. Sick Leave Allowance/Abuse of Sick Leave: (PER.03.02.c)

1. The Police Department recognizes that illness, necessitating the absence of a member from duty, is a fact of life and in most cases cannot be predicted. Sick leave allowance is a privilege and any abuse of this privilege will result in disciplinary action.
2. Sick leave allowances may be used only if the member is unable to work due to (1) an illness or injury incapacitating the member; (2) exposure to a contagious disease such that presence on duty would jeopardize the health of fellow workers or the public; (3) a medical or dental appointment for examination or treatment but only if such appointment cannot reasonably be scheduled during non-working hours.
3. Members who are unable to work due to illness are responsible for contacting their supervisor at least 8 hours prior to the scheduled tour of duty, assignment, or work start time on the day of absence.
4. Supervisor should call the member back regarding their request if the officer could not contact the supervisor. This will be done in order to obtain the reason for the absence, possible length of time the employee expects to be away from work, not to exceed 3 consecutive days without prior approval, and to determine if the department can assist the employee with any particular needs.

5. Sick leave in excess of five consecutive workdays shall be granted only after presentation of a written statement by a licensed health care provider certifying that the employee has been unable to work. A member may, at any time, be required by management to furnish such a written statement, regardless of the length of illness.
6. Employees should refer to the AHPOA Employee Handbook for specific questions relating to Leave and Sick Leave etc.

M. Information

1. Employees shall not communicate to any person who is not an employee of this department any information concerning operations, activities, or matters of law-enforcement 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 shall 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 shall notify the Chief of Police, if appropriate.

N. Public appearances and exercise of freedom of speech

1. If an employee receives a request to make a public presentation or appearance on the department's behalf or publish an article concerning his or her duties, the employee 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 shall, however, authorize appearances or writings that represent the agency and may therefore restrict activities **only** where the employee may represent an agency view.
2. Employees shall not unjustly criticize, ridicule, express hatred or contempt toward or otherwise defame the department, its policies, or other employees when to do so might disrupt operations or adversely affect morale or create disharmony in the workplace. The measure of disharmony is the inability of supervisors to maintain discipline.

O. Use of alcohol

1. Employees shall not drink any alcoholic beverage while on duty. Officers in plainclothes, with the consent of their supervisor, may drink limited quantities while on duty when necessary to accomplish the law-enforcement mission.
2. Employees shall 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. See GO 2-35 for guidance on substance abuse testing.
3. In the event of an emergency recall, each officer must determine fitness for duty if



alcohol has been consumed. A supervisor shall be consulted and asked to confirm or deny, as appropriate, the officer's judgment in the matter. No adverse actions will be taken if, in an emergency recall, the officer believes him- or herself 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 that is inappropriate, particularly where the officer consumes alcoholic beverages. See GO 2-6, use of force, and RR 1-18.

P. Use of drugs

Employees shall not use any narcotic, stimulating, or dangerous drug while on 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 shall notify their supervisor. See GO 2-35 for guidelines on drug testing.

Q. Use of tobacco

1. Officers shall not smoke or otherwise use tobacco products while engaged in traffic control, on an investigation, or while otherwise in contact with the public.

R. Property, equipment, and uniforms

1. Employees shall be responsible for the proper care and use of department property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein. Neglected or abused property will be replaced at the employees' expense as determined by the Chief of Police.
2. Employees shall 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 shall notify a supervisor immediately. Under no circumstances shall an officer investigate his or her own accident. Preferably, a senior officer, Supervisor, or outside agency Supervisor shall conduct the investigation. If necessary, an off-duty officer will be called out.
3. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, shall 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 shall present a neat and clean appearance. Employees shall wear clothing, which is appropriate to the type of

duties and citizen contact expected. 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 shall not temporarily or permanently convert any department property to their own personal use or the use of any other person without the Chiefs permission.
7. When an employee terminates employment, all issued equipment shall be returned on the day the termination is effective. Failure to return all items of police department property will result in withholding final pay or taking legal action.
8. Employees shall have as a part of their issued equipment a copy of the rules and regulations and general orders manual and shall maintain and make appropriate changes or inserts as directed.
9. The Aquia Harbour Police Department furnishes the following uniform items to sworn personnel: **(PER.03.04)**
  - summer shirts
  - winter shirts
  - pants, year-round material
  - belt
  - turtle neck shirt
  - class A hat
  - winter hat and coat
  - ball cap with patch
  - gun belt
  - gun holster
  - expandable baton and holder
  - handcuffs and case
  - magazine pouch
  - can of chemical spray and pouch
  - badges
  - name plates
  - ties
  - traffic-control vest and whistle
  - body armor
  - wind breaker and rain gear
  - Sig Sauer P229and clips
10. All uniforms shall be dark navy blue or black with black leather or nylon gear. Uniform shirts and coats shall display the department patch on both shoulders.
11. Uniforms or civilian business attire (coat and tie for men or equivalent for women) shall be worn for all court appearances with supervisor's approval.
12. When uniform items are damaged or worn out and needing replacement, officers shall request replacement or repair in writing to the assistant chief, giving reasons

why items were damaged.

S. Part-time or off-duty employment (See RR 1-11)

1. Before engaging in any outside employment or business activity, an employee shall request and obtain written approval of the Chief of Police.
2. 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.
3. Employment shall not in any way conflict with the objectives of the department, impair its reputation, or compromise law enforcement.
4. Each full-time employee, while engaged in off-duty employment, shall conduct himself in accordance with department standards. It should be understood that Aquia Harbour Police Department stands as primary employment and each employee is subject to be called in to work at any given time (i.e. call backs, sickness, etc.). Failure to report for duty under these circumstances may be grounds for termination or other disciplinary action
5. The police uniform shall not be worn, nor police equipment used unless so authorized by the Chief of Police.

T. Reporting arrests, court action, civil cases

1. Employees shall immediately notify their supervisor if they have been arrested, subpoenaed to court, or have otherwise been involved in any legal proceedings except divorce.

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, shall give oral notification as soon as possible, and within 24 hours in writing to his supervisor. Supervisors shall forward relevant information through the chain of command as rapidly as possible.
3. Employees shall keep all complaints, arrest 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.

U. 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.

V. Money expenditures

1. No employee shall incur any financial obligation above fifty dollars (\$50.00) on behalf of the department without permission from the Chief of Police.
2. No employee shall imply or accept financial liability for loss or damage on behalf of AHPOA. Any inquiries concerning financial liability will be referred to the Chief of Police or Executive Director of AHPOA.

W. Resignations (See **RR 1-20** for detailed guidance.)

An employee in good standing shall provide at least two weeks written notice of his or her intent to resign.

X. Grooming

1. Employees shall maintain a smart, conservative, well-groomed appearance. Men's hair must be neatly 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 one-half inch beyond the corner of the mouth. Goatees, handlebar mustaches, and beards are not permitted.
2. Women must arrange their hair in such a way that hats can be worn easily. This regulation pertains to sworn female officers.
3. Excessive tattoos or piercing (including earrings) shall not be apparent or visible when the

officer is in uniform.

Y. Courtroom appearances

1. Arrive at the court early enough to check the docket, if necessary, and confer with the Commonwealth's Attorney.
2. If an employee receives subpoenas requiring appearance in different courts at the same time, he or she should honor the first subpoena received. If, however, a circuit or higher court issued one of the subpoenas, it shall receive precedence over one issued by a district court. In any event, the employee shall notify the court they will not be attending because of the conflict.
3. A subpoena receives precedence over an order issued by a supervisor. In any event, the employee must notify his or her supervisor of the court appearance.
4. If on duty, sworn employees will appear in court in uniform. If off duty, employees shall wear either the uniform or appear suitably attired in civilian business attire with Supervisor's approval. Civilian attire means a tie for men, with a sport jacket or suit, and equivalent clothing for women.
5. When testifying, employees shall remain attentive, face the jury and/or Judge when giving testimony, and speak in a clear, audible tone. Employees shall respond to questions asked by the judge or attorneys and will not argue, interject, or offer an emotionally charged response to any remark or question.
6. Each member shall be familiar with the laws of evidence and shall testify truthfully on any matter.

Z. Evidence (See **GO 2-15** and **GO 2-16**)

1. Contraband evidence shall be stored in the SCSO evidence storage locker before and during trial, as the court requires.
2. 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.
3. Officers shall report evidence that is **not** contraband to the General District Court and dispose of it according to the court's recommendation.
4. 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.

5. If any citizen refuses to accept returned property that was used as evidence or otherwise acquired by the department, the property shall be destroyed appropriately.

AA. Found property (See **GO 2-17**)

1. Officers who encounter found property shall store it in the department property room per established procedures. (**ADM.16.01.a, ADM.16.02.b**)
2. Officers shall document the circumstances and describe the property in the appropriate report. Officers shall make a reasonable effort to ascertain the owner of the property and return it. (**ADM.16.01.b.e**)
3. Property not claimed by the owner(s) within 60 days is considered abandoned and shall be disposed in accordance with department policy. (**ADM.16.02.h**)

BB. Use of force - general (See **GO 2-6**)

1. The department expects officers to observe the following guideline in all applications of force:
  - a. Employ the minimum force reasonably necessary to accomplish a legal purpose or to overcome either increasing resistance or an increasingly dangerous threat to public safety. (**ADM.05.01.a**)
2. Further guidelines concerning the use of force are outlined in **GO 2-6**. Violation of the use of force and deadly force orders herein may subject the officer to administrative discipline, suits for damages, and criminal prosecution.

CC. Medical assistance

Officers shall render, or cause to be rendered, medical assistance to *any* injured person after requesting the rescue squad.

DD. Arrests of law-enforcement officers

1. An officer who arrests a sworn officer of another law enforcement agency shall immediately notify his or her own supervisor of the fact. Officers shall take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest. The fact that the person cited or arrested is a law-enforcement officer shall make no difference.
2. If an officer has probable cause to arrest a sworn officer of our department, the officer shall first contact his or her immediate supervisor to review and confirm probable cause. In most cases, the officer may obtain a warrant against the suspect officer. Some occasions may demand an immediate custodial arrest (domestic

violence, for instance; see GO 2-32).

EE. Recommendation of Attorneys and Bondsmen

Members of this Department shall not recommend attorneys and/or bondsmen since this type of action presents a conflict of interest.

FF. Confidentiality

Employees shall keep all complaints, arrest information, or other official business confidential. Employees shall not indulge in gossip about departmental business .

GG. Solicitation

a. The ideals of our Department mission dictate that we maintain our integrity and objectivity. We must avoid any appearance of influence or compromise to objective law enforcement. Therefore, members are prohibited from soliciting for any publication, raffle, event or sponsorship, et cetera, or soliciting money for any purpose without the written consent of the Chief of Police. Written requests shall be forwarded to the Chief of Police describing the organization, its mission and the purpose of the solicitation.

b. Consideration for approval will be based on civic purpose. Solicitation for events, clubs, organizations or teams in which a Department member or their immediate family is the direct beneficiary of such funds, will not be approved.

HH. Sexual Harassment

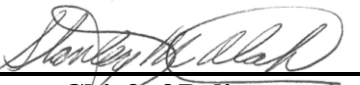
Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct as further defined in the Section RR1-8 of the Police Department General Order Manual and the AHPOA Employees Handbook. Sexual harassment will not be tolerated within the Police Department. Disciplinary action will be initiated against members engaging in such activities. Supervisors who are aware of such incidents and take no action will be considered negligent in their duties and are subject to disciplinary action.

II. Improper Association

a. Members shall avoid unofficial association or fraternization with persons they know

- 1) To be under criminal investigation or indictment;
- 2) Who are known to have a reputation for criminal behavior or bad character. Specific situations made unavoidable because of family relationships of the member will be individually assessed.

b. Members shall not knowingly visit, enter, or frequent a house of prostitution or an establishment wherein laws are openly violated except in performance of duty and while acting under proper and specific operation plans.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Organization and Authority</b>		<b>NUMBER: 1-3</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE 02/26/19 by 801</b>	
<b>AMENDS/SUPERSEDES: RR 1-3, DEC. 10, 2001, R&amp;R 1-3, Apr. 24, 2005, Spcl Ordr 2004/12/06/1-3-001,RR Oct. 06, 2010, Dec.26,2010, Dec.26/14</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.07.04</b>			

**NOTE**

This order is for internal use only and does not enlarge an officer's civil or criminal liability in anyway. 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**

- Chief of Police
- Assistant Chief of Police
- Officer
- Gate Supervisor Gate Officer
- Administrative Assistant
- Organization Position descriptions

**I. POLICY**

The department is established by state law (*Virginia Code* §§ 9.1-101) and consists of a chief of police and other full- and part-time officers and non-sworn employees as determined by the Executive Director. The police Department shall be under the general supervision of the Executive Director of the Aquia Harbour Property Owners Association. The chief executive of the police department is the chief of police and shall at all times enforce the rules and regulations for the governing of the police department prescribed by the Executive Director. The chief reports directly to the Executive Director. Police officers are charged with enforcing the laws of the Commonwealth of Virginia. Jurisdiction of the police department is limited to within the boundaries of Aquia Harbour, or property own by Aquia Harbour,



boundaries. The organization of the police department will support the effective and efficient accomplishment of departmental responsibilities and functions according to community-oriented principles.

## **II. PURPOSE**

The purpose of this order is to describe the organization of the police department, outline its rank structure, and assign responsibilities, functions, and duties. Per mutual agreement MOU with the Stafford County Sheriff Office, the following incidents shall be the responsibility of the Sheriff's office to investigate:

1. Missing adults and Juveniles;
2. Death investigations, including suicides, suspicious deaths, and homicides;
3. Runaway juveniles;
4. Abductions;
5. Suspected or actual gang activity;
6. Felonious assault;
7. Robbery;
8. Rape, attempt rape; and sodomy;
9. Felony narcotics violations;
10. Crimes against children (physical and sexual abuse);
11. Serious or fatal accidents;
12. Burglary;
13. Stolen/recovered vehicles; and
14. Fatal or serious injury traffic crashes.

In the case of incidents or crimes not identified above, follow-up and investigative responsibility will be determined on a case by case basis. In all incidents identified above, the AHPD officer on duty will notify to SCC, respond if available, take any lifesaving actions, and control and secure the scene until the arrival of a Sheriff unit. If there is any doubt if the Sheriff's office or the AHPD is responsible for the primary investigation, the determination will be made by the Sheriff's field supervisor.

- This does not preclude the AHPD officer from taking action, including arresting the offender, in cases where the officer witnesses an offence in progress;
- The Sheriff's field supervisor has the authority to authorized the AHPD to take primary responsibility for any call for service within the boundaries of the AHPD jurisdiction;
- This section does not prohibit the Sheriff's field supervisor from assuming supervision of any criminal incident or investigation within the boundaries of the AHPD jurisdiction.

## **III. PROCEDURES**

### **A. Organizational structure**

1. The chief of police is responsible for the direction of all activities of the department. This direction is accomplished through written and oral orders as well as by personal leadership. Written orders take the form of general orders, rules and regulations, and other directives as needed.

2. The department consists of a police chief, two assistant chiefs and as many police officers and gate guards, as the AHPOA Board in conjunction with the executive director determines, are required to protect and serve the community and otherwise support or carry out the department's objectives.

B. Chain of command

1. The police chief has full control over departmental activities. In the absence of the police chief, the Assistant Chief shall take command and notify the chief of all major decisions that the Assistant Chief may make. If the chief and the Assistant Chief are not available, then a senior patrol officer shall take command until a ranking officer is available and shall make any necessary reports to the chief.
2. Supervisors shall, in normal day to day operations, undertake the required details and assignments necessary to carry out the business of the department. Supervisors shall be responsible for the proper deployment of personnel under their supervision available for duty in order to maximize departmental goals.

C. Span of control

1. For any major event or exceptional situation in which all or most of departmental personnel will be on duty, plans for the event or situation will clearly delineate the command structure and outline the span of control.
2. The principle of span-of-control, absent exigent circumstances, dictates that each supervisor **has direct control over his/her designated component**. However, all levels of supervision and management are responsible and will be held accountable for maintaining positive employee conduct and/or for promptly addressing inappropriate employee behavior.
3. When members of equal rank or authority are at the scene of any situation or activity, unless otherwise designated by higher authority, the member whose duty

function most closely relates to the situation at hand will assume command until relieved by proper authority. In exceptional situations, where duty function is not a factor or uncertain, the ranking member present will assume command of the incident. In situations absent the presence of a supervisor the ranking member will assume command of the incident and will remain so until relieved by higher authority.

D. Authority and responsibility

1. At each rank within the department, personnel are given the authority to make necessary decisions for the effective performance of their responsibilities. Through community-oriented policing, the department is committed to fostering an organizational climate that rewards employees for initiative, innovation, citizen involvement, and problem solving.
2. Lines of authority will follow the Organizational Chart that is part of this policy. In keeping with the principle of unity of command, a member's immediate supervisor is **accountable for the work performance and evaluation of that employee, even though the supervisor may not work with the employee every day.** In the absence of that supervisor, a member's immediate supervisor will be someone on-duty who is the same rank and performing the same function as the member's absent supervisor,. This fosters an environment where an employee is responsible to only one supervisor at any given time and each organizational component is under the direct command of only one supervisor. (ADM.07.04.a.b.c)
3. Each employee shall be held accountable for the use of, or failure to use, delegated authority. Any employee with questions concerning his or her delegated authority shall refer the matter to the on-duty supervisor or the chief of police for prompt resolution. Legal questions may be referred to the commonwealth's attorney.
  - a. For purposes of this order, "employee" refers to both sworn and non-sworn members of the department.
4. All employees shall report any gross or improper use of authority or failure to accept authority through the chain of command immediately.
5. Supervisors are held strictly accountable for the appearance and preparedness of the personnel assigned to him or her.
6. Supervisors are responsible for and shall ensure the good order and sanitary condition of department offices, vehicles, and equipment. (See GO 2-34 for a discussion of workplace sanitary controls.)
7. Supervisors are responsible for the efficiency, discipline, and morale of employees under their charge. Supervisors shall investigate or cause to be investigated all complaints by citizens and allegations of employee misconduct.
8. Supervisors shall document that employees have been supplied with all appropriate

written orders and shall instruct them thoroughly on all oral and written orders. Supervisors shall regularly review and instruct subordinates in pertinent laws, ordinances, and necessary skills.

9. Supervisors shall closely observe the performance and behavior of all probationary employees assigned to them. As appropriate, supervisors shall submit detailed, written reports which describe probationers' appearance, intelligence, discipline, efficiency, initiative, and general adaptability to police work, and shall submit a written recommendation about offering the employee permanent employment.
10. Each supervisor is empowered with the authority commensurate to the position's supervisory or command responsibilities. Each member is empowered with the authority commensurate to his or her responsibilities.
11. A supervisor may delegate authority to a subordinate, but the responsibility will remain with the person who delegated the authority. When authority is delegated, members will assume the scope of command from which authority was delegated, just as if that person had the original authority and responsibility.
12. Every member will obey a lawful order of a superior, even if a member of equal or lesser rank relayed the order. **(ADM.07.04.d)**
13. A member receiving a conflicting order will obey the last given order. The person issuing any order that conflicts with or countermands a previous order or standing directive will assume responsibility for his/her actions and the actions of subordinates obeying the issued order. A member is responsible to only one supervisor at any given time. **(ADM.07.04.e)**
14. No member is required to obey an order that the member knows, or has reasonable cause to believe, is an unlawful order. A member who obeys an order he or she knows is unlawful or has reasonable cause to believe is unlawful, will be held fully accountable for the consequences of his/her actions. A member, who disobeys a lawful order, believing such order to be unlawful, will be required to show that his/her disobedience was in good faith with reasonable cause. **(ADM.07.04.e)**

E. Direction, obedience to orders

As the chief executive of the department, the chief of police has full authority and responsibility for the management, direction, and control of the operation and administration of the department. Both state law and department orders define certain responsibilities that the executive director or other officials share with the chief of police.

F. Grievances ◀

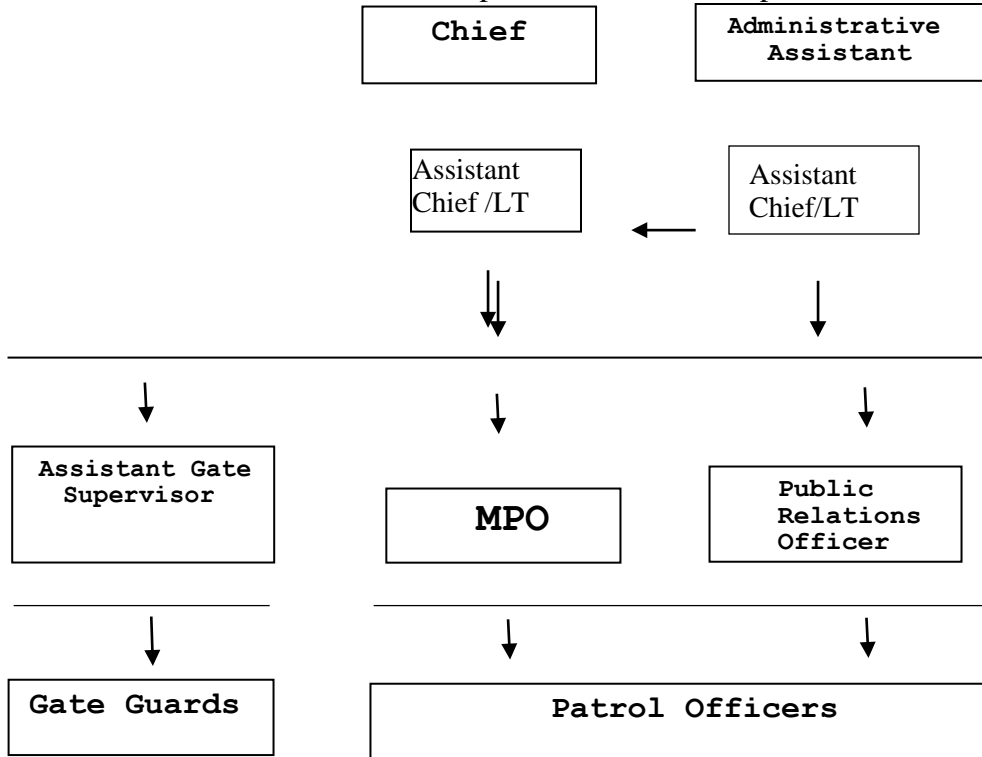
**PER.08.01-.08.04**

1. Employees with complaints against other employees except the chief of police shall present them in accordance with the guidelines set forth in RR 1-10. Employees shall not directly approach the Executive Director on any official matter without permission of the chief.

2. Complaints by employees against the chief shall also be in accordance with the procedures outlined in RR 1-10.

#### IV. ORGANIZATIONAL CHART

The attached chart denotes chain of command and intradepartmental relationships.



#### V. JOB DESCRIPTIONS - Chief of Police

##### A. General duties

1. The chief of police is the chief executive officer of the department and the final authority in all matters of policy, operations, and discipline. He or she exercises all lawful powers of his office and issues lawful orders as necessary for the effective performance of the department. The chief issues written policies. The chief has general charge of the office and all property of the department.

2. Through the chief of police, the department is responsible for enforcing all laws within its legal jurisdiction. The chief of police is responsible for planning, directing, coordinating, controlling, and staffing all functions of the department. He or she is also responsible for its efficient operation and for the department's relations with local citizens, the local government, and other related agencies. The chief is responsible for the training of all members of the department.
3. The chief and all supervisory personnel shall strive to achieve the following goals:
  - a. Develop partnerships with citizens, other governmental agencies, including law-enforcement agencies.
  - b. Enhance the quality of life in the community through the use of problem-solving approaches to reduce crime and the fear of crime.
  - c. Foster mutual accountability for police resources and strategies among citizens, members of the department, and the executive director.

B. Specific duties and responsibilities

1. Devises administrative guidance and promulgates it both orally and in writing. Creates and maintains a manual of orders including policies, rules and regulations, and general orders. See **GO 1-1** for definitions of these terms.
2. Supervises the maintenance and good order of vehicles and equipment.
3. Prepares periodic and special reports for administrative and operational purposes and ensures that adequate records are maintained of all department activities. In particular, ensures that reports are properly stored or archived consistent with state regulations.
4. Controls the expenditure of department appropriations and prepares an annual budget.
5. Plans, coordinates, or administers training of employees in policies, rules and regulations, and general orders, in the performance of their duties thereby, and in the proper use of equipment.
6. Cooperate with other law enforcement agencies in the apprehension and detention of wanted persons.
7. Accepts complaints or inquiries about police service and conducts internal investigations as appropriate. Investigates all cases of alleged or apparent misconduct by employees.
8. Attends civic meetings to explain the activities and functions of the police department, and to establish partnerships, and devise solutions for community problems.
9. Ensures compliance with all laws, which the department has the authority to enforce.

10. Organizes, directs, and controls all resources of the department to preserve the peace, protect persons and property, and enforce the law.
11. Establishes a routine of shifts and daily duties to be performed by employees. Designates a chain of command.
12. Assigns, details, or transfers any member or employee of the department to or from any assignment whenever necessary for the efficiency, discipline, or morale of the department.
13. Supervises the safekeeping of all evidence and any property recovered, found, or confiscated.
14. Maintains personnel records to include performance evaluations, background investigation results, complaints, awards, and leave balances.
15. Actively promotes crime-prevention strategies and methods. Knowledgeably advises citizens and businesses on crime prevention.
16. Due to the size of the department, the Chief may perform duties of a police officer in enforcing the law.

C. Knowledge, skills, and abilities

Comprehensive knowledge of scientific methods of crime detection, criminal identification, and radio communication; comprehensive knowledge of controlling laws, court decisions, and ordinances; thorough knowledge of the geography of Wintergreen; demonstrated ability to lead and direct police officers; ability to maintain cooperative relationships with other association and resort officials and with the general public; ability to evaluate police effectiveness and to institute improvements to police business; ability to recruit, screen, and hire officers; physically fit; ability to prepare and review reports; resourcefulness and sound judgment; demonstrated integrity and good moral character; tact; ability to draft policies.

D. Education and experience

A high school diploma or equivalent is required, preferably an Associate Degree in criminal justice or extensive experience in a variety of law enforcement tasks and functions, coupled with Supervisory/Administrative experience, current certification as a law-enforcement officer. General knowledge of computer technologies. Valid Virginia Driver's License. No criminal record.

## VI. JOB DESCRIPTION – Assistant Chief of Police

### A. General Duties

1. The Assistant Chief occupies the first level of supervision in the department, is managerial, and serves in a patrol capacity.
2. The Assistant Chief is charged with ensuring compliance with the department's oral and written orders, including the responsibility of ensuring the proper performance of police duties from all personnel in accordance with state codes.
3. The Assistant Chief represents the first level of discipline regarding violations of department orders or complaints.
4. The Assistant Chief shall have a thorough understanding of the duties of all department personnel, both sworn and non-sworn and is directly responsible for assisting and instructing them in the proper performance of their duties in accordance with state codes.
5. The Assistant Chief shall be the first line of supervision. He shall review and assign cases as deemed appropriate and assist in investigations when requested by the Chief. He is responsible for maintaining a record of all open investigations and supplemental reports as required by general order and closed investigations. He shall maintain a working knowledge of all video systems used by the department and shall supervise all investigations.
6. The Assistant Chief shall be responsible for job performance evaluations for all Department personnel, except the Chief of Police. (**ADM.07.04.c**)
7. The Assistant Chief shall meet with the Chief and other supervisory staff to identify operational issues, needed changes in policies or procedures and to plan and develop new programs, etc.

### B. Specific Duties and Responsibilities

1. Reports directly to the Chief of Police
2. Serves as acting head in the absence of the Chief.
3. Assist, support and advises the Chief in formulating written administrative guidelines which meet state standards.
4. Serves on an "on-call" basis 24 hours a day, and as necessary or assigned, will perform the functions and duties of any personnel of any shift as required, including investigations and evidence gathering.



5. Maintains an active working knowledge of departmental oral and written orders and administrative policy and provides guidance to all officers regarding relevant laws and local ordinances.
6. Directly responsible for auditing the performance of all personnel under his supervision to determine whether they are properly, effectively, and consistently carrying out their duties consistent with established written orders and policy.
7. Submits a written report to the Chief regarding any member of the department who commits a serious breach of departmental orders, or where informal corrective measures prove inadequate. Included in this report will be the complete details of the misconduct and the corrective measures previously attempted. Make a recommendation to the Chief of Police future measures he deems most appropriate to achieve compliance regarding the member in question.
8. Accountable for implementing all orders and memos received from the Chief. Responsible for ensuring compliance from personnel through interpretation and training regarding the content and meaning of all orders and memos that affect their responsibilities.
9. Accountable for the actions or omissions of all personnel under his or her supervision which are contrary to departmental regulation or policy.
10. Responds to all emergencies or incidents as required. Takes command until relieved by the Chief of Police.
11. Required to keep, maintain and update all records of training and certifications of all personnel.
12. Responsible for enrolling all officers in academy basic schools, in-services, and specialized training as required or as directed by the Chief of Police. Ensures personnel have all necessary resources and support required for assigned training. Maintain a liaison with the academy staff.
13. Performs a monthly audit of the evidence/property room ensuring that proper securing and documentation of all evidence and property by all officers is in compliance with department policy and the standards of state accreditation. Reports any discrepancies to the Chief of Police.
14. Maintains a monthly statistical report of crimes reported. Responsible for obtaining all IBR case numbers from the Sheriff's Department for each report submitted and updating each record in the department files.
15. Submits to the Chief an annual statistical report of all crimes to include at a minimum the number of and type of crimes, location, and the status of the crime case and other related activities of the department as requested by the Chief

16. Directly responsible for maintaining an inventory of all uniforms and related accessories, both issued and on-hand and to include the disposition of replaced items. Directly responsible for maintaining an inventory of all vehicles and assigned equipment. Directly responsible for monthly vehicle inspections and reporting to the Chief a discrepancy found and/or replacement needs. Conducts both scheduled and unscheduled inspections of personnel and assigned vehicles.
17. Responsible for the issuance of uniforms and equipment to all officers. Responsible for the return of all uniforms and equipment when personnel leave the employ of the department.
18. Responsible for purchasing all uniforms and equipment approved by the Chief maintaining all associated records as required.
19. Supervise and administer the field training program for both patrol and gate staff. Reviews all daily F.T.O. evaluation reports and maintains daily communications Submits required reports and recommendations to the Chief for review.
20. Investigates all citizen complaints directed at an officer or the department. Reporting to the Chief and includes a recommendation of corrective action to be taken. This will include internal affair investigations.
21. Responsible for the investigator conducting background investigations on all individuals being considered for employment with the department. Submit a report to the Chief of the finding and recommendations for employment.
22. Screens and approves all citizens' requests for the ride-along program after completion of a criminal history check. Responsible for completion of all forms and liability waivers before approval is given, to include family members of any officer.
23. Responsible for maintaining and updating all personnel record files of all employees.
24. Responsible for records and compliance of all Department of Criminal Justice Services State Mandated Forms to include Initial Appointment, Employment update, Field Training for Law Enforcement.
- 25.
26. Responsible for disseminating vacation and sick leave used and earn for all department personnel on a quarterly basis.
27. Responsible for the scheduling of patrol personnel, including assignments and shifts necessary to provide continual services to the community. He shall be the coordinator for events.

28. Investigates sexual and other unlawful harassment and/or unlawful discrimination accusations filed by or against department personnel.
- 29.
30. Performs other duties as may be assigned by the Chief.

C. Knowledge, skill, and abilities

Comprehensive knowledge of scientific methods of crime detection, criminal identification, radio communication, comprehensive knowledge of laws, court decisions, and ordinances. Has demonstrated ability to lead and direct police officers; maintain cooperative relationships with other associations and resort officials and with the general public. The ability to evaluate police effectiveness and to institute improvements to police business. The ability to recruit screen, conduct background investigation for newly hire officers; be physically fit; have the ability to prepare and review reports; the ability to learn advanced computer skills to include database management, spreadsheets and digital photography. Must demonstrate sound judgment; integrity, tact and be of good moral character.

D. Education and Experience

A high school diploma or equivalent is required, preferably an Associate Degree or extensive experience in a variety of Law Enforcement tasks and functions, with Supervisory/Administrative abilities. Must have a Virginia certification as a Law Enforcement Officer.

## VII. JOB DESCRIPTIONS – POLICE OFFICER

A. General duties

1. A police officer is responsible for the efficient performance of required duties conforming to the oral and written administrative guidance as promulgated by the chief of police. Duties shall consist of, but are not limited to, general police responsibilities necessary to the safety and good order of the community. The police officer must apply community-oriented policing goals daily and shall thereby strive to identify problems and suggest strategies to combat problems, fully enlisting the support of citizens, other officers, and government agencies. The officer must exercise flexibility and adaptability.
2. A police officer shall perform the following activities.
  - a. Detect crime, identify and apprehend offenders, and participate in subsequent court proceedings.
  - b. Reduce the opportunities for the commission of crime through preventive patrol and other crime-prevention measures.
  - c. Aid people who are in danger of physical harm.

- d. Facilitate the movement of vehicular and pedestrian traffic.
- e. Identify potential law enforcement problems.
- f. Promote and preserve the peace.
- g. Provide emergency services.
- h. Actively promote and enlist citizen involvement in combating crime and eliminating disorder.

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

B. Specific duties and responsibilities

1. Exercises authority consistent with the obligations imposed by the oath of office. Promptly obeys legitimate orders. (Where orders conflict, consult RR 1-2.V.B.3.)
2. Coordinates efforts with those of other members of the department so that teamwork may ensure continuity of purpose and achievement of police objectives.
3. Communicates to superiors and to fellow officers all information obtained in the field, which is pertinent to the achievement of police objectives.
4. Responds punctually to all assignments.
5. Acquires and records information concerning events that have taken place since the last tour of duty.
6. Records activities during the tour of duty as required.
7. Maintains weapons and equipment in a functional, presentable condition.
8. Assists all citizens who request assistance or information.
9. Accountable for the securing, receipt, and proper transporting of all evidence and property coming into custody.
10. Strives to resolve noncriminal matters amicably and informally. Responds quickly and professionally to queries from the public, counsels' juveniles and adults when necessary and refers them to relevant social service agencies.
11. Preserves the peace at public gatherings, neighborhood or family disputes, if possible.
12. Serves or delivers warrants, summonses, subpoenas, and other official papers promptly and accurately.
13. Confers with prosecutors and testifies in court on any manner arising from police business.
14. Accomplishes other general duties as they are assigned or become necessary.
15. Cooperates and coordinates with other law-enforcement agencies, correctional institutions, and the courts

C. Specific duties and responsibilities - preventive patrol

1. Patrols an assigned area for general purposes of crime prevention and law enforcement. Patrol includes:
  - a. Being thoroughly familiar with the assigned route of patrol. This familiarity includes knowledge of residents, , businesses, roads, paths, and waterways, .. Conditions that contribute to crime shall be reported.
  - b. Apprehending offenders or wanted persons.
  - c. Completing detailed reports on all crimes, vehicle accidents, arrests, and other incidents requiring police attention.
  - d. Preserving any serious crime scene until the Stafford County Sheriff's Office arrives.
  - e. Performing security checks of residences and Aquia Harbour amenities, as appropriate and requested.
  - f. Observing and interrogating suspicious persons.
  - g. Issuing traffic citations.
  - h. Being alert for and reporting fires.
  - i. Reporting street light and traffic signals out-of-order, street hazards, and any conditions that endanger public safety.
  - j. Observing activities at preschool, parks, and playgrounds that suggest criminality or victimization.
  - k. Responding to any public emergency.
2. Conducts a thorough investigation of all offenses and incidents within the area of assignment. Collects evidence and records information, which will aid in identification, apprehension, and prosecution of offenders, as well as the recovery of property.
3. Alert to the development of conditions that fosters or causes crime, or which indicates criminal activity. Takes preventive action to correct such conditions and informs supervisors as soon as the situation permits.
4. Responds to situations brought to the officer's attention while in the course of patrol or when assigned by radio. Renders First Aid, when qualified, to persons who are seriously ill or injured. Assists persons needing emergency services.
5. Remains in the assigned area throughout the tour of duty except when a police emergency necessitates a temporary absence, or when the Aquia Harbour Chief of Police or Lieutenants, Stafford County Sheriff's Office on duty patrol supervisor(s) or the dispatcher has authorized a temporary absence.

6. 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, or which contribute to disorder.
7. Takes proper care of an assigned patrol vehicle and attends to its routine mechanical maintenance; drives it safely and responsibly (see GO 2-9); and promptly reports and attends to defects or damage.
8. Keeps radio equipment in operation at all times and remains thoroughly familiar with departmental policy concerning its use.

D. Specific duties and responsibilities - traffic patrol

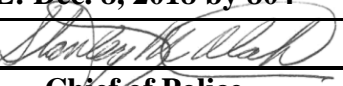
1. Directs and expedites the flow of traffic at assigned intersections, preventing accidents, protecting pedestrians, and ensuring the free flow of traffic.
2. Enforces the parking ordinances and motor vehicle laws in the patrol areas.
3. Alert to traffic safety conditions which may endanger or inconvenience the public and reports these conditions to the Chief of Police or Lieutenants.
4. Responds immediately when called from a traffic post to render emergency police service.
5. Wears the prescribed traffic safety clothing and equipment.

E. Knowledge, skills, and abilities

Some knowledge of the philosophy, objectives, and methods of counseling, mediation, and community organizing; some knowledge of the fundamental principles of adolescent psychology; knowledge of police investigative techniques; general knowledge of rules of evidence and laws of search and seizure and interrogation; 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 and police equipment; possession of physical ability and endurance; ability to establish effective working relationships with juveniles, parents, school officials, fellow workers, and the public; of good moral character.

F. Education and experience

High school diploma or equivalent with some college preferred; valid Virginia driver's license; responsible work experience;; certification as a law- enforcement officer or successful completion of the Criminal Justice Academy within twelve months of hire. No criminal record

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Inspections</b>		<b>NUMBER: 1-4</b>	
<b>EFFECTIVE DATE: Updated</b>		<b>REVIEW DATE: Dec. 8, 2018 by 804</b>	
<b>AMENDS/SUPERSEDES: RR 1-4 MAR 1994, DEC 2006, DEC 2006</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>FEB 2011, MAR 2016</b>		<b>VLEPSC STANDARDS: ADM.19.01, ADM.19.02, ADM.19.03</b>	

**NOTE**

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**INDEX WORDS**

- Inspections
- Line Inspections
- Staff Inspections
- Stored/Special Use Agency Property

**I. POLICY**

The Chief of Police is responsible for establishing and maintaining regular inspections to maintain high standards of performance. Although the ultimate responsibility of inspection and control rests with the Chief, inspections must be carried out continuously at all levels of command and supervision.

The goal of inspection is operational efficiency and effectiveness in achieving community-oriented policing goals. While an inspection may reveal infractions of departmental orders, inspection is not solely a disciplinary process: it is a fair, impartial, and honest appraisal of efforts. The inspector must have a positive, constructive attitude and make every effort to instill respect for, and understanding of, the inspection process.

It is the policy of the Aquia Harbour Police Department to conduct periodic inspections of employees, equipment, facilities, policies and functions within the agency in accordance with the procedures established herein.

- A. **Line inspections** are a primary responsibility of all supervisors at every level in the department. Line inspections are an on-going activity to ensure that employees are adhering to departmental requirements regarding appearance, use and maintenance of equipment and facilities, and adherence to agency policies and procedures.



- B. **Staff inspections** will be conducted at the direction of the Chief of Police, by supervisory personnel. Supervisors will be appointed by the Chief of Police to inspect and evaluate division components not normally under their command. These inspections will provide an objective and unbiased evaluation of all departmental procedures, facilities, equipment and personnel with the emphasis placed on the overall system rather than the individual. (ADM.19.02.b)

## II. PURPOSE

The inspectional process compares the department's expectations, goals and objectives with actual performance. Inspections provide a means of regularly assessing the department's efficiency and effectiveness. They also identify and provide the information necessary to implement changes or remain with the existing operational procedures. The department can be properly evaluated by comparing previously established goals, objectives, policies, procedures, rules and regulations with present performance and projected needs.

## III. DEFINITIONS

### A. Inspectional Process

- 1. Mechanisms for evaluating the quality of the department's operations, ensuring that the department's goals are being pursued, and identifying and correcting problems. Inspection is the most common fact-finding tool of a supervisor.

### B. Line Inspection

- 1. The checking or testing of persons, facilities, equipment, procedures, or other items by supervisors/officers who are in charge/control of the elements being inspected.

### C. Staff Inspection

- 1. The checking or testing of facilities, equipment, procedures, or other items by senior staff officers who are not in charge/control of the elements being inspected.

## IV. PROCEDURES

### A. Inspection objectives

The objectives of inspections include the following:

- 1. To learn whether a task is being performed as outlined in department orders.
- 2. To examine critical incidents to determine if the department's oral or written administrative guidance adequately guides officers in performing their duties safely, legally, and to a professional standard.

3. To learn whether departmental goals and objectives have been achieved.
4. To discover whether department resources are being used to the best advantage.
5. To identify and document needs, deficiencies, omissions, or problems.
6. To provide a means for recognizing, reporting, and rewarding exemplary performance and to institute established disciplinary procedures if found necessary for those who disobey or fail to comply with departmental orders.
7. To gauge the department's success in achieving community-oriented policing goals. These goals include the fostering of partnerships with citizens, law-enforcement agencies, and governmental offices, enhancing community life through problem solving that reduces the incidence and fear of crime, and accountability for public-safety strategies.

**B. Line Inspections**

1. Each supervisor is responsible for the inspection of personnel, activities, and equipment under their supervision and the initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate. The frequency of an inspection depends on the purpose of the inspection. On a daily basis, an employee's appearance, demeanor and use and maintenance of equipment are subject to inspection, usually informally by way of observation by the supervisor. **(ADM.19.01.a.b.c)**
2. Regular inspections will be conducted by supervisor/officer assigned responsibility on vehicles, equipment and weapons. Any corrective action, which must be taken, shall be noted for follow-up by the Chief or his assigned representative. **(ADM.19.01.b.d)**
3. All supervisors are encouraged to conduct both announced and unannounced line inspections. Supervisors will be responsible for identifying areas, which need to be corrected, establishing a realistic time period for the correction, and ensuring that the correction is made. **(ADM.19.01.e)**
4. All sworn and civilian personnel are expected to adhere to the chain of command and take corrective actions as suggested or ordered by any supervisor.

**C. Staff Inspections: (ADM.19.02.a.c)**

1. Staff inspections will be conducted under the direction of the Chief of Police by appointed supervising officers. The Chief of Police will identify the purpose of the inspection, assign, and schedule officers to specific area/component inspections, and

inform all personnel of the inspection. The inspecting officers may direct questions to any employee of the department and expect responses as if the questions were asked by the Chief. Complete access to the department's physical facilities and contents shall be granted to the inspectional officers.

2. A staff inspection will address a specific area/component, entity or action. Emphasis will be placed on the system rather than the individual. The inspecting supervisor may not apply disciplinary action against any member of this agency who, through the inspection process, has been found to violate a departmental rule, regulation or procedure. Specific violations by employees will be noted.
3. Upon completion of the staff inspection, a written report will be prepared by the staff officers and presented to the Chief of Police in a specified staff meeting. The report will include:
  - a. Areas, items and personnel inspected;
  - b. Evaluation of the division/component inspected;
  - c. Follow-up procedures to ensure noted deficiencies are corrected.
  - d. Comments and recommendations.

Recommendations shall include a suggested plan for change and implementation. The Chief of Police shall designate follow-up on any or all recommendations with assigned responsibility to the proper supervisor.

D. Stored Agency Property

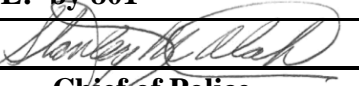
All stored and special use equipment shall be inspected at least every six months by the Supervisor/ Officer assigned the responsibility by the Chief of Police. The Supervisor/Officer assigned shall have the authority to maintain assigned equipment in a state of operational readiness. Records of such inspection and maintenance needs shall be kept on file.

V. **STORED AGENCY PROPERTY:**

1. Agency stored property will be kept in a state of operational readiness for immediate deployment. Agency stored property will be inspected at least twice per year by the officer or supervisor assigned the responsibility by the chief of police. The Agency stored property is identified as rifle suppressors and scopes, night vision goggles, infrared light, spot light and a bull horn. **(ADM.19.03)**
2. The officer or supervisor assigned shall have the authority to maintain assigned equipment in a state of operational readiness. Any monetary expenditure necessary must be approved by the chief of police.
3. Records of such inspection and maintenance needs shall be kept on file with the Administrative Assistant.

## **VI. RESPONSIBILITY:**

1. The Supervisor or designee is directly responsible for conducting staff inspections. The Supervisor or designee is directly responsible for quarterly vehicle and uniform line inspections. The Supervisor conducts both scheduled and unscheduled inspections of personnel and assigned vehicles. The Supervisor will report to the Chief any discrepancies found and/or replacement needs during either staff or line inspections. (**ADM.19.01.c & ADM.19.02.c**)

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Hiring Departmental Personnel</b>		<b>NUMBER: 1-5</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: by 801</b>	
<b>AMENDS/SUPERSEDES: RR1-5 Dec. 19, 2006, JAN 2008</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: PER.01.01, PER.01.02, PER.01.03, PER.01.04</b>			

**NOTE**

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**INDEX WORDS**

- |                                  |                         |
|----------------------------------|-------------------------|
| Disabilities                     | Lateral entry           |
| Good moral character             | Personnel records       |
| Hiring                           | Testing                 |
| Introductory/Probationary Period | Re-application (hiring) |

**I. POLICY**

Wintergreen Police Department strives to obtain the best law-enforcement officers and civilian personnel possible to help achieve the department's community-oriented policing goals. 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, sexual orientation, or age. The department does not discriminate against people with disabilities and affords them the same access to employment provided to all citizens. Where possible, the department provides reasonable accommodation to the known disabilities of qualified people. All personnel who participate in screening and hiring applicants shall be guided by fairness, equal opportunity, and consistency in applying the procedures set forth in this order. **(PER.01.02)**

**II. PURPOSE:**

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

**III. DEFINITIONS**

A. Disability

A physical or mental impairment that substantially limits one or more of the major life activities.

B. Good moral character

The attributes of a prospective employee that enhance his or her value to the department and the goals of community-oriented policing which include honesty, integrity, truthfulness, obedience to the oath of office and the code of ethics, respect for authority, and respect for the rights of others.

C. Reasonable accommodation

The modification of existing facilities to render them more accessible to and usable by people with disabilities. Also refers to restructuring the job or modifying work schedules to assist in the assignment of a disabled employee.

**IV. PROCEDURES**

A. The minimum qualifications that all applicants for the position of police officer must meet include the following: **(PER.01.01)**

1. Age of 21.
2. High school graduate or equivalent.
3. Passing a background investigation which includes the following:
  - a. Education, including all schools attended and degrees or certificates obtained;
  - b. Comprehensive employment history and shall include a criminal history search, including all arrests, locations, dates, and dispositions; traffic summonses and accidents.
4. Pass a physical examination without cost to the applicant, being paid for by the department.
5. Be of good moral character.
  - a. Good moral character is determined by a favorable report following the comprehensive background investigation. The interview shall be employed to help evaluate good moral character. Good moral character ensures compatibility with the department's community-oriented policing goals.
6. Valid driver license.

7. Any other standards set by law (§ Virginia Code 15.2-1705) or by policy of the Criminal Justice Services Board.
  8. Commit to signing a three (3 ) year contract for reimbursement of all training expenses associated with field and basic academy training as required by DCJS.
- B. Police Officer and Civilian applicants must perform the following:
1. Complete a written application and submit it to the Chief of Police.
- C. The Department Investigator, specially trained in this function, assigned to investigate the applicant shall perform the following: **(PER.01.03)**
1. Ask the applicant whether he or she needs reasonable accommodation in order to participate in the application process
  2. Obtain the applicant's driving record from DMV. Obtain an NCIC/VCIN criminal history check
  3. Have the applicant sign appropriate release forms.
  4. If the applicant has recently lived outside Nelson County, request records checks through agencies in the applicant's previous communities.
  5. Obtain references from the applicant's current and past employers.
  6. Perform an inquiry of friends and associates, if possible, as to character and reputation.
  7. Provide a complete background investigation file to the Chief of Police.
  8. Present the findings to the hiring committee. The hiring committee consists of the Chief of Police, two other senior members of the department.
    - a. The investigator conducting the background investigation shall present information on the applicant to the hiring committee with the objective of allowing the committee to form a view of the applicant's morality, integrity, reputation, honesty, dependability, qualifications, experience, associations, emotional stability, prejudice, and loyalty.
- D. The Chief of Police shall perform the following:
1. Conduct an informal interview with all applicants and make the final selection. Recommendations of the hiring committee and investigator should be considered.
    - a. During the interview, the Chief of Police shall consider the applicant's appearance (for neatness and cleanliness), mannerisms, judgment, maturity, resourcefulness, and compatibility with community-oriented policing goals.

2. Ensure that the applicant fully understands the selection process and the conditions and procedures for re-application.
  3. After an applicant has been selected, make a conditional offer of employment. The Police Officer candidate must then undergo a physical examination (mandated by § 15.2-1705) and a related inquiry, required by all entering employees in sworn positions. The inquiry may consist of questions about the ability of the applicant to perform job-related functions.
    - a. Further, no conditional offer will be considered final until after a satisfactory medical evaluation and completion of the background investigation. After the conditional offer has been made, the applicant may be asked about previous injuries and workers' compensation claims.
  4. Ensure that the police/civilian appointee understands job benefits, health plans, administrative matters concerning overtime and off-duty employment, plus conditions of employment, pension, and disability.
  5. Ensure that the **police officer appointee** understands the conditions of the three (3) year contract to be signed by the appointee prior to attending the basic police academy regarding reimbursement of funds expended by the department.
- E. Re-application: Unsuccessful applicants may re-apply after 6 months from the date of last application. Applications will be kept on file for a minimum of 60 days.
- F. Lateral entry for Sworn Personnel.
1. An already-certified officer in another Virginia agency must meet the criteria set forth above. If accepted for employment, the officer will not be assigned to attend a basic academy, subject to the status of the officer's certification and training.
  2. The employee assigned to investigate the applicant shall ensure that an applicant with prior law-enforcement experience has not been decertified per § 15.2-1707 and -1708.
- G. Disqualification
1. In disqualifying a selected police/civilian applicant, the chief must show that
    - a. the applicant cannot perform the essential requirements of the job; **and**
    - b. that no reasonable accommodation would enable the applicant to perform the essential requirements of the job.
  2. Following a medical examination, an offer of employment may be withdrawn if the applicant poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced through reasonable accommodation"). The chief must base the threat on medical knowledge, not just speculation.



- H. All applicants will be notified in writing as to status of their application if they are responding to a current vacancy or advertisement. If no vacancy exists, they will be notified of receipt and informed of how long the application will be kept on file. **(PER.01.04)**

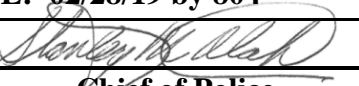
## **V. INTRODUCTORY PERIOD**

- A. All newly hired personnel shall be considered in an introductory/probationary period for 12 months from the date of employment. The same introductory/probationary period applies to officers hired through lateral entry.
- B. During the introductory/probationary period of 12 months, and after the completion of field training, for sworn members/communication officers, the supervisor shall write a performance evaluation in which he or she must rate the appointee at least a "3" (minimum acceptable performance) in each category of behavior (see the evaluation form in **RR 1-6**). Required Field Training and its evaluations are considered independent of the annual evaluations. The chief reserves the right to extend the introductory 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 cause for dismissal.
- C. The work performance of each introductory/probationary period employee shall be evaluated using valid, non-discriminatory procedures.
- D. Introductory/probationary period employees who wish to protest their ratings have no grievance rights except to request an interview with the Chief of Police.

## **VI. RECORDS**

- A. For each employee, the department maintains a personnel record, which includes all forms, completed during the hiring process, initial interview which consists of twelve identical questions for sworn/civilian applicants, police/communications officer written tests (on a selected basis), all evaluations, complaints, commendations, leave/attendance record, and assignments.
  - 1. The Department will maintain records on any testing results of each applicant for a minimum period of three (3) years.
- B. The Chief of Police maintains and controls all personnel records.
- C. 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.
- D. All personnel records are considered confidential, sensitive information available for review to supervisory or investigative personnel who have a need, as determined by the Chief of Police.

- E. If the Chief deems it necessary to include derogatory information in a personnel file, he/she shall notify the employee of the fact in writing. The employee may protest the inclusion of such information in writing to the Chief. Introductory period employees have no right of protest in such matters. Grievances are discussed under RR 1-10.
- F. Personnel records are permanent property of the department.
- G. Requests for employment information on former officers shall be referred to the Chief. The Chief shall disclose the employee's performance record consistent with § 15.2-1709.
  - 1. Any request for information on a present or past employee shall be limited to information contained only in the official personnel file.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Performance Evaluation</b>		<b>NUMBER: 1-6</b>	
<b>EFFECTIVE DATE: Pending</b>		<b>REVIEW DATE: 02/28/19 by 804</b>	
<b>AMENDS/SUPERSEDES: RR 1-6, MAR 1994, NOV 2001, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: PER.06.01, PER.06.02</b>			

**NOTE**

This order 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**

Community-oriented policing; performance evaluation  
Evaluation  
Performance 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 officers. Further, the department's community-oriented policing philosophy demands that officers exhibit not only competent investigative skills but also succeed in communicating with many citizens in a variety of contexts. To that end, the department regularly and formally evaluates the performance of officers and other employees. The **evaluation system** discussed herein serves both the interests of management and employees. The objectives 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) assist 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 employees shall be evaluated using the forms located at the end of this order.
2. Evaluations reflect observations and perceptions by rating personnel and are, therefore, inherently subjective. Nevertheless, personnel shall be rated as having demonstrated unacceptable, acceptable, or superior behavior according to the criteria set forth in the appendix to this order.
3. Each employee shall be evaluated 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 the 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. **(PER.06.01.a)**
4. All evaluations shall be placed in employees' personnel files.
5. All newly hired employee during their probationary year shall be evaluated at least twice. The first at the completion of their field training program and the second being an annual evaluation if no significant deficiencies are observed. **(PER.06.01.b)**
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 if deemed necessary.
7. Officers shall be evaluated formally by the Assistant Chief of Police. The Assistant Chief and the Administrative Assistant shall be evaluated by the Chief of Police.
8. An employee who receives an unsatisfactory mark he or she perceives to be unjust may appeal it to the Chief of Police. The officer concerned must rebut the comments or marks in writing and submit them through the chain of command to the Chief of Police. In any case, final appeal extends to the executive director, in writing, through the chief of police.
9. At the beginning of each evaluation period, the officer shall list at least three objectives to be achieved during the next evaluation period. The objectives shall be included in the performance evaluation following consultation with the supervisor.
10. The Assistant Chief at the conclusion of each rating period will review and discuss with each employee but not be limited to the following;
  - a. Results of the performance evaluation. **(PER.06.02.a)**

- b. Level of performance expected, rating criteria or goals for the new reporting. **(PER.06.02.b)**
- c. Training relative to such topics as advancement, specialization, or training appropriate to the employee's position.

B. Scale value application

1. The most difficult task facing the rater is applying the numerical scale, which accompanies categories of behavior. Two raters might not apply the same numerical values to the person under evaluation. To reduce differences between rating supervisors, the appendix to this instruction 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 practical exercise or simulation accompanied by written or oral testing.
  - c. Written or oral testing (for subjects not suitable for field demonstration).
3. Any numerical rating below "3" shall be documented. Deficiencies in behavior shall be precisely documented. For example, an officer might receive a "1" (unacceptable) under category six, officer safety. In the comments section, the rater would write, "Officer consistently exposes his gun to traffic violators and approaches stopped vehicles with objects in both hands."
4. The categories of behavior represent key law-enforcement tasks. The categories are aligned in four subjects: critical performance tasks, knowledge, attitude/relations, and appearance.

C. Evaluation of sergeants, investigator

1. The investigator shall be evaluated using the same form as that for officers. Under "comments," the rater shall specifically refer to the accomplishments, training, and behavior of an investigator.
2. Sergeants shall be evaluated using the same form as that for officers. Under "comments" the Assistant Chief of Police shall refer to an attached page containing, in a narrative, comments concerning the sergeant's supervisory performance. The Assistant Chief of Police shall address, at a minimum, the following points:
  - a. Ability to instill in officers a high regard and respect for community-oriented policing ideals, the rule of law, civil rights, and concern for victims.

- b. Ability to perceive performance weaknesses in his or her 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 officers.
- e. Ability to take responsibility for the performance of officers.

**PATROL OFFICER PERFORMANCE EVALUATION**

**NAME** \_\_\_\_\_  
**RANK/ASSIGNMENT** \_\_\_\_\_  
**EVALUATION PERIOD** \_\_\_\_\_  
**DATE OF EVALUATION** \_\_\_\_\_

**PERFORMANCE RATING INSTRUCTIONS:**

The narrative portion of the evaluation follows the scale ratings. Refer to the rating guide for an explanation of the rated behaviors. Raters may comment on any observed behavior, but specific comments are required to justify ratings of "1," "2," or "5."

<b>Unacceptable</b>			<b>Acceptable</b>		<b>Superior</b>		<b>Not Observed</b> ____
1	2	3	4	5			

**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 (Non-Stress)	1	2	3	4	5	N.O. ____
(4)	Orientation skills (Stress)	1	2	3	4	5	N.O. ____
(5)	Field performance (stress conditions)		1	2	3	4	5 N.O. ____
(6)	Field performance (non-stress cond.)		1	2	3	4	5 N.O. ____
(7)	Officer safety (general)	1	2	3	4	5	N.O. ____
(8)	Officer safety (with suspicious persons and prisoners)	1	2	3	4	5	N.O. ____
(9)	Control of conflict (voice command)		1	2	3	4	5 N.O. ____
(10)	Control of conflict (physical skill)	1	2	3	4	5	N.O. ____
(11)	Investigative procedures	1	2	3	4	5	N.O. ____
(12)	Report writing (organization/details)		1	2	3	4	5 N.O. ____
(13)	Proper form selection (accuracy and details)	1	2	3	4	5	N.O. ____

	Unacceptable		Acceptable		Superior		Not Observed ____		
	1	2	3	4	5				
(14) Report writing (grammar/spelling/neatness)			1	2	3	4	5	N.O. ____	
(15) Report writing (appropriate time used)			1	2	3	4	5	N.O. ____	
(16) Radio (listens and comprehends transmissions)			1	2	3	4	5	N.O. ____	
(17) Radio (articulation of transmissions)				1	2	3	4	5	N.O. ____

**COMMUNITY POLICING SKILLS**

(18) Self-initiated activity			1	2	3	4	5	N.O. ____
(19) House Checks – frequency of, proper method, owner contacts			1	2	3	4	5	N.O. ____
(20) Problem-solving/decision-making			1	2	3	4	5	N.O. ____
(21) Community-policing objectives			1	2	3	4	5	N.O. ____

**KNOWLEDGE**

(22) Knowledge of department orders			1	2	3	4	5	N.O. ____
(23) Begins/Ends tour of duty			1	2	3	4	5	N.O. ____
(24) Knowledge of criminal law			1	2	3	4	5	N.O. ____
(25) Knowledge of traffic law			1	2	3	4	5	N.O. ____

**ATTITUDE/RELATIONS**

(26) Acceptance of feedback			1	2	3	4	5	N.O. ____
(27) Relationship with citizens			1	2	3	4	5	N.O. ____
(28) Relationship with co-workers/super.			1	2	3	4	5	N.O. ____
(29) General demeanor			1	2	3	4	5	N.O. ____

**APPEARANCE**

(30) General appearance			1	2	3	4	5	N.O. ____
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**CONFIDENTIALITY**

(31) Sensitive information

1      2      3      4      5      N.O. \_\_\_\_\_

**Overall Average Score** \_\_\_\_\_  
(Total divided by 31)

**PRINCIPAL STRENGTHS OBSERVED DURING THE EVALUATION PERIOD:**

**PRINCIPAL WEAKNESSES OBSERVED DURING THE EVALUATION PERIOD:**

**SUPERVISORS SUGGESTIONS FOR IMPROVEMENT:**

**EMPLOYEE'S REMARKS:**

**WHAT ACTIONS HAVE BEEN TAKEN SINCE THE LAST EVALUATION TO IMPROVE PERFORMANCE:  
BY DEPARTMENT:**

**BY EMPLOYEE:**

**OFFICER'S OBJECTIVES FOR THE NEXT EVALUATION PERIOD:**

- 1.
- 2.
- 3.

**SUPERVISOR'S EVALUATION OF OFFICER'S PROGRESS TOWARDS OBJECTIVES:**

Rating Authority \_\_\_\_\_ Date \_\_\_\_\_  
(Print name and sign)

Officer's Signature \_\_\_\_\_ Date \_\_\_\_\_

Chief's Signature \_\_\_\_\_ Date \_\_\_\_\_

**COPY TO OFFICER: YES, \_\_\_ NO \_\_\_ DATE: \_\_\_/\_\_\_/\_\_\_**

**Rev Form 01/01**

**COMMUNICATIONS OFFICER PERFORMANCE EVALUATION**

**PD 881 (Rev 01/01)**

**NAME** \_\_\_\_\_  
**RANK/ASSIGNMENT** \_\_\_\_\_  
**EVALUATION PERIOD** \_\_\_\_\_  
**DATE OF EVALUATION** \_\_\_\_\_

**PERFORMANCE RATING INSTRUCTIONS:**

The narrative portion of the evaluation follows the scale ratings. Refer to the rating guide for an explanation of the rated behaviors. Raters may comment on any observed behavior, but specific comments are required to justify ratings of "1," "2," or "5."

<b>Unacceptable</b>			<b>Acceptable</b>		<b>Superior</b>		<b>Not Observed</b> ____
1	2	3	4	5			

**PERFORMANCE TASKS**

- |      |   |   |   |   |   |   |           |           |
|------|---|---|---|---|---|---|-----------|-----------|
| (1)  | Field performance (stress conditions)<br>Emergency paging & call handling |   | 1 | 2 | 3 | 4 | 5         | N.O. ____ |
| (2)  | Field performance (non-stress cond.)<br>Routine paging and call handling  |   | 1 | 2 | 3 | 4 | 5         | N.O. ____ |
| (3)  | Officer safety (general)  | 1 | 2 | 3 | 4 | 5 | N.O. ____ |           |
| (4)  | Officer safety (with suspicious<br>persons and prisoners)                 | 1 | 2 | 3 | 4 | 5 | N.O. ____ |           |
| (5)  | Control of conflict (voice command)                                       |   | 1 | 2 | 3 | 4 | 5         | N.O. ____ |
| (6)  | Control of conflict (physical skill)                                      |   | 1 | 2 | 3 | 4 | 5         | N.O. ____ |
| (7)  | Report writing (organization/details)                                     | 1 | 2 | 3 | 4 | 5 | N.O. ____ |           |
| (8)  | Proper form selection (accuracy<br>and details)                           | 1 | 2 | 3 | 4 | 5 | N.O. ____ |           |
| (9)  | Report writing (grammar/spelling/<br>neatness)                            |   | 1 | 2 | 3 | 4 | 5         | N.O. ____ |
| (10) | Report writing (appropriate time used)                                    |   | 1 | 2 | 3 | 4 | 5         | N.O. ____ |

	<b>Unacceptable</b>		<b>Acceptable</b>		<b>Superior</b>		<b>Not Observed</b> ____	
	1	2	3	4	5			
(11)	Radio (listens and comprehends transmissions)		1	2	3	4	5	N.O. ____
(12)	Radio (articulation of transmissions)		1	2	3	4	5	N.O. __

**COMMUNITY POLICING SKILLS**

(13)	Self-initiated activity		1	2	3	4	5	N.O. ____
(14)	Problem-solving/decision-making		1	2	3	4	5	N.O. ____
(15)	Orientation skill (non-stress cond.)		1	2	3	4	5	N.O. ____
(16)	Community-policing objectives		1	2	3	4	5	N.O. ____

**KNOWLEDGE**

(17)	Knowledge of department rules and orders		1	2	3	4	5	N.O. ____
(18)	Knowledge of traffic, gate policies and pass systems, computer system		1	2	3	4	5	N.O. ____
(19)	Begins/Ends Tour of Duty		1	2	3	4	5	N.O. ____

**ATTITUDE/RELATIONS**

(20)	Acceptance of feedback		1	2	3	4	5	N.O. ____
(21)	Relationship with citizens		1	2	3	4	5	N.O. ____
(22)	Relationship with co-workers/super.		1	2	3	4	5	N.O. ____
(23)	General demeanor		1	2	3	4	5	N.O. ____

**APPEARANCE**

(24)	General appearance		1	2	3	4	5	N.O. ____
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**CONFIDENTIALITY**

(25)	Sensitive information		1	2	3	4	5	N.O. ____
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**Overall Average Score** \_\_\_\_\_  
(Total divided by 25)

**PRINCIPAL STRENGTHS OBSERVED DURING THE EVALUATION PERIOD:**

**PRINCIPAL WEAKNESSES OBSERVED DURING THE EVALUATION PERIOD:**

**SUPERVISORS SUGGESTIONS FOR IMPROVEMENT:**

**EMPLOYEE'S REMARKS:**

**WHAT ACTIONS HAVE BEEN TAKEN SINCE THE LAST EVALUATION TO IMPROVE PERFORMANCE:  
BY DEPARTMENT:**

**BY EMPLOYEE:**

**OFFICER'S OBJECTIVES FOR THE NEXT EVALUATION PERIOD:**

- 1.
- 2.
- 3.

**SUPERVISOR'S EVALUATION OF OFFICER'S PROGRESS TOWARDS OBJECTIVES:**

**ACCOMPLISHMENTS IN FURTHER EDUCATION, SCHOOLS, CLASSES:**

Rating Authority \_\_\_\_\_ Date \_\_\_\_\_  
(Print name and sign)

Officer's Signature \_\_\_\_\_ Date \_\_\_\_\_

Chief's Signature \_\_\_\_\_ Date \_\_\_\_\_

**COPY TO OFFICER: YES, \_\_\_\_\_ NO \_\_\_\_\_ DATE: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_**  
**Rev Form 01/01**

**CIVILIAN PERSONNEL PERFORMANCE EVALUATION**  
**ADMINISTRATIVE ASSISTANT**

**PD 882 (REV 01/01)**

**NAME** \_\_\_\_\_

**RANK/ASSIGNMENT** \_\_\_\_\_

**EVALUATION PERIOD** \_\_\_\_\_

**DATE OF EVALUATION** \_\_\_\_\_

**PERFORMANCE RATING INSTRUCTIONS:**

The narrative portion of the evaluation follows the scale ratings. Refer to the rating guide for an explanation of the rated behaviors. Raters may comment on any observed behavior, but specific comments are required to justify ratings of "1," "2," or "5."

<b>Unacceptable</b>			<b>Acceptable</b>		<b>Superior</b>		<b>Not Observed</b> ____
1	2	3	4	5			

**ADMINISTRATIVE PERFORMANCE TASKS**

- |     |                                    |  |   |   |   |   |   |   |           |
|-----|------------------------------------|--|---|---|---|---|---|---|-----------|
| (1) | Telephone Demeanor                 |  |   | 1 | 2 | 3 | 4 | 5 | N.O. ____ |
| (2) | Organizational Skills              |  |   | 1 | 2 | 3 | 4 | 5 | N.O. ____ |
| (3) | Correspondence/Composition/Grammar |  | 1 | 2 | 3 | 4 | 5 |   | N.O. ____ |
| (4) | Self-initiated Activities          |  | 1 | 2 | 3 | 4 | 5 |   | N.O. ____ |
| (5) | Problem Solving/Decision Making    |  | 1 | 2 | 3 | 4 | 5 |   | N.O. ____ |
| (6) | Time Management                    |  | 1 | 2 | 3 | 4 | 5 |   | N.O. ____ |

**KNOWLEDGE**

- |      |                                  |  |   |   |   |   |   |  |           |
|------|----------------------------------|--|---|---|---|---|---|--|-----------|
| (7)  | Deed Translation                 |  | 1 | 2 | 3 | 4 | 5 |  | N.O. ____ |
| (8)  | Overall knowledge of Position    |  | 1 | 2 | 3 | 4 | 5 |  | N.O. ____ |
| (9)  | Property Owner Rules/Regulations |  | 1 | 2 | 3 | 4 | 5 |  | N.O. ____ |
| (10) | Begins/Ends Tour of Duty         |  | 1 | 2 | 3 | 4 | 5 |  | N.O. ____ |



<b>Unacceptable</b>		<b>Acceptable</b>		<b>Superior</b>					
1	2	3	4	5					Not Observed ____

**ATTITUDE/RELATIONS**

- |      |  |  |  |   |   |   |   |   |           |           |
|------|--|--|--|---|---|---|---|---|-----------|-----------|
| (11) | Acceptance of feedback                       |  |  | 1 | 2 | 3 | 4 | 5 | N.O. ____ |           |
| (12) | Relationship with co-workers/super.          |  |  | 1 | 2 | 3 | 4 | 5 | N.O. ____ |           |
| (13) | Relationship with Property Owners and guests |  |  | 1 | 2 | 3 | 4 | 5 | N.O. ____ |           |
| (14) | Acceptance of Responsibility                 |  |  |   | 1 | 2 | 3 | 4 | 5         | N.O. ____ |
| (15) | General demeanor                             |  |  | 1 | 2 | 3 | 4 | 5 | N.O. ____ |           |

**APPEARANCE**

- |      |                   |  |  |   |   |   |   |   |           |
|------|-------------------|--|--|---|---|---|---|---|-----------|
| (16) | Appropriate Dress |  |  | 1 | 2 | 3 | 4 | 5 | N.O. ____ |
|------|-------------------|--|--|---|---|---|---|---|-----------|

**CONFIDENTIALITY**

- |      |  |  |  |   |   |   |   |   |           |           |
|------|--|--|--|---|---|---|---|---|-----------|-----------|
| (17) | Ability to keep sensitive information confidential |  |  |   | 1 | 2 | 3 | 4 | 5         | N.O. ____ |
| (18) | Knowledge of Department Rules and Regulations      |  |  | 1 | 2 | 3 | 4 | 5 | N.O. ____ |           |

**Overall Average Score** \_\_\_\_  
(Divided by 18)

**PRINCIPAL STRENGTHS OBSERVED DURING THE EVALUATION PERIOD:**

**PRINCIPAL WEAKNESSES OBSERVED DURING THE EVALUATION PERIOD:**

**SUPERVISORS SUGGESTIONS FOR IMPROVEMENT:**

**EMPLOYEE'S REMARKS:**

**WHAT ACTIONS HAVE BEEN TAKEN SINCE THE LAST EVALUATION TO IMPROVE PERFORMANCE:  
BY DEPARTMENT:**

**BY EMPLOYEE:**

**EMPLOYEES' OBJECTIVES FOR THE NEXT EVALUATION PERIOD:**

**1.**

**2.**

**3.**

**SUPERVISOR'S EVALUATION OF EMPLOYEE'S PROGRESS TOWARDS OBJECTIVES:**

Rating Authority \_\_\_\_\_ Date \_\_\_\_\_  
(Print name and sign)

Officer's Signature \_\_\_\_\_ Date \_\_\_\_\_

Chief's Signature \_\_\_\_\_ Date \_\_\_\_\_

**COPY TO EMPLOYEE: YES \_\_\_\_\_ NO \_\_\_\_\_ DATE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_**

**Rev Form 01/01**

**APPENDIX A TO RR 1-6**  
**RATING SCALE VALUES FOR PATROL OFFICERS**

(Rev. 11/01)

The task of evaluating and rating an officer'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/blue 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 showed in use of lights and siren. Controls speed skillfully.

(2) DRIVING SKILLS: NON-STRESS CONDITIONS

1. Unacceptable: Continually violates traffic law (red/blue 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 in operating the radio, using the street index, etc.

(3) ORIENTATION SKILL (Non-Stress Conditions)

1. Unacceptable: Becomes disoriented when responding to low risk situations. Unable to relate his/her location to their destination. Unable to use map. Unable to determine compass directions.
3. Acceptable: Aware of his/her location. Able to use map effectively. Demonstrates good sense of direction when responding to low risk situations.
5. Superior: Always responds quickly to calls by the most appropriate route. Does not have to refer to map. Does not become disoriented during low risk situations. Calmly operates the radio and coordinates the responses of other officers.

(4) ORIENTATION SKILL (Stress Conditions)

1. Unacceptable: Becomes disoriented when responding to stressful situations. Unable to relate his/her location to their destination. Unable to use map under stress. Unable to determine compass directions during stressful situations.

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. Calmly operates the radio and coordinates the responses of other officers.

(5) FIELD PERFORMANCE (Stress Conditions)

1. Unacceptable: Becomes emotional and panic stricken. Unable to function; loses temper. Endangers safety of self and other officers and citizens by inattention to the demands of the job.
3. Acceptable: Exhibits a calm and controlled attitude. Can perform reasonably well at least in preventing a situation from deteriorating. Reasonably conscious of officer safety measures and protection of citizens from further harm.
5. Superior: Maintains control and brings order under virtually any circumstances without assistance. Remembers and carries out key police duties properly.

(6) 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.
3. Acceptable: Able to assess situation and take proper action.
5. Superior: Requires no assistance and always takes proper action. Excellent field judgment.

(7) OFFICER SAFETY (General)

1. Unacceptable: Frequently fails to exercise basic officer safety precautions. Examples:
  - 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 summons.
  - f. Fails to use illumination when necessary.
  - g. Fails to advise radio when leaving vehicle.
  - h. Fails to maintain good physical condition.
  - i. Fails to use 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.
- q. Fails to check equipment.
- r. Fails to properly search 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 unduly anxious or apprehensive, over-cautious or overconfident.

(8) 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 or vehicles. Fails to maintain a 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.

(9) 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.

(10) 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.

(11) INVESTIGATIVE PROCEDURES

1. Unacceptable: Does not plan an investigative strategy. Cannot define investigative goals, i.e., successful prosecution, arrest, and 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, notetaking, report-writing.

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 supervision 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.

(12) REPORT WRITING: ORGANIZATION AND DETAILS

1. Unacceptable: 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.

(13) PROPER FORM SELECTION (Accuracy and Details)

1. Unacceptable: Unable to determine proper forms for given situations. Forms filled out incorrectly or incompletely.
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.

(14) 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.

(15) 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.)

(16) RADIO (Listens and Comprehends Transmissions)

1. Unacceptable: Repeatedly misses call sign and is unaware of radio traffic in adjoining beats. Frequently has to ask dispatcher 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.

(17) 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.

(18) SELF-INITIATED ACTIVITY

1. Unacceptable: Does not see 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. Makes a recommendation for directed patrol. Promotes departmental crime-prevention programs. Networks with private and public associations or agencies.
5. Superior: Catalogs, maintains, and uses information given at briefings and from bulletins or crime reports for reasonable cause to stop persons or vehicles. Makes quality arrests. Shows balance in the type and extent of self-initiated activity. Combines directed patrol with community involvement through development of mutual respect and trust. Consistently develops and shares intelligence with other team officers. Actively develops and nurtures Neighborhood Watch programs.

(19) HOUSE CHECKS (Frequency of, proper method, owner contacts)

1. Unacceptable: Goes several days and/or weeks without conducting checks.
3. Acceptable: Employee does 10/15 checks per shift.
5. Superior: Employee does 20 or more checks per shift.



(20) 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: Able to reason out problems and relate them to what he/she was taught. Has good perception and ability to make own decisions. Maintains minimal informal community contacts consistent with departmental community-oriented policing objectives.
5. Superior: Excellent perception in foreseeing problems and arriving at advanced decisions. Makes timely, quality decisions. Recommends or submits proposals concerning community partnerships to attack specific crime problems. Adept at mediating, negotiating, solving community problems informally. Consistently alert to ways of improving the quality of life in the officer's assigned community.

(21) COMMUNITY-POLICING OBJECTIVES

1. Unacceptable: Maintains a minimal reactive policing profile in the community. Not proactive in developing informal community contacts with citizens. Minimal promotion of crime-prevention techniques.
3. Acceptable: Distributes crime-prevention literature and promotes crime-prevention methods and philosophy when interacting with citizens; gives referrals to social-assistance agencies. Visits local businesses to enlist help in crime prevention.
5. Superior: Not only offers citizen referrals to social-assistance agencies, but actively seeks and executes opportunities to link social services agencies to citizens, obtain code enforcement, and coordinate drug treatment, improved animal control, or noise abatement. Actively advises landlords, contractors, and others about CPTED (crime prevention through environmental design).

(22) KNOWLEDGE OF DEPARTMENTAL ORDERS

1. Unacceptable: Has little knowledge of departmental orders. Makes no attempt to learn them. Frequent violations of orders.
3. Acceptable: Familiar with most commonly applied rules and procedures; is able to apply them to most field situations.
5. Superior: Exceptional working knowledge of rules, procedures, and orders.

(23) BEGINS/ENDS TOUR OF DUTY

1. Unacceptable: Occasionally late without valid reason, never early and never stays late. Does not volunteer for OT etc.

3. Acceptable: Always on time, willing to stay late and come in early. Will work OT.
5. Superior: Always arrives early for tour of duty. Volunteers for OT. Willing to work any shift or assignment.

(24) KNOWLEDGE OF CRIMINAL LAW

1. Unacceptable: Does not know the elements of basic offenses. 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. Able to apply laws to normal and unusual criminal activity.

(25) KNOWLEDGE OF TRAFFIC LAW

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

(26) ACCEPTANCE OF FEEDBACK: VERBAL/BEHAVIOR

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

(27) RELATIONSHIPS WITH CITIZENS

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

(28) 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: 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.

(29) GENERAL Demeanor

1. Unacceptable: Officer cannot be depended upon to produce routine work without close supervision. Does not adapt readily to new situations, work hours, changing assignments. 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.

(30) GENERAL APPEARANCE

1. Unacceptable: Overweight, dirty shoes, uniforms, and leather. Long messy 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.

(31) SENSITIVE INFORMATION

1. Unacceptable: Does not maintain confidentiality with departmental or personnel matters, reports, DMV, VCIN or NCIC information.
3. Acceptable: Maintains confidentiality with departmental or personnel matters, reports, DMV, VCIN or NCIC information.
5. Superior: Always maintains confidentiality with all departmental information. Can be relied

upon to keep the most sensitive of information.

**APPENDIX B TO RR 1-6**  
**RATING SCALE VALUES FOR COMMUNICATION OFFICERS**

(Rev. 01/01)

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

(1) FIELD PERFORMANCE (Stress Conditions)

1. Unacceptable: Becomes emotional and panic stricken. Unable to function; loses temper. Endangers safety of self and other officers and citizens by inattention to the demands of the job. Improper paging or fails to page proper departments for response.
3. Acceptable: Exhibits a calm and controlled attitude. Can perform reasonably well at least in preventing a situation from deteriorating. Reasonably conscious of officer safety measures and protection of citizens from further harm. Pages departments properly.
5. Superior: Maintains control and brings order under virtually any circumstances without assistance. Remembers and carries out key dispatcher duties properly. Superior radio & telephone communication skills under stressful conditions.

(2) 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.
3. Acceptable: Able to assess situation and take proper action.
5. Superior: Requires no assistance and always takes proper action. Excellent field judgment.

(3) OFFICER SAFETY (General)

1. Unacceptable: Frequently fails to exercise basic officer safety precautions. Examples:
  - a. Fails to check on an officer's status.
  - b. Fails to check/verify if weapons in use at domestic or noise complaint.
  - c. Fails to determine source of noise complaint.
  - d. Fails to obtain callback number.
  - e. Does not obtain necessary information on vehicle check (10-28) nor leave same for officer's records.
  - f. Does not obtain necessary information on calls for information (10-27).
  - g. Does not foresee potentially dangerous situations.
3. Acceptable: Understands principles of officer safety and generally applies them.

5. Superior: Always maintains position of safety and advantage. Does not become unduly anxious or apprehensive, over-cautious or overconfident.

(4) OFFICER SAFETY (With Suspicious Persons and Prisoners)

1. Unacceptable: Frequently violates officer safety standards. Fails to keep the big picture when an officer is in the process of confronting suspicious persons. Fails to ensure officer has needed amount of back up or ask for it.
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.

(5) 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.

(6) 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: Understands when a situation may become dangerous. Knows when to summon help or assistance. Maintains self in good physical condition.
5. Superior: Anticipates confrontational situations and avoids them when at all possible. Has adequate assistance on hand prior to situation becoming unmanageable. Maintains above average physical condition.

(7) REPORT WRITING (Organization and Details)

1. Unacceptable: 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 historical records and supervisors.

(8) PROPER FORM SELECTION (Accuracy and Details)

1. Unacceptable: Unable to determine proper forms for given situations. Forms filled out incorrectly or incompletely.
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.

(9) 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.

(10) 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.)

(11) RADIO (Listens and Comprehends Transmissions)

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

(12) 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.

(13) SELF-INITIATED ACTIVITY

1. Unacceptable: Does not get additional information without being asked. Does not follow up on situations; rationalizes suspicious circumstances. Gets involved inappropriately too often. No effort at housekeeping of gate.
3. Acceptable: Goes after additional information without being asked makes sure forms and files are in order. Good housekeeping of gate, etc. Advises patrol officers of suspicious persons or vehicles on the property.
5. Superior: Always gets additional information, checks files and forms. Excellent housekeeping at gate. Catalogs, maintains, and uses information or crime reports for reasonable cause to stop persons or vehicles

(14) 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: 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. Make timely, quality decisions. Consistently alert to ways of improving the quality of life in the officer's assigned community.

(15) ORIENTATION SKILL (Non-Stress Conditions)

1. Unacceptable: Unaware of patrol officers' location while on patrol. Unable to relate location to destination. Not familiar with beat structure.
3. Acceptable: Reasonable knowledge of location in most situations. Can quickly use street index to find streets and then use map to get location. Can give directions when necessary.
5. Superior: Remembers street locations. Able to get to destination without referring to street index or town map.

(16) COMMUNITY-POLICING OBJECTIVES

1. Unacceptable: Shows minimal in day to day situations or events in the community. Not proactive in developing informal community contacts or alliances with citizens.
3. Acceptable: Exhibits a significant interest in the wintergreen community. Provides needed assistance to property owners and the general public.

5. Superior: Actively participates in the wintergreen community. Looks for ways to improve the quality of life experiences of the guests, employees, property owners and the general public.

(17) KNOWLEDGE OF DEPARTMENTAL RULES AND ORDERS

1. Unacceptable: Has little knowledge of departmental orders. Makes no attempt to learn them. Frequent violations of orders.
3. Acceptable: Familiar with most commonly applied rules and procedures; is able to apply them to most field situations.
5. Superior: Exceptional working knowledge of rules, procedures, and orders.

(18) KNOWLEDGE OF TRAFFIC, GATE POLICIES, AND PASS SYSTEMS, COMPUTER SYSTEMS

1. Unacceptable: Does not know the elements of computer usage. Not familiar with gate policies or pass system. Reports or actions continually show inability to apply traffic policies to field situations.
3. Acceptable: Has a working knowledge of computer system and commonly used sections or procedures. Relates elements to observed traffic activity.
5. Superior: Outstanding knowledge of gate policy and pass system. Very familiar with computer and traffic moves smoothly with a minimum of delay.

(19) BEGINS/ENDS TOUR OF DUTY

1. Unacceptable: Occasionally late without valid reason, never early and never stays late. Does not volunteer for OT etc.
3. Acceptable: Always on time, willing to stay late and come in early. Will work OT.
5. Superior: Always arrives early for tour of duty. Volunteers for OT. Willing to work any shift or assignment.

(20) ACCEPTANCE OF FEEDBACK (Verbal/Behavior)

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

(21) RELATIONSHIPS WITH CITIZENS



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

(22) 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: 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.

(23) GENERAL DEMEANOR

1. Unacceptable: Officer cannot be depended upon to produce routine work without close supervision. Does not adapt readily to new situations, work hours, changing assignments. 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.

(24) GENERAL APPEARANCE

1. Unacceptable: Overweight, dirty shoes, uniforms, and leather. Long messy 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.

(25) SENSITIVE INFORMATION

1. Unacceptable: Does not maintain confidentiality with departmental or personnel matters,

reports, DMV, VCIN or NCIC information.

3. Acceptable: Maintains confidentiality with departmental or personnel matters, reports, DMV, VCIN or NCIC information.
5. Superior: Always maintains confidentiality with all departmental information. Can be relied upon to keep the most sensitive of information.

**APPENDIX C TO RR 1-6**  
**RATING SCALE VALUES FOR ADMINISTRATIVE ASSISTANT**

(Rev. 05/01)

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

(1) TELEPHONE DEMEANOR

1. Unacceptable: Argumentative and unpleasant when talking on the phone. Easily becomes emotional and rude. Unable to carry on a normal conversation; loses temper
3. Acceptable: Exhibits a calm and controlled approach. Usually pleasant, can perform reasonably well when confronted with an unpleasant person or situation on the phone.
5. Superior: Maintains control and brings order under virtually any circumstances without assistance. Remains pleasant under the most trying of condition. Superior telephone communication skills under stressful conditions.

(2) ORGANIZATIONAL SKILLS

1. Unacceptable: Confused and disoriented as to what action should be taken in a given situation. Disorganized, unable to keep track of work assignments. Does not maintain an acceptable system where information can be retrieved in a timely manner.
3. Acceptable: Maintains an acceptable filing system. Usually able to keep track of all work assignments.
5. Superior: Maintains a superior filing system. Easily able to find or retrieve required information quickly. Excellent judgment.

(3) CORRESPONDENCE/COMPOSITION/GRAMMER

1. Unacceptable: Illegible misspelled words, incomplete sentence structure. Unable to compose a basic letter. Improper structure.
3. Acceptable: Grammar, spelling, and neatness are satisfactory in that errors are rare and do not impair understanding. Understands basic letter structure and content.
5. Superior: Very neat and legible. No spelling mistakes and excellent grammar. Superior knowledge of letter content and structure.

(4) SELF-INITIATED ACTIVITY

1. Unacceptable: Does not see or avoids activity. Gets involved in non-departmental activities inappropriately too often.

3. Acceptable: Recognizes and identifies work needing to be accomplished. Anticipates most upcoming activities. Usually makes effort to get ahead of potential problems.
5. Superior: Makes constant effort to anticipate future problems and activities. Constantly improving procedures and filing systems under their control.

(5) 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: 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, quality decisions. Consistently alert to ways of improving the quality of life in their assigned area.

(6) TIME MANAGEMENT

1. Unacceptable: Does not understand basic premise of time management. Is not able to manage time effectively. Easily overwhelmed by more than one task. Is not able to perform more than one task at a time.
3. Acceptable: Generally, displays awareness of tasks and their respective relative importance. Can accomplish more than one task at a time. Familiar with basics of time management.
5. Superior: Very familiar with time management principles. Easily completes tasks on time in the most trying of circumstances. Rarely overwhelmed during difficult situations.

(7) DEED TRANSLATION

1. Unacceptable: Cannot comprehend the guarantor/guarantee (owner/seller) of properties after reading deeds. Does not understand the concept of 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> owners. Poor understanding of Real Estate Transactions
3. Acceptable: Has ability to read deeds and determine guarantor/guarantee (owner/seller) of properties. Possesses a basic understanding of the concept of 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> owners for billing purposes. Generally, understands Real Estate Transactions
5. Superior: Possesses an excellent knowledge and understanding of Real Estate transactions in respect to the guarantor/guarantee (owner/seller) and 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> owners.

(8) OVERALL KNOWLEDGE OF POSITION

1. Unacceptable: Does not comprehend deeds, covenants, filing system, reports, and procedures for decals, mail box issuance, letter writing. Computer skills poor.

3. Acceptable: Generally able to comprehend deeds, covenants, filing system, reports, procedures for decals, mail box issuance, letter writing. Good computer skills.
5. Superior: Excellent ability to comprehend deeds, covenants, filing system, reports, procedures for decals, mail box issuance, letter writing. Computer skills excellent.

(9) PROPERTY OWNER RULES/REGULATIONS

1. Unacceptable: Unable to read and understand owner covenants and apply to daily dealings with property owners and guests.
3. Acceptable: Generally, a good understanding of owner covenants and its application to daily dealings with property owners and guests.
5. Superior: Possesses an excellent ability to comprehend owner covenants and readily apply them to daily dealings with property owners and guests.

(10) BEGINS/ENDS TOUR OF DUTY

1. Unacceptable: Occasionally late without valid reason, never early and never stays late. Does not volunteer for OT etc.
3. Acceptable: Always on time, willing to stay late and come in early. Will work OT.
5. Superior: Always arrives early for tour of duty. Volunteers for OT. Willing to work any shift or assignment.

(11) ACCEPTANCE OF FEEDBACK (Verbal/Behavior)

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

(12) 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: 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.

(13) RELATIONSHIPS WITH PROPERTY OWNERS

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

(14) ACCEPTANCE OF RESPONSIBILITY

1. Unacceptable: Does not accept responsibility for tasks poorly completed. Relies on others to make decisions. Cannot be depended upon to complete tasks without supervision.
3. Acceptable: Readily admits to mistakes or tasks poorly completed. Has good perception and ability to make own decisions. Generally, completes all tasks on time and without supervision.
5. Superior: Solicits feedback and criticism in order to improve performance. Never argues with or blames others. Always completes tasks on time and without supervision.

(15) GENERAL Demeanor

1. Unacceptable: Employee cannot be depended upon to produce routine work without close supervision. Does not adapt readily to new situations, work hours, changing assignments. Tardy, complains about assignments, days off, duties.
3. Acceptable: Employee 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.

(16) GENERAL APPEARANCE

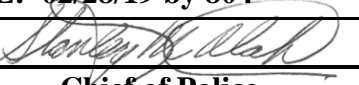
1. Unacceptable: Overweight, dirty shoes, clothing. Long messy hair. Offensive body odor.
3. Acceptable: Neat, clean, and well-pressed clothing. Cleaned and shined shoes and leather. Well-groomed hair.
5. Superior: Tailored clothing, shined shoes. Command bearing.

(17) CONFIDENTIALITY

1. Unacceptable: Does not maintain confidentiality with departmental or personnel matters, reports, DMV, VCIN or NCIC information.
3. Acceptable: Maintains confidentiality with departmental or personnel matters, reports, DMV, VCIN or NCIC information.
5. Superior: Always maintains confidentiality with all departmental information. Can be relied upon to keep the most sensitive of information.

(18) KNOWLEDGE OF DEPARTMENTAL RULES AND ORDERS

1. Unacceptable: Has little knowledge of departmental orders. Makes no attempt to learn them. Frequent violations of orders.
3. Acceptable: Familiar with most commonly applied rules and procedures; is able to apply them to most field situations.
5. Superior: Exceptional working knowledge of rules, procedures, and orders.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Employee Discipline</b>		<b>NUMBER: 1-7</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/28/19 by 804</b>	
<b>AMENDS/SUPERSEDES: RR 1-7, MARCH 1, 1994, RR 1-7, NOV. 30,2006 DEC. 1, 2006, FEB 04, 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: PER.09.02, PER.09.03, PER.09.05</b>			

**NOTE**

This order 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**

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**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, punishment.

**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, means the employees regularly scheduled workdays.

#### 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

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 seeks voluntary compliance with established policies, procedures, and orders. Methods of positive discipline include:

1. Recognition of excellent job performance through rewards or awards.
  - a. When people outside the department compliment an employee's performance, the person who receives the information shall make a record of the comments and pass them to the employee's supervisor. When the Chief receives compliments about an employee, he or she will write a thank-you to the citizen. Copies of the citizen's statement and the Chief's response shall be sent to the officer involved, the supervisor and, if the subject is deemed significant, a copy of all correspondence shall be placed in the employee's personnel file.
  - b. Truly exceptional acts shall be clearly and promptly identified to the Chief of Police. These acts may be the basis for special awards or for special recognition by citizen-community groups or media coverage.
2. Discussion and counseling. **(PER.09.02.b)**
3. Training. **(PER.09.02.a)**

#### 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 discusses 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: (PER.09.03)

An employee may be relieved from duty whenever a supervisor, whether the Chief of Police, or Assistant Chief, questions an employee's physical or psychological fitness for duty. An internal affairs investigation may follow.

1. The Lieutenant has authority to relieve an employee from duty, but must promptly report this action to the Chief of Police, accompanied by a written report setting forth details and circumstances. This report will become part of the employee's permanent record at the discretion of the Chief of Police.
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, only the Chief of Police may relieve an employee from duty. Only the Chief of Police, under consultation with the Association Director, may suspend without pay an officer whose continued presence on the job constitutes a substantial and immediate threat to the welfare of the department, the public, or to himself.
3. An officer who refuses to obey a direct order in conformance with the department's orders may be relieved from duty by the Lieutenant, who may recommend suspension to the Chief of Police. The Chief, in consultation with the Association Director, may then suspend without pay.

CI. Penalties

The following penalties are available and the specific responsibility of each level of supervision relative to those disciplinary actions are delineated. **(PER.09.02.c) (PER.09.03)**

1. Oral reprimand; counseling. Chief of Police, Deputy Chief.
2. Written reprimand. Deputy Chief and Chief of Police.
3. Demotion or suspension without pay. Chief of Police.
4. Dismissal from department. Chief of Police.

CII. 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. **(PER.09.05)**
2. The employee shall be further advised that they have 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 supervisor 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 the statement. At the direction of the Chief of Police, this document will become part of the employee's permanent record. **(PER.09.05)**
4. Oral reprimand/counseling may involve remedial training. This training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance at academy classes, in-service, or other training specially created to help the employee correct or modify his or her behavior. Remedial training is reasonably offered until the employee can demonstrate proficiency in the corrected behavior. All training shall be documented. **(PER.09.02.a.b)**
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 suspension, depending on circumstances.

6. Supervisors are expected to counsel employees regularly without oral reprimands. Most counseling is informal, positive, supportive, and perhaps undocumented. **(PER.09.03)**
  - a. Supervisors are responsible for counseling 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 and the desired or acceptable performance. 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 surrounding jurisdictions 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 voluntarily 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. **(PER.09.05)**

1. An employee may appeal a written reprimand in writing within five days of its receipt.  
If the Chief of Police sustains the reprimand, the employee may appeal the reprimand to the AHPOA Executive Director within five days, who shall be the final arbitrator. **(PER.09.02.d)**

G. Demotion or suspension without pay

If the situation warrants, the Chief of Police, in consultation with the Association Director, may demote an employee or suspend without pay, measures normally considered equivalent.

1. Suspensions without pay will normally apply to a period of up to 15 days, as determined by the Chief of Police and Association Director.
2. If an employee becomes a candidate for suspension a second time within one year after the first suspension, the employee may 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. On any suspension, the officer must return to department custody his or her badge, identification card, and issued firearm.
5. During a suspension, the employee shall not undertake any official duties.
6. An employee may protest a suspension within five days of notice. An employee may appeal a suspension through the Chief of Police to the Executive Director.  
**(PER.09.02.d)**
7. The Association Director 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. All persons having knowledge of the misbehavior shall make a complete record of the circumstances of the misbehavior. See RR 1-20 for guidance on dismissals.

1. Employees may protest or appeal a dismissal within fifteen days of the dismissal/termination, and may appeal through the Chief of Police to the Executive Director. **(PER.09.02.d)**

#### 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 summonses or arrests for reckless driving, DUI, second or more violations for speeding, or any other serious traffic offenses. Failure to notify the department of the foregoing shall be cause for disciplinary action.

### V. **INFRACTIONS AND PUNISHMENTS**

- A. Except for gross breaches of discipline or moral turpitude (see RR 1-2), supervisors shall 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. Unacceptable conduct is divided into three categories according to severity of misbehavior. (**PER.09.01**)

1. Category I.

Examples:

- a. Excessive 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 oral reprimand/formal counseling. Two Category I offenses in one-year results in a written reprimand or suspension of up to five days. A third instance in one year shall provide grounds for dismissal.

2. Category II.

Examples:

- a. Failures 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 based on a reasonable request, or repeated refusals to work overtime.

Category II offenses include more severe acts and misbehavior. Category II offenses normally result, in the first instance, in issuance of a written reprimand. A subsequent infraction within one year shall result in suspension of up to ten days, 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 alcohol or the unlawful use of controlled substances impairs ability.
- 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 making any false official statement.
- f. Willfully or negligently damaging or destroying community property.
- g. Theft or unauthorized removal of departmental records or community or employee property.
- h. Gambling on Aquia Harbour property while on duty.
- 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 sit-down 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 and consequently to continue the employee

in the assigned position would constitute negligence regarding the agency's duties to the public.

- p. Failure to take physical or mental examinations 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. The fees encountered must be provided at no cost to the employee.
- q. Using police position 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; see **RR 1-9**.)
- 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 dismissal at a single occurrence. Category III offenses may be punished by suspension for 15 days in lieu of termination (or longer, with approval of the executive director) or dismissal.



C. 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 shall merely indicate that the person was dismissed during probationary employment.

D. 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.

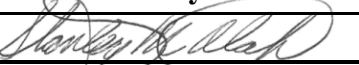
1. Sexual harassment is defined in **RR 1-8**.

E. Discipline checklist

Supervisors to help analyze the employee misbehavior and offer correction should use the following checklist from the *Management Kit of the American Management Association*.

1. Have I secured the necessary facts?
  - a. Did the employee have an opportunity to tell fully his or her 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 or her 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 department, fellow employees, and him- or herself.
    - (2) To help the employee improve efficiency and also that of the department.
  - c. Am I prepared to tell the employee how to prevent a similar offense in the future?
  - d. Am I prepared to deal with any resentment?
  - 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 or her best interest?
  - d. Have I endeavored to compliment the employee on good work?
  - e. Has the action had the desired effects on other employees in the department?

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Sexual Harassment and Discrimination</b>		<b>NUMBER: 1-8</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/26/19 by 804</b>	
<b>AMENDS/SUPERSEDES: RR 1-8, MAR 1994, DEC 2001, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: PER.02.01, PER.02.02</b>			

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**INDEX WORDS**

Discrimination  
 Hostile work environment  
*Quid pro quo* harassment  
 Sexual harassment

**I. POLICY: (PER.02.01)**

The department's policy is to provide a professional, businesslike work environment free from all forms of employee **discrimination** including sexual harassment, or on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status or disability. No employee shall be subjected to unsolicited and unwelcome sexual overtures or other conduct either verbal or physical. Note that the conduct is measured against what an objective, reasonable man or woman (depending on the sex of the complainant) perceives as harassing behavior. The harassment may involve a man against a woman, a woman against a man, or a person against another person of the same sex. The harassing behavior, to be subject to this order, need not occur only during work hours on agency premises, but may occur before or after work at other locations. Sexual harassment is misconduct and the department shall apply appropriate disciplinary sanctions.

**II. PURPOSE**

To define and give examples of sexual harassment, outline prohibited behavior, and describe reporting procedures.

### III. DEFINITIONS

#### A. Sexual harassment

The Civil Rights Act of 1964 prohibits discrimination based on color, race, religion, age, national origin, and sex. Sexual harassment is a form of sex discrimination, defined as unwelcome sexual advances, requests for favors, and other verbal or physical conduct that enters into employment decisions, or conduct that unreasonably interferes with an employee's work performance or which creates an intimidating, hostile, or offensive working environment. Two kinds of sexual harassment apply *quid pro quo* harassment and hostile work environment harassment, defined below. The two forms of harassment may overlap.

#### B. Quid pro quo harassment

This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. (*Quid pro quo* means "something for something.") This form of harassment usually occurs between a supervisor and a subordinate where the harasser has power to control the employee's work benefits or conditions. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances (e.g., offering an employee sexually explicit magazines).

1. Examples of this form of harassment include a request for sexual favors, accompanied by implied or overt threats concerning a person's employment status, or promise of preferential treatment in terms of benefits or status; granting job favors to those who participate in consensual sexual activity while penalizing those who refuse to participate; unwanted, intentional touching (patting, massaging, rubbing, hugging, pinching); telephoning or following an employee, during work hours or not, and either harassing the employee or requesting sexual favors.

#### C. Hostile work environment harassment

This form of harassment is **unwelcome** conduct that is severe or pervasive as to change the conditions of the victim's employment, thus creating an intimidating, hostile, or offensive work environment.

1. A hostile environment exists when the employer tolerates unwelcome, pervasive conduct including sexual comments of a provocative or suggestive nature; jokes or innuendoes intended for and directed to another employee; leaving sexually explicit books, magazines, photographs where employees will find them; unwelcome demeaning comments (such as talking about physical attributes), ridicule, offensive language, propositions or other similar actions; unwanted, unwarranted, unsolicited off-duty telephone calls and contact; signed or anonymous notes or drawings placed on or in desks, bulletin boards, or in lockers; deliberately singling out women in front of men co-workers (or *vice versa*) and subjecting them to demeaning or derogatory remarks.

#### IV. PROHIBITED CONDUCT

- A. The department considers romantic relationships between supervisors and subordinates non-consensual. Violations will be subject to demotion or disciplinary action up to and including termination of employment.
- B. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, or cartoons shall not be posted or kept in any work area. Materials of this kind used for investigative purposes shall be properly secured according to evidentiary standards.
- C. Supervisors shall order employees on department premises who are making sexually hostile comments, put-downs, or degrading remarks about other persons of the same or opposite sex to cease or face discipline.
- D. Employees shall avoid physical contact with one another unless required by a training situation or police procedure. Kissing, back rubbing, embracing, and other unnecessary touching are prohibited on department premises.
- E. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation. Retaliation in any form shall result in discipline.

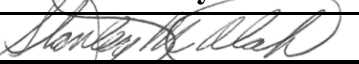
#### V. PROCEDURES

- A. An employee who believes he or she has been sexually harassed or otherwise discriminated against should first tell the offender to cease the inappropriate behavior, although circumstances may not always allow the complainant to make this request. If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall contact his or her own immediate supervisor. The employee shall submit a memorandum to the Chief of Police through the chain of command detailing circumstances. If a supervisor learns of an incident of harassment or discrimination, he or she shall investigate the matter even if the victim did not submit a complaint. If the harasser is the victim's immediate supervisor, victim shall contact the Chief of Police by the most expeditious means (in writing or in person) so as to inform him or her of the situation. **(PER.02.01)**
  - 1. If the complainant is not an employee of the department, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this order and in **RR 1-9**.
  - 2. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking (*Virginia Code* § 18.2-60.3) and sexual battery (§ 18.2-67.4) shall be handled immediately as criminal investigations.
  - 3. If appropriate, the complaint may be resolved at the immediate supervisory level.

- B. When an employee reports an allegation of sexual harassment or other discrimination, a confidential internal investigation shall begin immediately.
  - 1. The Chief of Police shall immediately take action to limit the concerned employees from any further work contact with the alleged offender.
  - 2. The Chief of Police shall conduct an investigation pursuant to the provisions of **RR 1-7** and **RR 1-9**.
  - 3. If the sexual harassment allegation is not resolved to the satisfaction of the complainant, eligible employees may invoke the departmental grievance procedure (**RR 1-10**).
- C. If the situation warrants, the Chief of Police shall report such allegations to the association director without delay.
- D. If the allegation involves the Chief of Police or similar senior official, the complainant shall present the allegation without delay to the association director.

**INVESTIGATION OF COMPLAINTS:**

- 1. The Assistant Chief will investigate sexual and other unlawful harassment and/or unlawful discrimination accusations filed by or against department personnel. (**PER.02.02**)

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Complaints Against Police Personnel</b>		<b>NUMBER: 1-9</b>	
<b>EFFECTIVE DATE: MAY 10, 2016</b>		<b>REVIEW DATE: 02/28/19 by 801</b>	
<b>AMENDS/SUPERSEDES: DEC.2001, DEC 2006, FEB 2011, MAR 2016</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.18.02, ADM.18.03, ADM.18.04, PER.09.05</b>			

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**INDEX WORDS**

Board of inquiry	Inquiry
Complaint	Internal investigations
Discourtesy	Lineups, photographs of employees
Discrimination	Medical/laboratory examinations of employees
Dishonesty	Misconduct
Due process	Neglect of Duty
Financial disclosure statements	Supervisors, role of (counseling, complaints)
General Conduct	Unnecessary Force
Improper Tactics	

**I. POLICY**

All members shall recognize their position and/or the badge of authority as a symbol of public faith, and shall accept it as a public trust, a trust voluntarily accepted. The objective of this policy is to provide citizens with a fair and effective avenue for redress of their legitimate grievances against the actions or conduct of Department members, and, by the same token, to protect members from false charges of misconduct or wrongdoing and provide accused members with due process safeguards.

It is the policy of this Department to record and **confidentially** investigate all complaints of alleged employee misconduct from any citizen or Department employee. Following a thorough and impartial examination of the available factual information, the complaint shall be equitably brought to resolution. (ADM.18.02.a.b.c)

**POLICY (Con't):** The Department seeks to maintain its integrity and that of its employees. In doing so, the Department shall not hesitate to impose disciplinary actions on guilty members, to terminate employment of those members who prove to be unfit for law enforcement, and to dismiss unjustified allegations against innocent members. This directive shall be disseminated to all department personnel on a biennial basis in order for all members of the department to understand and be guided by the standards mentioned in this directive. (ADM.18.03.c)

## **II. PURPOSE**

The purpose of this policy is to inform all members of departmental procedures for timely investigation and resolution of citizen or Department employee complaints, incidents of minor infractions, and charges of policy violations.

## **III. PROCEDURES - GENERAL**

### **A. Types of Violations/Complaints: (ADM.18.03.a)**

1. **Minor Infractions:** Violations of departmental rules and regulations involving transgressions that are not serious violations.
2. **Major violations:** A violation of law defining criminal offenses, the use of unnecessary force, abuse of authority, lying during an official police investigation or report, willful disregard of policy or procedure, a cumulative record of infractions, and/or language or conduct derogatory to a person's race, sex, religion, national origin, lifestyle or sexual preference.

### **B. Definitions**

1. **Discourtesy - Professional attitude:** Discourtesy may involve any improper remark or demeanor by a member that constitutes a rude act or when the remark or demeanor is offensive in manner or action.
2. **Discrimination:** Complaints are classified as discrimination when they involve an act that demonstrates prejudice against any person or group on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, sex, sexual preference, medical condition or handicap.
3. **Dishonesty:** Lying or making selective omissions of information, facts, and/or actions during an official administrative investigation or in making a police department report, or intentional misappropriation of property, or false recording of on-duty work time. For example, the use of department/county property for unauthorized personal use, false accounting of working hours, annual leave and/or sick hours, perjury, making false statements, the theft of property from an individual detained for investigative or custody purposes, or converting found or seized property to personal use.
4. **Improper Tactics:** Complaints are classified as improper tactics when the use of physical effort on an officer's part is inconsistent with approved policy and/or training, not amounting to unnecessary force.



5. Neglect of Duty: This classification is generally used to include conduct not normally covered by other classifications. It covers failures to perform or to give proper attention to the duties and obligations of the position held. It includes not reporting for duty assignments as scheduled.
6. General Conduct - Conduct Unbecoming an Officer: The classification General Conduct may be used to cover most improper conduct. Any breach of the peace, violation of law, traffic infraction, or ordinance, or conduct which tends to undermine the good order, efficiency, discipline, or reputation of the department. For example, unnecessary involvement in neighbor, family, landlord/tenant disputes, verbal or physical altercations resulting in the involvement of another law enforcement agency; or any off-duty conduct where the employee's employment is revealed and therefore could subject the department to embarrassment.
7. Unnecessary Force: Complaints are classified as unnecessary force when physical abuse is alleged and the type or degree of force employed was neither necessary nor appropriate, or when it appears that force of any degree was used as punishment.
8. Misconduct: Intentional wrongdoing or deliberate violation of a law, department policy, procedure, or training standard by an officer.
9. Complaint: An allegation against the Department or a member expressing any of the above classifications or dissatisfaction with police service.
10. Inquiry: A preliminary examination generated from outside of or from within the Department that is based on the need for information. An inquiry may be initiated as the result of an arrest incident, a suspect injury, or of information received from any known or unknown sources. An inquiry may also be at the request of the County Attorney's Office in preparation for civil court proceedings.

C. Receipt of complaints

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

D. Responsibilities of supervisors

1. First-line supervisors are primarily responsible for enforcing conformance with departmental standards and orders.
2. First-line supervisors shall know the officers in their charge by closely observing their conduct and appearance.

3. First-line supervisors shall be alert to behavioral changes or problems in their subordinates and, if necessary, document these changes and confer with higher authorities. The first-line supervisor shall assess the behavior, take or recommend appropriate action.
4. The supervisor shall recommend and, if appropriate, help conduct extra training for officers not performing according to established standards
5. The first-line supervisor shall employ counseling techniques sanctioned by the department. Counseling is used to adjust and correct minor, infrequent errors or instances of poor performance and to ascertain the nature of any professional or personal problems that bear on performance (see **RR 1-7**).
  - a. The supervisor shall document all instances of counseling.

E. How to make a complaint:

A copy of "How to Make A Complaint" will be posted in the public area of the department, may be given to any citizen requesting information on how to make a complaint. A copy of "How to Make a Complaint" is found in the appendix to this order.

F. Responsibility for handling complaints

1. As a rule, complaints regarding law-enforcement operations will be handled through the chain of command, beginning with the first-line supervisor. Complaints involving how law-enforcement service is provided or a failure to provide service or improper attitudes or behavior may be investigated and handled by the Assistant Chief of police. The Chief of Police may ask an investigator from another agency or the State Police to undertake the investigation.
2. Complaints alleging improper conduct, brutality, criminal behavior or misconduct involving several personnel or supervisory personnel may be investigated by an outside agency upon request of the Chief of Police.

G. Complaint-handling procedures

1. All complaints, regardless of nature, can be logged in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and a written signed complaint prepared.
  - a. In case of an anonymous complaint, the officer or other person who receives the anonymous complaint shall complete the form PD270 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 complaints shall be subject to disciplinary action.

3. Normally, a citizen with a complaint shall be referred to the Chief of Police who shall assist the citizen in recording pertinent information. The first-line supervisor shall at least conduct a preliminary investigation. The Chief of Police may, if appropriate, conduct a preliminary investigation. The preliminary investigation consists of questioning the officer, complainants, or witnesses, and securing evidence.
  - a. Upon completion of the preliminary investigation by a supervisor the following documents shall be prepared and forwarded through the chain of command: a report of the alleged violation; any documents and evidence pertinent to the investigation; recommendations for further investigation or other disposition.
4. If the first-line supervisor or other investigator determine that the complainant is apparently under the influence of an intoxicant or drug, or apparently suffers from a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these 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 also may make complaints, although circumstances may require a department representative to meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of prisoners' injuries.
5. An employee who receives a citizen's complaint through U.S. mail shall place the correspondence and envelop in a sealed envelope and forward it to the Chief of Police, who shall determine investigative responsibility.
6. Complaints received by telephone by dispatchers or other employees shall 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, the Assistant Chief shall call back as soon as practical.
7. The above procedure may also be used when department employees desire to enter a complaint against any other employee governed by this order.

H. Disposition of complaints generally

The Chief of Police shall:

1. Notify the complainant, in writing, as soon as practical, that the department acknowledges receipt of the complaint, that it is under investigation, that the investigation will be completed within thirty days. 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.

I. Disposition of serious complaint

1. Allegations of misconduct that might result in discharge, suspension, or demotion, or criminal charges being sought are serious complaints. 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 or multiple personnel. The Assistant Chief of Police is responsible for investigating offenses of this magnitude. (**ADM.18.03.b**)
2. In these cases, the Chief of Police shall:
  - a. Record, register, control or cause to be recorded, registered, or controlled the investigations of employees by the Assistant Chief.
  - b. Supervise the activities under "a."
  - c. Maintain confidential records of same. These records shall be maintained in a separate locked file in the Chief's office. (**ADM.18.04.c**)
  - d. Ensure that the investigation is conducted according to department policy, a copy of which the Chief shall provide to each officer under investigation.
  - e. Maintain close liaison with the commonwealth's attorney in investigating alleged criminal conduct. Where liability is at issue, the Chief shall similarly maintain contact with the association attorney.

IV. **PROCEDURES: Investigative**

Two types of investigations may take place: administrative or criminal. (**ADM.18.04.a.b**) Different rules govern interviews of employees in each case. Before any interview, the employee under investigation shall receive a confidential written statement of the complaint and the officer's rights and responsibilities. (**ADM.18.05.a.b.c**)

A. Assistance of legal counsel

1. Employees are permitted to have an attorney, supervisor, or other representative with them in the room during any interview regarding allegations of misconduct.
2. The employee's representative is limited to acting as an observer at the interview, except that where the interview focuses on, or leads to, evidence of criminality, the legal representative may advise and confer with the employee during the interview.

B. 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 any 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 proceedings 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 or any information obtained by reason of such statements are admissible against the employee in any criminal proceeding.

- a. Read to the employee the following:

"I advise you that you are being questioned as part of an official investigation of the 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 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.
  - a. The interviewing officers shall use the "administrative proceedings rights" form found in the appendix to this instruction.

C. Interviews for criminal investigative purposes

If the Chief of Police believes that criminal prosecutions are possible 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 as coercive.

## 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 supervisor 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 shall administer the test. The Chief of Police or supervisor shall witness the test and 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 supervisor.
3. If the employee is believed to be under the influence of self-administered drugs, he may be compelled to submit to a blood or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample shall 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 employee shall be relieved of duty as soon as possible by the Chief of Police or supervisor.
5. If an employee refuses to submit to a test, (alcohol or drugs) then the Chief of Police or supervisor shall immediately relieve the employee from duty for failure to cooperate in an administrative investigation.
6. An on-duty supervisor may direct an employee to submit to a breath, blood, or urine test when a level of inebriation or drug usage is suspected as interfering with the performance of duty.
  - a. Property assigned to the employee but belonging to the department is subject to inspection where the department has a reasonable suspicion that evidence of

work-related misconduct may be found therein. Department property includes files, storage lockers, desks, and vehicles.

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 may result in dismissal **if** the criminal prosecution is not anticipated.

1. A book of photos 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 are required by the department and shall be used when narrowly related to the employee's job.
2. Photographs or videotape pictures of employees, with or without their consent, may be taken for the purpose of internal investigations as related to the employee's job when the employee is suspected of misconduct.

C. Financial disclosure statements

An employee may be compelled to make financial disclosure statements when 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.

D. Polygraph

1. Policy: All personnel shall be required to submit to a polygraph when ordered to do so by the Chief of Police.
2. The Chief of Police or his designee may order employees to take a polygraph when charged with a Category III offense (see **RR 1-7** for a discussion of the offense categories).
3. The results of the polygraph examination shall not be used as the sole basis for disciplinary action against any employee.
4. Any polygraph examination given under the provisions of this order shall be administered by a private contractor licensed to administer polygraph examinations in the Commonwealth of Virginia or must be a licensed examiner from another law-enforcement agency. No employee shall administer an examination to another 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 federal (privilege against self-incrimination) law, the following information must be provided to the employee asked to submit to 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 or her answers will not be used to prosecute him or her.
  - c. That he or she may refuse to take the polygraph or answer any questions, however, this 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. Any person who refuses to submit to a polygraph examination or refuses to answer any questions pertaining to the charges in such an examination as outlined above 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 procedures and techniques.
  3. Not sustained - unable to verify the truth of the matters under investigation.
  4. Sustained - allegations true.
- B. Completed investigations classified as unfounded, exonerated or not sustained will be maintained in internal affairs files in the chief's office. Sustained complaints shall be filed in the individual employee's department personnel file with a copy in the internal affairs files. **(PER.09.05)**
- 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 employee's service record and prior sustained complaints. (See RR 1-7 for details.)



D. Disciplinary records

1. The department shall maintain a log of all complaints.
2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained as long as state archival policy dictates.
  - a. Category I offenses shall be purged two years after adjudication, if no further offenses in any category have occurred. Category II offense records similarly shall be purged after three years. Category III records are permanently retained.
3. The Chief shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy. See RR 1-4, Inspections.

**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 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 VII.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 (per RR 1-7).

**VIII. 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 incidental to law-enforcement action, or accident involving a department vehicle.
  1. A board of inquiry shall consist of at least three people, including the Association Director, 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 the 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 Association Director.
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.

## **IX. INTERNAL AFFAIRS**

1. Internal Affairs administration and investigations shall be handled by the chief of police or other officer assigned.
2. Primary responsibility of the Internal affairs function shall be to investigate complaints made by citizens or fellow officers of capricious acts, misconduct, abuse of authority, brutality or other complaints deemed a "serious complaint" by the chief or executive director committed by a member of the department, sworn or civilian. Advisement and coordination of the employee's rights and the grievance procedures shall be a part of this process.

**X.** The Deputy Chief will investigate all citizen complaints directed at an officer or the department. Reporting to the Chief, to include a recommendation of corrective action to be taken. This will include internal affair investigations. Whenever the Deputy Chief is unavailable a citizen's complaint may be investigated by another supervisor at the direction of the Chief. **(ADM.18.03.b)**

## HOW TO MAKE A COMPLAINT

1. If you wish to make a complaint about the actions of an officer or about any aspect of law-enforcement operations, please:
  - a. Come to the department and tell any employee that you want to make a complaint; or
  - b. Call any member of the department or the executive director'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 complaint 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*

**PD 270 (Rev. 12/01)**

Name of complainant: \_\_\_\_\_

At what address can you be contacted? \_\_\_\_\_

What phone number? Residence: \_\_\_\_\_ Work: \_\_\_\_\_

Date and time of incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

Name of officer(s) or employee(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 any witnesses, if applicable:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 Aquia Harbour Police Department 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 department, the employee 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 the employee, 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

Appendix to RR 1-9

**ADMINISTRATIVE PROCEEDINGS RIGHTS  
NOTICE OF ALLEGATIONS**

**PD 275 (Rev. 12/01)**

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

Department Policy 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 questions 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 investigating officer unless circumstances dictate otherwise.
2. Before questioning the officer, he shall be informed of (1) the name and rank of the investigating officer and (2) of any person to be present during the questioning and (3) 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.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
WITNESS:

**POLYGRAPH EXAMINATION ACKNOWLEDGEMENT OF RIGHTS**  
**PD 280 (Rev. 12/01)**

I, \_\_\_\_\_ 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 or refusal 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  
PD 285 (Rev. 12/01)**

I, \_\_\_\_\_, hereby certify the  
(Name and Rank)

Polygraph Examination Acknowledgement of Rights was presented  
to \_\_\_\_\_ on this date in  
(Name and Rank)

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 \_\_\_\_\_  
(Employee)

refused in my presence to sign the Polygraph Examination

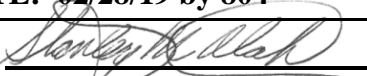
Acknowledgement of Rights.

\_\_\_\_\_  
(Employee Signature)                      (Witness Signature)

\_\_\_\_\_  
(Date)    (Date)

Appendix to RR 1-9



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Grievances</b>		<b>NUMBER: 1-10</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/28/19 by 804</b>	
<b>AMENDS/SUPERSEDES: RR1-10, DEC 2001, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: PER.08.01, PER.08.02, PER.08.03, PER.08.04</b>			

**NOTE**

This order 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  
Grievance panel hearing

**I. POLICY**

The department's goal is 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. Every employee has the right to fair treatment in all matters arising from employment and to this end each employee has the right to be heard whenever he or she alleges mistreatment. A grievance process that affords employees the opportunity to air a complaint helps reduce dissatisfaction, identify organizational problems, and increase morale.

**II. PURPOSE**

The **grievance policy** is intended to provide a method of promptly resolving problems or disputes that may arise from time to time. (**PER.08.03.a**)

**III. APPLICABILITY**

A. Included

1. All permanent full-time or part-time 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 separation (see **RR 1-20** for more information on resignations). This grievance must be filed within 30 calendar days of the dismissal date. Any grievance initiated by a permanent employee before voluntary separation from the department may continue to be processed through the grievance procedure.

**IV. WHAT IS GRIEVABLE (PER.08.01.a)**

A grievance is a complaint or dispute of an employee relating to employment, including but not necessarily limited to:

- A. Disciplinary actions, including dismissals (whether resulting from formal discipline or unsatisfactory job performance or an involuntary separation), demotions, and suspensions.
- B. The improper application of personnel policies, procedures, rules and regulations, and ordinances and statutes.
- C. Acts of reprisal as a result of use of the grievance procedure or of participation in the grievance of another employee.
- D. Complaints of discrimination on the basis of race, color, creed, political affiliation, age, handicap, national origin, or sex.
- E. Intimidation because of participation or failure to participate in political activities.

**V. WHAT IS NOT GRIEVABLE**

Management reserves the exclusive right to manage the affairs and operations of the department. Accordingly, the following complaints are not grievable under this order:

- A. Establishment and revision of wages or salaries, position classifications, or general benefits.
- B. 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 through a performance evaluation shall not be grievable except where the employee can show that the evaluation was arbitrary or capricious.).
- C. The contents of established personnel policies, orders, and statutes.
- D. Failure to be promoted (except where the employee can show that established promotional policies or procedures were not followed or applied fairly).

- E. The methods, means, and personnel by which work activities are to be accomplished.
- F. Dismissal, layoff, demotion, or suspension from duties because of lack of work, reduction in the work force, or job abolition.
- G. The non-disciplinary hiring, transfer, assignment, and retention of employees within the agency.
- H. The relief of employees from duties during emergencies.
- I. The Association's financial, budgetary, accounting, compensation, and organizational policies and procedures.
- J. Oral reprimands, warnings, or written reprimands.
- K. Management of association 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 agency; 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 emergencies.

## VI. PROCEDURES

### A. Nature of the grievance

An employee's grievance shall include the following:

1. Specifically, factually, and clearly detail the allegation and the harm done. **(PER.08.02.a)**
2. State that the harm arose from an act, commission, or omission that directly affects the employee's working conditions or employment relationship. **(PER.08.02.b)**
3. Define a grievable matter that is within departmental control.
4. State the relief sought that is within the department's power to grant. **(PER.08.02.c)**

### B. First management step

Employee complaints or problems should first be directed to the employee's immediate supervisor for resolution. The matter should be discussed with the supervisor as soon as possible, and the supervisor and the employee should seek to arrive at a reasonable solution. **(PER.08.01.b.c)**

C. Second management step

If the complaint is not resolved, the employee should put the complaint in writing and deliver it to the immediate supervisor. The immediate supervisor and the next appropriate level of supervision will meet with the employee in a timely manner and will issue a reply to the complaint.

D. Third management step (PER.08.01.d)

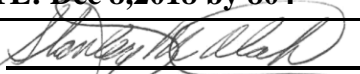
If the matter is still not resolved after Step Two, the employee may request a grievance panel to consider the problem. The panel will consist of three members including: **(PER.08.04)**

- (1) The Executive Director,
- (2) A supervisor or manager of the employee's choice and
- (3) An employee chosen by the other two panel members.

The panel reserves the right to determine grievable items by a majority of the panel members. The panel will convene as soon as possible but not later than 10 working days following receipt of the complaint. The employee is entitled to appear before the panel and to present witnesses and other relevant information. After the hearing, the panel will issue a decision, which will be final. The finding of a grievance by an employee shall be treated confidentially by all parties, and the employee can expect freedom from reprisal. An employee who is not comfortable discussing a particular matter with his/her immediate supervisor should contact the Executive Director. **(PER.08.03.b)**

E. General Guidelines

1. Grievant's who are still employed by the association are compensated at their regular rate of pay for the time spent during normal working hours in the management step meetings, 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.
2. Employees who are grieving termination are not compensated except in cases where a decision results in reinstatement with back pay. Also, reimbursement for travel expenses for the grievant shall be limited to those incurred from the previous work location to the meeting locations.
3. The use of agency reporters, as well as mechanical records, shall not be permitted in the management steps. Hearing-disabled employees shall be allowed to have an interpreter during any and all procedural steps.
4. All records of grievances shall be kept separate from employee personnel files and secured in the Chief's office. The Chief of Police (or his designee) will maintain responsibility for coordinating all grievance procedures **(PER.08.01.e) (PER.08.03.c)**

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Off/Extra-Duty Employment</b>		<b>NUMBER: 1-11</b>	
<b>EFFECTIVE DATE:</b>		<b>REVIEW DATE: Dec 8,2018 by 804</b>	
<b>AMENDS/SUPERSEDES:RR 1-11, MAR 1994, DEC 2001, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: PER.04.01, PER.04.02</b>			

**NOTE**

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**INDEX WORDS**

Liability  
 Extra-duty employment  
 Secondary employment

**I. POLICY**

The Chief of Police and their Deputies must ensure the continued efficiency and effectiveness of the department while simultaneously reducing or eliminating conflicts of interest. To this end, the Chief of Police 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/extra-duty employment when it may impair efficiency or conflict with employees' duties and responsibilities. To promote the welfare and good reputation of the department, however, this order outlines procedures to ensure appropriate, accountable, and reasonable off-duty work.

**II. PURPOSE**

To define regulations governing off-duty/extra-duty employment and conduct of dual sworn officers while employed in an off-duty/extra duty capacity.

**III. DEFINITIONS**

A. Employment

Any work performed or services provided for compensation (a fee or otherwise), including self-employment. Volunteer charity work is excluded. The Department recognizes two forms of off-duty employment, extra-duty employment and secondary employment.

B. Law enforcement-related extra-duty employment

**Extra-duty employment entails** the use of law-enforcement powers, granted by the Commonwealth of Virginia.

C. Probationary Period

The period of time measured, beginning with the date of initial hire or graduation from a basic academy.

D. Secondary employment

Any non-law enforcement-related **off-duty work** for pay. Secondary employment does not require sworn enforcement powers as a condition of employment and the work does not provide implied law-enforcement service.

#### IV. PROCEDURES

A. General

All employees are able to work off-duty, on a case by case basis, with approval by the Chief of Police. Employees on medical or sick leave, temporary disability, or light duty due to injury are ineligible for off-duty employment. An employee engaged in **any** off-duty employment may be called to duty in an emergency.

B. Secondary employment

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.

C. Law enforcement-related extra-duty employment

1. **NOTE: Aquia Harbour Police Department does not provide contract for law enforcement services outside the boundaries of Aquia Harbour.** Law enforcement-related employment shall not exceed 16 hours per day, including on-duty time without the approval of the Chief of Police: e.g., an officer working a 10-hour tour may work six hours of off-duty on the same day and an officer on a day off may work 16 hours, with 8 hours between shifts. For the purpose of computing allowable work time, court appearances constitute on-duty time, as does sick leave.

2. Officers may perform law-enforcement duties beyond Wintergreen boundaries if working in conjunction with another jurisdiction's regular law-enforcement agency and after having been duly sworn as a law-enforcement officer for and in that jurisdiction.
3. No employee shall solicit any person or business for the purpose of gaining law enforcement-related extra-duty employment, and, while on duty, shall not solicit any person or business for the purpose of gaining secondary employment.
4. The department uniform shall not be worn while engaged in off-duty employment. Aquia Harbour-owned vehicles, radios, or other equipment shall not be used while traveling to and from or engaging in off-duty employment.
5. Officers, while engaged in law enforcement-related employment, shall be subject to the orders of the on-duty law-enforcement supervisor.
6. In the event that an injury occurs during extra duty or secondary employment the employee will be required to notify Aquia Harbour Police Department of the circumstances surrounding the incident.
  - 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 of Police 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. To be eligible for permission to work off-duty, officers must be in good standing with the department.

D. Administration

1. Employees must submit a written request to the Chief of Police through the chain of command for any employment. The provided form shall be used for this purpose. Employees shall not begin any work until approval has been granted. The request shall be filed in the employee's personnel file. **(PER.04.01.a) (PER.04.02.a)**
2. The Chief of Police shall disapprove any employment that demeans the status or dignity of the law-enforcement profession, or otherwise represents a conflict of interest. Examples of such employment include: **(PER.04.01.b) (PER.04.02.b)**
  - a. Retailers which sell pornographic materials, or provide services of a sexual nature.

- b. Retailers who sell, manufacture, or transport alcoholic beverages as the principal business. (Civilian Employees are exempt ).
  - c. Gambling establishments not exempted by law.
  - d. Any firm connected with, bill collecting, bodyguards, or repossessioners,
  - e. Performance in department uniform of any tasks other than those of law enforcement.
  - f. Performance of any work for a business or labor group that is on strike.
  - g. Performance of any work regulated or licensed through the department.
  - h. Performance of any employment requiring the officer to have access to police files, records, or information as a condition of employment.
  - i. Serving as a recruiter and receiving compensation for procurement of law enforcement-related jobs for other department employees is prohibited.
3. **Arrests made while engaged in extra-duty** law enforcement-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.
- a. Employees shall understand that department liability protection does not extend to willful acts, which cause injury or damage, or acts the officer knew or reasonably should have known conflicted with department policy or the law.
  - b. Extra-duty arrests shall **not** be made when the officer is personally involved in the incident underlying the arrest.
  - c. Off-duty arrests shall **not** be made when the officer's actions only further the interests of the private employer.

E. Liability, indemnification, insurance

- 1. Employees must submit a written request to the Chief of Police through the chain of command for any law enforcement related employment. As with off-duty employment the form found at the end of this order shall be used for the purpose. Employees shall not begin any work until approval has been granted. 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 of Police as soon as possible. **(PER.04.01.c)**
  - b. The Chief of Police, who is responsible for the administration of this program, may revoke permission to work law enforcement extra duty or secondary employment if the officer fails to perform adequately on duty or receives disciplinary action. To be eligible for permission to work law enforcement extra duty or secondary employment, officers must be in good standing with the department.**(PER.04.01.d) (PER.04.02.c.d)**
2. In addition to the application form, the employee must submit to the Chief of Police proof of employment with the employer. The document must also specify: **(PER.04.02.e)**
  - a. The precise nature of the work to be performed.
  - b. Hours or schedule of the work performed.
  - c. What equipment the employee must maintain.
  - d. .
3. The Aquia Harbour Police Department shall not be responsible for medical expenses incurred from injuries sustained while working in **any** law enforcement extra duty or secondary employment non-related with the Aquia Harbour Police Department. Additionally, in the event that an injury occurs during a law enforcement extra duty or secondary employment the employee will be required to notify Aquia Harbour Police Department of the circumstances surrounding the incident.
4. The department recognizes that an officer in law enforcement-related employment may undertake an action connected with the employment that the courts may construe as a law-enforcement duty, and therefore an extension of the job. Officers are reminded that their extra-duty performance must follow the same standards required for on-duty performance. Extra-duty law-enforcement actions, whether for a private employer or not, must meet the requirements of this manual.

**PD 733**  
**11/01**

**APPLICATION FOR OFF-DUTY EMPLOYMENT**

Name of employee requesting off-duty employment: \_\_\_\_\_

Effective date of off-duty 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: \_\_\_\_\_

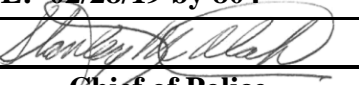
Employee Signature: \_\_\_\_\_ Date of application: \_\_\_\_\_

Contract or memorandum of understanding Y \_\_\_\_\_ N \_\_\_\_\_

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Law Enforcement Training</b>		<b>NUMBER: 1-12</b>	
<b>EFFECTIVE DATE:</b>		<b>REVIEW DATE: 02/28/19 by 804</b>	
<b>AMENDS/SUPERSEDES: R&amp;R 1-12, DEC.10, 2002, OCT.1,2006 , Feb. 2011, NOV 2015</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
R&R 1-12, May 24, 2005 and Spcl Odr 2005/05/05/1-12-001 & 2002/03/25/1-12-001		<b>VLEPSC STANDARDS: PER.03.03, TRN.02.01, TRN.02.02, TRN.03.01, TRN.03.02, TRN.04.01</b>	

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## INDEX WORDS

Advanced Training  
 In-service training  
 Instructors  
 Lesson plans  
 Training  
 Transfer

## 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 attempts to arrange participation in specialized or advanced training. 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. (**TRN.02.01.a**)

## II. PURPOSE

The Aquia Harbour Police Department has no formal career development program. These guidelines govern employee participation in all training programs made available to personnel of the Aquia Harbour Police Department, for the enhancement and/or development of their skills, knowledge and abilities in a particular area of interest or expertise. (TRN.02.01.b)

## III. PROCEDURES

Training opportunities which are offered through the regional training academy, DCJS or other entity will be posted on the bulletin board located in the station for officers to acknowledge their interest in attending. Training opportunities will be reviewed by the training coordinator and approved by the Chief prior to approval. Certain individual training is necessary for every officer and the best interest of the Department as outlined below.

### A. Responsibilities of the Chief of Police or designee.

1. The Chief shall ensure that at least one department employee:
  - a. Achieves and maintains certification as a firearms instructor, general, radar, taser and FTO.
  - b. Receives advanced instruction in any necessary specialty. .
2. All officers shall obtain current Red Cross cardiopulmonary resuscitation (CPR) and AED certifications as soon as available
3. The Chief shall ensure the availability of a trained armorer, through training a department employee. . The armorer shall inspect all firearms and ammunition for safety and reliability. The armorer shall also repair broken or malfunctioning weapons. See RR 1-18 for details.
4. The Chief of Police shall ensure that any employee, upon receiving a new assignment, attend relevant training as soon as practicable.
5. The Chief shall ensure that all Aquia Harbour Police Department personnel list and submit their Skills, Knowledge and Abilities , which will be placed in their personnel files.
6. All sworn officers must complete the DCJS required academy training within twelve (12) months of hire.

## IV. TRAINING

### A. Attendance

Personnel are expected to attend any assigned training programs. Attendance will be documented by academy or

organization responsible for the training. There are cases where attendance at a training program may be excused, such as for 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 is issued. Certificates will be issued to those students who complete any training program. Employees shall provide a copy of any course- completion certificates to the training coordinator for inclusion in the employee's personnel file.

B. Expenses

All expenses incurred by department personnel as a result of required training could 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, with prior pre-approval by the Chief of Police.

C. Performance-based training

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

1. Focus on the elements of the job-task analysis for which training is needed.
2. Provide clear statements of what is to be learned.
3. Provide the basis for evaluating the participants.
4. Provide the basis for evaluating the effectiveness of the training program.

D. Lesson plans

1. Lesson plans are required for all training courses conducted or sponsored by the department. It is the responsibility of the individual instructor, whether a member of the department or not, to provide the chief with a copy of the lesson plan for approval before each class.
2. The lesson plan should include a statement of performance objectives, the content of the training, specification of the appropriate instructional techniques, references, relationships to the 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:
  - a. Conferences (debate, discussion groups, panels and seminars).
  - b. Field experiences (field trips, interviews, operational experiences and

observations).

- c. Presentations (lectures, lecture-discussion, lecture-demonstration).
- d. Problem investigations (committee inquiry, critical incidents).
- e. Simulations (case study, simulation, games, and role-play).

E. 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.

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

F. Training records

- 1. The training coordinator shall maintain, in each personnel file, a training record, which includes:
  - a. The title and type of training received. (**TRN.04.01.a**)
  - b. The date and number of hours of attendance. (**TRN.04.01.b**)
  - c. The identification of trainers or agencies presenting the course. (**TRN.04.01.c**)
  - d. Attendance, the names of all agency personnel receiving training. (**TRN.04.01.d**)
  - e. Scores, if any.
  - f. Certificates received.
- 2. The training coordinator shall also maintain files on all in-house training courses or presentations, including:
  - a. Course content (lesson plans).
  - b. Personnel attending.
  - c. Any performance measures as ascertained through tests or demonstrations.

G. Instructors

- 1. Instructors for all department-training programs shall:
  - a. Have a minimum of two years law-enforcement experience.
  - b. Have completed an instructor's course and be certified as an instructor.

- c. Possess a demonstrated skill in an area of instruction.
  - d. Be knowledgeable of teaching theories, methods, and practices and have knowledge of law-enforcement practices.
2. The Chief shall approve instructors enlisted from outside the department. The instructor must have demonstrated skill in his/her area of instruction and comply with requirements for instructing at the regional criminal justice academy. The chief of police will determine any compensation.
3. Before being allowed to instruct any state-mandated courses at the department, instructors shall receive, at a minimum, training in:
  - a. Lesson plan development.
  - b. Development of performance objectives.
  - c. Instructional techniques.
  - d. Learning theory.
  - e. Testing and evaluation techniques.
  - f. Resources.
4. 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.

H. In-service training

All sworn personnel of the department shall, biennially, as required by DCJS, receive 40-hours of in-service school credit. In-service instruction may include:

1. A review of changes or revisions in the *Code of Virginia*, taught by a commonwealth's attorney, on-line academy training or other legally knowledgeable person, supervisory and management training, policies and procedures and any other training deemed as necessary. **(TRN.02.02)**
2. Firearms training and qualifications annually.
3. Specialized or advance training relative to their individual areas of expertise
  - a. As information becomes available through the Police Academy or similar institutions of learning, details of such courses offered will be posted Requests may be made by departmental personnel to attend these courses.



- b. An area of expertise requiring specialized or advanced training is described as such, but not limited to an investigator, firearms instructor, defensive tactics instructor, internal affairs, supervisory, field training officers, evidence technicians, radar instructor and armorer.
- c. The Chief of Police will select those employees to receive specialized or advanced training based upon recommendations of their immediate supervisor.
- d. Employees receiving such training may be assigned to positions to allow them to utilize such training received. They may be assigned specific duties within their current assignments which allows for use of the training received. Such assignments may be to instruct other officers.

I. Civilian personnel

All newly appointed civilian personnel will receive the following information from the Chief or his designee. Civilian positions in the department include administrative assistants, communications officers and any other non-sworn employees.

- 1. Orientation to the department's role, purpose, goals, policies, and procedures. **(TRN.03.01.a)**
- 2. Working conditions, rules, and regulations. **(TRN.03.01.b)**
- 3. Responsibilities and rights of employees. **(TRN.03.01.c)**

II. Communications Officers

- 1. Required to complete 40 hours of pre-service/on-the-job-training before attending the Basic Academy. **(TRN.03.02.a)**
- 2. Attend Basic Academy for Dispatchers within 12 months of hire. **(TRN.03.02.b)**
- 3. The Assistant Chief will be responsible for documenting this training.

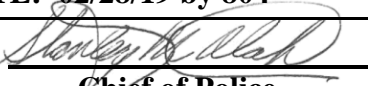
III. Advanced education **(PER.03.03.e)**

Training may be conducted at academies, colleges and universities. Employees may seek additional higher education to complement career goals. This training may be either beneficial to law enforcement work or to enhance the employees life experiences.

Reimbursement, if any, is at the sole discretion of the Chief of Police and approval by the Executive Director. See Appendix to RR 1-2 for details.

### Transfers

1. The chief may assign or transfer any employee to any duty assignment that is deemed to be in the best interest of the department.
2. Employees who request a transfer shall write a memorandum to the chief to that effect.
3. Occasionally, some job assignments require minimum assignment periods so that the department may sufficiently benefit from investments in specialized training or education. Minimum periods of assignment shall be determined by the Chief and specified in a departmental order. The Chief reserves the right to establish minimum and maximum terms of service for selected duty assignments he or she deems to be in the best interest of the department.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: PROMOTIONAL PROCESS</b>		<b>NUMBER: 1-12A</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/28/19 by 804</b>	
<b>AMENDS/SUPERSEDES: R&amp;R 1-12A MAY 2005, DEC 2010, OCT 2006, JAN 2009</b>		<b>APPROVED:</b>  Chief of Police	
<b>VLEPSC STANDARDS: PER.07.01, PER.07.02</b>			

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**INDEX WORDS**

Promotion  
 Selection Process  
 Minimum Required Time  
 Education  
 Special Training  
 Performance Evaluations  
 Waiver  
 Promotion Program

**I. POLICY**

The Aquia Harbour Police Department encourages employees to seek opportunities to develop their knowledge, skills and abilities. Promotions are based on performance, longevity, and the growth of skills through training and experience. Although in a small department promotion opportunities are limited, the department promotion process is fair and equitable.

**II. PURPOSE**

To establish a criteria for selection or promotion to higher ranks.

### III. PROCEDURES

1. The Chief shall be responsible for administering the promotional process. When a vacancy exists for promotion; the Chief shall post an advertisement of the position for two weeks. During that time, employees may request, in writing, consideration for the advertised position. **(PER.07.01.a.b.c)**
2. Applicants will then compete for the position before a review board which may consist of the Chief, AHPOA Executive Director, Assistant Executive Director, Assistance Chief of Police depending on the existing vacancy. The review board shall recommend the best qualified applicants for the vacant position.
3. The Chief shall review and consider the recommendation from the board. The Chief shall make the final selection for the vacant position. The Aquia Harbour Police Department does not use eligibility lists in its promotional process. **(PER.07.02.a.b.c)**

### IV. REQUIREMENTS

#### A. Time in Service: **(PER.07.01.e)**

1. Sergeant;

The minimum required time in law enforcement to be eligible to apply for a position with the rank of sergeant is three (03) years in law enforcement to include one (1) year with the County and Aquia Harbour Police Department.

2. Assistant Chief;

The minimum requirement time in law enforcement to be eligible to apply for the position of Assistant Chief of Police is seven (07) years in law enforcement to include three (3) years service with the Aquia Harbour Police Department.

#### B. Education:

1. Sergeant;

Any combination of education and experience equivalent to graduation from high school. Completion of appropriate training prescribed by the Commonwealth of Virginia for this level of position. Completion of first-line supervisory school within one (01) year after advancement.

2. Assistant Chief

Any combination of education and experience equivalent to graduation from high school. Preferably an associate degree or extensive experience in a

variety of Law Enforcement tasks and functions, with Supervisory/Administrative abilities. Completion of appropriate training prescribed by the Commonwealth of Virginia for this level of position. Completion of mid-level supervisory school within one (01) year after advancement. Must possess a Virginia certification as a Law Enforcement Officer.

C. Supervisory Experience:

1. Sergeant;

No previous supervisory experience required but must possess a desire to learn leadership and management skills.

2. Assistant Chief;

Must have three (3) years of Supervisory experience

D. Specialized Training:

Specialized training required at a minimum to be considered for promotion or appointment to an administrative position.

1. Sergeant;

Might be DCJS certified Field Training Officer or instructor. Must possess proficiency utilizing the Aquia Harbour Police Department computer programs.

2. Assistant Chief;

Must be a DCJS certified Field Training Officer or Instructor; have received training in basic investigations, leadership and/or crime prevention or possess experience equivalent to these courses of instruction.

E. Performance Evaluation Reports:

Applicants for promotion must have continuously met expectation in all fields of the Aquia Harbour Police Department's "Performance Evaluations Reports".

F. Disciplinary Actions:

An applicant to be considered for promotion to the aforementioned positions must have not received disciplinary punishment within the last two evaluation periods. Applicants on any type of probation will not be considered for promotion. Disciplinary action cannot be waived.

G. Application:

To be considered as a candidate for promotion applicants must submit their desire to advance in writing to their immediate supervisor by the deadline established by the Chief of Police.

H. Waiver:

The following elements are to be weighed for consideration to be qualified for promotion. An applicant must submit a request, in written form, for a waiver of the following requirements to the Chief of Police. **(PER.07.01.f)**

1. Time in service
2. Education
3. Supervisory experience, and
4. Training

Supervisory experience in prior occupation/agency may be considered. No more than two waivers will be permitted.

I. Promotion Program

The Wintergreen Police Department uses a point system for the selection of candidates. The system consists of one hundred (100) available points. A breakdown of how the system is structured, percentage and points, is as follows:

Assessment Board	20%	20 points
Background Criteria	20%	20 points
Chief's Assessment	60%	60 points
Total	100%	100 points

Assessment Board:

- (1) shall elect qualified candidates for the vacancy utilizing established criteria outlined in the Performance Evaluation of Rules & Regulations, 1-6; and
- (2) shall submit, in writing, a recommendation to the Chief naming the two (2) selected officer to fill the vacancy.

Background Criteria: (1) a review of the officer's personnel and training file by the assessment board; and  
(2) recommendation from the immediate supervisor for advancement, utilizing the Performance Evaluation of Rules & Regulations, 1-6.

Chief's Assessment: (1) Review of assessment's board recommendation;  
(2) review of supervisor's recommendation; and  
(3) if determined, an oral interview with the perspective candidates.

J. Probation after Promotion:

Employees receiving a promotion will be on performance probation for twelve (12) months.

K. Results of each element of the promotional process shall be reviewed by the assessment board that will make recommendations to the Chief of Police. **(PER.07.01.d)**

L. The Chief of Police has at his discretion the authority to promote personnel with specialized and technical skills to a rank of supervisor within the agency.

V. MPO, SPO PROMOTION:

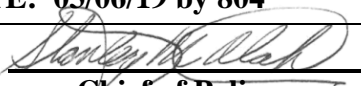
A. All MPO and SPO candidates must not be on probation, time of service with the Aquia Harbour Police Department will be determined by the Chief of Police.

a. The candidate will be advised of their availability, and must submit a written request to be consider for the position of Senior or Master Police Officer.

b. The Chief of Police, Assistant Chief of Police or his designees will determine the minimum requirements.

c. The Chief of Police will have the final decision.

THIS POLICY SUPERSEDES ALL PREVIOUS ADMINISTRATION DIRECTIVES

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Media Relations</b>		<b>NUMBER: 1-13</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 03/06/19 by 804</b>	
<b>AMENDS/SUPERSEDES:RR1-13, Apr. 1, 2002. RR 1-13, Dec.19,2006, DEC 2010, NOV 2015</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.22.01, ADM.22.02</b>			

**NOTE**

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**INDEX WORDS**

Information (releasable, non-releasable)  
 Juvenile information  
 Media relations  
 Sex Offender and Crimes against Minors Registry

**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 department shall make every reasonable effort to serve the needs of the media in informing the public about crime and other police matters. This shall be done with an attitude of openness and frankness whenever possible. The department's community-oriented policing principles include a commitment to providing equal access to public service, adherence to democratic principles, and accountability to the community. These goals are achieved through the broad dissemination of information in accordance with policy. The media shall have access to personnel who are best informed about the subject of a media inquiry. Further, media representatives shall be told facts or information 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.



## II. PURPOSE

The purpose of this order is to provide guidelines about 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. PROCEDURES

### 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 in accordance with relevant laws.
2. The Chief of Police shall function as the primary contact for preparing and disseminating agency news releases to the community or the media.. At an incident scene when the Chief of Police is not available, the on-duty supervisor or senior officer present shall be the primary contact if authorized by the Chief of Police. **(ADM.22.01.a)**
3. Inquiries concerning departmental policies, procedures, practices, or relationships with other criminal justice agencies shall be referred to the Chief of Police. Similarly, the Chief of Police shall 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.). **(ADM.22.01.h)**
4. The Chief of Police or his designee shall coordinate responses to inquiries and the release of information concerning confidential departmental investigations and operations. **(ADM.22.01.g)**

### B. Guidelines for the release of information

1. Consistent with A.2 above, the on-duty supervisor may direct another officer with the most relevant knowledge at the scene of an incident to respond to information requests. **(ADM.22.01.b)**
2. In the case of follow-up investigations, the officer or investigator conducting the follow-up may provide information in the absence of the Chief or on-duty supervisor, if authorized by the Chief of Police.

3. Generally, the following information may be released, if authorized by the Chief of Police.
4. :
  - a. The type or nature of an event or crime, to include a brief synopsis of known facts concerning the incident and the identity of the investigating officer(s).
  - b. The location, date, time, damages, and a general description of how the incident occurred.
  - c. The type and quantity of property taken, physical injuries, or death (after notification of next of kin).
  - d. General information about motor vehicle accidents such as the date, time, and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, witnesses, investigating officer but not the accident reports themselves.

C. Information not releasable

The following information shall not be released due to 6th Amendment, statutory, or other restrictions:

1. The identity of victims of sex-related crimes or information that might directly or indirectly identify them (see § 19.2-11.2).
2. The identity of any person for whom a warrant or summons has not yet 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 career criminal. (Consult §§ 19.2-389, -390 concerning the dissemination of criminal history information regarding legal guidelines).
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 utility or relevance 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.
  - a. Note that official requests from other law-enforcement agencies for current information may be released by a supervisor. This information is limited to name, address, physical description, date of arrest, and the arrest charge.
9. The names of deceased before the notification of next of kin. The specific cause of death shall not be given until pronounced by the medical examiner.
10. Certain information relating to motor vehicle accident reports per § 46.2-373. Note that § 46.2-208 states that driver information (any data concerning drivers' licenses, driver history, and descriptive vehicle information) is considered non-releasable privileged records. This law does not apply to the release of a suspect's vehicle description.
11. Comments which suggest that a defendant has aided in the investigation.
12. Information concerning the planning of raids or other specialized enforcement efforts.
13. Any statements of personal opinion not grounded in fact, or any unofficial statements concerning internal affairs or other personnel matters.

D. Release of information pertaining to juveniles

1. Criminal offense: Normally, the name, address, or other distinctly unique information which would serve to identify a juvenile **shall not** be released. Age, sex, place of residence (town, city, or county, but ordinarily not street address), and details of the offense **may** be released. Under certain circumstances, a judge may authorize release of identity information.
  - a. § 16.1-305 addresses the confidentiality of court records. If the court adjudicates as delinquent a person older than 14 years for an offense that would be considered a felony if it

were committed by an adult, then certain information (listed in the statute) may be made public unless the judge orders otherwise.

- b. § 16.1-299 addresses the confidentiality of arrest data (fingerprints and photographs) of juveniles.
  - c. § 16.1-309.1 lists exceptions to confidentiality of records regarding juveniles.
- 2. Information on minor traffic infractions is releasable including the names and addresses of those involved.
  - 3. Accidents: If traffic charges are pending as a result of an accident investigation, juvenile identity information shall be withheld. If a juvenile is involved in an accident, but is not charged with any violation, identity information is releasable.
  - 4. Juvenile identity information **shall not** be released for the following serious violations:
    - a. Indictable offenses.
    - b. DUI or permitting another who is DUI to operate vehicle owned by accused.
    - c. Exceeding speed limit by 20 or more miles per hour.
    - d. Reckless driving.
    - e. Driving under suspension or revocation of driver's license.
    - f. Leaving the scene of an accident.
    - g. Driving without being licensed.

E. Release of individual arrest information

After an arrest of a person other than a juvenile, the following may be released.

- 1. Arrestees 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 and any assisting agencies.
  4. The circumstances surrounding the arrest (such as whether pursuit or resistance was encountered, whether weapons were used), including the time and place of arrest and the identity of the arresting officers.
  5. Place and status of custody.
  6. The dates of scheduled hearings and amount of bond.
  7. Description of any contraband seized.
  8. Photographs of the defendants without the police identification data may be furnished, if readily available in current files.
- F. Special circumstances: Sex Offender and Crimes Against Minors Registry (9.1-900 – 9.1-922 Code of Virginia.)

G. Names of police officers

Names of officers providing information to the media may be given to the media and published, including the name of an investigating officer unless the officer involved is on an undercover assignment. Addresses and telephone numbers of agency personnel **shall not** be released.

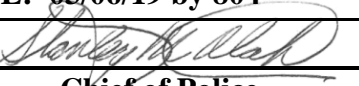
H. Media contacts and procedures

1. Normally, media representatives either visit the department in person or call seeking information about newsworthy items. Routinely, they shall 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 or victim information, per § 19.2-11.2). Offense reports and accident reports shall 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. As soon as possible after evidence has been processed and removed, however, media representatives shall 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. (**ADM.22.02**)

a. The preparation and distribution of agency or company news releases shall be in compliance with the media guidelines set forth in the AHPOA Emergency Operations plan, utilizing the General Manager to assist and arrange for news conferences when appropriate for information release. **(ADM.22.01.c.d)**

b. The Chief of Police or assigned supervisor on duty shall be available for on-call responses to the news media in an effort to coordinate and authorize the release of appropriate information concerning victims, suspects and witnesses to the community and news media. **(ADM.22.01.e.f)**

4. Employees cannot 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. Photography, filming, or videotaping on private property requires the owner's permission.
5. Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts, or interviews, nor shall employees pose with suspects or accused persons in custody.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Ride-Alongs</b>		<b>NUMBER: 1-14</b>	
<b>EFFECTIVE DATE: APRIL 10, 2016</b>		<b>REVIEW DATE: 03/06/19 by 804</b>	
<b>AMENDS/SUPERSEDES RR 1-14, DEC. 10, 2001, DEC.1, 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>CALEA STANDARDS: None</b>		<b>VLEPSC STANDARDS: None</b>	

**NOTE**

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**INDEX WORDS**

Observer  
Ride-along

**I. POLICY**

The **Ride-Along** program allows citizens to voluntarily accompany officers and to observe law-enforcement activities 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. The department's community-oriented policing goals include a commitment to work with the community to solve neighborhood problems and to operate an open, accessible, accountable agency. The Ride-Along program is consistent with these goals. Safety of law-enforcement personnel shall be the primary concern.

**II. PURPOSE**

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

**III. PROCEDURES**

A. Ride-Along request

1. Persons wishing to ride with an officer shall pick up Ride-Along forms at the police department office. Completed request form (PD 920, page 1-14.4) must be returned at least one working days before the desired Ride-Along date. The forms referred to herein are found at the end of this order.

2. The Chief of Police or any supervisor may grant permission for citizens to ride with officers. Form PD 921 will be utilized for this purpose. A records check shall be performed on any applicant prior to granting permission.

B. Limitations

1. A person shall not ride unless approval has been granted and a supervisor has the properly completed waiver. Approval will be for one specific shift period unless the Chief grants special limitations or extensions.
2. Spouses of sworn personnel may participate in the Ride-Along program. If the chief approves, the spouse may accompany husband/wife for a limited period of time.
3. Normally, no more than one observer shall 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 shall be allowed to observe law-enforcement activities relating to raids or ride with plain-clothes units without specific, advance coordination and approval of the Chief.

C. Beginning tour

1. If no specific officer is requested by name by the observer, the on-duty supervisor shall appoint the host officer.
2. The observer should be appropriately dressed in either business attire or casual wear in good taste; if not, the on-duty supervisor may cancel Ride-Along approval.
3. The host officer shall instruct the observer on the following procedures:
  - a. Follow the officer's directions.
  - b. Appearance in court as a witness may be necessary.
  - c. The observer may end the ride whenever he or she wishes.
  - d. The officer may end the ride if safety circumstances dictate.
  - e. The observer must wear a seat belt and shoulder strap when riding in the vehicle.
  - f. Observers shall identify themselves, if asked, as an authorized citizen observer or Ride-Along.
  - g. Observers shall not be permitted to carry any flashlight, camera, radio of any type, tape recorder or player, binoculars unless authorized by the Chief.



- h. Observers shall not carry weapons or restraining devices of any kind. Exceptions may be granted to law-enforcement personnel.
- i. Observers shall smoke only at the officers' discretion during the Ride-Along.

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 equipment, or participating in any enforcement activity unless directed to do so by the host officer per *Virginia Code* § 18.2-463 (refusal to aid an officer in the execution of his office).

E. Arrests, transporting, booking

- 1. If the host officer feels that 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.
- 2. Observers shall not be permitted to remain with prisoners in the absence of officers.

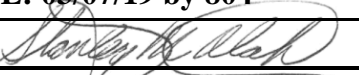
F. Ending tour

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 shall be forwarded to the Chief for review, then filed.

G. Prohibited activities

At **no time** shall an officer, while accompanied by an observer, engage in an emergency response to any call for service or pursuit driving, respond to a crime-in-progress reportedly involving violence, or perform a felony vehicle stop until the officer deposits observers at a safe location.

<b>AQUIA HARBOUR POLICE DEPARTMENT AQUIA HARBOUR, VIRGINIA 22554</b>		
<b>RIDE-ALONG PROGRAM</b>	<b>LIABILITY EXEMPTION FORM</b>	
<b>NAME:</b>		<b>DATE:</b>
<b>ADDRESS:</b>		
<b>OLN:</b>	<b>DATE OF BIRTH:</b>	<b>PHONE:</b>
<b>LIABILITY EXEMPTION:</b>		
<p>I hereby release the Aquia Harbour Property Owners Association, Inc., Aquia Harbour Police Department and any member of the Aquia Harbour Police Department from any and all liability directly or indirectly arising out of my riding in a police unit with a police officer of the Aquia Harbour Police Department.</p> <p>This release includes, but is not limited to death or injury while being transported in, or while riding in a police or other type vehicle operated by an official, officer or other employee of the Wintergreen Police Department.</p> <p>I further agree to hold harmless the Wintergreen Property Owners Association, the Wintergreen Police Department, it's officials, officers or other employees from all expenses, liabilities and other claims that may result from any and all assistance provided.</p> <p>I further agree that, police work by its nature can be dangerous and that I may be dropped off at a location convenient to the officer at the officer's discretion so as to not be exposed to the dangers of a call or assignment.</p> <p>I further agree to not carry in my possession, any weapon or firearm, camera or recording device while riding with an officer.</p> <p>I agree to NOT reveal what I may see or hear during the tour that could be detrimental to prosecution or any cases arising from the officer's performance of duty. I may be called as a witness in a court proceeding at the discretion of the officer.</p> <p>I understand that my presence is primarily that of an observer only and may not be allowed to be present with the officer under circumstances dictated by department policy.</p> <p><b>I HAVE READ THE ABOVE AND DO AGREE TO THESE STIPULATIONS</b></p> <p style="text-align: right;">_____ <b>DATE:</b> _____</p> <p style="text-align: center;"><b>Printed name of participant</b></p> <p><b>WITNESS and OFFICER ASSIGNED:</b> _____</p> <p><b>APPROVING SUPERVISOR:</b> _____</p>		

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Liability Protection</b>		<b>NUMBER: 1-15</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 03/07/19 by 804</b>	
<b>AMENDS/SUPERSEDES: RR 1-15, MAR 1994, DEC 2006, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: PER.03.03</b>			

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**INDEX WORDS**

- Civil rights violations
- Immunity; from liability
- Liability
- Liability protection program
- Supervisors, liability of

**I. POLICY**

The department has a **liability protection program**, which protects 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 or property destruction which, in turn, could lead to civil action against the employee. Civil litigation can be trying for all employees and the result can be damaging, but litigation may also serve to clarify our roles and responsibilities and aid the department in improving service to the community. **(PER.03.03.d)**

Each employee has an affirmative duty to uphold the law and preserve constitutional guarantees. An employee who witnesses other employees violate a citizen's constitutional rights shall intervene to stop the violation and report it to a supervisor.

**II. PURPOSE**

To set forth procedures relating to the police liability protection program. This order is intended to help employees respond to high-risk activities that pose a civil liability risk and to outline responsibilities in the event of a lawsuit.

### III. PROCEDURES - General

#### A. General

The AH.P.O.A. maintains a liability program to protect 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 changes through contract expiration and re-negotiation, any employee desiring to know the specific components then in effect may contact the Chief of Police or the HR Director of AHPOA.

#### B. Employees covered

1. The liability protection program covers all officers and full-and part-time civilian employees of the department.
2. For purposes of this order, "employees" refers both to sworn and non-sworn personnel. Actions of either one can lead to liability. In some portions of this order, "officer" is used instead of "employee" where the issue under discussion pertains most directly to enforcement duties.

#### 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 the circumstances through command channels to the Chief. The Chief shall, in turn, provide appropriate notification to the General Manager and/or Association Director.

#### D. Financial liability

No employee shall imply or accept financial liability for loss or damage on behalf of the department or association. Any inquiries concerning financial liability will be referred to the association 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. Employees are expected to show discretion and good judgment in their work. Law mandates some duties, 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. Employees are reminded that litigation against them or the department may focus on the degree to which officers followed a policy or custom (the latter 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.

#### **IV. PROCEDURES - Liability principles**

##### **A. Types of liability**

Officers may be held liable for misconduct in any of five ways:

1. Violation of Virginia criminal law;
2. Violation of departmental orders;
3. Tort against a citizen;
4. Violation of federal criminal civil rights statutes, 18 *United States Code* §§ 241 and 242.
5. Violation of federal civil rights law, 42 *United States Code* § 1983.

##### **B. Federal civil rights liability**

1. § 1983 is the most important statute governing federal civil rights liability. For purposes of federal civil liability per § 1983, an officer is a person acting under color of law. An officer may be held personally liable for violating citizens' constitutional rights under some conditions.
2. 42 *United States Code* § 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. State liability generally**

Claims of negligence in the state courts pose liability in a different way than § 1983 above. While federal claims usually allege a constitutional rights violation, in state courts it must be shown that the law-enforcement agency owed a duty to the plaintiff and that a breach of the

duty caused an injury. Liability is sometimes found against the law-enforcement agency as "negligent failure to protect" when the agency created a special relationship with the plaintiff by promising to act, and then failing to protect the victim.

D. Supervisory liability

Generally, officers and not their supervisors are liable for their own misconduct. Supervisors are civilly or criminally liable under the following circumstances:

1. When supervisors directly authorize or participate in acts that cause harm.
2. When supervisors know that their subordinates are violating citizens' constitutional rights and condone or approve it, or do not stop it.
3. Failure to discipline subordinates, correct misbehavior or poor performance, or to conduct internal investigations when necessary.

E. Immunity

In court, officers do not automatically receive immunity from lawsuits simply because they acted in good faith. Officers may claim qualified immunity when their actions do not violate clearly established statutory or constitutional rights of which a reasonable officer would have known. In short, officers *must* have an objectively reasonable belief in the constitutionality of their actions. Immunity is not a quality that officers can claim during an investigation. Rather, it is a defense to an accused officer that must be raised in court and considered by a judge.

**V. PROCEDURES - High-risk incidents**

A. High-risk incidents defined

High-risk incidents pose the greatest possibility of generating the most litigation and include use of force, vehicular pursuit and emergency driving, searches and seizures, arrests, failure to render (or improperly rendering) medical assistance, and failure to enforce the law.

B. Response to high-risk incidents

Supervisors and officers shall observe the following procedures at all high-risk incidents:

1. Secure the scene and all evidence.
2. Supervisors shall ensure that timely medical attention is provided to any injured persons at the scene, and shall document the condition of the suspect, what kind of medical help was required, and the apparent health of the suspect before the incident. Similarly, supervisors shall assess the suspect's apparent mental health, document it as well as any signs of overt, aggressive, or even suicidal behavior.

3. Obtain names, addresses of all witnesses at the scene, and obtain statements, if possible.
4. A supervisor shall respond to the scene and direct actions as necessary.
5. If a pursuit has occurred, the supervisor shall document the weather conditions, lighting and visibility, route of the chase, duration of the chase, number of participating vehicles and the names of the officers, and any other relevant information.
6. If an arrest is made, the supervisor may, before booking, independently evaluate the arrest and document its probable cause.
7. Supervisors shall ensure that adequate photographs or videotape shall be taken of the scene, including of witnesses. The suspect shall be photographed at booking.
8. Supervisors shall coordinate and collect reports from all participating officers to a high-risk incident, including reports from personnel of other participating agencies.

## **VI. PROCEDURES - Responsibilities of employees**

- A. Any employee in receipt of a subpoena to testify concerning official business shall immediately notify the Chief through the chain of command.
- B. Any employee named as a party in a civil action for acts or omissions of duty shall immediately notify the Chief through the chain of command.
- C. Information subject to release

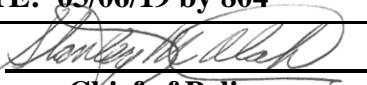
Information that *may* be releasable to a judge in a lawsuit includes personnel records, citizens complaints, internal investigative files related to the incident under litigation; past misconduct or internal investigative files on officers who are being litigated against, departmental orders, and training records.

- D. Information not releasable

Information that *may not* be fully releasable includes records of official review boards, internal memos, names of confidential informants, citizens who wish to remain anonymous, and investigative files and records of on-going criminal investigations.

## **VII. LIABILITY INSURANCE**

- A. WPOA Maintains a police professional liability policy in the amount of one million (\$1,000,000) dollars.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Relationships With Other Agencies</b>		<b>NUMBER: 1-16</b>	
<b>EFFECTIVE DATE: APRIL 10, 2016</b>		<b>REVIEW DATE: 03/06/19 by 804</b>	
<b>AMENDS/SUPERSEDES: RR 1-16, MAR.1, 1994, DEC 10, 2001, DEC. 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.14.01, ADM.14.02</b>			

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**INDEX WORDS**

Agencies; relationships with  
Referrals (to other agencies)  
Social services agencies; procedures for contacting

**I. POLICY**

The department's community-oriented policing philosophy involves a range of practical methods to control crime while relying on community involvement and support. The department's promotion of democratic values, accountability, and integrity require communication with the community. Without this communication, the department cannot respond to the priorities of our citizens. Establishing and maintaining an effective liaison and open channels of communication between the department, neighboring law enforcement, criminal justice, and social services agencies are essential first steps to sustaining cooperation and good will. This liaison can break down barriers and results in savings and improved law-enforcement operations.

**II. PURPOSE**

To establish procedures and responsibilities for liaison and maintaining communication between the department, neighboring law enforcement, other criminal justice or social service agencies, both public and private. Refer to the MOU with the Stafford County Sheriff's Office.(ADM.14.01.a.b)



### III. PROCEDURES

#### A. Relationships with other criminal justice agencies

1. All department personnel shall maintain harmonious working relations and communication with the commonwealth's attorney, public defender, all courts, court clerks' officers, the local probation and parole officers, jail, juvenile detention homes, victims advocacy shelters and organizations, and any other criminal justice agencies. The department shall 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 shall be brought to the attention of the Chief of Police who will meet with appropriate personnel of these agencies to resolve problems.
  - b. During any investigation, questions of law or criminal procedure shall be addressed to the commonwealth's attorney. Questions on law-enforcement procedure shall be addressed to the supervisor or Chief of Police.
  - c. Any criminal cases referred to the commonwealth's attorney, which result in a decision not to prosecute or to dismiss due to department mishandling, shall 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 shall assist and cooperate with all federal, state, and local law- enforcement agencies in every way possible allowed by law.
3. Additionally, all employees of the department shall provide any assistance required by local fire and rescue agencies maintaining an active liaison with those same agencies.
4. State and federal agencies that Aquia Harbour Police Department comes into (frequent) contact are as follows;
  - a. Virginia State Police (both Uniform and Special Agents)
  - b. Drug Enforcement Agency
  - c. Department of Alcohol, Tobacco, and Firearms
  - d. Federal Bureau of Investigation

#### B. Referrals

1. Officers of the department often encounter adult or juvenile citizens who need specialized help that the department cannot give, e.g., marriage counseling, mental health counseling, welfare assistance, assistance in handling civil matters. When, in the best judgment of an officer, this situation arises, he or she shall refer the citizen to the most qualified agency to deal with the problem, or consult his supervisor. In most all cases the officer will contact the 911 Center at Stafford County Sheriff's Office for assistance. (ADM.14.02)
  
2. If the need arises that an officer must contact a social service directly refer to the below phone numbers. In most cases a call to Stafford County Sheriff's Office will suffice. A duplicate set of contact numbers will be in the Emergency Contact Numbers Book at the gate.

**Social Service and Victim Advocacy Organizations**

**Stafford County Victim/Witness Program 1245 Courthouse Road P.O. Box  
66 Stafford, VA 22555 Fax: (540) 657-4217**

**Marilyn Dufrat .....(540) 658-4301  
Director mdufrat@co.stafford.va.us**

**Ana Cancel-Vargas .....(540) 658-4301  
Victim/Witness Program Assistant acancel@staffordcountyva.gov**

**Tracy Kenworthy .....(540) 658-4301  
Victim/Witness Program Assistant tkenworthy@staffordcountyva.gov**

**Juanita Maley .....(540) 658-4301  
Victim/Witness Program Assistant jmaley@co.staford.va.us**

**Angela Sparks .....(540) 658-4301  
Victim/Witness Program Assistant asparks@staffordcountyva.gov**

**Child Abuse or Neglect- Virginia: 1-800-552-7096**

<u>Stafford County Department of Social Services</u>	Stafford County Government Center, 1300 Courthouse Road, P.O. Box 7, Stafford, VA 22555
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<http://co.stafford.va.us/889/Social-Services>

<https://www.vaemergency.gov/get-involved/shelter-resource-lists>

<https://www.shelterforhelpinemergency.org>

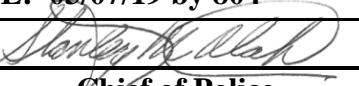
Virginia Sexual Assault Hotline – 800-838-8238

SARA – Sexual Assault Resource Agency – Charlottesville – 804-977-7273

Shelter for Help in Emergency – Charlottesville 804-293-8509

The Domestic Violence Prevention Center – Lynchburg 888-528-1041

New Directions Center, Inc – Staunton – 800-564-2836

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Jurisdiction; Mutual Aid</b>		<b>NUMBER: 1-17</b>	
<b>EFFECTIVE DATE: APRIL 10, 2016</b>		<b>REVIEW DATE: 03/07/19 by 804</b>	
<b>AMENDS/SUPERSEDES: RR1-17, DEC. 10, 2001, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.13.01</b>			

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**INDEX WORDS**

Jurisdiction  
 Mutual aid  
 National Guard; requesting assistance from  
 Statewide law-enforcement support

**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. Aquia Harbour Property Owners Association has a working **Emergency Operations Plan** for emergencies specific to Aquia Harbour properties. Police and dispatch responsibilities are delineated in various chapters throughout the plan. Available state support systems shall be used to support 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 the use of statewide law-enforcement support systems.

### III. PROCEDURE

#### A. Jurisdiction/Local Mutual Aid

1. Generally, the legal jurisdiction of the department stops at the outside boundary of Aquia Harbour, as defined by order of the Circuit Court and MOU with Stafford County Sheriff's Office.
2. Only sworn officers who have received appointment as a deputy for the County of Stafford may enforce laws beyond the confines of Aquia Harbour within the conditions of the agreement and the terms of contract so agreed upon between the Sheriff of Stafford County and the Chief of Police of Aquia Harbour.
3. Conditions of Agreement and Terms of Contract:
  - a. This contract may be offered to officers who have current law enforcement certification.
  - b. This contractual agreement is not a condition of employment by the Aquia Harbour Police Department.
  - c. Any duties performed by an Aquia Harbour Police Officer, acting in their role as a an officer of another jurisdiction, will be construed as off duty from Aquia Harbour, and those officers involved are considered to be acting under the authority of the appropriate jurisdiction, and thus acting under Liability Coverage provided by that locality.
  - d. Aquia Harbour Police Officers will be covered by Aquia Harbour Property Owners Association Workers' Compensation Insurance Coverage.
  - e. Only on duty Aquia Harbour Police Department Officers may be requested to assist only in emergency situations where Stafford County Sheriff's Office is unable to respond expediently with its staffresources.
  - f. Aquia Harbour Police Department Officers, when requested to act on the County of Stafford will come under the direct control and management of the Sheriff of StaffordCounty.
  - g. When available and requested to respond, Aquia Harbour Police Department officers may be responsible for the following situations when performing duties for the County of Stafford;
    1. To act as a back-up officer to a deputy or trooper when responding to a potentially hazardous call for service.
    2. To assist with traffic control until relieved by a deputy or trooper.

3. To assist in the apprehension of wanted person or perpetrator of crimes in progress.
  4. To assist in the securing of crime scenes until relieved by a deputy or trooper.
  5. To assist in the detection and apprehension of DUI violators during the normal course of travel through Stafford County
  6. To perform any other duties as requested and approved by the Chief of Police of the Aquia Harbour Police Department and the Sheriff of Stafford County.
- h. The Stafford County Sheriff's Office will dispatch personnel to expediently respond and relieve Aquia Harbour Police Officers, enabling them to return to their normal jurisdictional duties.
  - i. Revocation of law enforcement status is effective when so requested by the Sheriff of Stafford County or by termination of employment with the Aquia Harbour Police Department and/or requested by the Chief of Aquia Harbour Police Department.
  - j. Whenever a person in the custody of an officer escapes or whenever a person flees from an officer who is attempting to arrest him, the officer, with or without warrant, may pursue the person anywhere in the state and, when actually in close pursuit, may arrest him wherever he is found (§ 19.2-77). No officer of the department shall leave Aquia Harbour in a pursuit or chase without informing the dispatcher. The on-duty supervisor shall monitor the pursuit and may order it to cease at any time (see **GO 2-9** for further guidance). Mutual aid shall be requested from other law enforcement agencies as appropriate. Even after approving a pursuit, the on-duty supervisor shall closely monitor it and shall terminate it if necessary.

**B. Mutual aid: (ADM.13.01)**

1. Mutual aid is addressed in § 15.2-1724. 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 emergencies. The circumstances which require mutual aid, per § 15.2-1724, can include one or more of the following situations:
  - a. Enforcement of laws, which control or prohibit the use or sale of controlled drugs (see §§ 18.2-344 and 54.1-3401);

- b. Any law-enforcement emergency involving an immediate threat to public safety;
  - c. When executing orders for the temporary detention or emergency custody of people for mental health evaluation. (see G.O. 2-27 );
  - d. Any public disaster, war, fires, floods, epidemic, civil disorder (per § 15.2-1724)
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 primarily responsible for providing law-enforcement service to Aquia Harbour . 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 transportation is required.
  - b. Medium duration, approximately 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 is normally confined to a showing of force, transporting prisoners, or traffic control.
  - c. Long duration, more than four hours, full- scale assistance required. The on-duty supervisor shall immediately notify the Chief of Police who will assist in coordinating additional aid as required.
3. Any long-term support between the department and neighboring law-enforcement agencies should be coordinated in advance through a written agreement that incorporates the following:
- a. Indemnification of the provider agency and its personnel.
  - 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 when a major crime has occurred and the suspect may have left the state. The Chief of Police shall decide whether or not to notify the FBI or other appropriate agency.
5. If the department, with the help of neighboring law-enforcement agencies and the State Police, is unable to cope with an emergency such as a riot or civil disturbance, the Chief may contact the governor's office for National Guard assistance (see C below).

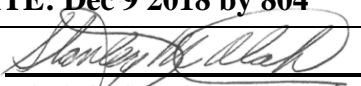
C. National Guard

1. Any situation requiring the assistance of the Virginia National Guard specifically regarding drug enforcement activities will be coordinated through the Stafford County Sheriff's Office
2. Only the governor has the authority to call out the National Guard to active duty. Federal equipment and personnel can be used to support local emergencies or to protect life and property in natural disasters, protect against invasion or insurrection, per the governor's authorization. The Chief of Police shall contact the governor if National Guard assistance is required.

D. Statewide law-enforcement support

1. 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 administered by the State Police, through the relationship with the Stafford County Sheriff's Office. .
2. Some county and state-owned law-enforcement resources may be made available to the department for special use. These resources, and the agencies to contact, include:
  - a. Canine teams-- County and State Police. Canine teams, if requested, shall only be used to track, and great caution shall be used in deploying teams in heavily populated or congested areas. Handlers are responsible for compliance with their own agency policies and procedures.
  - b. Helicopter or fixed-wing aircraft--State Police. Normally requested in advance by the Chief of Police/sheriff to the superintendent. May be available on an emergency basis through the Virginia State Police.
  - c. Polygraph: County and State Police.
  - d. Riot truck and equipment: County and State Police.
  - e. Bomb disposal: State Police.
  - f. Drug surveillance vans: County and State Police.
  - g. Hostage Negotiations: County and State Police
  - h. Tactical Team: County and State Police



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>RULES AND REGULATIONS</b>
<b>SUBJECT: Firearms and Non-Lethal Weapons</b>	<b>NUMBER: 1-18</b>
<b>EFFECTIVE DATE: MARCH 16, 2016</b>	<b>REVIEW DATE: Dec 9 2018 by 804</b>
<b>AMENDS/SUPERSEDES: RR 1-18, July 1, 1994; Dec. 10 2001; Dec. 10, 2004; Jan.12 2007, Jan. 12, 2009, Aug 27, 2009</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLESPC STANDARDS: ADM.05.02, ADM.06.01, ADM.06.02, TRN.02.01</b>	

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**INDEX WORDS**

Armorer	Special Purpose Weapons
ASP	Supervisor
Oleoresin Capsicum	Night Vision
Firearms inspections	Firearms Safety
Firearms training	Tasers
Off-duty weapons	Patrol Rifles
Qualification	Shotguns

**I. POLICY**

An officer's firearm is perhaps the most commonly-perceived symbol of his or her authority and role. In fact, every contact with a citizen is an armed encounter because the officer always carries a loaded firearm. In the interest of public safety, the department sets 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 and the circumstances of their use, but also in their safety and maintenance. Supervisors and the department firearms instructor shall rigorously enforce departmental firearms standards. All sworn personnel shall qualify annually with his or her issued firearms. All scores used by the department for the record shall be fired on an approved range under supervision of a certified firearms instructor. Firearms qualification is a combination of **skill** and discretion: When to shot is as important as how to shoot. Officers shall review GO2-6 (use of force)

## II. PURPOSE

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

## III. PROCEDURES

### A. Issuance of weapons

1. The Chief shall issue departmental weapons to authorized personnel.
2. Departmental firearms which become unserviceable or are no longer needed shall be returned to the armorer for repair.
3. The authorized sidearm for all sworn officers must be approved by the Chief of Police. Unauthorized firearms shall not be carried on duty. **(ADM.06.02.a)**
4. Prior to being authorized to carry a firearm, an officer shall be issued copies of and be trained in the guidelines set forth by Department Orders and Regulations relating to the use of firearms and use of force. **(ADM.05.02.a)**
5. Prior to being authorized to carry any less lethal weapon, an officer shall be issued copies of and be trained in the guidelines set forth by Department Orders and Regulations relating to the use of less lethal weapons and use of force. **(ADM.05.02.b)**

### B. Security of weapons

Officers are responsible for the care, cleaning, and security of departmental weapons both on and off duty.

### C. Departmental armorer and instructor responsibilities

1. The armorer inspects and maintains departmental issued weapons and associated equipment.
2. The armorer inspects all weapons being returned to the department to ensure they are clean and serviceable.
3. The armorer is responsible for the repair of all returned malfunctioning weapons.
4. The armorer maintains a record of all weapons and associated items maintenance.

5. The firearms instructor shall maintain a record of all firearms which have been inspected as safe by the armorer 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.

6. The firearms instructor shall be certified by the Department of Criminal Justice Services, attend in-service and recertification classes as required. The lead firearms instructor shall be the commanding officer during all range exercises.

7. The armorer shall be trained and certified.

D. Modification of weapons

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

DI. Firearms inspections

1. The armorer shall thoroughly inspect each weapon during qualification on the range for operability,

2. The firearms instructor shall inspect all approved firearms and special purpose weapons and equipment to ensure they are maintained in a clean and serviceable condition.

a. Firearms inspections shall include sidearms, shotguns, authorized rifles, ammunition, pouches, and holsters.

b. Ammunition shall be inspected to ensure that it is of departmental issue, of correct quantity, and in serviceable condition. Full Metal Jacket (FMJ), Wad Cutters, or home made ammunition is not approved and will not be carried in departmental weapons on or off duty. **(ADM.06.02.a.b)**

c. Upon completion of inspections, the armorer shall advised the chief of police/sheriff 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.
- (4) Items inspected

F. Off-duty weapons

1. The department approved pistol and department issued ammunition and personal weapon approved by the Chief of Police and after qualification are the only approved sidearm for off duty use. (**ADM.06.02.b**)
  - a. Officers who are off duty and carry an authorized sidearm shall carry their badge and ID with them at all times.
  - b. Officers **shall not** carry a sidearm when consuming alcoholic beverages or prohibited by the owner or Code of Virginia. Officers must understand that some social situations make it inappropriate to carry off-duty weapons even when concealed.
2. Carrying Concealed Weapons Off-Duty

It is the policy of the Aquia Harbour police Department that officers does not need to obtain a concealed weapons permit through their local Circuit Court before carrying a weapon concealed **while off duty** regardless of their jurisdiction of travel (Refer to § 18.2-308).

- a. Officers who carry a concealed weapons Shall have his/her identification as a LEO within.

#### IV. PROCEDURES - QUALIFICATION

A. Qualification rules

1. The firearms instructor shall be in charge at all times when officers are on the firing range for qualification.
2. Only weapons and ammunition authorized by the department shall be used during qualifications.

3. No smoking, drinking, eating, or chewing tobacco shall be permitted in the firing lanes.
4. Officers waiting to shoot shall remain outside the immediate firing area.
5. Persons who are not participating officers shall not be allowed near the shooting area, except by the approval of the firearms instructor.
6. Horseplay shall not be permitted on the firing range. Anyone engaged in horseplay shall be asked to leave the range, and the firearms instructor shall write a report to the Chief of Police detailing the circumstances.
7. Every officer shall qualify, shooting a firearms course approved by the Virginia Department of Criminal Justice Services.
8. Officers shall not be permitted to attempt to shoot numerous times before actually qualifying. Officers who fail to qualify shall return their weapon to the instructor and 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. Officers who cannot qualify within fifteen days of the original qualification might be subject to administrative termination.  
**(ADM.06.01.d)**
9. The armorer or firearms instructor shall inspect **all** weapons before firing to (1) ascertain that weapons are safe and (2) to ensure that weapons are properly maintained.

B. Safety

10. Before going to the shooting line, each officer shall wear approved protection for eyes and ears. Issued armored vest shall be worn during any shooting exercises.
11. All weapons and ammunition pouches/speed loaders shall be emptied within the firing range upon command and under supervision of the firearms instructor. The instructor shall instruct all shooters on range safety procedures before the qualification takes place.
12. 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."
13. Once a shooting phase has begun, weapons shall be kept pointed down range, and officers shall remain facing their targets. An officer shall raise

his free hand to draw the instructor's attention if he or she 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 removing a **magazine** and clearing the weapon, as appropriate. Never attempt to fire the next round without first having the firearms instructor check the weapon.
6. At no time shall 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 slide back, always check the weapon twice to make sure it is unloaded.

C. Shotgun

1. Only department issued shotguns and ammunition shall be carried and used while on duty
2. Every officer must pass the shotgun qualification course before carrying a department-issued shotgun.
3. The qualification course shall include:
  - a. Knowing how to load and unload the shotgun combat style.
  - b. Firing at least 10 shots, some from different positions.
4. The ammunition chamber shall be left open and the safety on until instructed by the firearms instructor to load or check the weapon.
5. Shotguns shall not be handled except on the command of the firearms instructor.
6. Officers who fail to qualify shall return their shotgun to the instructor and be placed in remedial training as soon as practicable and shall not be allowed to carry the shotgun until receiving a qualifying score.

CI. Patrol Rifle

1. Only department approved Patrol Rifle and ammunition shall be carried and used while on duty. (**ADM.06.02.a**)
2. Each officer will be required to complete an approved patrol rifle training course which will be taught by a certified patrol rifle instructor.

3. This qualification course will include but not be limited to:
  - a. Weapon Safety
  - b. Nomenclature
  - c. Use of Force
  - d. Proper Tactical Use
  - e. Low Light and Stress Scenarios
4. Detailed policy and procedures governing the care, maintenance and use of the patrol rifle can be found in General Order 2-6C.

D. Non-lethal Weapons

1. Officers shall only carry impact or non-lethal weapons issued and authorized by the department.
2. **ASP** – an expandable straight metal baton which extends 21” or 26” issued by the department. Biennial refresher training is required.
3. **Non-lethal Aerosol Spray (Oleoresin Capsicum)** – Only chemical weapon issued by the department. Biennial refresher training is required. See G.O. 2-6A.
4. **Tasers** – Electronic Control Device designated to disrupt neuro-motor control to allow an officer to gain control of resistive subject. Biennial training is required. See G.O. 2-6B.
5. Officers shall not carry unauthorized non-lethal weapons such as blackjacks, claws or lead filled gloves.

E. Standards for Training

1. Standards for firearm certification will include those standards promulgated by the Department of Criminal Justice Services(DCJS).
2. Use of Certified Instructors for Weapons Training: Only DCJSCertified or authorized instructors will conduct weapons training classes using DCJS approved lesson plans.

F. Classroom instruction

1. All sworn department personnel shall receive classroom familiarization with their firearms before obtaining permission from the firearms instructor to enter the firing range. Classroom training shall cover the mechanics of the weapon (stripping, lubricating, nomenclature, troubleshooting, and misfires), sound safety practices, and departmental policy governing the use of force. Tactical considerations shall be a part of this training, such as the use of verbal commands, shooting in various postures and positions, handling multiple suspects.
2. Officers must pass an examination on the use of force to demonstrate an understanding of law and policy before qualifying on the range. Officers who fail the examination shall not be permitted to qualify until they pass (after receiving remedial training). Topics covered include shoot/don't shoot issues and the use-of-force continuum. Once the examination has been passed, officers must demonstrate minimum acceptable performance with each weapon they carry.

V. **DIRECTIVES**

A. Discharge of Firearms on Duty

1. Firearms may be discharged in the performance of duty ONLY under the following circumstances: **Warning shots are not permitted.**
  - a. On an approved firing range
  - b. To kill a dangerous or sick animal
  - c. Defense of an officer's life
  - d. Defense of another's life
  - e. To effect arrest or prevent escape of an **ARMED felon who has committed murder, rape, armed robbery or kidnapping.**

B. Pistol Shotshells

1. Shotshells will not be used within any dwelling under any circumstances. Shotshells should only be used to kill poisonous snakes.



C. Transportation of Shotguns

1. Shotguns shall be transported loaded, with the chamber empty, the safety on and the gun not cocked.

D. Transportation of Patrol Rifles

1. The patrol rifle will be stored in an department approved/issued carry case. The case will be placed in the trunk of a cruiser or in the rear cargo area of 4 wheel drive vehicles. The bolt and dust cover will be closed and trigger pulled, with a magazine in the magazine well. When in the trunk or cargo area of the cruiser magazines are stored in the pouches on the rifle case.

## **VI. SPECIAL PURPOSE WEAPONS**

The WPOA Board of Directors and the Executive Director have delegated responsibility of animal depopulation to the Wintergreen Police Department under the direction and control of the Chief of Police. This task requires special purpose weapons and equipment not available to all officers except those designated by the Chief of Police. This policy ensures that these special purpose weapons will be used only at the order of the Chief of Police or a designated supervisor and will only be used for the purpose designated by the Chief of Police. This policy also ensures the special purpose weapons and equipment will be used safely and with due regard for the laws of the Commonwealth of Virginia and the Virginia Game Commission. This policy also established procedure governing the care and maintenance and storage of all special purpose equipment and weapons, training and familiarization.

## **VII. PROCEDURES**

A. Issuance of special weapons

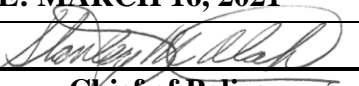
1. The Chief of Police or authorized personnel shall issue departmental special purpose weapons or equipment to authorized personnel on an as needed basis.
2. Only designated personnel selected by the Chief of Police, who have been trained and familiarized with the special purpose weapons and equipment are authorized to use such equipment.
3. Departmental special purpose weapons and equipment will be cared for and maintained by the firearms instructor.

B. Security of special purpose weapons and equipment

1. Special purpose weapons, ammunition and related equipment shall be secured in the property room.
  2. Only the Chief of Police and supervisors will be in possession of the keys to the gun safe.
- C. Modification of special weapons or equipment
1. There will be no modifications made to departmental special purpose weapons or equipment without authorization from the Chief of Police.
- D. Special purpose weapons and equipment inspections
1. The firearms instructor shall inspect all special purpose weapons and equipment on a monthly basis.
  2. Inspections shall include all special purpose weapons and equipment, ammunition, batteries and carrying equipment.
  3. Upon completion of inspection, firearms instructor shall forward a Firearms inspection Record for to the Chief of Police that documents the following information.
    - a. The date the inspection was held.
    - b. The name of the firearms instructor.
    - c. The findings of the inspection.
    - d. Items inspected.
- E. Procedures – familiarization/training
1. Standards for familiarization/training will include those standards promulgated by the Department of Criminal Justice Services (DCJS).
  2. Only DCJS certified or authorized instructors will conduct special purpose weapons training classes.
  3. All designated persons shall receive training/ familiarization on the special purpose weapons and equipment at least annually.

## VIII. REPORTING

- A. The duty supervisor shall be notified to respond to all use of force incidents where any use of force had been used above the level of verbal commands, excluding standing handcuffing. SCSO supervisor shall also be notified. The supervisor will ensure that the officer completes a Use of Force Report prior to going off duty. The supervisor will complete a Supervisor Use of Force Review Report after review/investigation of the use of force incident by the officer.
- B. In the event of injury or death to a person, the Chief, Assistant Chief, SCSO supervisor and Investigator/Evidence Technician shall be immediately notified.
- C. In cases involving property damage, injury or death, the officer involved will, if possible, immediately secure the scene until a supervisor arrives and takes charge.
- D. The officer involved will be released from the scene as soon as possible and accompanied by another officer to a designated place. The officer shall file in writing a report regarding the incident.
- E. No officer shall discuss the incident with any civilian or other person unless so directed by a supervisor. NO information will be released to the public or news media without consent of the Chief of Police or in his absence the Assistant Chief.
- F. The officer's firearm used in the incident will be turned over to the investigating supervisor until the investigation is declared complete.
- G. The officer involved will, at the discretion of the Chief, be given administrative leave without loss of benefits pending the results of the investigation and/or be sent to a physician for consultation.
- H. Pending administrative review, any officer who has taken the life of another person will be removed from patrol duty assignments. This action protects both the officer's and the communities' interest until the situation is resolved.
- I. A follow-up will be made by the Chief with the officer and physician before returning to patrol duties.

<b>WINTERGREEN POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Employee Benefits</b>		<b>NUMBER: 1-19</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: MARCH 16, 2021</b>	
<b>AMENDS/SUPERSEDES: RR 1-19, DEC 2001, DEC 2006, DEC 2010, NOV 2015</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: PER.03.01, PER.03.02, PER.03.03</b>			

**NOTE**

This order 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 on a complaint by this department, and then only non- judicial administrative setting.

**INDEX WORDS**

Benefits	Family and Medical Leave Act
Holidays	Hours of work
Injury	Leave
Limited duty	Short Term Disability
Long Term Disability	Psychological counseling
401K	Vacation

**I. POLICY**

The standards by which the department operates can only be achieved if employees are perceived as competent professionals. Maintaining performance standards depends on a fair and equitable working environment in which the conditions of employment are made clear. To this end, this order outlines the conditions of work, particularly the benefits afforded by Aquia Harbour Police Department. Sick leave and illness or injuries require special comment in view of the costs to both the employee and the department. Whenever an employee becomes injured while on duty, the department shall make every effort to assist the employee in recovering and shall afford the employee an opportunity to continue working in a limited- duty status.

**II. PURPOSE**

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

### III. DEFINITIONS

#### A. Limited duty

Limited duty is a status applied to an employee by the Chief of Police. This status permits the employee to continue working at his or her current grade while recuperating from illness or injury that is compensable under Worker's Compensation. Women who are pregnant may be designated as working in a limited-duty status. While in this status, employees generally do not perform all of the tasks that are normally required of them.

### IV. PROCEDURES - GENERAL

#### A. Vacation (PER.03.02.d)

Vacation begins to be accrued from the date you become a full time employee. Vacation time is earned in proportion to time actually worked (work time is defined as regular time and paid leave time; overtime is not included in vacation computations). You may begin to use your accrued vacation time after it is earned, with supervisory approval. At no time will vacation pay be given in lieu of taking time off. At no time will you be able to carry over more vacation than you can accrue in 2 years. The Wintergreen Property Owners Association Employee Handbook provides this information in greater detail. WPD Form 888 will be used to request vacation. Copy of form can be found at end of this regulation.

#### B. Holidays (PER.03.02.b)

Employees of the police department earn vacation at a different rate than other full time employees. Police employees, by the nature of their work receive no paid holidays.

#### C. Sick Leave (PER.03.02.c)

The Wintergreen Property Owners Association grants sick leave for illness or injury of sufficient seriousness to prevent the employee's performance of duty; or for required physical, optical, or dental examination or treatment. Sick leave is accrued from the date you become a full time employee. Sick time, like vacation time, accrues in proportion to the time you actually work. You receive a maximum of 4 hours or ½ day per month. Sick leave balances may accrue from year to year. Employees hired after January 1, 2014 are limited to maximum of 480 hours accrued sick leave. See WPOA Employee Handbook for more details.

#### D. Bereavement

Bereavement leave may be granted from work to employees for a death in the immediate family or other special circumstance as determined by the Chief of Police. 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. Bereavement leave is limited to three days and cannot be earned or accrued.

E. Military and civil leave (PER.03.02.e)

1. Employees who are members of the organized reserve forces of the United States armed services, naval militia, or national guard shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military training duty, or when called forth by the governor pursuant to state law. If you receive military orders or need to request a leave of absence for military service, please notify your supervisor as far in advance as possible, and furnish a copy of your military orders. See WPOA Employee Handbook for more details.
2. Employees shall be granted leave for any absence necessary for serving on a jury or attending court as a witness under subpoena. You will be compensated at your regular rate of pay. All employees are eligible for this benefit. You must, however; notify your supervisor prior to serving. You will receive your normal base rate of pay for the time served regardless of payment received from the court for jury duty.

F. Administrative Leave (PER.03.02.a)

A leave of absence with or without pay granted at the discretion of the chief.

G. Leave of Absence

Leave requested by an employee for a specific reason without pay granted by the chief.

H. Absent without pay

An unauthorized 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 the chief of police.

I. Overtime

All non-exempt employees will receive compensation at one and one-half times their regular hourly rate for time worked in excess of 40 hours per week. See WPOA Employee Handbook for more details.

J. Hours of work

All full and part-time sworn officers will work a 10-hour day (or as required). Shifts start at 0600, 1500, and 2000 hours and end accordingly. There is a shift day rotation in order

to allow every other weekend off. This schedule will remain in effect until further notice. Full and part-time communications officers (dispatchers) work an 8-hour day (or as required). Shifts generally start at 0600, 1400, and 2200 hours and end accordingly. There is presently no rotation. Copies of the schedule, will be given to each officer in addition to being posted at the gate.

## V. PROCEDURES - INJURIES

### A. General

1. All full-time employees are covered by Worker's Compensation, Long Term Disability (LTD), Short Term Disability and accrued sick leave, paid for by Wintergreen Property Owners Association. Part-time employees, though covered by Worker's Compensation, are not covered by either medical insurance, and accrued sick leave, paid for by Wintergreen Property Owners Association.
2. Employees who are injured while on duty shall at the first opportunity make an oral report of the circumstances to their immediate supervisor, followed by a written report, which shall be submitted through the chain of command to the Chief of Police. The supervisor investigates and reports the circumstances surrounding the incident utilizing and approved First Report of Accident Form.
3. All initial injury reports shall 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 convenient time, any additional medical statements or information concerning when the employee may or will be available for reassignment to limited or full duty. The employee is responsible for keeping the department aware of his or her medical status through the chain of command. The employee shall communicate his or her medical update no less frequently than monthly.
6. The injured employee, or his supervisor if the employee 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 association insurance carrier for payment under Worker's Compensation.

### B. On-the-job injury

1. Employees are covered by Worker's Compensation for any injury sustained while properly performing assigned duties for as long as medically necessary. The association has the right to request at any time a medical re-evaluation of an

employee. Injuries include those, which occur while attending any authorized school or training program.

2. Any employee who has suffered a job-related injury that is compensable under Worker's Compensation may be eligible for limited-duty status. See VI below.

C. Off-the-job injury/illness

1. Whenever an employee sustains a non-job-related injury or illness that would adversely affect performing any normal assignment, the time the employee may take off from work may be deducted from accrued sick leave.
2. Whenever an employee 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 the employee to be away from his or her normal assignment.
3. As soon as possible before his or her next tour of duty, the injured or ill employee shall inform the immediate supervisor of the extent of the injury or illness and deliver or send any medical statements certifying when he or she may be expected to return to duty.
4. If an employee is without enough sick leave to cover an absence, employee must request vacation leave, and finally leave without pay will be charged.

D. OSHA requirements

Should a full-time employee be killed while on duty, the on-duty supervisor shall notify OSHA (Occupational Safety and Health Administration) in Richmond immediately. If five or more full-time employees are injured in one incident, the on-duty supervisor shall notify OSHA in Richmond. The Chief or the supervisor shall contact the association director's secretary at the very earliest time to process the death notification or multiple employee injury notification.

E. Psychological counseling

1. When the Chief of Police learns of personnel who are in need of psychological counseling, he or she shall refer them to mental health or other counseling sources.
2. 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.



## VI. LIMITED DUTY

- A. The Chief of Police shall determine the duration and nature of an employee's limited-duty status upon receipt of all documentation concerning the employee's condition.
- B. No employee shall return to full duty from limited-duty status without written approval from an attending physician and the concurrence of the Chief of Police.
  - 1. No permanent limited-duty positions exist within the department.
- C. It will be determined by the Chief of Police whether a person on limited duty status will be permitted to drive a department vehicle.
- D. Employees on limited duty shall not perform any off-duty work.
- E. Pregnancy
  - 1. When a pregnancy is sufficiently advanced to where an employee's attending physician determines that continued performance of duties and assignments poses a threat to the employee and her child, the employee shall promptly inform the Chief of the fact in writing. As soon as the physician concludes that the employee should curtail certain duties, the employee shall so advise her supervisor. The supervisor, in turn, shall notify the Chief.
  - 2. No employee shall return to full duty following maternity leave without written approval from the attending physician. Post-pregnancy limited duty shall not be permitted: if the employee needs extra leave, annual or sick leave will have to be used.

## VII. FAMILY AND MEDICAL LEAVE ACT (FMLA)

### A. General

According to FMLA, the department provides up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. To be eligible, employees must have worked at the department for one-year (working at least 1,250 hours).

### B. Definitions

For FMLA purposes only, the following definitions apply.

- 1. Child: includes adopted or foster children, step-children, legal wards, and anyone for whom the employee stood *in loco parentis*, or children over 18 if they cannot care for themselves.

2. Parent: biological parents as well as any person who stands or stood *in loco parentis* to the employee when he or she was a child.
3. Spouse: a husband or wife as defined or recognized under state law for purposes of marriage, including common-law marriage.

C. Circumstances in which unpaid leave is available

Employees are eligible for extended unpaid leave under four circumstances:

1. To care for the employee's child after birth, or placement for adoption or foster care.
2. To care for the employee's spouse, son, daughter, or parent, who has a serious health condition.
3. For a serious health condition that makes the employee unable to perform his or her job (i.e., any illness, injury, or other impairment that requires in-patient care in a hospital or other medical facility or continuing treatment by a health care provider. Treatment may be for allergies, stress, and even substance abuse.

D. Procedures

1. Employees who wish to take unpaid FMLA leave must provide 30 days advance notice when the leave becomes foreseeable.
2. The department requires a medical certification to support a request for FMLA leave. The department may request a second or third opinion at the department's expense. The department also requires a medical certification to return to work or assume limited duty. If, after a period of FMLA leave, the employee is unable to return to work, the department shall require a medical certification to that effect.
3. The department may deny FMLA leave if requirement (1) and (2) above are not met.
4. If an employee takes FMLA leave, the department guarantees that
  - a. The employee's group health coverage shall continue during FMLA leave;
  - b. The employee shall be restored to his or her original or equivalent position with equivalent pay and benefits upon return from FMLA leave; and
  - c. That the use of FMLA leave shall not result in the loss of any employment benefit that accrued before the start of FMLA leave.

5. The department may allow an employee to take intermittent FMLA leave or work a reduced leave schedule to reduce the usual number of hours per day or work week.
6. To be eligible for FMLA leave, the employee does not have to use all available vacation or sick leave first.

### **III. SALARY PROGRAM**

It is the fundamental policy of WPOA that a fair and uniform personnel management system be established for its employees. Through the establishment of a sound salary structure, the department's objective is to attract and retain qualified employees by ensuring competitive pay practices in the local labor market. This directive, as of its effective date, describes the department's salary program.

1. Starting salary for non-sworn/civilian personnel is \$28,080.00. Salary differential within rank is based on an annual average raise of 3% per year. **(PER.03.01.a.b)**
2. Starting salary for sworn personnel is \$31,200.00. Salary differential within rank is based on an annual average raise of 3% per year. **(PER.03.01.a.b)**
3. Salary differential between ranks is a 10% increase in salary over the present salary being compensated. Salary differential within rank is based on an annual average raise of 3% per year. **(PER.03.01.c)**
4. Compensatory time is NOT APPLICABLE to a non-governmental agency, therefore no compensatory time is granted to any employee within WPOA. **(PER.03.01.e)**
5. The department overtime policy is 1.5 times normal pay for all hours physically worked in excess of 40 hours per week. Work week is defined as Monday through Sunday. **(PER.03.01.f)**

Employment shall be based on merit, fitness and ability without regard to sex, race, religion, political affiliation or handicapping conditions consistent with job requirements. Employees shall be paid in relation to the value of work they perform and performance reviews shall be a factor in justifying salary adjustments and increases. **(PER.03.01.d)**

### **IX. EMPLOYEE BENEFITS**

- A. Medical Insurance **(PER.03.03.b)**

Wintergreen offers excellent medical and dental coverage for annual full-time and annual part-time employees and their families through a WPOA contracted Health/Dental Contractor, and pays a percentage of your insurance premium each month. Eligible salaried employees may enroll immediately upon beginning employment, and coverage will take effect the first of the month closest to the date of application. Eligible hourly employees may complete a membership application after 30 days of continuous service,

and coverage will be effective the first of the month closest to the date of application. Wintergreen has established a Flexible Benefit Plan, which permits employees to have their group insurance premium contributions deducted from their pay before taxes are calculated. Every participant in Wintergreen's insurance program is automatically signed up to participate in this premium conversion plan unless he or she opts not to participate. A form must be signed if you choose not to participate in the Health/Dental Program. The form can be obtained from the Payroll Department.

**Continuation Coverage Eligibility** was mandated by federal law in 1986, requiring that under certain conditions, continued insurance coverage be offered you and your dependents. These conditions are:

1. If your employment is terminated by reasons *other than* "gross misconduct".
2. If your hours are reduced making you no longer eligible for coverage.
3. If you should divorce your spouse, he or she would be eligible for continued coverage.
4. If you become eligible for Medicare.
5. If a dependent child ceases to qualify as a dependent under the plan, he or she would be eligible for continued coverage.

Individuals wanting the extended coverage must notify the Department within 60 days of the qualifying event. The cost of continuation coverage will be 102% of the full premium. The coverage will be terminated if the individual fails to make timely payment of any premium required. For former spouses and dependent children, coverage can continue for up to 36 months. In the case of employee termination or reduction in hours, the coverage can be for up to 18 months after the qualifying event

**B. IRA - Individual Retirement Account (PER.03.03.a)**

Wintergreen offers a 401k Employee Pension program to all employees. A 401k is a program under which an individual can put aside money for retirement use and defer current income taxes on the money set aside. Should you desire more information, please feel free to call our Payroll Department. An application form will be forwarded to you upon eligibility. WPOA contributes on your behalf annually, an amount established by the WPOA Board of Directors.

**C. Life Insurance**

Life insurance for annual full-time employees is available at a nominal cost . WPOA pays a percentage of the annual premium. Unlike medical insurance enrollments, you must enroll *within* your first three months of employment. If you elect to enroll any time after your first three months of employment, you will need to complete a Personal Declaration of Insurability form.

**D. Insurance Enrollment Applications**

Applications for medical coverage or life insurance can be obtained through the Payroll Department. You should forward the completed forms to the Payroll Department.

## **E. Worker's Compensation**

If you are injured during the course of a work day while you are working, *it is important for you to notify your supervisor as soon as possible of your injury*. The following procedures will be followed when an accident occurs:

1. Your supervisor will complete a First Report of Accident Form, which will be turned in to the Payroll Department no later than one day after the accident occurs.
2. The accident will be investigated so that any unsafe conditions or practices can be corrected.
3. The Payroll Department will turn in the First Report of Accident Form to our insurance carrier for investigation and possible payment. All medical bills should be turned in to the Payroll Department.
4. Your supervisor will advise the Payroll Department when you return to work

## **F. Long Term Disability (PER.03.03.c)**

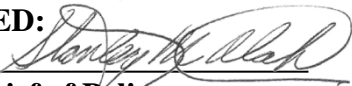
If you become disabled, you are covered by disability insurance. Long Term Disability Insurance is paid for by the company and covers all annual employees. Benefits of your annual salary begin after a 90-day elimination period. Specifics may be obtained from the Payroll Department.

## **G. Short Term Disability (PER.03.03.c)**

WPOA pays your short term disability premium for this new benefit after two weeks. of disability. Payable up to eleven weeks of disability.

## **H. Sick Benefits**

1. Eligibility: All annual full-time employees only.
2. Accrual: Sick leave is accrued from the date you become an annual employee. Sick time, like vacation time, accrues in proportion to the time you actually work. You receive a maximum of 4 hours or 1/2 day per month. Employees hired after January 1, 2014 may accrue a maximum of 480 hours.
3. Sick Time Usage: You are eligible to use sick time as it is awarded. We expect you to notify your supervisor *before* the beginning of your scheduled workday *each day* you are sick. Early notification allows us time to react appropriately to the change in schedule your absence will cause. Management reserves the right to require written proof of illness (a doctor's note) at any time.
4. Termination: You will not be reimbursed for any unused sick time upon termination of employment.

<b>WINTERGREEN POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Termination of Employment</b>		<b>NUMBER: 1-20</b>	
<b>EFFECTIVE DATE: APRIL 10, 2016</b>		<b>REVIEW DATE: APRIL 10, 2021</b>	
<b>AMENDS/SUPERSEDES: RR 1-20, Dec 1, 2006, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: PER.09.04</b>			

**NOTE**

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**INDEX WORDS**

Decertification  
 Discharge  
 Discipline  
 Resignation  
 Retirement  
 Separation; voluntary/involuntary  
 Supervision  
 Termination of employment  
 Training

**I. POLICY**

Employees may resign voluntarily or perhaps their employment may be terminated with cause. In either case, for the protection of the employee as well as the department, a formal process is herein set forth that outlines the different ways in which employment terminates, highlighting the rights and obligations of the employee and the department. The chief executive is not bound or required to accept an employee's voluntary notice of resignation. The manner in which the employee resigns or otherwise terminates employment is a department prerogative. Note that this order applies to **all** sworn (full-, part-time) and non-sworn positions within the department.

## II. PURPOSE

The purpose of this order is to outline and establish procedures concerning different methods of resignation or termination of employment.

## III. DEFINITIONS

A. Advance notice

Two weeks' written notice to the department of an employee's voluntary resignation from employment.

B. Disability retirement

A form of separation resulting from a permanent, disabling condition which prevents the employee from performing his or her duties.

C. Discharge

An employee's involuntary termination of employment **excluding** termination as a result of a reduction in force or layoff.

D. Discipline

**Training** or developing an employee by proper **supervision** and instruction. Discipline may be positive (awards) or negative (punishment).

E. Good standing

A description of employee behavior, recognized by the department as acceptable to the job position and not subject to discipline for poor behavior or performance.

F. Involuntary separation

A separation from employment that is reported as a resignation, based on documented evidence of poor performance, and concluded by a signed, written agreement between the employee and the department. Through the written document, the department and the employee mutually agree to sever the employment relationship.

G. Relief from duty

An administrative action by a superior whereby a subordinate officer is temporarily relieved from performing his or her duties.

H. Resignation pending discipline

A separation from employment based on documented evidence of the employee's poor performance, misconduct, or uncharged criminal conduct, concluded by a signed, written agreement between the employee and the department.

I. Retirement

Voluntary separation from employment after age 62.

J. Termination for cause

An involuntary separation from employment based on documented evidence of an employee's poor performance, misconduct, charged or uncharged criminal conduct, or a job-related felony conviction where a formal administrative complaint has been brought against the employee, concluded by a formal or informal departmental administrative hearing where cause has been established. "Cause" refers to a violation of a departmental administrative order, or state or federal law.

K. Voluntary resignation

A separation from employment where the department acknowledges the employee to be in good standing and not subject to pending discipline. Resignation is a formal process by which an employee submits written notice (preferably at least two weeks) of an intention to terminate a position with the department.

**IV. PROCEDURES**

A. Voluntary resignation

1. Employees shall provide to the Chief of Police at least two weeks' written notice of their intention to resign. If the employee is in good standing, the department shall recognize his or her request.
2. An employee in good standing may request that the period of notice be waived.
3. If an employee fails to provide advance notice of resignation, the termination report shall be amended to read, "Separation from employment without notice," and placed in the personnel file.
4. An employee who wishes to withdraw or rescind a letter of resignation may do so through a request within 30 days following the effective date of the resignation. If the position remains vacant, the Chief of Police, at his or her discretion, may reinstate the employee as if the resignation had never been requested.



B. Involuntary separation

1. The department shall prepare a written agreement of involuntary separation to be signed by the employee and the Chief of Police. The agreement shall cite documented poor performance.
2. When responding to requests from future employers conducting background investigations, the department shall only acknowledge the conclusion of the employment relationship as a "resignation under conditions where the employee's performance did not meet the needs or expectations of the department."
3. The Chief of Police retains the discretion to decide whether advance notice will or will not be given to the employee to be separated.

C. Termination of probation

1. The department may terminate the employment of a probationary employee without a right of appeal or grievance. Sworn officers serve a probationary period defined as one year following hiring. For non-sworn personnel, the probationary period is one year following hiring.
2. The employee termination report shall state either "unsatisfactory performance during the probationary period" or "resignation."

D. Resignation pending discipline

1. The employee or his or her legal counsel must request a resignation pending discipline.
2. The resignation pending discipline requires a written agreement, co-signed by the employee and the chief of police, acknowledging that
  - a. The employee has volunteered to resign based on poor performance, misconduct, or uncharged criminal conduct while employed by the department, whichever is applicable; and
  - b. The employee understands that he or she has no rehire rights and shall not be considered for future employment with the department; and
  - c. The employee understands that should the department receive a written request for employment background information, with an authorization to release the information signed by the employee, the department shall acknowledge the fact of the employment by responding in writing with the words, "resignation pending discipline" (If requested, the department may produce the evidence that led to the resignation); and

- d. The employee understands that if the department is served with a subpoena requesting information concerning the resignation, the department shall disclose the terms of the "resignation pending discipline" and the relevant evidence.
3. When responding to telephonic requests from future employers or those conducting background investigations, the department shall acknowledge the termination of employment as "resignation pending discipline; the ex-employee has no rehire rights with the department and shall not be considered for future employment."
4. No advance notice is required for an employee to resign pending discipline.
5. In cases where a formal administrative hearing or an appellate proceeding has finally adjudicated an issue concerning evidence of an employee's poor performance, misconduct, or uncharged criminal conduct, a resignation pending discipline shall not be allowed.

E. Termination for cause

1. Before terminating employment for cause, the officer shall be notified of the basis for the termination and the effective date of termination. **(PER.09.04.a.b)**
2. Persons whose employment has been terminated for cause have the right to appeal to the Executive Director.
3. Persons whose employment has been terminated for cause are precluded from future employment with the department unless the department later finds that the evidence, which sustained the termination for cause, was incompetent or unreliable.
4. Under no circumstances shall members of the department respond to oral or written requests for information on employees who have been terminated for cause. To release any information, the department must receive written authorization, signed by the former employee. Upon receipt of written authorization, the department may provide the requesting agency with the terms of the employee's termination for cause, the relevant evidence that supported the termination and any administrative decision which has been reached by a hearing officer or panel related to the termination.

F. Retirement

1. Retirement may provide an alternate form of resignation if the employee becomes unable to perform the job.
2. If an employee becomes mentally or physically incapable of performing the job and no reasonable accommodation can be found, including placement in another job through demotion or transfer, the department may require the employee to apply for disability or early retirement.

## V. MANDATORY REPORTING OF RESIGNATIONS OR TERMINATION

### A. Compliance with state employment reporting procedures

1. To comply with the regulations established by the Criminal Justice Services Board (CJSB) and the Department of Criminal Justice Services (DCJS) and as otherwise specified by law, agencies shall submit notice of resignations or the termination status of all sworn officers and dispatchers.
2. If the sworn officer or dispatcher resigns or has his or her employment terminated for reasons that may subject the officer to decertification, the department concerned shall notify DCJS as required by law.

### B. Decertification

1. By law, officers may only be decertified under the following conditions:
  - a. The officer has been convicted of or has pled no contest to a felony or any offense that would be a felony if committed in Virginia;
  - b. The officer has failed to comply with or maintain compliance with mandated training requirements.
  - c. The officer has refused to submit to a drug screening or produce a positive result on a drug screening reported to the employer, where the positive result cannot be explained to the agency's satisfaction.
2. Per *Virginia Code* the following procedures shall be observed in decertifying a sworn officer:
  - a. The agency must submit a written request to DCJS, signed by the agency's chief executive, specifying that a reason for decertification exists. The letter must include sufficient documentation for the request and the results of any due-process hearings.
  - b. Within ten days of receipt of the letter, DCJS, on behalf of the CJSB, shall send a letter to the affected officer and the employing agency, which acknowledges the request for decertification. The letter shall also advise all parties of the available legal remedies.
  - c. If the affected officer does not request a hearing within 30 days of receipt of the DCJS letter, DCJS, on behalf of the CJSB, shall prepare a notice of decertification which shall be mailed to the affected officer and the employing agency.

- d. If the affected officer requests a hearing, the CJSB shall set a date, time, and location for the hearing and shall notify the affected officer and the employer. The hearing shall be conducted within 60 days of receipt of the hearing request.
- e. Upon completion of the hearing, the chairman, CJSB executive committee, shall report to the CJSB which shall then make a final determination concerning decertification within 30 days after the hearing.
- f. The DCJS shall send to the affected officer and employing agency the written notification of the final decision of the CJSB by certified mail.

**EMPLOYEE RESIGNATION/TERMINATION REPORT**

Name of Employee: \_\_\_\_\_  
Last First Initial

SSN: \_\_\_\_\_ Effective date of separation: \_\_\_\_\_

-----  
**Type of Resignation/Termination:**

- Voluntary resignation       Involuntary separation
- Termination of probation       Resignation pending discipline
- Discharge/Termination for cause       Retirement from service
- Disability retirement

**Consideration for Future Employment:**

- Yes       No

**Authorization:**

\_\_\_\_\_  
Chief of Police      Date

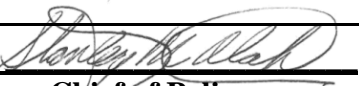
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**Withdrawal of Resignation Requested:**

(Must be requested within 30 days of separation, vacancy of position)

- Yes      Date of request for withdrawal of resignation: \_\_\_\_\_
- Approved       Denied

**Authorization:**

\_\_\_\_\_  
Chief of Police      Date

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Uniforms and Appearance</b>		<b>NUMBER: 1-21</b>	
<b>EFFECTIVE DATE: 07/01/2020</b>		<b>REVIEW DATE:</b>	
<b>AMENDS/SUPERSEDES:</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: None</b>			

**NOTE**

This order 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.

**I. PURPOSE:**

To establish regulations for wearing the Department uniform in a consistent manner by patrol. To establish regulations for hairstyles and the general appearance of officers in uniform.

**II. HAIR:**

1. Officers shall maintain a neat, well-groomed appearance.
  - A. Hair may be worn in contemporary style, length not to extend below the top of the shirt collar at the back of the neck. Sideburns shall be neatly trimmed and shall not extend below the ear lobes.
  - B. Mustache and Beards: Moustaches, if worn, will be of moderate length and neatly trimmed and will not extend more than one quarter inch below or one quarter inch past the corners of the mouth. No handle-bar mustaches will be allowed. Full Beards must be kept neat and well-trimmed. Classic style Goatees that include a moustache will be allowed if kept short and must be neat and well-trimmed. A "chin beard" extending from the corners of the mouth around the chin will be allowed if kept short and neat in appearance. Soul patches are not permitted.
  - C. Sideburns: Sideburns, if worn, will not extend below the bottom of the earlobe. They will be of an even width and with a clean shaven and horizontal line not extending forward or flared. Muttonchops are not allowed.
  - D. Females shall keep their hair clean, neat, and well groomed, while on duty. Hairstyles are not permitted to interfere with the normal wearing of the headgear and shall look professional at all times. Sworn female officers, for safety reasons, shall wear their hair in a manner that keeps it off the collar.
  - E. . TATTOOS - Department personnel are prohibited from getting or having a tattoo where any of the following are indicated: a. Any tattoo on personnel, including those not readily visible, indicating membership in a hate, racist, subversive organization, criminal gang, or any symbol, including those not readily visible, that can be commonly associated with a hate, racist, subversive organization or criminal gang. b. Any visible tattoo that can be deemed reasonably offensive or morally objectionable, including but not limited to, racially oriented, drug related, or sexually explicit words, pictures or symbols.
  - F. The Chief of Police or his/her designee will make the final decision on any questionable tattoos.

## **V. GENERAL UNIFORM POLICY**

- G. BDU's are issued to all sworn officers as the primary uniform for routine patrol duties. Officers shall wear their uniforms only when on duty, or when travelling to and from duty or special assignments.
- H. Uniforms shall have a clean and neat in appearance at all times.
- I. The Chief shall approve all medals, bars or awards prior to the item being worn on the uniform.
- J. Only issued equipment may be worn as part of the uniform.
- K. A Damage Report shall be completed by the officer when any loss or damage occurs to any uniform article or issued equipment. This form shall be submitted prior to the end of the shift on the day of the occurrence.
- L. The cost of any uniform, accessory or equipment which has been damaged or lost due to neglect while assigned to the officer will be paid for by the officer. Normal wear and tear will be exempt.
- M. The officer shall wear shoes, boots and crew style T-shirts. They shall be black in color. Socks must be black. White socks may be worn with high-top shoes or boots.
- N. Summer Uniforms: Shirts are to be short-sleeved with open collars. Summer Uniforms may be worn all year long, unless long sleeves are required to cover visible tattoos.
- O. Winter Uniforms: Shirts are to be long-sleeved with open collars. Winter Uniforms may be worn by members at their discretion, or as indicated by the Chief.

## **V. UNIFORM DEVICES**

1. The nameplate shall be worn at all times, centered over the right shirt pocket and no higher than 1/8 inch above the pocket flap. Only approved metals, bars or nameplates shall be worn on the uniform. When the coat is worn the nameplate shall be worn above the right coat pocket in the same manner.
2. Cloth insignia signifying rank shall be worn on each sleeve on the long and short sleeve shirt and coat centered approximately 3/4 inch below the Department patch. Brass insignia signifying rank shall be worn on the collars appropriately centered. Collar device is optional if cloth insignia present on each sleeve.
3. Medals, bars and awards shall be worn in a single vertical line above the nameplate.
4. The badge shall be worn over the left pocket in the holes designated for it.
5. Tie tack may be worn with the uniform tie.

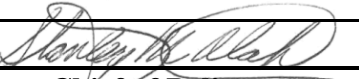
## **VI. UNIFORM ACCESSORIES**

1. The issued firearm and holster may be worn on either side, depending on the officer being naturally right or left-handed. The magazine pouch is to be worn on the holster's front left or right between the holster and belt buckle.
2. Other accessories will be worn on the uniform belt opposite the holster side in the order most comfortable to the officer.
3. Handcuff case should be worn in such a manner as to be accessible by either hand.
4. Uniform hats may be worn at the officers' discretion. The wearing of the uniform hat is encouraged.
5. Uniform hat(s) shall be of the following type:
  - a. Class "A" dress hat
  - b. Baseball style cap
  - c. Winter, faux fur style hat
6. Coats are optional depending on weather conditions. Only approved patches may be worn on the uniform coat.
7. Either uniform tie or issued turtleneck/black crew undershirt will be worn with long sleeve uniform shirt. It applies to short sleeve shirt in that either crew neck undershirt or tie may be worn.
8. Officers are responsible for the upkeep and proper care of all issued equipment, uniforms and accessories.

## **VII. CIVILIAN CLOTHING**

1. Plain cloths, as a uniform, may be worn by an officer investigating, or assigned to investigate a specific case when on Special Assignment, and no normal routine patrol duties are expected of the officer during the shift worked. The general public and community expect to see an officer in a marked vehicle wearing the uniform of his office.



<b>WINTERGREEN POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Budget and Fiscal Management</b>		<b>NUMBER: 1-22</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: MARCH 16, 2021</b>	
<b>AMENDS/SUPERSEDES: GO 1-22, Jan. 15, 2002, JAN. 2, 2007, FEB 4, 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.15.01, ADM.15.03, ADM.15.04</b>			

**NOTE**

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**INDEX WORDS:**

Annual Budget  
Chief Fiscal Officer

**I. Policy:**

The Chief of Police, through the WPOA Board of Directors, is responsible for establishing and maintaining a sound fiscal management policy in order to account for all monies received and expensed through the department in the highest standards of law enforcement.

**II. Purpose:**

This General Order is issued for the purpose of explaining the procedures and practices of Budget and Fiscal Management of Wintergreen Property Owners Association as it relates to the Wintergreen Police Department.

**III. Budget and Fiscal Management**

A. The WPD Annual Budget is set and approved by the WPOA Board of Directors. The Board sets **no** criteria for:

1. The selection of vendor and bidders. (ADM.15.01.c)
2. Bidding procedures. (ADM.15.01.b)
3. Specifications for items requiring standardized purchases. (ADM.15.01.a)

4. For procedures for contracts such as maintenance or service contracts. **(ADM.15.01.f)**
  5. Procedures for the emergency purchasing or rental agreements for equipment. **(ADM.15.01.d)**
- B. The Chief of Police submits any special request to the WPOA Board through the Executive Director of WPOA. The board requires no individual line item budget to be submitted by departments.
  - C. Monetary limits for each account or category though set by the Board of Directors is used at the sole discretion of the Chief of Police for equipment and operational expenses as deemed necessary.
  - D. Fund transfers within department budgets are not permitted. Requests for supplemental or emergency appropriations are made directly to the Executive Director who maintains and controls a contingency fund, set by the board, for such necessities. **(ADM.15.01.e)**
  - E. The WPD Accounting System is controlled by the WPOA accounting office at the direction of the Board.
  - F. The Chief Fiscal Officer of WPOA distributes monthly Budget Detail Reports to all WPOA departments which include the initial appropriation for each category, or account, monthly budget amounts, Year to Date Budget, Year to Date Actuals, and Variances and Annual Totals for each category or account.
  - G. The Department, by direction of the Board, is not allowed to maintain separate fiscal encumbrances, therefore operates all budget and fiscal expenditures as a cash only department.

#### **IV. Maintenance of Cash Funds and Accounts**

- A. The Wintergreen Police Department is responsible for distributing owner vehicle decals and maintaining mailboxes for property owners through the Police Department Administrative Assistants Office. Property owner vehicle decals may be purchased for replacement of lost, stolen or new vehicles purchased by owners. All monies are collected through the Administrative Assistants Office.
- B. The Administrative Assistant in conjunction with the WPOA Chief Fiscal Officer, maintains an accounting system for receipt of all cash/check transactions. Receipts shall be issued whenever money is received by check or cash. **(ADM.15.03.b.e)**
- C. Cash disbursements are authorized for refunds of mailbox key deposits only through the WPOA Accounting Office. The police department authorizes no other cash disbursements. **(ADM.15.03.c)**
- D. Cash received by the police department shall be deposited through the WPOA Accounting Office, to the Chief Fiscal Officer, on a weekly basis. A weekly report on all cash activities shall be included with the deposit. Quarterly reports shall be completed and submitted to the Chief of Police and Chief Fiscal Officer of WPOA on April 1<sup>st</sup>, July 1<sup>st</sup>, Oct 1<sup>st</sup> and January 1<sup>st</sup> of each year. **(ADM.15.03.a.f)**

- E WPOA provides for the independent audit of all company department fiscal activities annually. **(ADM.15.03.g)**

## **V. Purchasing**

- A Officers find it necessary at times to locally purchase various items for the department such as film, batteries, and fuel etc. Charge accounts are set up by WPOA with local businesses for that convenience. All officers are authorized to charge necessary purchases up to \$50.00 without verbal approval from the Chief or other department supervisors.
- B A receipt signed by the officer, indicating the date of purchase, item, amount, and from which business the purchase occurred is required to be returned to the Chief as proper documentation.

## **VI. Expense Accounts**

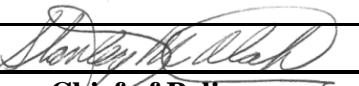
- A Should officers find it necessary to pay for any items purchased for the department, a dated receipt indicating the item purchased, an amount paid by the officer, should be attached to an Expense Report (Form PD 732) with the form completed and signed requesting reimbursement to the officer and turned into the Chief of Police for coding and approval. **(ADM.15.03.d)**

## **VII. Capital Asset Management**

The WPOA Corporation Guides determine the value of Capital Assets/Equipment to be greater than \$5000.00 dollars. An inventory of these Capital Assets/Equipment will be conducted on an annual basis. **(ADM.15.04)**

The WPOA Accounting Department maintains and reviews annually Capital Asset Inventories for all departments through the use of depreciation and amortization reports per the requirements of the WPOA Board of Directors and the Internal Revenue Service for tax and internal audit purposes.

- VIII.** The Administrative Assistant is responsible for record keeping and maintenance of petty cash; and is authorized to accept and disburse cash. **(ADM.15.03.e)**

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Bias-Based Policing</b>		<b>NUMBER: 1-23</b>	
<b>EFFECTIVE DATE:</b>		<b>REVIEW DATE: 03/01/19 by 804</b>	
<b>AMENDS/SUPERSEDES: NOV. 4, 2006, FEB 4, 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.02.05</b>			

**NOTE**

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**INDEX WORDS:**

Bias  
 Constitutional rights  
 Discrimination  
 Probable Cause  
 Profile  
 Reasonable suspicion  
 Traffic stop

**I. POLICY**

It is the policy of the Aquia Harbour Police Department that all law enforcement actions which include all traffic stops, investigative detentions, search and seizures of persons or property and arrests will be based on the standards of reasonable suspicion or probable cause as required by the Constitution of the United States and supporting statutory authority.

This law enforcement agency is charged with protecting these rights, for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system.

Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work on communities very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

## II. PURPOSE:

The purpose of this policy is to unequivocally state that racial, ethnic and/or gender profiling in law enforcement is absolutely unacceptable, to provide guidelines for officers to prevent such occurrences and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

## III. DEFINITION:

**Biased-Based Policing:** The detention, interdiction, searching or attempting to search, using force against a person or other disparate treatment of any person on the basis of race, color, ethnicity, sex, sexual orientation, physical handicap, religion, or other belief system in violation of constitutional safeguards. (ADM.02.05.a)

**Probable Cause:** Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or being committed, and that the suspect had committed it.

**Profile:** A legitimate profile, sanctioned by the department, is a very specific attribute, or cluster of attributes or characteristics that form the basis for reasonable suspicion of criminality. A profile is only valid for a limited time and under limited circumstances, most often for drug trafficking. These attributes or characteristics are established in writing based on considerable training and experience. A legitimate profile will not be based solely on a person's race, sex, sexual orientation, gender, national origin, ethnicity, age or religion.

**Reasonable Suspicion:** Also known as articulable suspicion. Suspicion that is more than a mere hunch, but rather, is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.

## IV. PROCEDURES:

### A. Prevention of Profiling:

1. Officers are prohibited from stopping, detaining, searching or arresting anyone solely because of the person's race, sex, sexual orientation, gender,

national origin, ethnicity, age or religion. Those characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes.

2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Citizens shall only be subjected to stops, seizures or detention upon reasonable suspicion that they have committed, are committing or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports. i.e. Stop/Frisk.
3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all citizens.

#### B. Officer Behavior

1. Be courteous, polite and professional.
2. When feasible, officers shall offer explanations to citizens of the reasons for enforcement actions and other decisions that bear on citizen's well-being, unless the explanation would undermine an investigation or jeopardize an officer's safety.
3. When feasible, officers shall identify themselves by name. When a citizen requests the information, officers shall give their badge number, name of immediate supervisor or any other reasonable information.
4. Explain to the citizen where no enforcement action was taken, the credible, reliable or locally relevant information that led to the stop.
5. All officers are accountable for their actions. Officers shall justify their actions when required.

Officers routinely perform traffic enforcement and pedestrian contacts, But for the motorist or pedestrian who is stopped it is frequently an emotionally upsetting experience. Officers should beware of these conditions and should strive to make each contact educational and leave the citizen with an understanding that the officer has performed a necessary duty in a fair, professional and friendly manner.

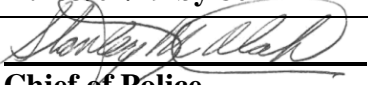
#### C. TRAINING: (ADM.02.05.b.c)

Officers will receive initial and ongoing training in officer safety, courtesy, cultural diversity, the laws governing search and seizure and interpersonal communications skills.

D. VIOLATION: (ADM.02.05.d)

Actions in violation of this policy are unconstitutional and inconsistent with the mission of the Aquia Harbour Police Department and will not be tolerated. Any alleged violations shall be forwarded directly to the Chief of Police for thorough internal investigation. A report of the findings for this investigation will be made part of the officers personnel file.

Officers found to be in violation of this order shall be subject to the full range of disciplinary actions described in Rules and Regulations 1-7.

<b>AQUIA HARBOUR POLICE</b>		<b>RULES AND REGULATIONS</b>	
<b>DEPARTMENT</b>			
<b>SUBJECT: LINE-OF-DUTY DEATHS</b>		<b>NUMBER: 1-24</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 03/07/19 by 804</b>	
<b>AMENDS/SUPERSEDES: AUG.31, 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.23.04</b>			

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**INDEX WORDS:**

Death, Line of Duty  
Injury, Serious

**I. POLICY:**

It is the policy of the Aquia Harbour Police Department to provide liaison assistance to the immediate survivors of an active duty officer who dies in the line of duty and to provide tangible and emotional support during this traumatic period of readjustment for the surviving family. Request of assistance from the Stafford County Sheriff's Office should be considered.(ADM.23.04.b)

**II. PURPOSE:**

This policy is designed to prepare the department for the event of an active duty officer's death in the line of duty and to direct the department in providing proper support for the deceased officer's family.

**III. DEFINITIONS:**

- A. Line-of-Duty Death: The death of an active duty officer by felonious or accidental means during the course of performing police functions while on- or off-duty.



- B. Survivors: Immediate family members of the deceased officer to include spouse, children, parents, siblings, fiancée, and/or significant others.

#### IV. PROCEDURES

##### A. Death notification:

The following procedures should be adhered to in cases of line-of-duty deaths and in cases of critically injured officers with poor prognosis of survival. These procedures should be followed whenever possible with the understanding that the wishes of the family take precedence over the desires of the department. Officers providing services and assistance to family members and survivors shall take all possible measures to accommodate their needs, wishes, and desires, but should not make promises that they are not sure can be met.

1. The name of the deceased officer shall not be released to the media or other parties before immediate survivors living in the area are notified.
2. The Chief of Police or his designee shall inform the immediate family of the officer's condition or death. If not immediately available, the senior ranking officer will make the contact or notification.
3. Notification of the immediate family should be made as soon as possible and, if possible, coincidental with command notifications.
4. Notification of survivors in the immediate area shall be made in person and, whenever appropriate, with another person such as the family's, religious representative. Whenever the health of immediate survivors is a concern, emergency medical services personnel shall be requested to stand by.
5. If the opportunity to get the family to the hospital exists prior to the officer's death, notification officers shall inform the hospital liaison officer that the family is on its way. In such cases, immediate transportation should be provided for survivors rather than waiting for any other members of the departmental delegation to arrive. If the officer has died, notification should be made to the survivors in as forthright and empathetic manner as possible.

6. Communication of information concerning the officer and the incident shall, whenever possible, be restricted to avoid interception by the media or others. Should the media obtain the officer's name prematurely, the ranking officer should request that the information be withheld until proper notification of survivors can be made.
7. The notification officer shall be responsible for identification of additional survivors outside the area and shall make any notifications as desired by the immediate family. Such notifications shall be made by contacting the law enforcement agency in that jurisdiction and requesting that a personal notification be made.
8. The notification officer shall submit a written report to the chief of police specifying the identity, time, and place of survivors notified.

B. Assisting survivors at the hospital:

Whenever possible, the Chief of Police shall join the family at the hospital in order to emphasize the department's support. The next highest ranking officer to arrive at the hospital shall serve as or designate a hospital liaison officer who shall be responsible for coordinating the arrival of immediate survivors, departmental personnel, the media, and others and assume the following responsibilities:

1. Arrange for waiting facilities for immediate survivors and a separate press staging area. The desires of the surviving family members should be followed with regard to their accessibility to other officers and friends.
2. Ensure that medical personnel provide pertinent medical information on the officer's condition to the family before other parties.
3. Assist family members, in accordance with their desire, in gaining access to the injured or deceased officer.
4. Provide hospital personnel with all necessary information on billing for medical services. The liaison officer should ensure that all medical bills are directed to the appropriate departmental authority, and that they are not forwarded to the officer's family or other survivors.
5. Arrange transportation for the family and other survivors upon their departure from the hospital when necessary.
6. Ensure that immediate family members are provided with appropriate assistance at the hospital.

C. Appointment of department coordination personnel:

Designated department personnel will serve in the following capacities: department liaison, funeral liaison, benefits coordinator, and family support advocate. These assignments will be made in writing to departmental personnel, and the surviving family members will be informed of those designated.

D. Department liaison:

The Assistant Chief of Police will serve as a facilitator between the family and the law enforcement agency. This individual will normally be a ranking officer in order to expedite the tasks of employing department resources and the delegation of assignments. This officer will work closely to ensure that the needs and requests of the family are fulfilled. This includes, but is not necessarily limited to, the following:

1. Assisting with travel and lodging arrangements for out-of-town family members.
2. Identifying alternative churches and reception halls that will accommodate the law enforcement funeral. These alternatives will be presented to the family, who will make the final determination.
3. Coordinating all official law enforcement notifications and arrangements to include the honor guard, pallbearers, traffic control, and liaison with visiting law enforcement agencies.
4. Assisting family members in dealing with general media inquiries and informing them of limitations on what they can say to the media specifically.
5. Providing liaison with the media to include coordination of any statements and press conferences. The departmental liaison shall also ensure that members of the agency are aware of restrictions regarding release of any information that might undermine future legal proceedings.

E. Funeral liaison:

The Assistant Chief of Police acts as facilitator between the decedent officer's family and the department during the wake and funeral. The Assistant Chief is responsible for the following:

1. Meeting with family members and explaining his/her responsibilities to them.
2. Being available to the family prior to and throughout the wake and funeral.
3. Ensuring that the needs and wishes of the family come before those of the department.
4. Advising the family in working with the funeral director regarding funeral arrangements and briefing on the procedures in a law enforcement funeral. ( Taps, bagpipes, 21 gun salute etc., if desired.)
5. Determining the need for travel arrangements for out-of-town family members and any other special needs of the family during the funeral.

F. Benefits coordinator:

The Human Resources and/or General Manager of AHPOA is responsible for the following:

1. Filing workers' compensation claims and related paperwork.
2. Presenting information on all benefits available to the family.
3. Documenting inquiries and interest in public donations to the family and establishing a mechanism for receipt of such contributions, as appropriate.
4. Preparing all documentation of benefits and payment due survivors to include the nature and amount of benefits to be received by each beneficiary, the schedule of payments and the name of a contact person or facilitator at each benefit or payment office.
5. Filing all benefits paperwork and maintaining contact with the family in order to ensure benefits are being received. A copy of benefits documentation should be provided to all survivors affected and explained to each of them.

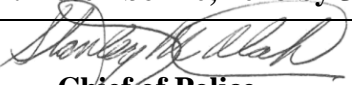
G. Family support advocate:

The Chief of Police or his designee will act as the family support advocate. He serves in a long-term liaison and support capacity for the surviving family. The duties of this individual include the following:

1. Providing contact with immediate family members in order to keep them abreast of criminal proceedings relating to the death of their family member.
2. Accompanying immediate family members to criminal proceedings, explaining the nature of the proceedings, and introducing them to prosecutors and other persons as required.
3. Identifying all support services available, through the Stafford County Victims Rights Program, to family members and working on their behalf to secure any services necessary.
4. Maintaining routine contact with family members to provide companionship and emotional support and maintain an ongoing relationship between the department and the immediate family.
5. Relaying the concerns and needs of the family to those individuals or organizations that may provide assistance, and encouraging others to visit and help as necessary.

**H. TRAINING: (ADM.23.04.a)**

On a bi-ennial basis sworn officers will be required to read and acknowledge this policy in order to understand the benefits afforded to their family members in the event of death.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: ELECTRONIC DATA COMMUNICATION</b>		<b>NUMBER: 1-25</b>	
<b>EFFECTIVE DATE:</b>		<b>REVIEW DATE: December 10, 2018 by J. Feliciano</b>	
<b>AMENDS/SUPERSEDES: NEW</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.24.02</b>			

**NOTE:**

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**INDEX WORDS:**

Electronic Data Communication

**I. POLICY:**

The availability and use of the personal computer within the work environment have provided many opportunities for enhancement of productivity and effectiveness. These technologies also entail the opportunity for rapid transfer and broad distribution of sensitive information that can also have damaging effects on this agency, its members, and the public if not managed properly. Therefore, it is the policy of this agency that all members abide by the guidelines set forth herein when using personal computers and the services of both internal and external databases and information exchange networks, and where applicable, voice mail, and related electronic messaging devices.

**II. PURPOSE:**

It is the purpose of this policy to provide all members of the Agency with guidance on the proper use of personal computers and related electronic messaging systems utilized in this agency for purposes of disseminating electronic mail and utilizing services of the Internet. (For policy information regarding Social Networking refer to General Order 2-41A)

### **III. DEFINITIONS:**

Electronic Messaging Device (EMD): For purposes of this policy, electronic messaging devices include Personal Computers (PC), electronic mail systems, voice mail systems, paging systems, electronic bulletin boards and Internet services, mobile digital terminals, and facsimile transmissions.

Electronic Data Communications (EDC): For the purposes of this policy, electronic data communication is defined as sending, receiving and/or forwarding emails utilizing a personal computer (PC).

Personal Computer (PC): Any agency-owned computer.

### **IV. PROCEDURES**

#### **A. General:**

1. The following procedures apply to all media which are:
  - a. Accessed on or from departmental premises;
  - b. Accessed using department computer equipment or department paid access methods;
  - c. Communications that make reference to the department in a manner; and/or
  - d. Used in a manner that identifies the employee with the department.
2. Transmission of electronic messages and information on communications media provided for employees of this agency shall be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence, or verbal communication.
3. This agency encourages authorized members with access to EMDs to utilize these devices whenever necessary. However, use of any of these devices is a privilege that is subject to revocation.
4. EMDs and their contents with the exception of personally owned software authorized for installation by the Chief of Police on agency computers are the property of this agency and intended for use in conducting official business.
5. Members are advised that they do not maintain any right to privacy on EMD equipment or its contents, to include personally owned software.
  - a. This agency will monitor information contained on EMDs and may require members to provide passwords to files that have been encrypted or password protected.

- b. The agency shall access, for quality control purposes and/or for violations of this policy, electronic and voice transmissions of members conducting business of this agency.
6. Computer repairs shall be made by agency-authorized and approved sources.
7. Accessing or transmitting materials (other than that required for police business) that involves the use of obscene language, images, jokes, sexually explicit materials, or messages that disparage any person, group, or classification of individuals is prohibited whether or not a recipient has consented to or requested such material.
8. Confidential, proprietary, or sensitive information may be disseminated (or made available through shared directories or networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to the following:
  - a. Transmittal of personnel information, such as salary, performance reviews, complaints, grievances, misconduct, disciplinary information, medical records, or related employee information.
  - b. Criminal history information and confidential informant master files, identification files, or related information.
  - c. Intelligence files and information containing sensitive tactical and undercover information.
9. Employees may not attempt to read or "hack" into other systems or logins; "crack" passwords; breach computer or network security measure; or monitor electronic filings or communications of other employees or third part except by explicit direction of the Chief of Police.
10. No e-mail or other electronic communications may be sent that attempts to hide the identity of the sender or represents the sender as someone else or someone from another agency.
11. Employees may not copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner or except for a single copy for reference use only.
12. No member shall access or allow others to access any file or database unless that person has a need and a right to such information. Additionally, personal identification and access codes shall not be revealed to any unauthorized source.
13. An EMD is designed and intended to conduct business of this agency and is restricted to that purpose. Installation of or access to software for purely entertainment purposes is prohibited. Exceptions to business use include the following:



- a. Infrequent personal use of these devices may be permissible if limited in scope and frequency, if in conformance with other elements of this policy, and if not connected with a profit-making business enterprise or the promotion of any product, service, or cause that has not received prior approval of this agency.
- b. Personnel may make off-duty personal use of agency computers for professional and career development purposes when in keeping with other provisions of this policy and with prior knowledge of the Chief of Police.

**B. Importing/Downloading Information and Software:**

- 1. Members shall not download or install on agency computers or network terminal any file (including sound and video files and files attached to e-mail messages), software, or other materials from the Internet or other external sources without taking prescribed steps to preclude infection by computer viruses.
  - a. Material shall be downloaded to external drives (USB, thumb drives) and scanned for viruses prior to being entered into any personal or shared system.
  - b. In no case shall external materials or applications be downloaded directly to any shared (network) drive. When in doubt, members shall consult the Chief of Police.
- 2. Members shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.
  - a. Any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided is subject to removal by agency-authorized personnel.
  - b. Privately owned software may be loaded on agency computers if approved by the Chief of Police.
  - c. Privately owned software may be removed if it conflicts with departmental hardware or software, interferes with the ability of other members to access or utilize the EMD, or occupies excessive storage space needed by the agency.
- 3. Members shall observe copyright restrictions of any documents, images, or sounds sent through or stored on electronic mail.
- 4. Any hardware enhancements or additions to agency-owned equipment must be approved and authorized by the Chief of Police. The Chief of Police is responsible for determining proper installation procedures.
- 5. Members shall not permit unauthorized persons to use the agency's EMD's.

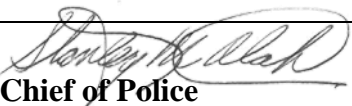
**C. USE OF E-MAIL/ELECTRONIC DATA COMMUNICATIONS: (ADM.24.02.e)**

The Agency does not guarantee the privacy or security of any item stored or transmitted on its systems, and members should not have any expectation of privacy with respect to any information transmitted or stored on any computer or computer system.

- A. The goal of the Department's e-mail network is to promote teamwork, reduce paperwork, and create time efficiencies. E-mail, however, is not appropriate for confidential information, nor can it replace important face-to-face meetings.
- B. To assure appropriate use of the e-mail network, members are expected to be courteous and respect the public nature and business purposes of this communications method whether internal or external e-mail. Members/employees should be polite. Jokes, stories, and other inappropriate or frivolous messages, whether offensive or not, should not be sent or forwarded.
- C. The Department specifically prohibits the use of e-mail in ways that may be illegal, disruptive, offensive to others, or harmful to morale such as transmission of sexual harassment or disparagement of others. Also, specifically prohibited is the use of e-mail to solicit others for commercial ventures, religious, or political causes, or other non-job-related solicitations.
- D. It is not acceptable to attempt to gain access to another member's e-mail files without permission.
- E. To avoid breaches of security, members shall log off any computer that has access to the agency's computer network, electronic mail system, the Internet, or sensitive information whenever they leave a workstation where a log off is permitted.
- F. Electronic Mail Polices: Unless involved in a legitimate criminal investigation, members will not utilize Department computers to:
  - 1. Threaten, intimidate, disturb, or harass other users by sending unwanted files or mail.
  - 2. Sending images that contain nudity, or send images or words of an offensive or suggestive nature, or anything that can be construed against the Agency's sexual harassment policy.
  - 3. Sending jokes or comments that disparage a person or group because of race, ethnic background, national origin, religion, gender, sexual orientation, age, verbal accent, source of income, physical appearance or agility, mental or physical disability or occupation.

**D. E-MAIL ATTACHMENTS/VIRUSES:**

Due to the various viruses that can be attached to e-mail messages, members are cautioned about opening any unexpected or unknown mail. The Chief of Police will ensure that the agency's computers receive periodic updates of anti-virus software.

<b>AQUIA HARBOUR POLICE</b>		<b>RULES AND REGULATIONS</b>	
<b>DEPARTMENT</b>			
<b>SUBJECT: RECORDING POLICE ACTIVITY</b>		<b>NUMBER: 1-26</b>	
<b>EFFECTIVE DATE:</b>		<b>REVIEW DATE: December 11, 2018 by S.C. DeBrular</b>	
<b>AMENDS/SUPERSEDES: NEW</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: NONE</b>			

**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.

**I. PURPOSE**

This policy provides officers with guidance for dealing with situations in which they are being recorded, to include photographing, videotaping, audiotaping, or both, by members of the public or the press.

**II. POLICY**

Members of the public, including media representatives, have an unambiguous First Amendment right to record officers in public places, as long as their actions do not interfere with the officer's duties or the safety of officers or others. Officers should assume that they are being recorded at all times when on duty in a public space.

**III. DEFINITIONS**

Recording: Capturing of images, audio, or both, by means of a camera, cell phone, audio recorder, or other electronic device. Media: The storage source for visual or audio recordings, whether by film, analog, or digital means.

**IV. PROCEDURES**

A. Persons who are lawfully in public spaces or locations where they have a legal right to be present such as their home, place of business, or the common areas of public and private facilities and buildings have a First Amendment right to record things in plain sight or hearing to include police activity. Police may not threaten, intimidate, or otherwise discourage or interfere with the recording of police activities. However, the right to record is not absolute and is subject to legitimate and reasonable legal restrictions, as follows:

1. A reasonable distance must be maintained from the officer(s) engaged in enforcement or related police duties.

2. Persons engaged in recording activities may not obstruct police actions. For example, individuals may not interfere through direct physical intervention, tampering with a witness, or by persistently engaging an officer with questions or interruptions. The fact that recording and/or overt verbal criticism, insults, or name-calling may be annoying, does not of itself justify an officer taking corrective or enforcement action or ordering that recording be stopped, as this is an infringement on an individual's constitutional right to protected speech.
3. Recording must be conducted in a manner that does not unreasonably impede the movement of emergency equipment and personnel or the flow of vehicular or pedestrian traffic.
4. The safety of officers, victims, witnesses, and third parties cannot be jeopardized by the recording party.

**B. Arrest:**

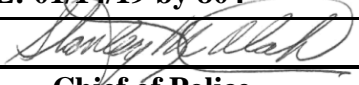
1. Persons who violate the foregoing restrictions should be informed that they are engaged in prohibited activity and given information on acceptable alternatives, where appropriate, prior to making an arrest.
2. Arrest of a person who is recording officers in public shall be related to an objective, articulable violation of the law unrelated to the act of recording. The act of recording does not, in itself, provide grounds for detention or arrest.
3. Arrest of an individual does not provide an exception to the warrant requirement justifying search of the individual's recording equipment or media. While equipment may be seized incident to an arrest, downloading, viewing, or otherwise accessing files requires a search warrant. Files and media shall not be altered or erased under any circumstances.

**C. Seizure of Recording Devices and Media:**

1. Absent arrest of the recording party, recording equipment may not be seized. Additionally, officers may not order an individual to show recordings that have been made of enforcement actions or other police operations.
2. If there is probable cause to believe that evidence of a serious crime has been recorded, an officer should
  - a. Advise and receive instructions from a supervisor;
  - b. Ask the person in possession of the recording if he or she will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and/or copied as evidence; and
  - c. In exigent circumstances, in which it is reasonable to believe that the recording will be destroyed, lost, tampered with or otherwise rendered useless as evidence before a warrant can be obtained, the recording device or media may be seized under a temporary restraint. A warrant must be obtained in order to examine and copy the recording and the chain of custody must be clearly documented per department policy.
3. In exigent situations where it is objectively reasonable to believe that immediate viewing of recordings is necessary to prevent death or serious bodily harm of another before a warrant can be authorized, the recording device or media may be seized and viewed.
4. Whenever a recording device or media is seized without a warrant or obtained by voluntary consent, the seized item shall be held in police custody no longer than reasonably necessary for the police, acting with due diligence, to obtain a warrant. The device must be returned at the earliest possible time and its owner/operator given instruction on how it can be retrieved.

**D. Supervisory Responsibilities:**

A supervisor should be summoned to any incident in which an individual recording police activity is going to be, or will most likely be, arrested or when recording equipment may be seized without a warrant or lawful consent.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Constitutional Safeguards</b>		<b>NUMBER: 2-1</b>	
<b>EFFECTIVE DATE: March 16, 2016</b>		<b>REVIEW DATE: 01/14/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-1, MAR 3, 1994, FEB. 4, 2015, NOV 3, 2015</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.02.01, ADM.02.02, ADM.02.03, OPR.04.03, OPR.07.01</b>			

**NOTE**

This order 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**

- |                           |                                 |
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| Authority; limitations    | Plain view search               |
| Confessions               | Probable cause                  |
| Consent to search         | Reasonable suspicion            |
| Constitutional safeguards | Search and seizure;             |
| Curtilage                 | Limitations                     |
| Discretion                | of vehicles (custodial arrests) |
| Emergency searches        | of vehicles (generally)         |
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**I. POLICY**

Of all the actions an officer might take during the course of duty, the ones with the most severe consequences concern constitutional rights. The use of deadly force might result not only in injury or death but a review of the constitutionality of the act. Similarly, the arrest of a person for a misdemeanor shoplifting, by contrast, invokes the law of arrest and search and seizure issues that are controlled by the Constitution. The U.S. Constitution and the Bill of Rights guarantee every citizen certain safeguards from government intrusion into their lives. These safeguards have become the cornerstones 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

community of Aquia Harbour. The department expects officers to observe constitutional safeguards scrupulously and knowledgeably. The department further expects that officers understand the limits and prerogatives of their authority to act. Respect for the civil liberties of citizens shall be the paramount concern in all enforcement matters.

## II. PURPOSE

The purpose of this general order is to define the legally mandated authority for the enforcement of laws, to establish procedures for ensuring 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 pretrial confinement.

## III. PROBABLE CAUSE AND REASONABLE SUSPICION

### A. Probable cause

Searches (with the few important exceptions outlined in this order) and all arrests are based on the police officer's perception of probable cause. According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting officers'] 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 appropriate probable cause, he or she may undertake a complete body search (not including a body-cavity 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 of probable cause

1. Probable cause may be established through investigation and observation, witnesses, confidential informants, or through anonymous sources provided that the information is corroborated by investigation.

2. Unnamed informants may be used in an affidavit for a search warrant if the informant has first-hand knowledge of the investigation and information is included about why the informant is credible and reliable. See **GO 2-11** for further information on informants.

#### IV. PROCEDURES - General

##### A. Law-enforcement authority

1. *Code of Virginia* § 9.1-101 provides a definition for Law Enforcement Officers which includes full and part-time employees of a **Private Police Department**. The code also provides a definition of a private police department and authority of private police officers in Virginia and grants the authority to enforce the criminal laws of the Commonwealth. *Code of Virginia* § 15.2-1704 defines powers and duties of police forces. (**ADM.02.01**)
2. § 49-1 requires that all officers, before performing their duties, take an oath whereby they swear to support the Constitution of the United States and the Constitution of the Commonwealth of Virginia. (**ADM.01.01**)

##### 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 association administrative decisions.

- a. § 15.2-1724 allows town officers to be sent anywhere in Virginia to assist another locality in meeting an emergency involving any immediate threat to life or public safety, as outlined in the statute. Further, § 15.2-1727-8 allows localities to enter into reciprocal agreements with localities outside Virginia to provide mutual aid. Notwithstanding the provisions of these two statutes, § 15.2-1730 allows the chief of police, in a declared emergency, to call upon other chief law-enforcement officers of towns or counties to provide law-enforcement assistance without a need to deputize officers from other jurisdictions.

##### C. Judicial limitations

Courts constantly interpret laws that place limitations on the authority of law-enforcement officers. The more common limitations address *Miranda* rights/warnings, rulings on search and seizure, eyewitness identification, and lineups. The department shall provide policy guidance concerning these decisions, as appropriate.

#### V. INTERVIEWS AND INTERROGATIONS

##### A. Definitions



1. An **interview**, as opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim, or the citizen. (ADM.02.02.a)
2. An **interrogation**, to paraphrase the Supreme Court, includes direct questioning (or its functional equivalent) about a crime or suspected crime, as well as any words or conduct on behalf of the police that may elicit an incriminating response from the suspect. (ADM.02.02.b)
  - a. Officers are reminded that an interrogation does not rely solely or exclusively on words; conduct can be the "functional equivalent" of asking questions.
3. A person is in **custody** when an officer tells him or her that he or she is under arrest. The functional equivalent of being in custody occurs when a reasonable person in the suspect's place would feel that his or her freedom of action has been restricted to the same degree as a formal arrest.

B. Rights admonition

1. In order to achieve uniformity in administering *Miranda* warnings, police officers shall be issued cards with the *Miranda* warnings and waiver on them. Before custodial interrogation, officers shall advise suspects of their rights by reading aloud from the card the following: (ADM.02.02.c)
  - a. "You have the right to remain silent."
  - b. "Anything you say can and will 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 be appointed to represent you before any questioning, if you wishone."
  - e. "You may stop 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. **Officers shall interrogate suspects only when they have knowingly and intelligently waived their rights.** Officers **shall cease** questioning whenever the suspect invokes the right to silence or requests the presence of counsel.

- a. Officers shall not try to elicit incriminating evidence unless the suspect waives the right to counsel.
  - b. If a suspect, once in custody, requests counsel after being advised of *Miranda* rights, he or she **cannot** be interrogated again about the crime for which he or she was charged, other crimes, or by any other officers unless (1) the counsel is present during the interrogation or (2) the suspect himself initiates the interrogation. Officers therefore cannot obtain a waiver under these circumstances unless the suspect initiates interrogation. If a suspect refers to counsel but his or her intentions are unclear, officers may question the suspect further to clarify his or her intentions.
  - c. If the suspect is deaf or unable to speak English, the interrogating officer shall notify the on-duty supervisor and shall immediately arrange to obtain an interpreter. The Stafford County Sheriffs Office or the Clerk of Court will be contacted to obtain an interpreter (either sign language or other language) if one is not available within Aquia Harbour. (**ADM.02.02.i.j**)
4. Officers will take care when advising juveniles of their rights to ensure that the rights are understood before obtaining a waiver. Officers should honor a child's request to speak to a parent or guardian before waiving his or her rights. Whenever possible, the child's parents should be present while the child's rights are explained and the waiver obtained. (**OPR.04.03.c & .e**)
  5. If a suspect has invoked his or her right to silence, officers may interrogate the suspect **if**, questioning, however, officers shall again administer *Miranda* warnings and shall obtain a written waiver.

#### C. Voluntariness of confessions

The courts have provided officers with much latitude in interrogating suspects. If a suspect claims that he or she was coerced into confessing, the courts will examine the interrogation according to the **totality of the circumstances**. If interrogation methods appear to overcome the suspect's will, then the courts will find any resulting confession to be involuntary. If officers use trickery, threats, or offer promises to obtain confessions, they must:

1. Carefully assess the suspect's background, age, education, mental impairment, and physical condition to determine vulnerability to coercion; and
2. Coupled with the background characteristics, choose an appropriate mix of interrogation tactics and environmental factors to convince the suspect to confess without overbearing the suspect's will. **Note that *Miranda* warnings would have been given before the interrogation takes place, in most instances.**

#### D. Exemptions or special cases

1. *Miranda* warnings do not apply to the following situations that are non-custodial. This

list is not all-inclusive:

- a. Brief on-scene questioning.
  - b. Identification procedures such as fingerprinting, conducting a lineup, sobriety tests. (Questioning during booking **may** require *Miranda* warnings.)
  - c. Volunteered spontaneous statements. (Once the officer has heard the suspect express spontaneous incriminating statements, the officer shall then advise the suspect of *Miranda* rights and obtain a waiver **before asking additional questions.**)
  - d. Brief investigative detention or stop/frisk.
  - e. Roadside questioning during routine traffic stops, including DUI stops until custodial interrogation begins.
  - f. Routine booking questions attendant to arrest.
  - g. Questioning by private persons.
2. Public-safety exception

When an officer urgently needs information from a suspect because lives are in imminent danger, officers may delay giving *Miranda* warnings **until** the officers have received information sufficient to dispel the emergency. **Officers are advised that a genuine, life-threatening emergency must exist.**

E. Documentation requirements

1. Officers shall document the circumstances surrounding the conduct of interrogations and the recording of confessions. Required information includes but is not limited to the following: **(ADM.02.02.b)**
  - a. Location, date, time, duration of the interrogation.
  - b. Identities of all persons present.
  - c. *Miranda* warnings given, the suspect's responses, and any waivers provided.
  - d. The nature and duration of any breaks or lapses during the interrogation and the reasons for them.
2. Video or audio tape recordings shall be treated as evidence and handled accordingly. Before the tapes are stored as evidence, a duplicate shall be made and likewise treated as evidence, the fact of it being a duplicate should be clearly noted on all paperwork.

**VI. SEARCH AND SEIZURE - Warrantless Searches: (ADM.02.02.e)**

A. Definition

A **search** occurs where (1) there is a "prying into hidden places by the police officer" and (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 continuously 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 and criminal prosecution. In order to ensure that Fourth Amendment rights are protected, officers will obtain search warrants upon probable cause in all appropriate criminal cases except for the following circumstances. **Search warrants are discussed under GO 2-2. (ADM.02.02.e)**

1. Consent searches
2. Emergency searches
3. Plain view and "plain feel"
4. Abandoned property and open fields
5. Inventory searches of vehicles
6. When executing arrest warrants
7. Incident to arrest (see GO 2-4)
8. Pat-downs of suspicious persons (see GO 2-3)

**As a general rule, no arrest warrant or search warrant is required for an arrest in a public place, as long as probable cause exists.**

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. Note that the officer doesn't have to have reasonable suspicion nor probable cause to make a consent search: he or she may merely ask for permission from someone with control over the premises. If that person grants permission, the search may take place. If at all possible, written permission of consent to search should be obtained.. **The sole justification for a consent search is the existence of knowing, intelligent, and voluntary consent.**

Consent searches must observe the following rules:

- a. Generally, the person granting consent must use, access, or control the property. A person having exclusive possession of some part of jointly owned property could only give consent for a search of that part.
  - b. If two people have joint ownership of property, either may give consent. If possible, have the consenting party sign a written permission-to-search form.
  - 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 if the parent also has access to the premises.
  - 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 given voluntarily. If 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.
  3. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant if probable cause exists.
  4. Refusal to give consent, in itself, cannot justify further law-enforcement action.
  5. The scope of a consent search is limited to the area for which consent has been given, and within this area officers may search only into areas where the objects sought could reasonably be hidden.

D. Emergency searches

1. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."
2. Eleven considerations determine whether an emergency exists:
  - a. The degree of urgency involved and the time required getting a warrant.
  - b. Officer's reasonable belief that contraband is about to be removed or destroyed. [Note that not all crimes are serious enough to create exigent circumstances. See "e" below.]

- 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 at the time of entry.
  - 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. To justify warrantless entry following hot pursuit, the arrest process must have begun away from the premises, **and** the offender knows that he or she is under arrest, **and** the offender tries to avoid arrest.
  - k. A reasonable belief that someone on the premises is in distress and in need of emergency assistance.
3. If officers enter premises with probable cause to believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter without a warrant, secure premises, and obtain a search warrant before proceeding further **unless** they have obtained consent to search, or some new circumstances arise necessitating another warrantless search.

E. Plain view

1. A plain-view seizure is, technically, not a search. To make a plain-view seizure of property (contraband, fruits, or instrumentality of the crime), two requirements must be met:
  - a. From a lawful vantage point, the officer must observe contraband left in open view; and
  - b. 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.
2. During a lawful frisk (stemming from a lawful stop), if an officer detects an object that is or might reasonably be an item that is contraband or other criminal evidence, then the object may be seized. Threatening items such as weapons may always be removed during frisks. Non-threatening items may be removed **only** if their contraband or

evidentiary nature is immediately apparent (the so-called "plain-feel" rule).

F. Abandoned property and open fields

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.
3. Open fields are not protected by the Fourth Amendment, but officers must distinguish them from curtilage, searches of which require a warrant. **Curtilage** is the area of a dwelling, which is necessary, convenient, and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation. Note that under some circumstances surveillance (e.g., aerial surveillance) of activities within curtilage may take place without a warrant.

G. Inventories of vehicles

1. The department requires officers to inventory any lawfully impounded vehicle, or a vehicle removed from the street and placed in police custody. Any evidence or contraband found during the inventory may be used to formulate probable cause for a subsequent search or arrest. Vehicles shall be inventoried per departmental procedure, which requires an inventory of the entire contents, including closed containers (provided they can be opened without breakage). The purpose of an inventory is to ensure safekeeping of private property and to protect the department from liability. To repeat, in order to justify an inventory of a vehicle, the following conditions must be met:
  - a. Officers must have lawful custody of it.
  - b. The inventory shall be conducted pursuant to departmental policy.
  - c. The scope of the inventory shall be limited to those parts of a vehicle likely to conceal important, hazardous, or valuable items including, but not limited to, the passenger compartment, the trunk, and glove compartment.
2. Closed containers may be examined if they are likely to contain valuable property. If closed containers are locked or sealed, they shall not be forced open but simply logged on the inventory form.
3. The vehicle and its closed containers shall not be damaged.

H. When executing arrest warrants

1. General guidance

An officer with an arrest warrant may search for the defendant in his or her own home **provided that** the warrant was valid; the officer searches the defendant's home (and not someone else's); and probable cause exists that the defendant is home at the time of the search. The search for the defendant must be limited to places where he or she might be found.

2. Protective sweep

Following the execution of an arrest warrant, officers may undertake a "protective sweep" of the premises where the arrest takes place without a warrant. Certain limitations must be observed, however:

- a. The purpose of the protective sweep is to discover persons on the premises who might present a danger to officers.
- b. Incident to arrest, officers may, without probable cause or reasonable suspicion, look into closets or other spaces immediately adjoining the place of arrest where threatening persons might be located.
- c. In order to extend the protective sweep beyond closets and adjoining spaces, officers must have reasonable suspicion for fearing that persons may be on the premises that pose a threat. In such cases, the sweep is limited to examining places where a person might hide.
  - (1) Officers shall carefully document their reasonable suspicion.
- d. During a protective sweep, evidence discovered in plain view may be seized.
- e. The sweep must cease when officers have dispelled a reasonable suspicion of danger.

(Note: With a search warrant, a protective sweep is always justified.)

## **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 officers solicit eyewitness identifications. Eyewitness identifications may take the following form.

1. On-scene identification

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. Lineups

Lineups 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 lineup and the lineup may not take place until the attorney is present. The attorney may not offer any suggestions concerning the conduct of the lineup, but may merely observe. Officers shall document the date, time, place, name of participants and witnesses, and the location of suspect/participants in the lineup.

3. Photo lineups

In conducting photo lineups, the photos shall 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 lineup containing 6-8 photos is reasonable. Photographs shown to witnesses shall not contain any identifying information. Photo lineups will be documented as under (2) above.

B. Hearsay

1. Officers shall 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. Some 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.

## VIII. VEHICLES

In recent years, the U.S. Supreme Court has modified and expanded the conditions under which officers may search vehicles. Preferably, officers shall search vehicles under the authority of a warrant whenever sufficient time exists to obtain one. Nevertheless, warrantless searches of vehicles may take place under many conditions and circumstances. It is imperative that officers understand the

different types of vehicle searches and their limitations.

A. Definitions

1. For the purposes of this section, a **motor vehicle** is any vehicle operating or capable of being operated on public streets or highways, from trucks to automobiles to mobile homes. A vehicle that has been immobilized in one location for use as a storage facility or home is not a motor vehicle for Fourth Amendment purposes.
2. For the purpose of this section, a search is an examination of a motor vehicle with an investigative motive, that is, to discover evidence or to examine the vehicle identification numbers (VIN) to ascertain ownership.

B. When warrantless vehicle searches may be performed

As noted earlier, warrants shall be obtained to search vehicles, if feasible, unless an emergency exists. Any vehicle that has been disabled with little chance of its being driven away shall be searched with a warrant. In all other cases, vehicles may be searched without a warrant under the following circumstances:

1. When probable cause exists.
2. With the driver's consent.
3. Incident to the arrest of the occupants.
4. To frisk for weapons.
5. When necessary to examine the VIN or to otherwise ascertain ownership.
6. Under emergencies or exigent circumstances.
7. Inventories.

C. Searches may be conducted within the following limitations:

1. **With a warrant**, a search may extend anywhere within the vehicle, unless limited by the warrant itself.
2. **When probable cause exists**, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle.
3. **When consent has been obtained** from the driver, officers may search the vehicle subject to any limitations specified by the consenting person. Consent shall be obtained in writing, if feasible.

4. **Searches incident to the arrest** of an occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment, and any locked compartments shall not be searched **unless** immediately accessible to the suspect. (See **GO 2-4** for a fuller treatment of searches incident to arrests.)
5. **Frisks for weapons** shall be confined to the passenger area. Any place not immediately accessible to the occupants, such as a locked glove compartment, shall not be frisked. **If** the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons.
  - a. Note that an officer can order the suspect from the vehicle and frisk **both** the suspect and the vehicle.
6. **An entry into the vehicle to examine the VIN** or otherwise determine ownership must be limited to these purposes.
7. **An emergency search** of the vehicle may be conducted but the extent of the search must not exceed whatever is necessary to respond to the emergency.

**Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits, or instrumentality's of the crime might be found elsewhere in the vehicle, officers may search those areas that might reasonably contain such items.**

D. Containers within the vehicle

As a rule, no container within a vehicle shall be searched unless it might contain the item(s) sought.

1. Procedures for unlocked containers
  - a. In a **probable cause search**, containers may be opened wherever found in the vehicle.
  - b. When the passenger area is searched **incident to an arrest**, containers within the passenger area may be opened.
  - c. During a **consent search**, containers may be opened provided that the terms of the consent either so permit or reasonably imply permission.
  - d. Containers found in or discarded from a vehicle under circumstances not amounting to probable cause or in connection with a search incident to an arrest shall not be searched but shall be secured until a warrant is obtained.
2. Procedures for locked containers

Under most conditions, locked containers shall be opened under a warrant unless one

of the following circumstances has been met:

- a. Consent has been given.
- b. Probable cause exists to search the vehicle and the object of the search might be found in the container. (Even in this circumstance, a warrant is preferred.)
- c. Inventory.

E. Conduct of the vehicle search

1. When possible, searches of vehicles shall be conducted contemporaneous with the stopping or discovery of the vehicle. As a general rule, vehicle searches shall be conducted as soon as reasonably possible.
2. When possible, officers shall avoid damaging a vehicle or its contents, and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.
3. As vehicles may contain sharp or pointed objects, and perhaps even syringes or other materials with body fluids on them, officers shall take precautions to minimize exposure to communicable diseases. See **GO 2-34**.

**IX. LIMITATIONS ON AUTHORITY (ADM.02.01)**

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. The department manual shall contain relevant orders offering appropriate guidance to officers. 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 law enforcement authority by the commonwealth's attorney

Occasionally, the commonwealth's attorney may issue opinions to the department imposing 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 law-enforcement authority by the executive director or chief of police

Limitations on police enforcement actions by the executive director, or the chief of police include, but are not limited to:

1. County tag violations.
2. Parking violations.
3. One-way street violations.
4. County Ordinances

D. Changes in laws/interpretation limitations

Periodically, changes take place, which may impose new limitations on police authority or remove or alter existing limitations. Normally, the commonwealth's attorney provides annual updates on such changes to all personnel. 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 shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Officers shall 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 policies,

rules, 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 rules and regulations, general orders give officers procedures to follow for common or critical enforcement tasks. By definition, general orders afford officers a window of discretion within which to act. General orders are to be followed unless unusual or extreme circumstances dictate another course of action. In this case, officers shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual officer to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, 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/prearrest confinement

1. Under certain circumstances, officers are faced with situations where an arrest and prearrest confinement will not be possible. In such cases, officers may elect to exercise certain alternatives such as the issuance of summonses, referral to a social service agency, or simply to give a warning. Examples: (ADM.02.03)
  - a. Mentally or emotionally disturbed persons.
  - b. Domestic situations where counseling may be appropriate except where probable cause requires an arrest, as detailed in GO 2-32.
  - c. Juvenile offenders. See GO 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

§ 19.2-74 authorizes 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.

- a. In determining whether a summons should be used, the officers shall:
  - (1) Decide whether the offense committed is serious.
  - (2) Make a judgment as to whether the accused poses a danger to the public or him/her.
  - (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 or she should refer the citizen to an appropriate social services agency.

4. Use of warnings as an alternative to arrest: (ADM.02.03, OPR.07.01.c)

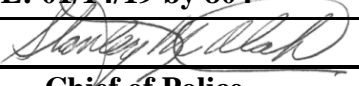
The use of warnings may sometimes provide a solution to a problem and may enhance the public perception of the department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer shall consider:

- 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 shall be limited to that information concerning criminal conduct that presents a threat to the community.
- b. Departmental personnel and equipment shall 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 shall be collected, used, and processed in full compliance with all laws.
- d. Informants, see GO2-11.



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Search Warrants</b>		<b>NUMBER: 2-2</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 01/14/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-2, March 7, 1994, Dec. 10, 2004, DEC 1, 2006</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>FEB 11, 2011</b>		<b>VLEPSC STANDARDS: ADM.02.02</b>	

**NOTE**

This order 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**

- Affidavit
- Curtilage
- Eyewitnesses
- Force; use of in executing warrants
- Informants
- Search warrants
- Seizure

**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 citizen' Fourth Amendment rights are protected. Officers shall scrupulously observe constitutional guidelines when conducting searches and always remain mindful of their lawful purpose. Search warrants, in particular, are one of the most valuable and powerful tools available to law-enforcement officers. Because of the potential harm to citizens, the risks to officers' safety, and to the department image in the community, officers shall have a thorough knowledge of the legal requirements in obtaining search warrants.

## 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. DEFINITIONS

### A. Search warrant

A written order signed by a judicial authority, directing a police officer to search for specified personal (or business) property and bring it before the judicial officer.

### B. Curtilage

Curtilage usually refers to the yard, garden, or piece of ground, which adjoins a private residence. While the term has no absolute definition that applies under all circumstances, the curtilage of a private residence, for instance, is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation.

## IV. PROCEDURES - General

### A. Legal authorities

1. *Virginia Code* § 19.2-52 states that a judge or magistrate may issue a search warrant if the following circumstances exist:
  - a. There is a reasonable and probable cause to do so.
  - b. There is a complaint on oath supported by an affidavit.
2. § 19.2-53 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.

### B. Supreme Court decisions

The Supreme Court of the United States issues decisions, which must be used as guidelines in conducting searches. Because the Fourth Amendment to the Constitution prohibits unreasonable searches and seizures, officers bear the burden of proving that the search was reasonable. The court will examine reasonableness according to the answers to these questions:

1. Was there probable cause to issue the search warrant?
2. Was the scope of the search appropriate?

C. Exceptions to search warrant requirements

See GO 2-1 for a discussion of exceptions to search warrant requirements.

**V. PROCEDURES - Obtaining a search warrant: (ADM.02.02.d)**

A. Essential legal requirements

1. To obtain a search warrant, an officer must show probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a particular place.
2. The officer shall carefully document specific facts that constitute probable cause. 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.
  - b. The **facts** which address the reliability of the source of the officer's information.
3. The court considers only those facts presented in the warrant and affidavit.
4. Conclusions and suspicions are not facts.
5. Facts must be recent.
6. Apart from the officer's personal knowledge or observations, facts may derive from a reliable informant. See GO 2-11, Informants.
7. Reliability of facts is established by:
  - a. Personal observation or knowledge by an officer.
  - b. **Eyewitnesses** who have first-hand knowledge.
  - c. **Informants** (see GO 2-11).

B. Where to obtain a search warrant

1. A search warrant may be obtained from any of the following three sources, according to § 19.2-52:
  - a. Any judge.
  - b. Any magistrate.
  - c. Any other person having the authority to issue criminal warrants.

C. Affidavits

1. The accuracy of the affidavit is vital to the validity of the search warrant. On the designated form, officers shall provide the information listed below. § 19.2-54 requires officers to swear to the facts of the affidavit before a judge or magistrate. Note that the search warrant must be obtained in the jurisdiction where the place or person to be searched is located.
2. The affidavit shall include the following elements:
  - a. A detailed description of the place, thing, or person to be searched, including map coordinates or distances from given reference points, if necessary.
  - 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.
  - e. Material facts that would show that there is probable cause for issuing the search warrant.

D. Language of the warrant

Only the things specified in the search warrant can be seized (for a discussion of exceptions to this, such as plain-view seizures and searches incident to arrest, see [GO 2-1](#) and [GO 2-4](#)). The warrant shall specify the following.

1. The areas to be searched shall be precisely stated. If officers wish to search a home and

its surroundings, the affidavit must specify a "premises" search and its curtilage and must identify outbuildings, garages, as appropriate.

2. If motor vehicles to be searched are on the premises, the warrant shall so specify.
3. If searches of specific persons (other than frisks) are to be included during the search, the warrant shall so specify. If the warrant states that all persons present shall be searched, then probable cause to do so must be justified in the affidavit.
4. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), then the warrant must specify the search for parts, pieces, or components of the item.
5. If officers anticipate searching for and seizing computers or similar, complex technology, then experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.

## **VI. PROCEDURES - Executing a search warrant: (ADM.02.02.d)**

### **A. When a search warrant must be executed**

1. An officer is required by § 19.2-56 to execute a warrant within 15 days of the date it was issued. If it has not been executed during that time, the officer shall void the warrant and return it to the magistrate who issued it.
2. A copy of the affidavit must be attached to the warrant and served with it.
3. An officer may execute a search warrant either during the day or at night.

### **B. Preparing to execute the warrant**

Before executing the warrant, the on-duty supervisor shall review the warrant and the affidavit, brief the search team officers on the procedures to be followed. The supervisor shall ensure that the entire warrant process is documented. Written reports shall be supplemented with photographs or videotape, if available and appropriate.

### **C. Gaining entrance to premises**

1. The search team shall first deploy around the premises to be searched, ensuring that all exits are covered. Uniformed officers shall be the most visible members of the search team and shall conduct the entry.
2. In most cases the officer shall do all of the following before entering the premises to be searched:

- a. He or she must announce his presence as a law-enforcement officer.
- b. The officer must announce that his purpose is to execute a search warrant.
- c. The officer 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 **using force** applicable to the circumstances. "Reasonable time" in this context depends on the circumstances. 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 or she 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 or exigent entry

In some circumstances a police officer may enter the premises to be searched without announcing his or her presence and purpose before entering. The judicial authority issuing the warrant may add a no-knock entry provision to the warrant. If not, the decision to make a no-knock entry shall be made by the on-scene supervisor based on facts that would lead him or her to believe that an announcement would result in:

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

5. If circumstances require a no-knock or exigent entry, then the first officer to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. Officers shall also command the occupants to take the appropriate action to ensure their safety. Sample commands:

- a. "Police, search warrant, get down."
- b. "Police, search warrant, stay where you are."
- c. "Police, search warrant, put your hands up."

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

D. Conduct of the search

1. Once evidence being searched for is located, the search must cease at that point.
2. Officers shall 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. An officer may seize **only the property listed in the warrant** with **two exceptions**:
  - a. The other evidence is 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. (See the discussion of plain-view seizures under **GO 2-1**.)

E. Searches of persons found on premises

1. 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 beyond a frisk for officers' safety.
2. 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 or she may be arrested and his or her person searched incident to arrest.
3. A person on the premises may be searched if the officer has probable cause to believe that items listed in the warrant are concealed on the person. Mere presence on premises does not constitute probable cause.

**VII. PROCEDURES - Return of the search warrant**

A. Per § 19.2-57, after an officer has finished a search, he or she shall perform the following:

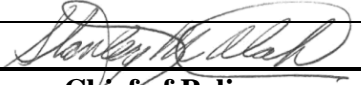
1. Note the date of execution on the search warrant.
2. Under oath, the officer must make an inventory of all the property seized.
3. Within three days of the date of the search (excluding Saturdays, Sundays, or legal holidays) file the following in the circuit court clerk's office (of the jurisdiction wherein the search was made):

- a. The search warrant.
- b. Either the inventory of articles seized (which must be notarized) or a notation that nothing was seized during the search.
- c. The affidavit (unless affidavit was made by voice or videotaperecording).

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. Officers shall place evidence in the locker reserved for the purpose.
3. Observe the property and evidence procedures as detailed in **GO2-15**



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Field Interviews; Stop/Frisk</b>	<b>NUMBER: 2-3</b>
<b>EFFECTIVE DATE: MARCH 16, 2016</b>	<b>REVIEW DATE: 01/14/19 by 804</b>
<b>AMENDS/SUPERSEDES: GO 2-3, MAR. 7, 1994, Dec.10, 2006, DEC 2010</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLEPSC STANDARDS: ADM.02.02</b>	

## NOTE

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## INDEX WORDS

Field interview/ Field Interview Cards  
Frisks  
Investigative detention  
Reasonable suspicion  
Stops

## I. POLICY

The department expects and encourages officers to conduct field interviews. Field interviews are important contacts with citizens that aid in preventing and investigating crime. Technically, a field interview is a lawful stop of a citizen for investigative purposes. Officers shall document stops for the purposes of identifying a suspect, witness, or victim, for crime prevention, intelligence gathering, or community relations. The agency further expects officers to gather 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 building a reasonable suspicion or even probable cause to arrest or conduct a search. The only restricted search that sometimes accompanies field interviews, the frisk or pat down may be performed when the officer suspects the presence of a weapon.

## II. PURPOSE

To help officers determine when field interviews and frisks for weapons are necessary and useful, and to establish procedures for conducting both safely.

### III. DEFINITIONS

A. Field interview

A brief detention of a person to determine the person's identity and to resolve the officer's suspicions about possible criminal activity. A field interview resolves an ambiguous situation. A field interview contrasts with a stop, which is based on reasonable suspicion of criminal behavior. **Field interviews require voluntary cooperation of citizens.**

B. Frisk (ADM.02.02.f)

A "pat-down" search of outer garments for weapons.

C. Reasonable suspicion

Articulate facts, which lead an experienced officer too reasonably, suspect that a crime has been or is about to be committed. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated.

D. Stop (ADM.02.02.f)

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. A stop is **investigative detention**. The following characteristics may, under the circumstances, give rise to reasonable suspicion for a stop.

1. Officer has knowledge that the person has a criminal 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. The appearance, behavior, or actions of the suspect suggest that he is committing a crime.
5. The time of day or night is inappropriate for the suspect's presence in a particular area.
6. The officer observes a vehicle that is similar to that of a broadcast description for a known offense.
7. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
8. The suspect is in a place proximate in time and location to an alleged crime.

9. 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.
10. The suspect is carrying an unusual object, or his clothing bulges in a manner consistent with concealing a weapon.

#### **IV. PROCEDURES**

##### **A. Making the field interview or stop: general**

1. An officer may conduct field interviews or stops when he reasonably believes that some investigative inquiry is warranted. The Supreme Court has ruled 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. A distinction is drawn herein between a field interview (which is made to resolve an ambiguous situation) and a stop (or a brief detention of a person because of suspected criminal behavior).
3. An officer must be able to articulate the circumstances that warranted the interview or stop of the citizen. The circumstances may constitute the officer's 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:
  - a. Firsthand observations.
  - b. Hearsay, as from informants.
  - c. "Collective knowledge" or information shared by several officers.
  - d. The totality of facts and circumstances. The agency 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 an 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. Patrol Officers will carry Interview Cards in their vehicles.

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 officer's actions.
2. As a general rule, field interviews may be conducted anywhere the officer has right to be, including:
  - a. Aquia Harbour-owned or controlled properties 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 immediate law enforcement presence to protect life, wellbeing 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 warrantless 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 where no violation of law has occurred.

D. Conduct of interviews

1. Officers shall clearly identify themselves and, if not in uniform, display identification.
2. As noted above, a person interviewed by the officer may discontinue the interview at any time. Further details of frisk requirements are found under section V.B and C of this order. 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 interview and a stop and frisk must be strictly observed. Since the distinction between an interview 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 interview 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 an interview should be as brief as possible.
  - d. During the interview, officers should confine their questions to those concerning the suspect's identity, place of residence, and other matters necessary to resolve the officer's suspicions.
  - e. Miranda warnings are not required during field interviews. The warnings are not required until custodial questioning takes place.
3. The success or failure in obtaining information beneficial to crime analysis and criminal investigation will depend upon an officer's ability to put citizens at ease and establish rapport. However, during a field interview, 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.

- a. When citizens refuse or cease to cooperate during a interview, the refusal itself cannot be used as the basis for escalating the encounter into a stop and frisk.
- b. Suspects cannot be compelled to answer any questions during field interviews.

## V. STOP AND FRISK OR INVESTIGATIVE DETENTION

- A. The legal authority to conduct an investigative detention (stop and frisk) is based in constitutional and Virginia court decisions. An officer's temporary detention of a person to investigate suspected criminal activity is controlled by the Fourth Amendment. (ADM.02.02.d)
- B. Investigative detention involves two distinct acts: (1) the stop (a brief detention of a person because of suspected criminal behavior) and (2) the frisk (a limited search). Not every field interview or stop requires a frisk. Reasonable suspicion justifying a frisk may be based on factors including but not limited to:
  1. The type of crime suspected, particularly those involving weapons.
  2. When the officer must confront multiple suspects.
  3. The time of day and location of the stop.
  4. Prior knowledge of the suspect's propensity for violence.
  5. Any indication that the suspect is armed.
  6. Age and sex of the suspect (officers shall exercise caution with very young or very old people or persons of the opposite sex).
- C. Manner of conducting a frisk
  1. Ideally, two or more officers will conduct the frisk, one to search and the other to provide protective cover.
  2. The minimally intrusive nature of a frisk permits the suspect to be searched while standing, or with hands placed against a stationary object, feet spread apart, which is the preferred method.

3. When frisking, officers shall search only the external clothing for objects that *reasonably* could be weapons and remove them. Officers shall not place hands in pockets unless they *reasonably* suspect that weapons are concealed in them.
  - a. Retrieval of the weapon may give probable cause to arrest. If so, officers may conduct a complete custodial search of the suspect incident to arrest (see GO 2-5 for a discussion of searches incident to arrests).
4. If, during a lawful stop based on reasonable suspicion, the officer conducts a frisk and feels an object whose contour or mass makes its identity as contraband (or drugs) immediately apparent, it may be withdrawn and examined. (This has been called the "plain feel" or "plain touch" rule.)
5. If the suspect is carrying a bag, purse, suitcase, briefcase, sack, or other container that may conceal a weapon, officers shall not open it but may place it beyond the subject's reach for the duration of the stop.
6. Officers are reminded that a frisk is limited to a search of the external clothing for weapons or possible contraband (if reasonable suspicion exists). Frisks shall be conducted reasonably and in good faith.

D. Protective search

Under some conditions, the protective search or the search for weapons may be extended beyond the person detained. This 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.

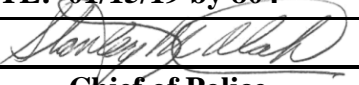
E. Period of detention

Investigative detention as with non-criminal field interviews must be conducted as briefly as possible. Once the detaining officer determines that the 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.

F. Recording the stop

1. A traffic violation record, by video, will be recorded on a subject who is stopped for a traffic violation.
2. A field interview card can also be used in these instances, the officer fills out the card as completely as possible, using prior knowledge and current observations of the person or their vehicle. Examples of instances when the field interview card could 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, and the officer has completed a field interview card on the same person on another occasion.



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDER</b>	
<b>SUBJECT: Arrests</b>		<b>NUMBER: 2-4</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 01/15/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-4, MAR. 17, 1994, DEC.10,2000, DEC 26,2010, Dec. 2014</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.02.02, ADM.02.03, ADM.02.04, ADM.25.01, ADM.25.08, OPR.12.02, OPR.04.02</b>			

**NOTE**

This order 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.

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**INDEX WORDS**

Arrests;	Diplomatic immunity
laws of	Legislative immunity
release from	Post-arrest procedures
summary of laws	Public intoxication
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without warrants	
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**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 eventually found not guilty or never brought to trial. The most important legal question facing an officer at the moment of an arrest is the existence of probable cause: without probable cause, the arrest is illegal and the evidence of criminality that was obtained because of the arrest is inadmissible. Officers shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place, and location of offenses, and the use of force in making the arrests. Officers shall consider alternatives to arrest consistent with 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. DEFINITIONS

#### A. Arrest:

An arrest is a seizure of a person. An arrest is supported by probable cause. Generally, according to Fourth Amendment cases, the test of whether an arrest has taken place is whether a reasonable person under the circumstances would have felt free to leave. Limitations:

1. *Virginia Code* § *Code of Virginia* § 9.101 provides a definition for Law Enforcement Officers which includes full and part-time employees of a private police department. The code also provides a definition of a private police department and authority of private police officers in Virginia and grants the authority to enforce the criminal laws of the Commonwealth. *Code of Virginia* § 15.2-1704 defines powers and duties of police forces.
2. The limitations set forth in the above articles do not give Aquia Harbour Police Department jurisdiction beyond the boundary limits of Aquia Harbour without approval of the local Sheriff with the exception of hot pursuit (see GO 2-9), if an officer acts beyond one mile of Aquia Harbour limits his or her status becomes that of private citizen.
3. See Chief of Police Letter on mutual aid agreements.

#### B. Probable cause

According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within [the arresting officers'] 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" and that the person to be arrested committed it.

1. An officer must have probable cause to make an arrest.
2. When an officer has probable cause, he or she may undertake a search incident to an arrest, record the suspect's fingerprints as the situation requires, take the suspect's photograph, and jail him. Probable cause also supports a complete body search (as opposed to a body-cavity search) subject to the conditions listed under GO 2-5. The aim of probable cause is **to make a formal charge**.

### IV. DISCRETION

- #### A.
- Officers shall demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as established by law, the decisions and interpretations of the courts, the written orders of our department, and the oral instruction

provided by field supervisors.

- B. Officers shall not make arrests based on or affected by a person's sex, race, creed, color, general or assumed attitude, ethnic or natural origin, disabilities, or sexual orientation.
- C. Officers have four forms of discretionary authority when making arrests: no arrest at all, an informal resolution of the incident or problem, issuance of a summons, or a full-custody arrest. **(ADM.02.03)**
  - 1. Informal resolutions take the form of referrals to other agencies, mediating agreements between two or more parties, or issuance of a warning. Informal resolutions are the least coercive of all enforcement measures and shall be applied when stronger enforcement methods are unnecessary or inappropriate under the circumstances.
- D. The decision to apply one or more enforcement methods must be based on the totality of the circumstances and must be consistently applied.
- E. Supervisors shall review each arrest report to ensure that proper action was taken under the circumstances.

**V. ARRESTS WITH A WARRANT: (ADM.02.02.g)**

A. Who may issue

Any magistrate, judge, or clerk of any circuit court, general district court, or juvenile and domestic relations court (§ 19.2-71) may issue an arrest warrant.

B. When the warrant may issue

§ 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 judge or magistrate at a stated time and place. The warrant names the accused or gives a description if his or her name is not known, describes the offense and names the violation, and bears a judge's signature. The warrant contains the complaint and sworn statements from witnesses.

D. Issuance of a summons instead of warrant

§ 19.2-73 provides for issuance of a summons instead of a warrant. Summonses impose the same requirements to appear at an appointed place and time as with a warrant.

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

A summary of relevant provisions of § 19-2.74 follows.

1. Officers may issue summonses for offenses committed in their presence when the offenses are Class 1 or 2 misdemeanors, or any other jailable misdemeanors.
2. Officers shall issue summonses for Class 3 or 4 misdemeanors or any other non-jailable misdemeanors if proper identification of the suspect has been established.
3. Persons to whom summonses have been issued shall not be held in custody for the purpose of complying with the Central Criminal Records Exchange (CCRE) reporting until after an adjudication of guilty. Booking procedures at the time of a physical arrest, however, allow the taking of fingerprints or photographs.
4. Any person refusing to give a written promise to appear under the provisions of this *Code* section shall be taken immediately by the arresting or other officer before a magistrate or other appropriate issuing authority. The officer shall notify the on-duty supervisor immediately.
5. Persons issued summonses for traffic violations under Title 46.2 shall be released upon a written promise to appear unless the exceptions listed in § 19.2-74 apply.
6. In all circumstances where a summons is issued a report may be completed by the officer, if applicable. (ADM.25.01.g)

F. Copy of process to be left with accused

§ 19.2-75 requires that in most circumstances the officer shall leave a copy of the criminal process with the person charged.

G. Execution of arrest warrants

1. § 19.2-76 authorizes a law-enforcement officer to execute within his jurisdiction a warrant, capias, or summons issued anywhere in Virginia.
2. § 19.2-76 requires an officer who arrests a person on a warrant or capias from another jurisdiction to take the arrestee forthwith to an appropriate judicial officer serving the officer's locality.
3. Complete a VCIN/NCIC check on any person to whom a warrant, capias, or summons was issued before releasing them.

H. Escape, flight, and pursuit; Arrest anywhere in the state

1. § 19.2-77 allows an officer, with or without a warrant, to pursue anywhere in Virginia an escapee from custody. If the officer is in close pursuit, he or she may arrest the suspect wherever he is found.
2. If the arrest is made in an adjacent county or city other than the one from which the

suspect fled, or within one mile of the boundary of the locality from which the suspect fled, then the officer shall deliver the suspect to the judicial authority of the adjacent jurisdiction.

3. § 19.2-79 authorizes a law-enforcement officer from any other state or the District of Columbia to pursue a fleeing felon into Virginia and take the suspect into custody as if the suspect had committed a felony in Virginia. Foreign officers shall immediately take the arrestee to a local judicial officer to determine the lawfulness of the arrest.

I. Exemption of such witnesses from arrest or service of process

§ 19.2-280 states that persons coming into Virginia in obedience to a summons to testify 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. The same provision applies to a person traveling through Virginia in obedience to a summons from another state.

J. Arrest of suspect inside dwelling

1. If an officer wishes to arrest a suspect inside a residence, the officer must first obtain an arrest warrant. The officer must have a reasonable belief that the suspect is inside the residence. 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.
2. A search warrant is not required if the officer is in hot pursuit or the owner of the residence consents to the officer's search for the suspect.

K. Return of warrant

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

**VI. ARREST WITHOUT A WARRANT: (ADM.02.02.h)**

A. Authority

The search and seizure provision of the Fourth Amendment protects citizens from the arbitrary and oppressive interference with privacy by law enforcement officials. 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** on constitutional safeguards and **GO 2-2** on search warrants.

B. When warrantless arrests may be made

To summarize an officer may make a warrantless arrest:

1. When a person commits any crime in the officer's presence (or most traffic violations under § 46.2).
2. When the officer has reasonable grounds or probable cause to suspect any person of having committed a felony not in his presence. )
3. 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, that a crime has been committed by that person.
4. When any person is charged with a crime in another jurisdiction and the officer has received any of the following:
  - a. A photocopy of a warrant.
  - b. A telegram.
  - c. A computer or facsimile printout.
  - d. A radio, telephone, or teletype message which gives the name or a reasonably accurate description of the wanted person and the crime alleged.
5. When the officer receives a radio message from the department or any other law-enforcement agency in Virginia for an alleged misdemeanor not committed in the officer's presence (provided a warrant for the offense is on file).
6. When the officer has probable cause based upon a reasonable complaint of a misdemeanor not committed in the officer's presence involving shoplifting, carrying a weapon on school property (§ 18.2-308.1), assault and battery, destruction of property, brandishing a firearm in violation of § 18.2-282.
7. In case of destruction of property (§ 18.2-137) when the property is located on premises used for commercial or business purposes.
- 8.. Under §§ 19.2-81.3 officers may arrest without a warrant in cases of assault and battery against a family or household member and for violations of protective orders, regardless of whether the violation occurred in the officer's presence, provided the officer has probable cause. See [GO 2-32](#), domestic violence.
9. Any officer or private citizen may make a warrantless arrest upon reasonable information that the suspect has been charged in a court of any state with a felony (§ 19.2-100).

C. Actions upon arrest:

1. Upon arrest, the officer shall serve a copy of the warrant on the accused. The warrant itself may be a photocopy of the warrant, telegram, computer or facsimile printout, or Teletype message.
2. The arresting officer shall bring the accused before the magistrate for bail hearing (§ 19.2-82).
3. If the person is arrested upon a charge in a county or city contiguous to Aquia Harbour in which the charge is to be tried, the arresting officer may deliver the accused to the custody of a law-enforcement officer of that jurisdiction or the officer may bring the accused before the magistrate.
4. The magistrate shall 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 (§ 19.2-123). The officer shall 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.
5. The arresting officer shall contact the law-enforcement officials where the charge was made and inform them that the accused has been arrested based 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.
6. Once the arrest has been made, the officer shall ensure that the arrestee's name has been removed from NCIC/VCIN.
7. If the suspect is arrested under a copy of the original warrant, the officer shall request dispatch to contact the originating agency via VCIN. The message shall state that the suspect has been arrested under a warrant from the originating agency's jurisdiction and shall request that the original warrant be marked "served."
8. Complete a VCIN/NCIC check on any person to whom a summons was issued before releasing them.

CI. Juveniles

Refer to **GO 2-29** concerning handling of juveniles.

CII. Summonses

1. Per § 19.2-74, an arresting officer may 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 any of the following:

- a. Any offense committed in the officer's presence that is a violation of any county, city, or town ordinance, or any Class 1 or 2 Misdemeanor, or any jailable misdemeanor.
  - b. 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.
  - c. A violation of any county, city, or town ordinance, or any Class 3 or 4 Misdemeanor, or any other non-jailable misdemeanor.
2. If, after issuing a summons for (a) above, the suspect continues the unlawful act, then the officer shall immediately take him or her before a magistrate.
  3. If the officer believes that the suspect is likely to disregard a summons (i.e. refuses to sign), cannot provide adequate identification, or may cause harm to himself or another person, then the officer may take the suspect immediately before a magistrate.
  4. When release on a summons is appropriate for an offense requiring reporting to CCRE, the arrested person shall not be photographed or fingerprinted before release. Rather, this processing shall be accomplished only upon a conviction
  5. Complete a VCIN/NCIC check on any person to whom a summons was issued before releasing that person.

F. Summonses: Public intoxication

§ 19.2-74 controls the procedure for arrest for public intoxication (§ 18.2-388). The arresting officer may issue a summons to the accused rather than taking him or her into custody. When the officer believes that the inebriate is likely to disregard the summons or to harm him- or herself or others, then the inebriate may be arrested and incarcerated for that offense if necessary. See GO 2-12 for further details.

G. Warrant File

In accordance with Code of Virginia the Aquia Harbour Police Department is not permitted to process civil papers. Aquia Harbour Police Department, when notified by competent authority of an outstanding criminal warrant, for a known Aquia Harbour employee or resident will adhere to the following procedures;

1. Obtain photocopy or FAX of the warrant or capias.
2. Confirm employment, residence of subject.



3. Make entry in the computer warrants file of the warrant/capias.
4. If manpower permits, (2 or more persons on the schedule) attempt to serve in as timely a manner as possible.
5. If manpower does not permit or the gravity of the warrant/capias is minimal still attempt to locate and have a Stafford Deputy serve the warrant with Aquia Harbour as backup.

In all cases before executing said warrant check with issuing authority, namely SCSO. **Originals** of all warrants are kept at the SCSO.

## VII. POST-ARREST PROCEDURES

### A. Constitutional considerations

Refer to **GO 2-1** and **GO 2-5** for a discussion of search guidelines and searches incident to arrest.

### B. Warrants and booking

If the arrested person is not released on a summons or is charged with a felony, officers shall observe the following procedures:

1. Transport the suspect to the magistrate's office to be formally charged, if the warrant has not been obtained. Call SCSO dispatch ahead in order to notify that you are in route, will need the services of the magistrate, and to obtain a printout of the subjects' criminal history to bring before the magistrate.
2. Call SCSO dispatch and obtain an arrest number in addition to a CCR#. (**ADM.25.08.a**)
3. If the warrant was obtained before the arrest and a summons cannot be issued, transport the suspect to the sheriff's office and begin processing paperwork per paragraph VII.D.

### 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, medical attention is needed, officers shall transport the suspect or arrange for transportation to the hospital for an examination before booking.

D. Processing of paperwork

The following are procedures to be followed when making an arrest not on a Virginia Uniforms.

1. Felony / Misdemeanor Arrests

- a. Obtain Criminal Warrant prepared by the Magistrate, one copy to the defendant, one cop to arresting officer, and original to the court.
- b. Except applicable misdemeanor offenses released on Virginia Uniform Summons.

2. Arrestee processing: (**ADM.25.08.b**) By SCSO personnel or Regional Jail personnel

- a. Use IDS-LIVESCAN at Stafford County Sheriff's Office or regional jail to process the defendant.
- b. Enter into the computer offender / offence information.
  1. Suspect name
  2. Suspect personal information
  3. Physical description
  4. Residence
  5. Arrest information
  6. Offense data
  7. Alias and employment
- c. Capture fingerprints.
- d. Capture photos.
- e. Transmit data via computer/on-line to Virginia State Police.
- f. Any matches/hits on the subject will be sent directly to the VCIN terminal at SCSO by the Virginia State Police.
- g. Computer automatically prints out 1-CCRE form (SP-180) and 1-set of prints. Print out 3-additional CCRE forms and 2-more sets of prints. Print 2-sets of photos from the computer.
- h. Attach a CCRE form to the arrest warrant to go to the court ( a print card is not sent to the court).
- i. Forward a copy of the CCRE form, print card and photo to NCSO, Chief Deputy.

- j. Turn in a copy of the CCRE form , print card and photo with Aquia Harbour Police Department arrest report.
- k. If the defendant is transported to the regional jail, deliver a copy of the CCRE form and print card to the jail official. (Jail will take their own photos).
- l. Upon return to Aquia Harbour fill out appropriate report..
- 3. DUI Arrests
  - a. Take Driver Transcript before the Magistrate.
  - b. **Criminal Complaint**, prepared by arresting officer.
  - c. **Administrative Suspension Form** (Form DC-201), prepared by arresting officer before appearing in front of the magistrate.
  - d. Obtain **Criminal Warrant** (Form DC-314), prepared by the Magistrate, one copy to defendant, one copy to arresting officer, and original to the court.
  - e. **Photograph**, with SCSO Automated System. Print one copy for Aquia Harbour File.
  - f. Make three copies of the Breathalyzer Results, one for the court, one copy to defendant with warrant and one copy for the arresting officer.
  - g. Upon return to Aquia Harbour, fill out appropriate offense report (either PD-200 or PD-255).

E. Further processing

- 1. If bond is allowed, the magistrate completes a bond certificate, which is attached to the warrant(s), and the person is allowed to leave after meeting the required bond.
- 2. If bond is not allowed or cannot be made, the person is then committed to jail by the magistrate, who then completes a committal form and attaches it to the warrant whereupon the arrested person is transported to the jail.
- 3. Items seized as evidence shall be tagged and returned to the departmental evidence locker. See GO 2-15 concerning evidence processing.

F. Post arrest procedures

- 1. Virginia Crime Codes (VCC's)

The 2003 General Assembly passed House Bill 2541 directing the use of

The Virginia Crime Code (VCC) references on all charging documents effective October 1, 2004. From this date forward, the relevant VCC reference codes must be on all charging documents issued by magistrates, criminal warrants, summonses and dispositional documents from criminal trials.

The purpose of this statute is not to provide additional notice to the defendant or additional information to the court or the prosecution. The intent of the legislation, in the statute's own words, is that the VC codes " shall only be used to facilitate administration and research, and should not have any legal standing as they relate to a particular offense or offenses." In addition to providing data for policy deliberations generally, the information gleaned from VC code data will be used by the Virginia Criminal Sentencing Commission to update and improve accuracy of the sentencing guidelines process.

The magistrates are being advised to include this reference when they issue a warrant or summons and law enforcement agencies are being likewise informed about their responsibility for entering a VC code reference on a summons issued by a law enforcement officer.

The person preparing the charging or dispositional document would need to obtain and enter the VC code reference for that document. In criminal cases initiated by a warrant, the magistrate would enter the VC code reference. The law enforcement officer who issues a summons and the entity preparing an indictment would have a similar responsibility.

The complete set of VC codes is available on the Virginia Criminal Sentencing Commission's web site: <http://www.vcsc.state.va.us/>.

## **VIII. RELEASE FROM ARREST**

### **A. Legal background**

1. 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 the event was not a crime. It is imperative, then, that the officer ends the arrest process immediately to avoid becoming liable for false imprisonment.
2. The attorney general has issued an opinion that, in the event that the circumstances under (1) above occur, officers shall discharge the person from custody without taking him or her before a magistrate.

### **B. Procedure**

1. If the arresting officer determines that probable cause no longer exists to arrest a suspect, and the officer is satisfied that the person under arrest either did not commit the crime or that the crime did not occur, then the officer shall release the suspect.
2. When an officer releases a subject from arrest, he or she shall return the person to the place of the arrest, if the location is safe. The officer shall not release the person along the roadside. If a vehicle has been towed, the vehicle shall be returned to the operator/registered owner unless it is required as evidence or some other legal authority assumes custody of the vehicle.
3. Upon releasing a person in this manner, the officer shall immediately contact the on-duty supervisor and advise him or her of the incident.
4. To protect him- or herself and the department, the officer shall document in an incident report (PD-100): **(ADM.25.01.f)**
  - a. The date and time of arrest.
  - b. The person arrested (name, address, date of birth, race).
  - c. The location of arrest.
  - d. Probable cause for the arrest and the specific charge(s).
  - e. The location and time of release from arrest and whether the person was transported.
  - f. The reasons or discovery of information, which led the officer to release from, arrest.
  - g. Any witness to the alleged crime, or to the fact the person arrested was allegedly involved.
  - h. Whether force was used in making the arrest and if so, the nature of any forced used and the consequences (including medical aid).
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.

## **IX. SPECIAL INSTANCES**

### **A. Immunity from Arrest**

1. Members of the United States Congress are exempt from arrest when Congress is in session, or when they are en route to or from congressional business, **except** for traffic summonses. (Article I, Section 6, U.S. Constitution)
  - a. Vehicles belonging to Members of Congress bearing congressional license plates are exempt from State and local registration requirements. Vehicles not bearing congressional license plates but belonging to Members of Congress and vehicles belonging to their Administrative Aids are authorized to obtain from the Division of Motor Vehicles a “Nonresident Permit.” This permit allows these vehicles to be exempt from State and local vehicle registration requirements. However, such an exemption is not automatic; application must be made and resulting permit displayed in the lower left-hand corner of the windshield.
2. Members of the Virginia General Assembly are exempt from arrest during a legislative session (or for fifteen days before the beginning or after the ending of any session) except in cases of treason, a felony, or a breach of the peace. (Article IV Section 9, Constitution of Virginia)
  - a. No member or clerk of the General Assembly or the lieutenant governor is exempt from arrest or imprisonment for treason, a felony, or a breach of the peace.
3. Witnesses entering the Commonwealth of Virginia, or traveling through the state enroute to another state, in response to a summons directing them to give testimony are immune from arrest in connection with matters which arose before their entrance into this state under the summons. They are subject to arrest for any violations after entry into the state.

**B. Diplomatic immunity: (ADM.02.04)**

1. Diplomatic agents, their household family members, members of their administrative and technical staff, and members of their service staff enjoy various levels of immunity from arrest, detention or prosecution.
  - a. Diplomats of all levels are subject to the following actions:
    - (1) Diplomats or consular officer, unable to produce satisfactory identification in situations that would normally warrant arrest or detention, should be informed that they would be detained until the United States Department of State can confirm proper identity.
    - (2) Officers may issue a traffic summons to ANY diplomat or consular officer, when circumstances dictate. Individuals **CANNOT** be taken into custody for refusing to sign the summons. Copies of the summons

should be distributed in the normal manner. Although the charged individual may or may not appear in court, the Department of State monitors individuals' driving behavior and will suspend the operators' licenses of those who demonstrate irresponsible habits.

- (3) Diplomats and consular officers who are driving while intoxicated should not be permitted to continue driving. Sobriety tests may be offered, but may not be required or compelled. Alternate arrangements shall be made for transportation. Officers shall make every effort to have the vehicle removed by making arrangements with the detained person or through the appropriate embassy via the Department of State. If the vehicle presents an immediate hazard or is obstructing traffic, it may be moved off the roadway. Vehicles may be impounded in accordance with established procedures if all other efforts to secure the vehicle fail.
  - (4) Criminal offenses involving diplomats must be developed and documented precisely and in detail. Although a physical arrest cannot be made, the Department of State may seek approval for prosecution or termination of immunity for unusual cases, which assure successful prosecution.
  - (5) Officers may exercise the option to obtain a warrant of arrest. Although it cannot be served, it can be entered into records of the U.S. immigration authorities and thus serve to bar the subsequent issuance of a U.S. visa permitting such person to reenter the United States.
  - (6) Police authorities may intervene, to the extent necessary to halt such activity in those circumstances where public safety is in imminent danger or a serious crime may otherwise be committed.
  - (7) In addition to personal immunity, the private residence, automobile or other property is inviolable and cannot be searched or seized. However, in circumstances where public safety is in imminent danger or it is apparent that a serious crime may otherwise be committed, officers may intervene to the extent necessary to halt such activity.
- b. In any case in which a question arises concerning a person's diplomatic immunity or what action might be appropriate, the following offices shall be contacted.

Department of State Operations Command Center  
(24 hours) 202-647-1512  
Department of State Office of Protocol-

Immunity Status Information Diplomatic agents  
and household family members information  
202-647-4570

Embassy administrative and technical staff,  
service staff and family information  
202-647-1405

Consular personnel and family information  
202-647-1404

Department of State-Status of Driver Licenses  
(0900-1700 Monday-Friday) 202-895-3521

- c. The Department of State is interested in all incidents including traffic accidents, summonses and criminal complaints involving a diplomat or consular officer.

The Bureau of Diplomatic Security will be notified via NLETS of any incident involving resident foreign officials or diplomats, their families, or their properties. Within 24 hours of such an incident, the officer handling the matter will have Nelson County Sheriff's office send a message to NLETS terminal #DCDOS0005. The officers PD 700 shall reflect that an NLETS message was forwarded to the Department of State.

C. Arrest and detention of Foreign Nationals: (ADM.02.04)

1. A foreign national is any person who is not an U.S. citizen, including lawful permanent aliens. Except for a brief detention such as a routine traffic stop, a foreign national must be advised of the right to have his consular officer notified whenever he is taken into custody or detained. In some cases, the consular officer must be notified regardless of the foreign national's wishes. Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance. When a guardianship or trustee ship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified. Notification requirements vary depending on the country of citizenship of the detained person. Notification, when requested or required, shall be made by the arresting officer without delay and as soon as possible after completing the detention or arrest process.
2. A binder listing current procedures and phone numbers along with suggested statements to arrested or detained foreign nationals will be placed at the gate and in the chief of police's office with the consular/embassy phone numbers and mandatory notification countries. (ADM.02.04)



3. Notification may be made by personal phone call or fax. Officers do not need to disclose the reason for the detention or arrest unless specifically requested by the consular officer or authorized by the foreign national. Officers should, however, provide the following information:
  - Officer's name, agency, address, and telephone number.
  - Nationals' name, date of birth, place of birth, passport number, and place of passport issuance.
  - Current location of national and contact phone number.
4. The fact that an arrested or detained foreign national was advised of his right to have his consular officer notified, as well as whether notification was made, shall be documented in the offense report or incident report. Notification regarding the death of any foreign national shall be documented in the same reports as indicated above.

D. Arrests of Illegal Aliens

1. Officers have no statutory authority to arrest undocumented aliens for violations of federal immigration laws. Arrests of illegal aliens must be for violations of state laws.
2. Notification to the United States Immigration and Naturalization Service (INS) shall be made under the following circumstances:
  - The arrest of an alien for involvement in terrorist or subversive activities
  - The arrest of any person involved in fraudulent activity aimed at assisting undocumented aliens to enter the United States.
  - The arrest or involvement of an alien in possession of a firearm.
  - The arrest or involvement of an alien in prostitution.
  - The arrest or involvement of an alien in organized crime.
  - The conviction of an alien for a felony offense.
3. Notification shall be made in the following manner:
  - I.N.S. Enforcement Unit (0800-1630 hours, Monday-Friday) at 202-307-1584 (Police Use Only) for routine notifications.

- I.N.S. Duty Officer (24 hours) at 202-514-2618, for unusual circumstances or requests for immediate response.

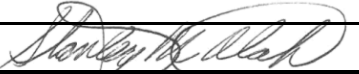
The name, address, DOB, nationality, charge, court date, subject's present location and a brief description of the case should be supplied to the I.N.S.

E. Arrests of Military Personnel

1. The arrest of an active duty member of the Armed Forces should be reported as soon as possible to the appropriate liaison officer listed below. This shall be done regardless of the hour of the day.

<u>Service/Liaison Office</u>	<u>Telephone</u>
U.S. Army Provost Marshall's Office Fort Meyer, VA 22211-5050	703-696 3525 or 3526
U.S. Air Force Chief of Security Police Bolling Air Force Base Washington, D.C. 20332-5000	202-767-5000
U.S. Marine Corps Provost Marshal Henderson Hall Arlington, VA 22214-5000	703-614-2200
U.S. Navy Chief, Master-at-Arms Anacostia, Building 87 Washington, D.C. 20374-0922	202-433-2193
United States Coast Guard Command Officer of the Day 7323 Telegraph Road Alexandria, VA 22315	703-313-5400 or 5412

2. This notification pertains to cases where the person is taken into physical custody and not released on a summons. The report is to be made irrespective of the arrestees' rank, residence, or current duty station.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDER</b>	
<b>SUBJECT: Search Incident to Arrest</b>		<b>NUMBER: 2-5</b>	
<b>EFFECTIVE DATE: JANUARY 1, 2019</b>		<b>REVIEW DATE: JANUARY 1 2019 by0810</b>	
<b>AMENDS/SUPERSEDES: GO 2-5, MARCH 7,1994, DEC. 10, 2001, DEC 2010</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: NONE</b>			

**NOTE**

This order 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**

Body cavity searches  
Force; use of during a search  
Search incident to arrest  
Search procedures  
Searches; of vehicles  
Strip searches

**I. POLICY**

Officers who develop reasonable suspicion that a crime has been committed may make investigative stops of citizens, and under probable cause may make arrests or conduct searches. The department encourages investigations and expects officers to search competently and knowledgeably whenever the occasion requires. The Virginia General Assembly has declared its preference for search warrants under *Virginia Code* § 19.2-59 and has cautioned officers of the need to adhere to constitutional guidelines. 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 law. Officers are reminded that when a search is made incidental to an arrest, the search must be based on the arrest and not the arrest on the search. The officer's authority to search without a warrant comes automatically from a lawful arrest.

## II. PURPOSE

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

## III. DEFINITIONS

### A. Strip search

A search of a person requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces and the undergarments. A strip search shall only be conducted at the jail or lock-up and shall be witnessed only by officers or jail personnel of the same sex.

### B. Body-cavity search

A search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity. A body-cavity search shall only be performed by a medically qualified member of the same sex under sanitary conditions. A body-cavity search may take place at a jail or lock-up if these criteria are satisfied.

## IV. PROCEDURE

### A. General

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 to the suspect's immediate surroundings. Although an arrestee who is handcuffed at the time of search cannot reasonably reach into the area being searched, the search of the area is still legally justified.

### B. Time and place of search incident to an arrest

1. A **search incident to an arrest** must occur in such a way that the arrest and subsequent search are part of a continuous, uninterrupted transaction. Two conditions are necessary for this to occur:
  - a. The search must be made as soon as practical after the arrest.
  - b. The search must be made at or near the place of the arrest.
2. **It is the policy of the Aquia Harbour Police Department that all persons will be thoroughly searched immediately upon being taken into custody and upon the transfer from one officer or vehicle to another.**

C. When a search before an arrest is valid

A search incident to an arrest is mandatory following the arrest. An officer cannot search 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.
3. With consent from the subject.
4. With a search warrant.

D. Use of force

An officer conducting a search incident to an arrest is permitted to use whatever degree of force is reasonable and necessary at the time of the arrest. If the officer used an unreasonable amount of force under the existing circumstances, the search is unlawful.

1. Officers are reminded that the use of deadly force merely to prevent the escape of a fleeing felon constitutes an unreasonable seizure under the Fourth Amendment. The same logic applies to any application of excessive force during a search. (See GO 2-6 for a definition of excessive force.)
2. Officers are strongly advised to handcuff a suspect prior to any search if they are alone. More flexibility exists if more than one officer is present at the scene.

E. Scope of search

An officer making a search incident to an arrest may search only the following permissible places:

1. The entirety of the person being arrested.
2. The area within the immediate control of the person being arrested into which the suspect might reach for a weapon or for evidence. The purpose of this search must be to:
  - a. Protect the officer.
  - b. Prevent escape.
  - c. Prevent the destruction of evidence.
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. See **GO 2-1** for an additional discussion of searches and seizure

- a. If the containers are locked obtain a search warrant prior to making entry unless you obtain consent to search.
  - b. Pagers seized incident to an arrest may be checked for voice or alphanumeric codes. Activation of the pager's memory shall be contemporaneous with the arrest.
  - c. Cell Phones?
4. **Vehicles** may be searched contemporaneous with the arrest of the occupant or driver. The search shall be conducted as soon as practicable following the arrest.
- a. A contemporaneous search of the entire passenger compartment may be undertaken incident to the arrest of the occupant or driver. The search can include back seat and floor of vehicle, anywhere weapons or evidence could be discarded by operator.
  - b. A search undertaken pursuant to "a" includes any container found within the passenger compartment. A container is any object capable of holding another object, and includes open or closed glove compartments, luggage, boxes, and bags.
  - c. The trunk of the vehicle shall not be searched incident to an arrest **unless** readily accessible to the suspect. The search of the trunk can only be undertaken pursuant to the conditions outlined in **GO 2-1** (including a search by consent).
  - d. If a K-9 unit is readily available it can be used in conjunction with the search described above.

F. Strip searches

Strip and body cavity searches are governed by § 19.2-59.1.

1. Strip searches shall **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 the officer has an articulable, reasonable suspicion to believe that the person is concealing a weapon. Reasonable suspicion may be based on, but is not limited to, the following criteria.
  - a. Nature of the offense.
  - b. Arrestee's demeanor and appearance.
  - c. Circumstances of the arrest or evidence of a major offense in plain view or during the course of the arrest.
  - d. Arrestee's criminal record, particularly a history of narcotics offenses or

violence.

2-5.4

- e. Detection of suspicious objects beneath the suspect's clothing during a search incident to an arrest.
  - f. Time and location.
2. Strip searches shall be performed by persons of the same sex as the person arrested and at the jail or lock-up where the search cannot be observed by persons not physically conducting the search. In any event, the on-duty supervisor must expressly authorize the strip search.
- a. A strip search in the field shall only be conducted under exigent circumstances where the life of the officer or others is at risk and the on-duty supervisor has expressly authorized it.
  - b. When authorized, the strip search shall be performed in a room designed for the purpose, by the least number of same-sex personnel present as necessary, in conformance with approved hygienic practices, and under circumstances that provide privacy from all but those authorized to conduct the search.

G. Body cavity searches

- 1. Body-cavity searches other than the mouth shall be conducted only when there is probable cause to believe a particular prisoner may be concealing contraband within a body cavity or otherwise on the suspect's person. Body-cavity searches shall only be conducted under the express direction of the chief.
- 2. If appropriate, upon authority of the chief, the officer shall seek a search warrant and shall prepare the necessary affidavit. Body cavity searches shall be conducted without a warrant only in extreme emergencies to protect the lives of prisoners or to prevent serious breaches of security.
- 3. The body-cavity search shall be performed only by a licensed physician or other medically trained person as directed by the physician.
- 4. The process of conducting the body-cavity search shall involve the same safeguards for privacy and hygiene as for strip searches.
- 5. Body cavity search procedures.
  - a. The officer shall inform the prisoner of his or her 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, necessary under the circumstances, shall be applied to complete the search.
- d. Should a prisoner resist a cavity search and an insufficient number of same-sex officers are available to restrain the prisoner, the following procedures shall be followed:
  - (1) Officers of the opposite sex may assist in subduing the prisoner before the prisoner is stripped.
  - (2) Officers shall subdue the prisoner and apply the necessary restraints (handcuffs, shackles, etc.), then leave the room.

H. What may be seized

- 1. During a search incident to an arrest, an officer may seize any of the following things:
  - a. Anything in the permissible area 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 that the officer has specific knowledge of.
  - 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 the evidence is in plain view of the spot where that officer makes the arrest.
  - d. Contraband
- I. Searches incident to an arrest are not illegal. The attorney general (Virginia) has decided that searches incident to lawful arrests are not prohibited by § 19.2-59 which provides that no law-enforcement officer shall conduct a search unless in possession of a search warrant issued by the proper officer.

**V. SEARCHES OF PRISONERS - PROCEDURES**

The department does not advocate any one method of searching arrested persons. Officers should use techniques that are consistent with accepted practice and maintain the highest level of officer and public safety. The following approach may be appropriate in certain situations:

A. Wall Search

- 1. Wall search permissible for misdemeanor arrest. Felony arrest should be conducted in a kneeling or prone position.

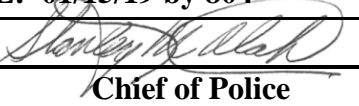
2. When feasible, have another officer present before conducting the search, to act as a cover.
3. First have suspect stand facing you at a distance of 6 to 8 feet. Have suspect spread his/her legs about 3 or 4 feet apart. Have suspect hold his/her arms straight up over his/her head 3 or 4 feet apart.
4. Have suspect turn slowly in a circle. This will give the officer a visual look, to check for possible weapons. Have suspect turn at least three times. On the third turn have suspect stop, facing the wall.
5. Have suspect place his/her hands high on the wall about 3 or 4 feet apart, keeping his fingers spread open with palms flat against the surface of the wall.
6. Have the suspect take 2 or 3 steps back, keeping hands on the wall.
7. Have suspect lean toward the wall resting his/her head against the surface of the wall. Legs should be 3 or 4 feet apart. Subject at this time should be looking straight down at the ground.
8. Approach suspect, (*Rule of thumb: Most people are right handed, so start search with right hand*) Place your left leg between suspect's legs, up against suspect's right leg. Reach with your right hand and bring his right hand and arm to the small of his back at the waistline. Using your left hand to cuff, place the right side of your handcuffs on the on the suspects right wrist.
9. While holding the loose left cuff with your right hand, put your right leg between suspect's legs against his or her left leg. With your left hand bring the suspects left hand to the location of the cuffed hand and place loose cuff on the left wrist.
10. Suspect's forehead should still be in contact with the wall or vertical surface, looking toward the ground.
11. Since you are on the suspects left side after cuffing, start your search, keeping your right leg against his/her left. Place your right hand on his/her shoulders, searching the left side of the body, using center of the breast as your mark. Start at the top, working your way down to the suspect's ankle area. Places listed in part B should be carefully searched.
12. After the left side is searched, move to the right side, keeping your right hand on the suspect's shoulder while you move. This will give you balance to push suspect if they try to move. Put your left leg again between suspect's legs, against his/her right leg, searching the right side of the body, with your left hand on the person's shoulder. Search again, top to bottom.
13. After the body search, have suspect turn and face you, checking the inside of the mouth.

14. This search can also be accomplished while suspect is leaning against a car.

B. Search the following

When searching a suspect incident to an arrest, search all of the following places:

1. Hair
2. Open mouth (have suspect open mouth; officer checks visually)
3. Collar
4. Back of neck, the ears, and behind the ears
5. Both arms
6. Armpits
7. Chest
8. Back
9. Waistline (feel inside the pants)
10. Inside belt
11. Crotch
12. Down both legs
13. Cuffs
14. Socks
15. Inside shoes
16. Hats and gloves
17. Heels of shoes

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Use of Force</b>		<b>NUMBER: 2-6</b>	
<b>EFFECTIVE DATE: FEBRUARY 01, 2017</b>		<b>REVIEW DATE: 01/15/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-6, MAR 1, 1994, DEC 10, 2001, DEC 15, 2006 JAN 12, 2009, MAR 16, 2016</b>		<b>APPROVED:</b>  Chief of Police	
<b>VLEPSC STANDARDS: ADM.05.01, ADM.05.02, ADM.05.03, ADM.06.01, OPR.01.10</b>			

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**INDEX WORDS**

- |                        |                                  |
|------------------------|----------------------------------|
| Choke holds            | Vehicles (firing at/from)        |
| Firearms               | Oleoresin capsicum (OC)          |
| Qualification          | Pepper spray                     |
| Force                  | Expandable Baton                 |
| Deadly                 | Electronic Control Devices (ECD) |
| Excessive              | Shotguns                         |
| Less Lethal            | Rifle                            |
| Prohibited acts        | Tear gas                         |
| Reporting use of       | Warning shots                    |
| Use of (general)       | Weapons                          |
| Force (continued)      | Off-duty                         |
| De-escalation of force | On-duty                          |

**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 at the time he or she decides to use force. Except for deadly force, the application of any degree of force is justified only when the officer reasonably believes that it is necessary:

- A. To prevent the escape from custody, make an arrest or an investigative detention of a person the officer believes has committed a crime.
- B. To defend him or herself or another from what the officer believes is the use of force while trying to arrest another, prevent the suspect's escape, or otherwise lawfully take the person into custody.
- C. To disperse persons participating in an unlawful assembly.

Facts or circumstances unknown to the officer shall not be considered in later determining whether the force was justified. The department expects officers to observe the following two guidelines in all applications of force:

- D. Employ the minimum force reasonably necessary to accomplish a legal purpose. (**ADM.05.01.a**)
- E. Officers may resort to more severe methods 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 but not necessarily in this order depending, on the situation: verbal control, compliance techniques (control holds), tasers, chemical weapons, defensive tactics (including impact weapons such as the Expandable Baton), and finally deadly force. Officers must understand how to recognize increasing or decreasing levels of threat and respond appropriately.

When applying deadly force, the officer's objective shall be to stop or incapacitate the suspect. The objective of the use of any force is to overcome the suspect's resistance to an officer's lawful purpose: officers shall avoid unnecessary or excessive applications of force.

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 describe prohibited activities.

## **III. DEFINITIONS**

### **A. Deadly force**

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 serious physical injury.
  - a. "Serious physical injury" 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. De-escalation

Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

C. Less Lethal

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

D. Firearms

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

E. 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 reasonably in a similar way under similar circumstances.

F. 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.

G. Excessive force

Force is excessive when its application is inappropriate to the circumstances, resulting in serious physical injury or death to a suspect. In determining whether force has been excessively applied, the primary concern is whether the on-scene officer reasonably believes that its application was necessary and appropriate. Based on the reasonableness standard, excessive force may be determined based on:

1. The severity of the crime.
2. The nature and extent of the threat posed by the suspect.
3. The degree to which the suspect resists arrest or detention.
4. Any attempts by the suspect to evade arrest by flight or fight.

In evaluating the reasonable application of force, officers must consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

**IV. PROCEDURES – Less Lethal: (ADM.05.01.b)**

The department trains officers in the use-of-force continuum, which emphasizes the recognition of, and response to increasing levels of threat. Most instances in which force is applied are **Less Lethal**.

Officers shall assess the incident to determine which technique will best bring the situation under control. **Following the application of any method of force, once the situation is contained, officers shall provide or arrange to provide medical help as necessary.** The following discussion reinforces key principles from training.

A. Verbal control

Verbal control refers to the manner in which the officer speaks to a person, which alone can manage a situation. Verbal control includes advice, persuasion, admonitions, or orders. The volume and tone of the officer's speech may also contribute to control without having to resort to another method of force. The department urges the use of verbal commands without the use of profanity or disrespectful or argumentative behavior.

B. Compliance techniques

At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, take-downs, control holds, or come-alongs with sufficient force to make the lawful arrest without aggravating a suspect's combativeness. The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to officers, bystanders, or the person being placed in custody. Where lesser levels of force appear ineffective, officers may employ hands, fists, feet, and knees, and so on in striking an adversary, according to methods sanctioned through training.

C. Electronic Control Devices

An ECD is a weapon primarily designed to disrupt a subject's central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses. The ECD is deployed as an additional police tool and is not intended to replace firearms or self-defense techniques. The ECD may be used to control a dangerous or violent subject when deadly force does not appear to be justified and/or necessary; or attempts to subdue the subject by other conventional tactics have been or will likely be ineffective in the situation at hand; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject. Electronic Control Device deployment shall not be considered for the passively resistant subject. Active resistance or active aggression shall be required.

D. Chemical agents

The use of chemical agents is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The only chemical weapon authorized for patrol personnel is the oleoresin capsicum (OC) or "pepper spray". Chemical agents shall be used only to the extent necessary to overcome the resistance of the suspect within training standards. Specialized chemical agents such as light/sound devices, distraction devices, or tear gas shall be used only by personnel trained in their application, and then only under direct orders of the on-scene supervisor upon consultation with the Chief of Police. Refer to GO 2-6A for specific information regarding the use of "OC" or pepper spray.

1. Chemical sprays shall not be used to threaten to elicit information or persuade people to comply with orders, nor shall they be used on people who are handcuffed, secured,

and properly in custody.

2. Keep the application to the absolute minimum required to effectively control the subject.
3. Do not use on persons who are visibly sick or who are not in possession of their normal protective reflexes (such as being able to turn away from the applied spray). NOTE: Applying a chemical agent to such persons can result in injury out of proportion to the threat they may present.

E.. Defensive tactics

The department authorizes the carrying and use of the Expandable Baton, all other forms of striking or punching weapons are prohibited for carrying or use, including but not limited to saps, blackjacks, slapjacks, nunchaku and similar sticks, and brass knuckles. Officers who carry the Expandable Baton shall be trained and certified in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate, and lesser levels are inappropriate or ineffective.

1. The Expandable Baton shall not be used to strike handcuffed individuals or to threaten or intimidate people.
2. Expandable Baton strikes are prohibited on the following areas of the body.
  - a. Head
  - b. Neck
  - c. Sternum
  - d. Kidneys
  - e. Groin
3. The Expandable Baton is mainly useful as an instrument to manage various control holds, not as a club or prod.

## V. **DEADLY FORCE**

A. Firearms - general

1. Firearms may be used:
  - a. In defense of the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily harm. Refer to RR 1-18 Firearms for more specific information and guidelines. (ADM.05.01.c)
  - b. To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant, immediate threat to human life should escape occur. No other reasonable means of capture must be available to the officer in this case without endangering the officer's life or the life of another person. (ADM.05.01.d)



- (1) In evaluating a "significant threat," the officer must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the officer or others if apprehension is delayed.
  - (2) Where feasible, officers shall identify themselves and give a verbal warning before shooting.
- c. To kill seriously injured or dangerous animals when no other disposition is reasonably practical. A supervisor's approval should be sought when possible.
- d. In routine firearm training or practice at an approved range.
2. Before using a firearm under circumstances 1.a and 1.b above, officers shall identify themselves and state their intent to shoot, where feasible.

B. Shotgun/Rifle

1. The shotgun/rifle shall 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 the complainant has indicated that a person is armed, or to kill seriously injured or dangerous animals.
2. The Chief of Police may approve the use of shotguns/rifles on raids and stakeouts when he believes that a threat to human life exists.
3. Shotguns/Rifles shall be encased and carried in patrol units with the chamber empty, not cocked, slide closed, and the magazine full. When the shotgun/rifle is not encased it will have the chamber empty, not cocked and with the magazine full. The shotgun/rifle shall be carried at port arms (muzzle upward above head) with the safety on at all times until there is an immediate need to fire the weapon.
4. Shotguns/Rifles shall be removed from vehicles before leaving them at any garage or service department.
5. Before beginning a tour of duty or immediately thereafter officers should inspect the shotgun/rifle assigned to the patrol car. Inspection will consist of verifying that the requirements of B-3 are met and that there are no readily apparent deficiencies with the weapon itself.
6. During regular firearm qualification, each officer authorized to use a shotgun/rifle shall be required to demonstrate proficiency with it.
7. The range officer or armorer shall develop a shotgun/rifle maintenance schedule. The armorer shall clean and inspect shotguns/rifles according to schedule.
8. The general rules for the use of firearms above apply to shotguns/rifles.

## VI. LIMITATIONS ON FORCE

The following acts associated with the use of force are prohibited.

- A. Firing into crowds.
- B. Firing a warning shot. (**ADM.05.01.e**)
- C. Firing from a moving vehicle. Firing at a moving vehicle is prohibited **except** where the officer reasonably believes that: (**OPR.01.10.f**)
  - 1. An occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; OR
  - 2. 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), including moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the officer's action.
  - 3. Officers shall not fire at or in the direction of a vehicle that no longer poses an immediate threat.
- D. Firing into a building or through doors.
- E. Firing at a suspect when lesser force could be used and 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, except when the officer reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.
- 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 him- or her or another from imminent serious physical injury or death and then **only** if departmentally sanctioned methods are not available or are impractical. The use of a flashlight under such circumstances shall be deemed an application of deadly force.
- H. Carrying or use of a second back-up firearm, unless qualification was accomplished successfully
- I. The carrying or use of saps, blackjacks, slapjacks.
- J. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders. Officers should also be aware of high community interest when deadly force is applied against juveniles.
- K. Any use of force not reasonably necessary in the light of the circumstances confronting the officer.

- L. Any forcible enforcement action when off duty except in circumstances which seriously threatens life, valuable property, or public order.

## VII. WEAPONS

### A. Duty Firearm

The Department issued or firearm approved by the Chief of Police pistol and ammunition is the ONLY approved sidearm for duty use.

1. Weapons shall be inspected and approved by the range instructor/armorer. In addition, the weapon shall fire department-issued ammunition and the officer shall qualify with the weapon.
2. The Deputy Chief 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.

### B. Off-duty Firearm

The Department issued or approved pistol and ammunition is the ONLY approved sidearm for off-duty use.

1. .

**Exception:** While operating a department vehicle, off-duty officers shall be armed with an approved weapon.

2. Officers who carry off-duty weapons must understand that in some social situations (e.g., sports) the carrying of a firearm is inappropriate.
3. Officers who have consumed alcoholic beverages shall **not** carry an off-duty weapon under any circumstances.
4. Officers who obtain a concealed weapon permit per *Virginia Code* § 18.2-308 shall comply with the requirements of this general order.
5. Although the department requires officers to carry departmental identification at all times, any time that officers carry a firearm off duty they shall carry their departmental identification and badge.

C. Less-lethal Weapons

1. Officers shall only carry impact or less-lethal weapons issued and authorized by the Department.
2. **ASP** - an expandable straight metal baton which extends to 21" or 26" issued by the Department. Biennial refresher training is required.
3. **ECD** – Electronic Control Device designed to disrupt neuro-motor control to allow an officer to gain control of resistive subject. Biennial training is required.
4. **Less-lethal Aerosol Spray (Oleoresin Capsicum)** - Only chemical weapon issued by the Department. Biennial refresher training is required.
5. Officers are prohibited from carrying personal less-lethal weapons such as blackjacks, claws or lead-filed gloves on or off duty.

CI. D. Qualification

No officer shall carry or use any firearm, chemical agent, taser or expandable baton unless he or she has received training and demonstrated proficiency in its use. (**ADM.05.02.a.b., ADM.06.01.a**)

1. Officers who fail to pass the qualifications for the Departmental issued weapon, shall be prohibited from carrying such firearms. The handgun, will be placed in the Property/Evidence room, by a supervisor, until remedial training can be obtained. The officer shall be relieved of their police powers and immediately reassigned to non-enforcement duties, until review by the Chief of Police. (**ADM.06.01.d**)
2. Officers who have taken extensive leave or suffered an illness or injury that could affect the use of firearms or less-lethal weapons shall re-qualify before returning to enforcement duties.
3. All sworn personnel are required to qualify within every calendar year with any firearms they are authorized to use. (**ADM.06.01.b**)
4. Sworn personnel carrying a department issued **ECD, ASP and less-lethal Aerosol Spray (OC or pepper spray)** will undergo refresher training at least biennially. (**ADM.06.01.c**)
5. Every officer shall pass the shotgun/rifle qualification course before carrying a department-issued shotgun/rifle. Qualification should occur concurrent with normal handgun qualification. Officers who fail to qualify with the Rifle or Shotgun shall be **prohibited** from carrying these weapons. The firearms will be placed in the Property /Evidence room, by a supervisor, until remedial training can be obtained. (**ADM.06.01.d**)
6. All sworn personnel will receive or be trained in the use of force on annual basis every calendar year. (**ADM.05.02.c**)

## VIII. REPORTING/ INVESTIGATION USE OF FORCE: (ADM.05.03.a)

### A. Officer Responsibility

- 1.. Officers shall document **any** application of force except for those arising in training or departmental demonstrations, for review and disposition of any incident where an officer applies force resulting in or allegedly resulting in injury or death of a person.
2. If officers have employed ECD, chemical weapons or any higher degree of force, they shall first render medical aid and then:
  - a. Immediately notify the on-duty (or on-call) supervisor, SCSO, and/or the Chief of Police (if no supervisor is available) of any use of physical force.
  - b. Document the use of force through required reporting procedures and utilize digital photography whenever possible to show injuries or alleged injuries.
  - c. Submit a memorandum to the Chief of Police within 24 hours describing the incident and facts substantiating the use of force, any medical aid rendered and attach any photographs . The memorandum shall be in addition to any other reports.

### B. Supervisor Responsibility

1. **Supervisor shall be notified to respond to all use of force incidents where any use of force had been used above the level of verbal commands, excluding standing handcuffing.** The supervisor will ensure that the officer completes a PD269 (Use of Force Report) prior to going off duty. The supervisor will complete a Form #PD-269S (Supervisor Use of Force Review Report) after review/investigation of the use of force incident by the officer.

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2. In an incident involving the use of force resulting in an injury or death (or is alleged to have resulted in an injury or death), the officer involved shall notify the on-duty/on call supervisor immediately. A Supervisor will be called to respond.
3. The officer involved will submit all information related to the incident to the on duty/on call supervisor prior to going off duty. If the officer is physically or mentally unable to do so, they shall submit all information related to the incident as soon as their condition will allow.
4. The supervisor shall notify the on-call Investigator and the Chief of Police,

immediately in all cases of serious physical injury or death. A preliminary investigation report and a separate administrative investigation report will be submitted to the Chief of Police within 48 hours of the incident.

5. Upon the receipt of the written report of the incident, the Chief of Police shall review the incident and take the appropriate administrative action.
6. **Any officer involved in the use of force resulting in death or a shooting resulting in injury shall be: (ADM.05.03.b)**
  - a. Removed from active patrol or investigative duties, placed on administrative leave or assigned to light duties, with full pay and benefits pending the resolution of the departmental investigation.
  - b. Required to be interviewed or counseled by a psychologist provided by the department at no expense to the officer, prior to returning to duty.
  - c. Required to surrender their weapon to investigating officers for the duration of the department's investigation, to include accidental discharges. A replacement weapon will be issued when practical and when the officer is determined to be mentally and-physically able to carry out their lawful duties as determined by the Chief of Police.

## IX. DEPARTMENTAL RESPONSE

### A. Assignment

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

### B. Review

1. The Chief of Police shall review all reported uses of force to determine whether:
  - a. Departmental orders were violated.
  - b. Relevant departmental policy was clearly understandable and effective to cover the situation.
  - c. Departmental training was adequate.

2. The Chief of Police may convene a board of inquiry to examine an incident in which force was applied.
  - a. The board of inquiry will ascertain training and policy needs.
3. At least annually, the Chief of Police shall compile an analysis of use-of-force incidents to be made available to the public.

C. Internal investigations

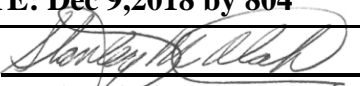
Internal investigations of serious applications of force shall be of two types conducted simultaneously: first, an administrative investigation to determine whether department standards were followed; second, a criminal one to detect lawbreaking. A criminal investigation shall be discontinued whenever the department is satisfied that no misconduct occurred. **RR 1-9** details the two types of investigations.

D. Psychological services

Psychological follow-up of post-shooting trauma will normally be directed by the Chief of Police whenever deemed appropriate. During an internal investigation, the department shall do all within its power to avoid placement of a stigma on the officer who discharges a firearm in performance of duty. Following a shooting resulting in a death, the officer shall not return to duty until a psychological evaluation has been conducted, and the officer has received any necessary counseling.

X. A. De-escalation

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.
3. De-escalation training will be conducted for all sworn members and be considered use of force training for annual training purposes. (**ADM.05.02.c**)

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: OC Spray (Oleoresin Capsicum)</b>		<b>NUMBER: 2-6A</b>	
<b>EFFECTIVE DATE: APRIL 10, 2016</b>		<b>REVIEW DATE: Dec 9, 2018 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-6A, Jan.15, 2006, JAN 2009</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.06.01</b>			

**NOTE**

This order 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**

**OC Spray (Oleoresin Capsicum)  
Use of Force Continuum  
Positional Asphyxiation**

**Officer Responsibility  
Supervisory Responsibility**

**I. POLICY**

It is the policy of the Aquia Harbour Police Department to provide the tools necessary for its sworn employees to do their job in a productive, effective, and safe manner. The use of Oleoresin Capsicum (OC) is classified as a Use of Force and shall be governed by this General Order and General Order 2 - 6: Use of Force. The sworn employees are issued OC Aerosol Spray so they may successfully defend themselves from combative, resisting, and/or violent individuals while reducing the risk of inflicting or receiving injury. OC **is not** necessarily a replacement or substitute for other authorized devices and techniques and, therefore, should be used only when it is the best choice for the circumstances. OC is another tool that can be used at the discretion of the officer when the decision is made that the use of force is objectively reasonable under the circumstances.



## **II. PURPOSE**

The potential reduction, and perhaps even elimination of injuries in some circumstances to members of the Aquia Harbour Police Department and innocent bystanders, by subjects that they are attempting to control, is reason enough for the use of OC Aerosol Spray. Coupled with professional and liability considerations, the implementation of OC use is obvious. Because the use of OC Aerosol Spray is considered a Use of Force, guidelines must be established to control its use.

## **III. PROCEDURES**

- A. Escalating force: When the use of force is necessary, sworn officers shall utilize an escalating scale of options and will not employ a more forceful option until lesser options have been exhausted, or, in the reasonable judgment of the sworn officer, less forceful options would be ineffective, inappropriate, inadequate, or too dangerous to attempt. The sworn employee is in the best position to determine which level of force or which technique is most appropriate in any given situation. Thus, the escalating scale of options is provided as a guide only in making that decision.
- B. Use of Force Continuum:
  - 1. The Process of Escalation:
    - a. Presence (Uniform/Non-Uniform/Body-Language/Display of Identification).
    - b. Verbalization (VoiceTone/Command Presence/Verbal Identification).
    - c. Physical Contact (Diversionary Tactics/Control Techniques)
    - d. Oleoresin Capsicum (OC) Aerosol Spray / Tasers (ECD)
    - e. Hand Held Impact Weapon (Expandable Baton or ASP)
    - f. Lethal Force

## **IV. OC /AEROSOL SPRAY**

- A. Description:

1. OC Aerosol Spray is an aerosol product in which the active ingredients are the five most active compounds of oleoresin capsicum, or cayenne pepper. The authorized departmental issue is a 10% concentration. OC is classified as an organic inflammatory agent.

B. Physiological Effects:

1. Effect of the Eyes: A direct spray onto the face will cause dilation of the capillaries and instant closing of the eyes through swelling of the eyelids.
2. Effect on the Respiratory System: A direct spray produces immediate respiratory inflammation, which causes uncontrollable coughing, retching, shortness of breath, and gasping for air with a gagging sensation in the throat.
3. Effect on the Skin: A direct spray on the face will cause an immediate burning sensation of the mucous membranes, skin, and inside the nose and mouth.

**V TRAINING, EQUIPPING, AND CARRYING:**

- A. OC Aerosol Spray will be issued to all sworn employees who have been trained and certified in its proper use. Uniformed personnel shall carry it at all times while on duty.
- B. Training: Officers will receive initial OC training in the basic academy must successfully complete the departmentally approved OC training program prior to being issued OC. A biennial (every two years) re-certification will be conducted. This training will include, but is not limited to: **(ADM.06.01.c)**
  1. Tactical use and applications of OC, including:
    - a. body contact, specific contact points, and contact durations; and
    - b. effect of OC use.
  2. In order to have first hand knowledge and personally experience the effects of OC, every member of the force who undergoes OC training for the first time will himself or herself be sprayed with OC at the academy.

**VI AUTHORIZED USES, OPERATION:**

- A. OC Aerosol Spray can be used any time a sworn employee encounters resistance, aggression against himself/herself, or any other violence that may threaten others in the execution of an arrest or in the lawful performance of their duties.

- B. If the employee perceives, based on experience and training, that a given situation is going to require physical force to achieve control, it is appropriate to draw, display and warn the person that OC will be used if they do not comply. If a person fails to comply after this warning, or if circumstances preclude giving a warning, application of OC is appropriate. Once the situation is under control, OC's use should be discontinued.
1. OC is an effective means of controlling aggressive animals and its use in this manner is justified and authorized.
- C. OC Aerosol spray will not be used in a non-justifiable manner. OC will not be sprayed in a manner so as to engage in horseplay or pranks. Officers shall not use OC in conjunction with Tasers or around open flames. Violations will result in disciplinary action.
- D. Operational: OC should be carried on the pistol belt where it can be drawn with either hand. The index finger will normally be used to depress the aerosol release button.
1. The OC Aerosol Spray may be applied at distances up to 10 feet, although out-of-doors applications may require less distance if wind is a factor. It is recommended that OC not be sprayed at distances less than two feet. Normal spraying distance should be in the range of 4 - 6 feet out to the maximum range of the spray.
  2. The preferred target is the face.
  3. The application of OC should be a one-second burst. The sworn employee should immediately create a safe distance and observe the effects on the subject. If the subject is not yet under control, another application may be necessary. Wait at least five seconds after spraying before approaching the subject. This allows the OC agent to dissipate from the air. Avoid using a burst of longer than two seconds.
  4. Once control has been achieved, handcuffs should restrain the subject or other approved restraining device. **No further use of OC Aerosol Spray at this point is authorized.**
  5. All uses of OC constitute use of force. The sworn employee is required to comply with use of force reporting requirements in effect. As with all use of force situations, appropriate criminal charges will be filed against the person to whom the force is directed.

- E. Members of the Police Department who have had their OC canisters taken away from them by a potentially hostile person are considered by this Department to have been placed in a potentially life-or-death situation. The appropriate level of force, up to and including deadly physical force, may be employed to protect themselves from the effects of OC, if the perceived threat of imminent use of the OC is implied by the suspect's actions and the officer has no other practical recourse.
- F. Unauthorized use of OC Aerosol Spray: Sworn employees are prohibited from using OC Aerosol Spray in the following circumstances:
  - 1. As a threat to make a person comply with an officer's verbal order when no physical resistance or violence is imminent.
  - 2. In retaliation for physical or verbal abuse directed at the officer.
  - 3. As a threat to elicit information.
  - 4. On persons secured, who are complying with arrest procedures.
  - 5. On persons engaged in passive resistance (sit-in, non-violent demonstrations, etc.).

**Any use of OC Aerosol Spray contrary to the direction of this general order may subject the officer to disciplinary action.**

## **VII AFTER USE GUIDELINES:**

- A. Subjects who are sprayed with OC should be monitored and verbally reassured that they are safe and that they will be all right. The subject(s) should be told to calm down (relax) and to try to breathe normally.
- B. Subjects who are sprayed should be removed to uncontaminated air and faced into the wind when possible. If water is available it should be provided to rinse OC from their face. Open their eyes and flush with the water. **DO NOT RUB.** Eye-flushing bottles may be available in each of the marked patrol vehicles for officer's use, or should contact a rescue medical personnel for assistance. The subject(s), if wet with OC, should dry before transporting. This will only take a few minutes and will probably be accomplished before the subject(s) is placed into a vehicle. Other general guidelines include:

1. No subject who has been subdued by the use of OC will be held or transported in a face down position. Sworn employees should be aware of and prevent positional asphyxiation. **Note.** ( Positional Asphyxiation – this occurs when the position of the body interferes with respiration. A prone, hog-tied suspect may suffocate. Intoxication, presence of a head injury, obesity and physical disability are all circumstances that can increase the possibility of suffocation).
  2. Until normal breathing returns, no subject who has been subdued by the use of OC will be left unattended for more than a few minutes (subjects should be monitored for at least two hours after the application of OC).
  3. Any subject that has been subdued by the use of OC who admits to being under the influence of cocaine, amphetamines, barbiturates, PCP, opiates, heroin, or high levels of alcohol should be evaluated as soon as possible by rescue medical personnel.
  4. Any subject that has been subdued by the use of OC who admits to a history of heart or lung problems, diabetes, high blood pressure or any other potentially serious medical condition should be evaluated as soon as possible by rescue medical personnel.
  5. Any subject who loses consciousness during or after any physical confrontation with the police should receive immediate medical attention, including CPR, if necessary.
  6. If it is necessary for the subjects to get medical attention or if the subject requests medical attention, the subject must be advised that they are responsible for any expense incurred.
- C. All symptoms should disappear within 15 to 45 minutes with no after effects. If symptoms persist beyond the normal 45 minute full recovery rate period without any relief to the eyes, skin, and respiratory system. **GET MEDICAL ATTENTION PROMPTLY.**
- D. Area Decontamination: OC is not a particulate; it is biodegradable and does not require any special decontamination. Normal ventilation will remove OC from the environment within 45 minutes. Sworn employees who spray OC in a confined space should take measures to ventilate the area by opening windows and door.

## VIII REPORTING/INVESTIGATION:

### A. Officer Responsibility

1. Officers shall document **any** application of force except for those arising in training or departmental demonstrations, for review and disposition of any incident where an officer applies force resulting in or allegedly resulting in injury or death of a person.
2. If officers have employed tasers, chemical weapons or any higher degree of force, they shall first render medical aid and then:
  - a. **Immediately notify the on-duty (or on-call) supervisor** or the Chief of Police (if no supervisor is available) and SCSO supervisor of any use of physical force.
  - b. Document the use of force through required reporting procedures and utilize digital photography whenever possible to show injuries or alleged injuries. Officer will complete a Use of Force Report prior to going off duty.

### B. Supervisor Responsibility

1. **Supervisor shall be notified to respond to all use of force incidents where any use of force had been used above the level of verbal commands, excluding standing handcuffing.** The supervisor will ensure that the officer completes a Use of Force Report prior to going off duty. The supervisor will complete a Supervisor Use of Force Review Report after review/investigation of the use of force incident by the officer.
2. In an incident involving the use of force resulting in an injury or death (or is alleged to have resulted in an injury or death), the officer involved shall notify the on-duty/on call supervisor immediately. A Supervisor will be called to respond to all incidents of OC (Pepper Spray) use.
3. The officer involved will submit all information related to the incident to the on duty/on call supervisor prior to going off duty. If the officer is physically or mentally unable to do so, they shall submit all information related to the incident as soon as their condition will allow.

4. The supervisor shall notify the on-call and/or duty supervisor and the Chief of Police, immediately in all cases of serious physical injury or death. A preliminary investigation report and a separate administrative investigation report will be submitted to the Chief of Police within 48 hours of the incident.
5. Upon the receipt of the written report of the incident, the Chief of Police shall review the incident and take the appropriate administrative action.
- 6. Any officer involved in the use of force resulting in death or a shooting resulting in injury shall be:**
  - a. Removed from active patrol or investigative duties, placed on administrative leave or assigned to light duties, with full pay and benefits pending the resolution of the departmental investigation.
  - b. Required to be interviewed or counseled by a psychologist provided by the department at no expense to the officer, prior to returning to duty.
  - c. Required to surrender their weapon to investigating officers for the duration of the department's investigation, to include accidental discharges. A replacement weapon will be issued when practical and when the officer is determined to be mentally and-physically able to carry out their lawful duties as determined by the Chief of Police.

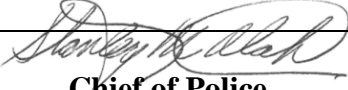
## **IX CARE, MAINTENANCE, AND STORAGE:**

- A. OC's formula will not decompose, degenerate, or otherwise be altered by age. While OC's shelf life is approximately four years, if not shaken, the active agent tends to separate and collect at the top after about one year. To prevent this, and to assure uniform potency of mixture, shake the unit vigorously before initial use and at least once a month, thereafter.
- B. OC should be stored at room temperature. It should not be stored near heat or open flame. Prolonged exposure to sunlight or to temperature above 120 degrees Fahrenheit may cause the canister to rupture. Prolonged exposure to temperatures below 32 degree Fahrenheit will result in a slower discharge. Do not store OC units in vehicles for extensive periods of time during extreme high or low temperatures.

C. Inspecting the units:

1. OC units will be inspected by the officer who will check for leaks and amount of contents. Sworn employees will activate their units with a one second burst as part of this inspection.
  - a. OC units should be replaced if the unit malfunctions or its contents are low.
2. OC is an inflammatory agency only, and is not classified as requiring hazardous material disposal procedures. Accordingly, it will be completely discharged and then placed in the regular trash for disposal.



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: ELECTRONIC CONTROL DEVICE</b>	<b>NUMBER 2-6 B</b>
<b>EFFECTIVE DATE: NOVEMBER 5, 2015</b>	<b>REVIEW DATE Dec 9,2018 by 804</b>
<b>AMENDS/SUPERSEDES: G.O.2-6B, Oct.29,2007, Jan. 13, 2009, October 25, 2009</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
	<b>VLEPSC STANDARDS: ADM.05.01-03, ADM.06.01</b>

**NOTE**

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**INDEX WORDS**

M26 Taser	Probes
X26 Taser	Tasercam
ECD	Cartridges
AFIDS	Drive Stun

**I. POLICY:**

The Aquia Harbour Police Department recognizes the need for a device that enables officers to overcome resistance in situations that call for force while at the same time reducing potential injury to everyone involved. An Electronic Control Device (ECD) is such a weapon. Because ECD's can fire projectiles and these projectiles can cause serious injuries if they strike critical body areas, ECD's will be handled using the same departmental safety rules that apply to the handling of firearms by officers. An ECD can also be used as a STUN weapon when the cartridge is removed and the ECD's probes are placed against a person.

## **II. PURPOSE:**

The purpose of this policy is to provide guidelines for the deployment and use of an ECD carried by Aquia Harbour Police Officers.

## **III. DEFINITIONS:**

1. ECD- Electronic Control Device is designed to disrupt neuro-motor control allowing an officer to gain control of a resistive subject.
2. EMD- Electro Muscular Disruption is a direct involuntary contraction of the muscles that disrupts neuro-motor control.
3. AFID- Anti Felony Identification Device. Every time an ECD cartridge is deployed, forty (40) small confetti-like identification tags called AFIDS are ejected. Each AFID contains the serial number of the cartridge-deployed allowing supervisors to identify which Officer deployed the cartridge.
4. CARTRIDGE- The cartridge is a single use item that contains the projectile probes & wires and being projected towards the target.
5. PROBE DEPLOYMENT- The activation of the ECD with the cartridge inserted that result in the probes and wires being projected toward the target.
6. DRIVE STUN- The act of making contact with the ECD on a target without the cartridge on to deliver an electrical impulse to a focused area.

## **IV. PROCEDURE:**

Approved Training, Equipment and Field Deployment

1. No Officer shall be allowed to carry or use an ECD until they have successfully completed a department approved training. ECD training shall be conducted by a certified and department approved instructor. Those qualified officers shall complete department approved refresher training biennially.
2. The Electronic Control Device (ECD) approved and issued by the Aquia Harbour Police Department for use by qualified officers is the Taser X26.

3. The air cartridge issued and approved by the department for duty is the Taser twenty-one (21) foot live air cartridge. Each officer issued an ECD will also be issued two (2) air cartridges.
4. The ECD shall only be carried in the department issued holster, on the opposite side of their issued firearm, and in the cross-draw manner. Stock of the ECD's grip pointing forward.
5. To ensure proper working order each officer issued a Taser will conduct an equipment check, to include a safe and proper five second spark test, at the beginning of each working day.
6. Any ECD or associated equipment found not to be in working order will be immediately brought to the attention of a supervisor.
7. Officers shall not in any way alter or modify the ECD or any of its components or accessories. Officers shall carry an unmodified department issued ECD, cartridges and equipment.
8. When the ECD is deployed, the use will be terminated as soon as the control of the person is obtained. If the ECD does not produce the expected result, it should not be used repeatedly and another appropriate use of force or course of action should be taken. Example: Calling for assistance.
- 9.. Prior to the use of the ECD (whether in Probe deployment or Drive stun) on a person an officer should, if at all possible, warn the subject that they would be "**Tased**" if they do not submit peacefully to arrest or custody.
10. The preferred targeting is center mass of the subject's back; however, it is recognized that it is not always possible to get behind the subject.
11. Where back targeting is not possible officers shall avoid chest shots, **unless deadly force** would be otherwise justified.
12. **Unless deadly force** would otherwise be justified, the **ECD shall not be used against:**
  - a. Pregnant woman, elderly persons, young children and visibly frail people.
  - b. Suspects in physical control of a vehicle in motion, to include; automobiles, trucks, motorcycles, ATV's, bicycles and scooters.

13. The ECD is **NOT** to be deployed by an officer in an active foot pursuit.
14. Always replace ECD cartridges before their expiration date. All expired cartridges will be turned into a supervisor.
15. Additional ECD's and cartridges (duty use and training types) not issued to officers will be secured in the department's property room and inventoried by the Department's Firearms Instructor.

**IMPORTANT: NEVER HAVE YOUR FIREARM AND ECD  
DRAWN AT THE SAME TIME.**

**V. USE OF FORCE ISSUES:**

1. The use of the ECD constitutes a Use of Force as found in G.O. 2-6.
2. An officer may utilize the ECD on a subject when the officer reasonably believes that the subject is threatening the officer or third party with bodily harm; and the officer believes that the subject possesses the ability or apparent ability and opportunity to carry out the threat.
3. Other considerations for the deployment of the ECD are:
  - a. Imminent threat to officers and/or others.
  - b. Severity of the incident at issue.
  - c. The totality of the circumstances.
4. The ECD **will not** be used:
  - a. In cases of passive resistance unless the totality of the circumstances warrants that a lesser level of force may jeopardize the safety of the subject and/or others.
  - b. To threaten or attempt to gain information from a person.
  - c. To wake a person up.
  - d. Against a person already restrained unless active resistance has to be overcome.
  - e. As a form of punishment.
5. The ECD shall not be deployed in the known presence of combustible vapors and liquids or other flammable substances including but not limited to alcohol-based Oleoresin Capsicum (O.C.).

6. No officer will playfully, maliciously or intentionally misuse of the ECD in a display of the power against an individual, except to counter an imminent threat. **VIOLATION OF THIS POLICY WILL RESULT IN DISCIPLINARY ACTION.**

## **VI. DEPLOYMENT AND EXPOSURE CARE:**

There are two applications of the ECD.

1. **PROBE DEPLOYMENT**- projects two (2) probes with wires attached from the replaceable cartridge toward the target. If both probes penetrate the target, the ECD will deliver an electric impulse through the wires to the probes and into the target.
2. **DRIVE STUN**- the cartridge is removed and the officer makes direct contact with the anodes on the front of the ECD to the target. Electric impulses then can be delivered to the target as long as direct contact is maintained.
3. The ECD is programmed to deliver a five (5) second EMD current. Officers can shorten or extend the time. Officers should not touch the probes during this period to avoid receiving the same EMD current. In addition, officers should avoid stepping or tripping over the wires.
4. Officers shall make all reasonable efforts to avoid striking persons in the head, eyes, face or genitals.
5. The ECD is placed in the same category using the Department's 'Use of Force Continuum', as OC/Pepper Spray.
6. Any deployment, to include accidental discharge, of an ECD or cartridge and any malfunction, will be reported to a supervisor immediately.
7. The ECD may also be used to control a dangerous animal.
8. Keep hands away from the front of the ECD at all times unless the safety slide is in the "safe" position and the ECD is deactivated
9. Persons may be Tased to facilitate the control of the person only if they are subject to arrest and that person is actively resisting physical arrest by violent or potentially violent means and the situation is one in which impact level use of force would be permitted to be used according to the department's Use of Force. (See G.O. 2-6).

10. The ECD records video and audio to its computer database when the safety is in the off position. Officers are reminded to write detailed reports of STUN usage to account for displays of the spark if used to encourage a subject's compliance with the officer's requests to submit.

## **VII. ACTIONS AFTER ECD DEPLOYMENT**

On scene after exposure care, at a minimum, shall include:

1. The deploying officer will call for EMS personnel to respond each time a ECD has been used in the field on a subject (Probe Deployment or Drive Stun) to conduct an assessment and advise:
  - a. Subject is fine and no additional medical attention is warranted. The officer may transport the subject to the appropriate facility.
  - b. Subject requires some additional medical service from EMS at the scene prior to the officer transporting the subject to the appropriate facility.
  - c. Subject requires additional medical service and should be transported to a hospital. An officer is to provide security during the transport by riding in the rescue vehicle during transport.
2. Officers shall use standard precautions (gloves) to prevent infectious disease exposure when removing probes.
3. Officers will remove probes caught in the subject's clothing.
4. Officers will remove probes that have pierced the skin, UNLESS:
  - a. The probes have pierced a sensitive or higher injury area (face, throat, groin, female breasts and neck).
  - b. The probe will not easily dislodge or a part has broken off in the skin regardless of the impact area.

NOTE: In these instances, EMS personnel will provide service and advice. Removed probes (no matter who removes them) will be treated as evidence following department G.O. 2-17 (property and evidence procedures).

- c. When the arrival of EMS personnel is not readily available the officer will remove the probe as stated above. If the probes are not removable the officer will transport the subject directly to the nearest medical Facility and contact EMS personnel upon their arrival. AT NO TIME will the subject be transported to the Magistrate's Office or the Regional Correctional Facility, without being assessed by EMS Personnel.

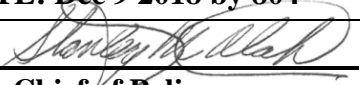
## **VIII. PROPERTY AND EVIDENCE COLLECTION**

1. Property and Evidence collection associated with a ECD field use is the responsibility of the deploying officer:
  - a. When the ECD probes have been deployed, the air cartridge, probes, wires, and AFIDs) will be collected as evidence and submitted into the property control system following departmental policy and training. The ECD will be given to a supervisor. The supervisor will download the data relating to the event, attach a copy to the use of force report and furnish a copy to the officer to attach with the evidence submittal. The ECD can then be returned to the officer, unless circumstances dictate otherwise.
  - b. When the ECD has been used and probes were not deployed, as with a "drive stun only" use, the ECD will be turned over to a supervisor. The supervisor will download all data relating to the event and attach a copy to the use of force report. The ECD can then be returned to the officer, unless circumstances dictate otherwise.
  - c. When any part of the event has been captured on an ECD's video/audio system, the data will be downloaded by a supervisor and saved following department guidelines. The ECD can then be returned to the officer, unless circumstances dictate otherwise.
  - d. Photographs of the impact area(s) shall be taken after dart removal. In the case of drive stun(s), photographs shall be taken where the stun(s) were delivered. If the area(s) to be photographed are those generally considered "private areas", photos of the impact areas will not be taken. Photographs will be submitted with the original report following current policy procedures.
  - e. All evidence related to the event will be submitted prior to the deploying officer going off duty.

## IX. REPORTING AND INVESTIGATION

1. **Supervisor shall be notified to respond to all use of force incidents where any use of force had been used above the level of verbal commands, excluding standing handcuffing.** The supervisor will ensure that the officer completes a Use of Force Report prior to going off duty. The supervisor will complete a Supervisor Use of Force Review Report after review/investigation of the use of force incident by the officer.
2. In an incident involving the use of force resulting in an injury or death (or is alleged to have resulted in an injury or death), the officer involved shall notify the on-duty/on call supervisor and the Chief of Police immediately. A Supervisor will be called to respond to all incidents of ECD use.
3. The officer involved will submit all information related to the incident to the on duty/on call supervisor prior to going off duty. If the officer is physically or mentally unable to do so, they shall submit all information related to the incident as soon as their condition will allow.
4. The supervisor shall notify the on-call Supervisor and the Chief of Police, immediately in all cases of serious physical injury or death. A preliminary investigation report and a separate administrative investigation report will be submitted to the Chief of Police within 48 hours of the incident.
5. Upon the receipt of the written report of the incident, the Chief of Police shall review the incident and take the appropriate administrative action.
6. **Any officer involved in the use of force resulting in death or a shooting resulting in injury shall be:**
  - a. Removed from active patrol or investigative duties, placed on administrative leave or assigned to light duties, with full pay and benefits pending the resolution of the departmental investigation.
  - b. Required to be interviewed or counseled by a psychologist provided by the department at no expense to the officer, prior to returning to duty.
  - c. Required to surrender their weapon to investigating officers for the duration of the department's investigation, to include accidental discharges. A replacement weapon will be issued when practical and when the officer is determined to be mentally and physically able to carry out their lawful duties as determined by the Chief of Police.



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Patrol Rifle</b>	<b>NUMBER: 2-6C</b>
<b>EFFECTIVE DATE:</b>	<b>REVIEW DATE: Dec 9 2018 by 804</b>
<b>AMENDS/SUPERSEDES: August 27, 2009</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLESPC STANDARDS: ADM.06.01.d</b>	

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## INDEX WORDS

Armorer  
Firearms training  
Patrol Rifle  
Qualification

## I. POLICY

An officer's firearm is perhaps the most commonly-perceived symbol of his or her authority and role. In fact, every contact with a citizen is an armed encounter because the officer always carries a loaded firearm. In the interest of public safety, the department sets 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 and the circumstances of their use, but also in their safety and maintenance. Supervisors and the department firearms instructor shall rigorously enforce departmental firearms standards.

All sworn personnel shall qualify annually with his or her issued firearms. All scores used by the department for the record shall be fired on an approved range under supervision of a certified firearms instructor. Firearms qualification is a combination of **skill** and **discretion**: when to shoot is perhaps a more important question than how to shoot. Officers shall review GO 2-6 (use of force) frequently.

## II. PURPOSE

The purpose of this standard is to establish policy and procedures governing the care, maintenance and use of the patrol rifle.

## III. PROCEDURES

### A. Issuance

1. The Chief shall authorized the use of patrol rifles to authorized personnel.
2. Only certified sworn officers will be considered to carry the issued patrol rifle on the recommendation of the lead firearms instructor after complete review of the officer's weapon handling skills and qualification records.
3. Patrol rifles which become unserviceable or are no longer needed shall be secured and turned over to a supervisor.
4. The only authorized patrol rifle for all sworn officers is the department issued Patrol Rifle **unless specific written permission is received from the chief of police for officers to use personal weapons of like kind (AR 15, etc.)**.
5. Prior to being authorized to carry the patrol rifle, an officer shall be issued copies of and be trained in the guidelines set forth by Department General Orders and Regulations relating to the use of this firearm and use of force.

### B. Security and maintenance of the patrol rifle

1. Officers are responsible for the care, cleaning, and security of departmental patrol rifles issued to them.
2. Officers shall report any weapon malfunction to the supervisor on duty or on call immediately.
3. **ONLY** certified armorers are permitted to alter, repair, **modify internal/external fixed parts**, or detail strip (beyond field stripping) these rifles.
4. Routine maintenance shall be performed after qualification/training, deployment during inclement weather, to ensure the rifle is properly cleaned and lubricated.

5. The officer is responsible for general maintenance **only** and can make **NO alterations to the patrol rifle without prior written approval of the chief of police.**
6. The patrol rifle will be stored in a department approved/issued carry case. The case will be placed in the trunk of a cruiser or in the rear cargo area of 4 wheel drive vehicles. The bolt and dust cover will be closed and trigger pulled, without a magazine in the magazine well. When in the trunk or cargo area of the cruiser magazines are stored in the pouches on the rifle case.
7. If the weapon is removed from the vehicle for maintenance and care the security of the weapon will be the responsibility of the officer until the weapon is turned over to a firearms instructor or supervisor.
8. If an officer is unable to work full duty of any extended period, the rifle will be turned over to the lead firearms instructor for storage.
9. **Anytime the officer's vehicle is left in a repair shop the patrol rifle is to be removed and safely secured and contacting a supervisor on duty or the supervisor on call.**

C. Training

1. Each officer will be required to complete an approved patrol rifle training course which will be taught by a certified patrol rifle instructor. This course will include but not be limited to:
  - a. Weapon Safety
  - b. Nomenclature
  - c. Use of Force
  - d. Proper Tactical Use
  - e. Low Light and Stress Scenarios
2. A certified rifle instructor shall shoot each weapon and zero the sights prior to the officer attempting to initially qualify with the weapon.

3. Following successful completion of the patrol rifle course the officer will be issued the weapon and its use will be governed by the departmental firearms policy.
4. Qualifications will be held annually.
5. The officer must maintain a minimum score of 90% with the patrol rifle.
6. The officer must maintain his or her skills proficiency with the patrol rifle. The firearms instructor will be responsible for developing lesson plans and qualifications courses for the patrol rifle.
7. Officers who fail to qualify shall return their patrol rifle to the instructor and be placed in remedial training as soon as practicable and shall not be allowed to carry the patrol rifle until receiving a qualifying score.

**D. Firearms inspections**

1. **The armorer/firearms instructor shall thoroughly inspect each weapon during qualification on the range for operability,**
2. **The firearms instructor/ armorer shall inspect all patrol rifles and equipment to ensure they are maintained in a clean and serviceable condition.**
  - a. **Ammunition shall be inspected to ensure that it is of departmental issue, of correct quantity, and in serviceable condition. Home made ammunition is not approved and will not be carried in departmental weapons.**
  - b. **Upon completion of inspections, the firearms instructor/ armorer shall maintain a log 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.**
    - (4) **Items inspected**

**IV. PROCEDURES - USE**

- A. Rifles may be viewed by the general community with greater impact or alarm than other traditional police weapons. Officers shall be conscious of this and take steps to minimize unnecessary exposure of the rifle to the public. Officers shall

not display the rifle other than in the performance of duty. Rifles will be handled in such a manner as to not cause unwarranted danger to oneself, to other employees, to property or to the public. All rifles and ammunition will be stored in a manner that does not make it readily accessible to the public or to prisoners.

- B. The patrol rifle allows the officer to counter threats at greater distances, with a much higher degree of accuracy, thus increasing the officer's chances of surviving an armed conflict and controlling and containing a threat.
- C. It must be emphasized that officers assigned a patrol rifle are not specially trained tactical officers and the patrol rifle is not a substitute for sound police tactics.
- D. The patrol rifle may be deployed in response to critical incidents and serious violent felonies or any incident that involves the use of a firearm or other potentially lethal weapons or the threat of their use.
- E. Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:
  - 1. An active shooter in a school or business
  - 2. When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
  - 3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
  - 4. When an officer reasonably believes that a suspect may be wearing body armor.
  - 5. High risk crimes in progress in which the suspect is believed to be armed with a firearm or other lethal device.
  - 6. Barricaded subject/subject's who is believed to have access to firearms.
  - 7. Rural searches that involve a suspect or suspects who are known to be possibly violent and possibly armed with a firearm or other lethal devices.
  - 8. Domestic terrorism with suspects who are believed to have firearms or other lethal devices.

9. A suspect or suspects who have brandished a firearm at another person and placed them in danger of serious bodily injury or death.
10. High risk traffic stops involving a possible armed suspect.
11. Armed conflicts where the officers determine that there are multiple shooters in the incident.
12. When authorized or requested by a supervisor.

**F. Carry Methods**

**1. When the patrol rifle is deployed in response to actual or anticipated events it will be carried in the “shoulder ready position”, with muzzle lowered to approximately forty five (45) degrees.**

**G. Entries**

1. The use of the patrol rifle to conduct an entry is authorized during exigent circumstances where there is an immediate threat to life and the failure to take action would result in probable death or serious injury to an officer or to a third party. The patrol rifle should not be deployed for routine police responses.

**H. Injured Wildlife**

1. The patrol rifle is not authorized as the primary weapon to put down injured wild game or domesticated animals except during circumstances where the officers welfare and or public safety is in immediate jeopardy or the size or location of the animal(s) makes use of other weapons impractical.

**V. DISCHARGE OF THE PATROL RIFLE**

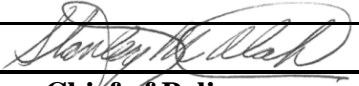
A. The discharge of the patrol rifle shall be governed by the Department’s Firearms and Non-Lethal Weapons Regulation 1-18 and Use of Force General Order 2-6 and shall only be effected in situations where a pistol or shotgun lacks the sufficient range, accuracy or penetration capability to defeat an armed or protected suspect..

**VI. REPORTING**

A. Because of the community sensitivity to non-traditional weapons and for management purposes, officers **shall utilize issued video recording equipment**, , submit an incident report of use if it is discharge, and video each time a rifle is removed from a

patrol vehicle for any purpose other than training, inspection or service of the rifle by the armorer, firearms instructor or to remove the weapon from the vehicle prior to delivering the vehicle for service.

**Note: WARNING SHOTS ARE PROHIBITED.**

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Prisoner Restraints</b>		<b>NUMBER: 2-7</b>	
<b>EFFECTIVE DATE:</b>		<b>REVIEW DATE: DECEMBER 11,2018 by J. Feliciano</b>	
<b>AMENDS/SUPERSEDES: GO 2-7, MAR 1994, DEC 2001, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.09.01</b>			

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**INDEX WORDS**

Handcuffs  
Investigative detention  
Positional asphyxia  
Restraints

**I. POLICY**

The officer's responsibility for the safe custody of prisoners permits some discretion in the use of handcuffs and restraining devices. The department requires officers to observe their own safety and that of the people they transport by carefully restraining most prisoners who must be taken to a jail or other location. See also **GO 2-8**, Transporting Prisoners.

**II. PURPOSE**

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

**III. PROCEDURES - Arrested Persons**

A. General

1. Officers shall handcuff or **restrain** all arrested adults. **(OPR.09.01.b)**



2. The nature of the restraint chosen to subdue a suspect and the related method of transporting a suspect to jail or to court depends on the level of threat against the officer. A minimal threat may require restraint through metal or plastic handcuffs. A threat of property damage or injury posed by the suspect may require restraint through a body belt, leg or ankle restraints, or a vehicle cage.
3. Juveniles shall not be handcuffed unless they pose an escape risk, the juvenile has committed a crime of violence, or where the officer reasonably believes handcuffing to be necessary for the safety of the juvenile or officer.

**AUTHORIZED RESTRAINTS: (OPR.09.01.a)**

**B. Handcuffs**

1. Officers shall handcuff a person with the hands in backbut may choose to handcuff hands in front if the prisoner meets any of the following conditions:
  - a. Is obviously pregnant.
  - b. Has a physical handicap.
  - c. Has an injury that may be aggravated by standard handcuffing procedures.
2. Officers shall not handcuff a person to the transport vehicle or any part of it or to any other fixed object such as a door or pipe.
3. Officers shall double-lock handcuffs to help ensure prisoner and officer safety. Double locking reduces the chance of picking the lock or of the bracelet accidentally closing, further restricting circulation.

**C. 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 prisoner's considerable distances.

**D. Ankle shackles**

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

**E. Plastic handcuffs**

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

#### **IV. PROCEDURES - Persons not arrested**

- A. If officers have a reasonable suspicion that a suspect has been involved in a violent offense, then handcuffs may be applied while officers investigate the possibility that criminal conduct occurred. See **GO 2-3**, Field Interviews, for further discussion of the legal aspects of **investigative detention**.
- B. Persons not arrested but who are subject to investigative detention may be restrained under the following circumstances.
  - 1. Suspects shall be handcuffed only as long as necessary to accomplish the investigative goal.
  - 2. Handcuffing of suspects shall be accomplished with minimal discomfort to the suspect.
  - 3. Officers shall limit the number and type of restraints used on the suspect to what is reasonably necessary to accomplish the investigation.

#### **V. SPECIAL CIRCUMSTANCES**

##### **A. Positional asphyxia**

Officers shall not hog-tie suspects by placing them in a prone position with the hands and ankles bound from behind with handcuffs, belts, or other devices. As soon as any suspect who is lying on his or her stomach has been handcuffed, officers shall roll the suspect onto his or her side, or place the suspect in a sitting position.

- 1. Positional asphyxia occurs when the position of the body interferes with respiration. A prone, hog-tied suspect may suffocate. Intoxication, presence of a head injury, obesity, and physical disability are all circumstances that can increase the possibility of suffocation.
- 2. Ascertain if the suspect has used alcohol or drugs recently or suffers from any cardiac or respiratory problem. Monitor the suspect and obtain medical treatment if necessary.

#### **VI. PRISONER INTERVIEW/INTERROGATIONS**

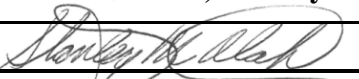
##### **A. Within the confines of Aquia Harbour**

- 1. If a person under arrest is interviewed or interrogated at Aquia Harbour the following guidelines will apply.
  - a. Prisoners will be searched prior to the interview/interrogation.

- b. All prisoners will be handcuffed but not shackled to a permanent object (i.e. table, chair, pipe etc.).
- c. No prisoner will be left unattended for any reason.

B. At a Correctional Facility

- 1. If a person under arrest is interviewed or interrogated at a correctional facility the Aquia Harbour officer will fully comply with in-house regulations and requirements.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Prisoner/Person Transportation</b>		<b>NUMBER: 2-8</b>	
<b>EFFECTIVE DATE:</b>		<b>REVIEW DATE: December 11, 2018 by J. Feliciano</b>	
<b>AMENDS/SUPERSEDES: GO 2-8, OCT. 10, 1994, DEC 10, 2001, DEC. 28, 2006, FEB 11, 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.08.01, OPR.08.02, OPR.08.04, OPR.08.05, OPR.08.06, OPR.08.07, OPR.08.08</b>			

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**INDEX WORDS**

- |                             |                                      |
|-----------------------------|--------------------------------------|
| Prisoners                   | Persons                              |
| Prisoners with disabilities | Transportation of Persons            |
| Transportation of juveniles | Persons in need of Public Assistance |
| Transportation of prisoners |                                      |

**I. POLICY**

Transportation of persons and prisoners 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 is the transportation of persons whether in need of services or for general public assistance. In all instances of transport of persons and prisoners in custody, officers shall take care not to endanger themselves while ensuring the person/prisoner's safety, thus limiting opportunities for injury or escape.

**II. PURPOSE**

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

**III. PROCEDURES**

A. General

1. Unless no other type of vehicle is available, all persons/prisoners shall be transported in secure, caged vehicles when available.

2. In no case shall a juvenile known or believed to be under the age of 18 years be transported with adults suspected of or charged with criminal acts (per *Virginia Code* § 16.1-254.B).

3. When picking up a prisoner from any facility, the officer shall verify the identity of the prisoner.

4. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.

**B. Searching the prisoner: (OPR.08.01.d)**

1. The transporting officer shall always search a prisoner before placing him or her into the vehicle. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer. See paragraphs E, G, and I for a discussion of prisoner restraining devices.

2. When handling and searching prisoners, officers shall remain mindful of the department's infectious diseases exposure control plan (see GO 2-34) and shall use personal protective equipment when necessary.

**C. Searching the police vehicle (OPR.08.01.c)**

The transporting officer shall 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 or her destination, officers shall again search the police vehicle to ensure that the prisoner did not hide contraband or other evidence.

**D. Transport equipment**

1. Most 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 have the rear interior door and window handles removed or are equipped with manual lock disable devices in order to minimize the risk of escape by prisoners while transporting.

**E. Positioning of prisoners in the transport vehicle: (OPR.08.01.b)**

1. Unless unusual circumstances dictate otherwise all prisoners will be seat belted into the vehicle during transport.

2. When one officer is transporting one prisoner (with cage), the prisoner will be positioned on the rear seat on the side opposite the officer driving.

3. When one or two officers are transporting more than one prisoner (with cage), the prisoners will be located on the rear seat.
4. When one officer is transporting (without a cage), the prisoner should be handcuffed behind his back and be seated in the front seat.
5. When two officers are transporting two prisoners (without a cage), one prisoner should be handcuffed behind his back and be seated in the front seat with seat belt secured, with the second officer seated behind the driving officer. The second prisoner will be seated to the right of the officer in the rear and handcuffed as appropriate.
6. When two officers are transporting one prisoner (without a cage), the second officer should be seated in the back seat behind the driver with the prisoner on the passenger side of the rear seat.
7. Officers shall not transport prisoners who are restrained in a prone position. Doing so risks positional asphyxia, a form of suffocation for the restrained suspect that may cause death.

F. Control of prisoners while transporting

1. Observation
  - a. During transportation, officers shall continually observe the prisoner, 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 shall exercise as much control of the situation as possible. The prisoner shall not be allowed in the facility with another person and the officer shall ensure that there are no escape routes within the facility and no weapons available to the prisoner.
  - c. If a prisoner appears lethargic, particularly after an active confrontation with officers, or appears unresponsive, consider the possibility that immediate medical help may be necessary. Observe the suspect carefully and if the officer is in any doubt about the prisoner's health, summon medical assistance immediately. Officers should ask an apparently sick prisoner if he or she wishes medical assistance.
  - d. The transporting officer shall advise the receiving officer or deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's medical state.

2. Meals

If the transporting officer must stop en-route for a meal, he or she should choose an unfamiliar place. This minimizes any chance of an arranged plan for someone to try to release the prisoner.

3. Stopping to provide law enforcement services while transporting

a. When transporting a prisoner, the transporting officer shall provide law-enforcement services only when:

- (1) A need exists for the transporting officer to act immediately in order stop or prevent a violent act and prevent further harm to a victim.
- (2) A person has been injured and assistance is required immediately.
- (3) A felony crime is in progress, thus creating an immediate need to apprehend the suspect.

b. In all of the above situations, the transporting officer shall ensure at all times that the prisoner is secured and protected.

c. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

4. Escape: **(OPR.08.08.a)**

If a prisoner escapes while being transported, the transporting officer shall observe the following procedures.

a. Request assistance immediately from the jurisdiction the officer is in at the time of the escape. The transporting officer shall immediately provide dispatch with the following information:

- (1) Location.
- (2) Direction and method of travel, and means of escape.
- (3) Name, physical description of escapee.
- (4) Possible weapons possessed by the escapee.
- (5) Pending charges.

- b. Try to recapture the escapee as soon as possible. See also RR 1-17, Jurisdiction. *Virginia Code* § 19.2-77 authorizes an officer to pursue and arrest the escaped prisoner anywhere in Virginia if in close pursuit.
- c. The transporting officer shall submit a written report to the Chief of Police as soon as practicable explaining the circumstances of the escape. **(OPR.08.08.b)**

5. Prisoner communication

The transporting officer shall not allow prisoners to communicate with other people while in transit unless the situation requires it. The officer shall use his or her judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

6. Arrival at destination

When transporting prisoners from one facility to another, upon arriving at the destination, the transporting officer shall observe the following procedures:

- a. Firearms shall be secured in the designated place at the facility being entered. If there are none, secure firearms inside the locked trunk of the police vehicle.
- b. Restraining devices shall 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.) shall be submitted to the proper person at the receiving facility and, in situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the department.

G. Sick/injured prisoners and medical facilities: **(OPR.08.02 & OPR.08.04)**

1. At any time before, during, or after the arrest that the prisoner is injured or becomes sick, the officer shall seek medical attention immediately and notify a supervisor. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there. (Also see G.O. 2-34 Communicable Diseases)
2. The transporting officer shall use discretion in applying restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be incapacitated, restraining devices may not be appropriate. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
3. If the prisoner refuses treatment, the prisoner shall be asked to sign an Against Medical Advice form. The officer will confirm with hospital staff that all appropriate refusal of treatment forms have been completed and signed prior to transporting the prisoner to the correctional facility. The officer will inform the correctional facility of the hospital and refusal of treatment.
4. If the prisoner must be admitted to the hospital, the officer shall release the prisoner only after consulting the on-duty supervisor. The supervisor, in turn, shall consult the magistrate or the commonwealth's attorney. The supervisor shall observe the following



procedures to ensure control of the prisoner:

- a. If the prisoner is admitted, arrange for guards. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital.
- b. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.
- c. Serve the warrant, if one has been issued. If the magistrate will not release the arrestee on personal recognizance, then contact the Stafford County Sheriff's Office, Hospital Security or local police department to assume responsibility for security and guard duty at the hospital.
- d. Until relieved by the sheriff's office, the supervisor shall brief every officer on the duties of guards and shall ensure that guards have radios.
- e. The supervisor shall ensure that guards are checked periodically and relieved as necessary until sheriff's deputies relieve them.
- f. The prisoner shall be kept under observation at all times and, normally, restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices.

H. Special transport problems

1. Transport of prisoner by officer of different sex and/or juvenile transport:  
**(OPR.08.07.a.b)**
  - a. When transporting a prisoner of one sex by an officer of another sex, an additional officer may be requested to accompany the transport.
  - b. At a minimum the transporting officer(s) shall:
    - (1) Contact the dispatcher by radio and request that the time and odometer mileage be logged.
    - (2) Go directly to the destination by using the shortest practical route.
    - (3) Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged.
    - (4) The same procedures apply when transporting juveniles.

2. Prisoner with disabilities: **(OPR.08.05)**
  - a. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably, and safely for both the prisoner and the officer. The officer may request the dispatcher to contact the rescue squad for assistance. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.
  - b. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists, then restraining devices may be inappropriate.
  - c. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
3. Transportation of dangerous/security-risk prisoners from one facility to another
4. Transportation of prisoners suspected of carrying a communicable disease will be conducted per the guidelines set forth in General Order GO 2-34. **(OPR.08.06)**
5. Officer conducting the transport shall notify dispatch to contact the on-call or on-duty supervisor when special circumstances arise (such as above).

I. Restraining devices: **(OPR.08.01.a)**

1. See GO 2-7 for guidance.
2. When prisoners must be restrained during transport, the following procedures shall be followed unless circumstances require an alternate method.
  - a. A single prisoner shall be handcuffed with both hands behind his or her back. See GO 2-7.
  - b. In transporting more than one prisoner, each prisoner shall 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 shall a prisoner be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
  - e. Officers shall use ankle shackles or plastic handcuffs to immobilize legs when transporting any prisoner that might pose an escape risk.

3. Mentally disabled prisoners: **(OPR.08.03)**

If the use of a full body restraint becomes necessary to transport a mentally disturbed prisoner, the officer shall request rescue unit for transport. At no time will a full bodyrestraint be used to restrain prisoners who do not require it.

J. Documentation: **(OPR.08.01.e)**

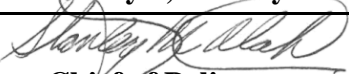
Officers shall document all prisoner transports and shall note any unusual circumstances or events. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment. Give names (and badge numbers, as appropriate) of personnel from and to whom the prisoner was released or transferred. Documentation will be on a supplement to the original offense report (PD 200 Series) or if advised by a supervisor on a separate incident report (PD 100).

K: Transportation of Persons:

Occasionally officers will transport citizens; whether they are in need of victim/witness assistance or as a public service. The below-listed procedures shall be followed whenever the public is transported in an Agency vehicle.

1. If the person is physically ill/injured or becomes physically ill/injured during transport the transporting officer will stop and notify dispatch to respond rescue to their location. If the transporting officer is in close proximity to a rescue station or medical facility, they will immediately respond to the rescue station or medical facility and seek medical assistance for the person. **OPR.08.02 & OPR.08.04)**
2. If the person is mentally ill the transporting officer shall follow procedures as outlined in G.O.2-27 (Mental Disturbance Incidents). **(OPR.08.03)**
3. When transporting a person with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably, and safely for both the person and the officer. The officer may request the dispatcher to contact the rescue squad for assistance. The transporting officer shall take whatever special equipment is necessary for the person. **(OPR.08.05)**
4. If the person is determined to have a communicable disease the transporting officer shall follow procedures as outlined in G.O.2-34 (Communicable Diseases). **(OPR.08.06)**
5. If the person being transported is of the opposite sex or a juvenile the transporting officer will advise dispatch of their location, mileage and destination. Upon arriving at the destination the transporting officer will advise dispatch of their ending mileage. **(OPR.08.07.a.b)**

6. In all circumstances when an officer transports a person as a public service or assistance a PD120 Liability Release Form will be completed and signed by the person(s) being transported. The transporting officer shall also complete a written report in the Electronic Document Reporting System prior to end of shift.  
**(OPR.08.01.e)**

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Vehicle Operation</b>		<b>NUMBER: 2-9</b>	
<b>EFFECTIVE DATE: January 1, 2019</b>		<b>REVIEW DATE: January 1, 2019 by J. Feliciano</b>	
		<b>APPROVED:</b>  <b>Chief of Police</b>	

**NOTE**

This order 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.

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**I. POLICY**

All personnel operating department vehicles shall exercise due regard for the safety of all persons: protection of life is the paramount goal of the department. **No task, call, or incident justifies disregard of public safety.** Further, the public expects its law-enforcement officers to demonstrate exemplary driving skills. All department personnel who operate department 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 used consistent with both legal requirements and the safety of the public and department personnel.

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

## II. PURPOSE

To establish procedures governing the **operation of police vehicles**, with special attention to emergencies and pursuits.

## III. DEFINITIONS

### A. Boxing in

A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.

### B. Caravanning

Direct participation in a pursuit by department vehicles other than the primary and authorized support vehicles.

### C. Crime involving violence

An offense involving violence or the threat of violence to another person, or the use or threat of physical force to another person. Examples:

1. Murder.
2. Robbery.
3. Rape.
4. Felonious assault.
5. Felonious sex offense.
6. Abduction.
7. Arson involving death or serious injury.
8. Any property crime coupled with life-threatening acts.
9. Any crime involving the display or use of a firearm, including misdemeanors involving firearms.

### D. Emergency driving (OPR.01.01.b)

That driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. *Virginia Code* §§ 46.2-829, -920, and -1022 apply.

E. Emergency equipment

Flickering, blinking, or alternating emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. §§ 46.2-920 and -1022 apply. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment. **(OPR.01.01.c)**

F. Normal or routine driving (OPR.01.01.a)

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."

G. Primary pursuit vehicle

Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.

H. Pursuit driving

An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect who is fleeing or evading apprehension, provided the officer reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers and the officer has probable cause to believe that the fleeing suspect has committed, or has threatened to commit, a crime involving violence or the display or use of a firearm. Pursuits shall be conducted only with activated emergency equipment as defined in § 46.2-920 and -1022 and under circumstances outlined in this order. An attempt to stop a vehicle that is not fleeing, or attempts to stop a vehicle that is refusing to stop while still obeying traffic control devices and not exceeding the speed limit by more than ten miles per hour is not a pursuit.

I. Risk

The degree of danger or hazard to the public or officers.

J. Roadblock

Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.

K. Support vehicles

The second or additional department vehicles, participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and helps the primary one once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.

#### IV. GENERAL PROCEDURES FOR ALL RESPONSES

##### A. General

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an officer's actions. Each officer must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the *Code of Virginia* authorizes officers to disregard traffic regulations. Both the operator and the department, however, are **not released from civil liability** for failure to use reasonable care in such operation.

##### B. Routine operation

1. In case of accident or damage to any department vehicle, the driver shall immediately request the on-duty (or on-call) supervisor to conduct an investigation.
  - a. Supervisors shall report accidents using the **FR-300** form. Drivers shall also write a memorandum detailing the circumstances.
  - b. Supervisors shall report any found damage or other non-accident damage on an incident report.
  - c. The chief of police shall review all accident or damage reports and take appropriate action, to include coordination with the Commonwealth's Attorney.
2. Vehicles used in routine or general patrol service shall be conspicuously marked.
3. Unmarked cars should not be used for pursuit except in absolute emergencies, but may be used for patrol. They may be used to stop vehicles provided they are equipped with grille or dash mounted emergency lights and a siren.
4. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights and alley (side) lights on the rooftop light bar. Hazardous warning lights may be used at any time the department 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 (§ 46.2-1029).
5. All personnel or ride-alongs during vehicle operation shall wear seat belts and shoulder straps. Prisoners shall be strapped in with seat belts whenever possible. **(OPR.01.04)**
  - a. Exception: When approaching an incident scene or a call where the officer believes that a rapid exit from the vehicle may be required, the officer may



release the seat belt (§ 46.2-1094 applies).

C. Inspection

1. Before each duty assignment, officers shall check their vehicles for cleanliness and operability of all equipment. Officers shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and gas.
2. Officers shall check the safety features of the vehicle before assuming duty. The check shall include (but not be limited to) all lights, brakes, siren, horn, and steering.
3. Officers shall examine their vehicles at the beginning and end of their shifts for damage. Officers shall report any damage immediately to the on-duty (or on-call) supervisor or document any damage on shift activity report if supervisor is not available.
4. 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. Rear seats shall be thoroughly checked.
5. Officers who discover a department vehicle in need of extensive repairs shall immediately inform the on-duty (or on-call) supervisor or document any damage on shift activity report if supervisor is not available.
6. If, in the opinion of the Chief of Police, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.
7. 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.
8. During periods of inclement weather when department vehicles cannot be washed regularly, the driver must ensure that headlight and taillight lenses are kept clean, insofar as circumstances permit.
9. No officer or employee shall operate any department vehicle, which he or she believes to be unsafe.

D. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
2. A department vehicle shall not be left unattended with the engine running unless locked, nor shall the vehicle be left unlocked when the officer has left it to handle other business.
3. 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 accordingly.

4. Officers responding to certain crimes-in-progress sometimes discontinue the use of the siren upon approaching the location of the occurrence. Officers shall understand that to do so means that, per Virginia law, they are no longer operating an emergency vehicle and must therefore observe all posted speeds and traffic control devices.
5. Emergency driving to the scene of a motor vehicle accident is permissible **only** when an emergency exists, (Code 1 response indicated by dispatch) when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.
6. Upon approaching a controlled intersection or other location where there is great possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal or stop sign, however, the officer shall stop his or her vehicle and ensure by careful observation that the way is clear before proceeding through the intersection.
7. Regardless of the seriousness of the situation to which the officer is responding, and excepting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.
8. At the scene of a crime, a motor vehicle crash, or other incident, a department vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights and four-way flashing lights shall be used to warn other drivers approaching the location.
9. Circumstances permitting, during emergency responses or pursuits, the driver may lower one front door window far enough to hear other sirens and traffic warning signals.
10. Operators of department 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 (§ 46.2-829).

## **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/her 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.

2. § 46.2-920.B states that the exemptions to driving laws granted to emergency vehicle operators "shall not, however, protect the operator of any vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property" and that the law does not "release the operator of any such vehicle for failure to use reasonable care in such operation." Recognizing that protection of human life is paramount, the responding officer must remember that his or her 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 by the dispatcher based on information received, as Code 1, 2 or 3 depending on circumstances. The codes are defined as follows.
  - a. **Code 3: Code 1 responses are authorized for any emergency where the preservation of life is a consideration.**
    - (1) Primary and support units responding to Code 3 calls shall proceed rapidly to the location of the emergency by the most direct means (consistent with § 46.2-920), using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.
  - b. **Code 2: Code 2 responses are authorized for any other situation regardless of apparent urgency where the preservation of life is not a consideration.**
    - (1) Units responding to Code 2 calls shall respond to the location without delay, complying with all traffic regulations and shall not use emergency warning devices.
  - c. **Code 1: Code 3 responses are authorized for any situation readily evident to be a non-emergency.**
    - (1) Units responding to Code 1 calls shall respond to the location in a non-emergency manner. The calls are to be completed at the officers' convenience.
2. Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes. Field supervisors shall closely monitor all Code 1 calls and shall respond if necessary.

C. Dispatcher assignments

1. The dispatcher shall assign Code 1 classification to those calls for service which meet the description under B.1.a above, which indicate a crime involving violence is in progress or where the suspect is armed, and all other requests alleging an implied or immediate threat to the safety of a person. Some felonies-in-progress that do not

apparently involve violence are dispatched as Code 1. Examples of Code 1 calls (not all-inclusive) include:

- a. An officer who needs urgent help.
  - b. A burglary in progress.
  - c. A robbery in progress.
  - d. A person with deadly weapon.
  - e. A serious-injury or fatal accident or hit/run.
  - f. A riot or large disturbance with fighting or injuries or damages occurring.
  - g. An apparent homicide.
  - h. A fight- or an assault-in-progress.
  - i. A sex offense in progress.
  - j. An auto theft in progress.
  - k. A shoplifting involving a violent suspect.
  - l. Domestic dispute with an assault in progress, or just occurred with a suspect still present.
  - m. An in-progress suicide attempt.
2. Upon receipt of a request for law-enforcement service, which necessitates the dispatch of an officer, the dispatcher receiving the request shall determine sufficient facts to set the priority code of the response.
- a. The dispatcher shall obtain information about the following:
    - (1) Whether the perpetrator is still on the scene, or armed.
    - (2) Condition of the victim.
    - (3) A possible hostage situation.
    - (4) The direction and method of travel of any fleeing suspects.
    - (5) A description of any fleeing vehicles.
  - b. When sufficient information concerning a request for service has been

obtained, the dispatcher shall assign the complaint a response code. Absent any information to suggest that the call involves an in-progress crime, and absent any information that violence has been involved or is occurring, the dispatcher shall assign the call as Code 2.

3. The officer may initiate a Code 1 response under some circumstances. See D.4 below.

D. Officer's response to call

1. Upon arrival at the scene of a call, the responding officer shall 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 may discontinue the use of the siren, at their discretion, 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.
  - a. Officers are reminded that upon deactivation of a siren and flashing lights, their response ceases to be an emergency and they must comply with all posted speeds and traffic control devices.
3. In situations requiring a silent response, e.g., alarms and prowler calls, officers shall 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 enforcement, the department authorizes an emergency response.

Examples include:

- a. 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 being stopped for traffic violations, or to warn motorists of imminent dangers.
- c. Responding to Code 2 calls, 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. Responding officer to notify dispatch of reason for code change.
- 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 response.

- e. In response to an officer's emergency request for assistance.
- f. For pursuit, see section VI.

E. Use of emergency warning devices in non-emergencies

- 1. Officers shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, officer, and the public.
- 2. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.

**VI. PROCEDURES FOR PURSUITS**

A. Justification for pursuit: (OPR.01.10.a)

In determining whether or not to pursue, the officer must weigh the decision by examining the degree of seriousness of the incident against the risk levels involved. The following matrix represents the choices the officer might make. Refer to the table and the explanation of the risk levels, which follow the matrix. As required by this order, officers shall make hardcopy documentation of all pursuits (i.e. PD-100).

<b><i>PURSUIT DECISION-MAKING MATRIX (OPR.01.10.a)</i></b>			
<b><i>Degree of Seriousness</i></b>	<b><i>Decision Threshold--Risk Levels</i></b>		
	<b>Low</b>	<b>Moderate</b>	<b>High</b>
<b>Violent Felony--Imminent Threat</b>	May pursue: continue to assess risks	May pursue: continue to assess risks	May pursue: discontinue if risks exceed known threat to public safety if capture is delayed
<b>Felony--Violent</b>	May pursue: continue to assess risks	May pursue: continue to assess risks	May pursue: discontinue if risks exceed known threat to public safety if capture is delayed

<b>Felony--Property</b>	Maypursue: continue to assess risks	Maypursue: continue to assess risks	DISCONTINUE OR DO NOT PURSUE
<b>Misdemeanors</b>	Maypursue: continue to assess risks	DISCONTINUE OR DO NOT PURSUE	DISCONTINUE OR DO NOT PURSUE
<b>Minor Infractions</b>	DO NOT PURSUE	DO NOT PURSUE	DO NOT PURSUE

*(The Pursuit Decision-Making Matrix is copyrighted by the Gallagher-Westfall Group, Inc., Indian Valley, Virginia, and is included here with their permission.)*

The following objective risk factors define the low, moderate, and high-risk categories in the matrix above. During a pursuit, officers must continuously evaluate the risk to the pursuing officers, the suspect, and the public, and be prepared to end a pursuit when the risk factors so require. **Risk factors may change during the pursuit.**

1. High risk factors
  - a. High density of intersecting streets (e.g., residential or business district).
  - b. Poor weather, slippery streets, low visibility.
  - c. Blind curves, intersections, and narrow roads.
  - d. Numerous pedestrians.
  - e. Heavy, congested traffic.
  - f. Speeds twice the posted limit, or greater than 80mph.
  - g. Unmarked vehicles, motorcycles, or non-patrol vehicles involved in the pursuit.
  - h. Extremely hazardous maneuvers by the violator (e.g., driving against oncoming traffic, running red lights).
  - i. Pursuing officer is excited and not in full control of emotions.
  - j. Numerous pursuit vehicles involved, above authorized number.
  - k. No supervisor participating in the pursuit, or ineffective supervisory oversight.
  - l. Special circumstances (e.g., a school district).



2. Moderate risk factors

- a. Unmarked vehicles, motorcycles, or non-patrol vehicles involved in the pursuit.
- b. Moderate density of intersecting streets (e.g., a residential area).
- c. Light pedestrian traffic.
- d. Moderate traffic, little congestion.
- e. Speeds 20 mph greater than the posted limit.
- f. Pursuing officer is generally calm with emotions under control.
- g. Some hazardous but not extreme maneuvers by the violator (e.g., crossing the centerline to pass vehicles, sudden lane changes).
- h. Supervisor is involved or provides effective oversight.
- i. Authorized number of departmental vehicles involved in the pursuit.

3. Low risk factors

- a. Only marked patrol vehicles involved.
- b. Pursuit takes place on a straight road, good surface, clear visibility.
- c. Low density of intersecting streets.
- d. Few or no pedestrians.
- e. Clear, calm weather.
- f. No hazardous maneuvers by the violator.
- g. Speeds at less than 20 mph over the speed limit.
- h. Supervisor is involved or provides effective oversight.
- i. Authorized number of departmental vehicles involved in the pursuit.
- j. Officer calm and in full control.

B. Primary officer responsibilities (OPR.01.10.b)

- 1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle.

Officers shall only pursue persons on probable cause that the fleeing persons have committed a crime involving violence. **Only marked vehicles with emergency equipment shall pursue.**

The officer shall notify the dispatcher of the following:

- a. The location of the officer and the suspect's vehicle.
- b. The direction of travel.
- c. The license number (and state) of the suspect's vehicle.
- d. The description of the suspect's vehicle.
- e. The reason for the pursuit.
- f. Pursuit speed
- g. Traffic conditions (i.e., light, moderate, or heavy)
- h. Number and description of occupants in suspect vehicle

C. Supervisor's responsibilities (OPR.01.10.e)

1. The on-duty supervisor shall monitor the pursuit by ensuring compliance with department policy, directing officers to join or abandon pursuit, reassigning primary and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit.
2. The on-duty patrol supervisor shall monitor the pursuit and may respond to the location of the stopped suspect. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.
3. No more than two department vehicles may pursue a fleeing suspect without the specific authorization of the on-duty (or on-call) supervisor. In authorizing additional department vehicles to pursue, the supervisor shall consider:
  - a. The nature of the offense.
  - b. The number of suspects.
  - c. The number of officers currently participating as primary or support vehicles.
  - d. Any injuries or property damage already sustained as a result of the pursuit.
  - e. Any other clear, articulated facts that would justify the assignment of additional department vehicles.
  - f. Pursuit speed
  - g. Traffic conditions (i.e., light, moderate, or heavy)

- h. Number and description of occupants in suspect vehicle
  - i.
4. After the incident, the supervisor shall critique the pursuit with all of the officers' involved and direct participants to submit reports.
  5. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.

6.

D. Supporting officers' responsibilities (OPR.01.10.c)

1. Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest. The secondary pursuing officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. The secondary officer must also alert other officers of the probable route of travel. By handling these communications responsibilities, the primary officer can focus attention on the pursuit driving.

E. Considerations for 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 the pursuit whenever the safety risks outweigh the need for immediate apprehension. The department expects the officer to end the pursuit when the level of risk, measured against the seriousness of the violation, so requires.
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. Officers should be aware that the courts may hold them criminally and civilly responsible for a pursuit conducted in a negligent manner. Therefore, officers must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens.

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. Boxing-in shall be performed **only** at low speeds and under the direct authorization of the on-duty supervisor and then **only** if the participating officers have been trained in the technique.
3. Caravanning is prohibited.
4. Officers shall not fire their weapons from a moving department vehicle. Officers may only fire weapons at a vehicle under conditions described in **GO 2-6**, Paragraphs V. A.3 and VI.C.
5. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle might carry other persons who might assault the pursuing officers.
6. If the on-duty supervisor orders the pursuit to end, then the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.
7. When accompanied by civilian passengers, officers shall not pursue. If a civilian is in the department vehicle at the beginning of a pursuit, that officer shall turn the pursuit over to another officer, or deposit the civilian at an appropriate, safe location and notify dispatch to have the observer picked up.
8. 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 may use a different siren-sound selection, **if** circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.
9. In case of pursuit, should the suspect drive in a direction opposite to the flow of traffic, the pursuing officer shall use safety and discretion when following the suspect in the wrong direction and transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel. The pursuing officer may be able to follow the suspect on a parallel road.
10. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle.

11. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, officers shall:
  - a. Slow to a stop and enter the intersection at a reduced speed and only when safe, when all other vehicles are aware of the officer's presence.
  - b. Resume pursuit speed only when safe. When using emergency lights, 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.

G. Out-of-jurisdiction pursuits (OPR.01.10.g.h)

1. Pursuits beyond the local jurisdiction require the direct approval of the on-duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request help.
  - a. Officers shall review § 19.2-76 concerning arrests outside the jurisdiction where the offense is charged and § 19.2-77 concerning pursuits and arrests anywhere within Virginia. Officers are authorized to pursue a suspect and apprehend him wherever he is found within Virginia.
2. Once the pursuit has entered another jurisdiction, if two or more vehicles from that jurisdiction enter the pursuit, department officers shall cease their emergency driving (unless circumstances require their continued pursuit), turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices unless requested by the jurisdiction to remain in the pursuit – the other jurisdiction shall assume primary.
3. If officers from another jurisdiction pursue a suspect into ours, department officers shall enter the pursuit **only** if the other agency specifically requests help **and** the on-duty supervisor approves our participation. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstance dictate.
4. When the fleeing suspect is apprehended in another jurisdiction, the pursuing officer of that jurisdiction shall take the arrested person before a judicial officer of that jurisdiction. The officers shall then go before our local magistrate 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.
5. When a fleeing suspect from another jurisdiction is apprehended within the county, the apprehending officer shall take the arrested person before the magistrate.

VII. **TERMINATING PURSUITS: (OPR.01.10.i)**

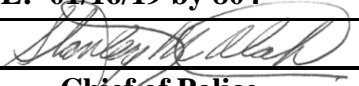
- A. This order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent

decision the officer can make.

1. 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. **No officer can be disciplined for discontinuing a pursuit.**
- B. Officers **shall discontinue** a pursuit under the following circumstances:
1. The on-duty supervisor orders it.
  2. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.
  3. The pursued vehicle has outdistanced the pursuing officer such that its location is not known.
  4. A person has been injured during the pursuit and no medical or other department personnel are able to provide help.
  5. The pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect **at the time.**

#### **VIII. FOLLOW-UP REQUIREMENTS: (OPR.01.10.j)**

- A. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit before the end of their shift **whether or not the suspect was stopped.** The supervisor shall prepare a summary report, which includes:
1. The names of participating officers.
  2. A narrative description of where the pursuit began and under what circumstances (including the weather conditions and road description), where it ended and under what circumstances, at what speeds, and the duration of the pursuit.
  3. A description of the tactics used to stop the suspect's vehicle, including the use of tire-deflation devices, and an evaluation of their effectiveness.
  4. Any observations on the behavior or actions of the fleeing driver that may support additional criminal charges.
  5. A description of how the suspect was apprehended, and the force-measures employed.
  6. A description of property damaged or an account of injuries sustained during the pursuit.
  7. The offenses for which the suspect was charged.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Missing Persons</b>		<b>NUMBER: 2-10</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 01/16/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-10, March 15, 1994, Dec. 10, 2001, Dec.6, 2006</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>DEC 26, 2010, July 9, 2015</b>		<b>VLEPSC STANDARDS: OPR.05.01</b>	

**NOTE**

This order 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**

- Dispatcher's responsibilities (re: missing persons)
- Missing persons
- Runaways
- SP67 – Missing Adult
- SP183 – Missing Juvenile ( See Sec. IV Chile

**I. POLICY**

Per mutual agreement between the Stafford County Sheriff’s Office and the Aquia Harbour Police department, the Sheriff’s office will handle all missing adults and missing/runaway juveniles, with the assistance of the Aquia Harbour officer. People are reported missing for many reasons: some people leave home voluntarily for personal reasons; some missing persons reports are unfounded; and some people may disappear for unexplained reasons but under suspicious circumstances. The role of the responding officer, however, is critical in identifying the circumstances surrounding missing persons and in identifying persons at risk. Each officer shall notify SCSO communication and conduct thorough investigations of missing persons, with particular care in instances involving missing children and those who through mental or physical impairment cannot care for themselves. Each officer, therefore, shall prepare necessary reports and request appropriate VCIN/NCIC entries. Each dispatcher shall ensure that the missing/wanted entry contains accurate and complete information and shall avoid unnecessary delays.

**II. PURPOSE**

To establish guidelines which describe the investigation of missing persons and making appropriate entries into VCIN and NCIC. **(OPR.05.01.g)**



### III. PROCEDURES

#### A. General:

1. No waiting period exists before taking missing-persons report. Further, the initial report may be taken in person or by telephone.
2. A person is considered missing when his or her whereabouts is unknown and knowledgeable persons regard the disappearance as unusual or uncharacteristic.
3. The missing-person report may be deemed critical if the officer taking the report has reason to suspect
  - a. Foul play or suspicious circumstances; or
  - b. The missing person may be unable to safeguard or look out for him- or herself, regardless of age; or
  - c. A risk of suicide; or
  - d. A risk of accident (while boating or swimming, for example); or
  - e. The missing person is a mental patient who may endanger him- or herself or others; or
  - f. The missing person suffers from a physical or mental incapacity that may be life threatening if not under care.
4. A report of a missing juvenile should not be assumed to be a runaway unless investigation yields this finding.

#### B. Preliminary investigation:

The Harbour officer, upon receiving the call for service, shall immediately notify SCSO and gather the following information for every missing- persons report:

1. Name, age, physical description of missing person.
2. Relationship of reporting party to the missing person.
3. Time and place of the missing person's last known location and the identity of anyone in the missing person's company.
4. Behavior of the missing person, including whether the person has gone missing before, and relevant habits or patterns.

5. Recent history of problems or trauma such as illness, domestic violence, substance abuse, history of mental illness, use of prescription drugs.
6. Extent of any search for the missing person.
7. Indications of missing money or belongings.
8. Obtain recent photograph of the missing person, and if possible the person they are believed to be with if applicable.

C. Follow-up investigation:

Following the preliminary missing-person report, the supervisor may direct a search, if necessary. A follow-up inquiry includes the following steps.

1. If the missing person is a child, with a parent's permission and under their supervision, search the child's home, as appropriate.
2. Obtain fingerprints and dental records.
3. Contact the medical examiner's office and local hospitals for injured or deceased persons meeting the description of the missing person.
4. Conduct interviews with persons who were in the area where the missing person was last seen, or who may work in or frequent the area.
5. Conduct interviews with co-workers, family, friends, schoolmates, teachers, counselors, social caseworkers, or others to help determine whether the missing person might have left voluntarily or was coerced into a kidnapping or prostitution.
6. If abduction of a child by a stranger is suspected, contact the FBI.
7. Following receipt of the initial missing-person report, the dispatcher shall verify whether any of the following criteria is met. If so, information on the missing person shall be entered into VCIN/NCIC. These criteria apply to persons of any age.
  - a. The missing person has a proven physical or mental disability and may subject him- or her or others to danger.
  - b. The missing person is in the company of another under circumstances that indicate danger.
  - c. The missing person may have disappeared involuntarily under circumstances that suggest abduction or kidnapping.
  - d. The missing person is an unemancipated juvenile.

- e. The person has been missing subsequent to a disaster.
- 8. There may come a time in a missing persons investigation when it is appropriate to contact the media (newspapers, radio, television etc.). The Stafford County Sheriff will make the determination after consultation with the family, other agencies regarding media contact.

D. Case closure:

- 1. If a competent adult missing person is located, officers shall advise the person that he or she was the subject of a missing-person investigation and
  - a. Ascertain if the person wishes his or her family or the reporting party notified of his or her whereabouts; and
  - b. Arrange to notify the reporting party or family member, if permitted.
- 2. Officers shall inform the reporting party of the well being of the person who had been reported missing. Unless the law compels another course of action, the department shall comply with the located person's wishes not to make his or her whereabouts known.
- 3. Before closing a missing-person case, officers shall question the located person to establish the circumstances and to ensure that no criminality was involved.
- 4. Reports:

A missing-person report is retained indefinitely until the complainant cancels or clears the record or until the missing person has been located.

**IV. CHILDREN**

A. Preliminary:

- 1. If the missing person is a child, in addition to the questions outlined above, the officer or report taker must ascertain if the child
  - a. May be with an adult who might harm him or her;
  - b. May have been abducted by a parent;
  - c. Has previously run away, threatened to do so, or has had inexplicable absences; or
  - d. May be living under abusive or dysfunctional conditions.
- 2. A search for the child shall examine the local neighborhood with special reference to

friends' houses, libraries, banks, local stores, or parks.

B. Schools:

1. Ascertain the name and location of the school the child attends and identifying information on anyone who may be responsible for private transportation to and from the school.
2. With the permission of school authorities and in their presence, search the child's locker. *[Note: A warrantless search of a child's locker may be impermissible. Contact the commonwealth's attorney.]*

C. Case closure:

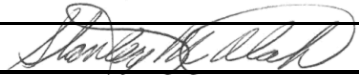
1. When a missing child has been located, officers shall ensure that medical care is provided immediately, as appropriate.
2. Question the child about the circumstances of his or her disappearance and identify any persons who may be criminally responsible or whether an abusive or negligent home environment contributed to the child's disappearance.

D. Documentation requirements:

1. Officers shall complete the Virginia Missing Children Information Clearinghouse Report, Form SP183, on any child reported missing. Original will be forwarded to County Sheriff's Office for inclusion in NCIC/VCIN. Additionally, a CCR# will be taken and an incident (or offense) report filed in the SCSO Computer System. All officers are advised to make a notation in the Communications Logbook regarding the BOL in addition to a copy displayed in a conspicuous area of the gatehouse.

E. Other Agencies or Jurisdictions

1. Any information received from another agency or jurisdiction regarding Wanted/Missing Persons will be prominently relayed to SCSO. . The dispatcher will make every effort to pass BOL information to the officer on patrol.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Informants</b>		<b>NUMBER: 2-11</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/14/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-11, MAR 1994, DEC 1, 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.02.06</b>			

**NOTE**

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**INDEX WORDS**

Confidential Source  
 Crime Solver Informant  
 Defendant Informant  
 Entrapment  
 Informants  
 Paid Informant  
 Police Informant  
 Restricted Use Informant  
 Witness

**I. POLICY**

It shall be the policy of the Aquia Harbour Police Department to encourage the cultivation and utilization of informants. The proper legal use of informants can greatly assist the efforts of the Police Department in obtaining vital information in the furtherance of any investigation. Proper SCSO units should be inform of the possibility of the development of an informant, with the approval of the Chief of Police.

**II. PURPOSE**

To establish guidelines for the documenting and use of informants and the accounting for the use of informant funds by the members of the Aquia Harbour Police Department.

**III. DEFINITIONS**

The following are terms used regarding Informants:

A. WITNESS

A witness is a person who has personally seen, heard, or experienced a crime or something that serves as proof or evidence. This person may be required to testify in a legal setting. Witnesses will not receive any remuneration except under extraordinary circumstances specifically authorized by the Chief of Police.

B. CONFIDENTIAL SOURCE

A confidential source is a person who supplies valuable information or intelligence to a member of the Department. A confidential source supplies the information without expectation of a specific reward or compensation in any form. This differs from an informant. The identity of a confidential source is protected from disclosure. No Department files are kept on confidential sources.

C. POLICE INFORMANT

An informant is a person who furnishes information or intelligence or performs lawful services for the Police Department on one or more occasion. The informant may work either with this department only or in joint ventures with other law enforcement agencies. Characteristically, the person has an expectation of remuneration in some form. Typically, the identity of an informant and their activities are kept confidential. Police informants may be considered under several headings.

1. Defendant Informant –

One who is subject to arrest and prosecution for a criminal offense or is a defendant in a criminal prosecution and who expects compensation in the form of consideration for his/her assistance in potential or actually pending prosecutions. Requirements applicable to defendant informants include:

- a. The Commonwealth's Attorney must approve any final agreement.
- b. A defendant will be advised that his/her cooperative efforts will be brought to the attention of a prosecutor.
- c. The appropriate Commonwealth's Attorney will be advised of the nature and scope of the defendant's cooperation as soon as practical and shall be kept advised of the nature of and scope of the defendant's cooperation throughout the period of the informant's use.

2. Restricted Use Informants -

- a. Informants who, because they are less than 18 years of age, can be used only with approval of the Chief of Police, written consent of parents or legal guardians or a juvenile court judge.

- b. Persons on probation or parole who will be used as informants only after notification to their probation or parole officer.

Restricted use informants are entitled only to cash awards.

3. Paid Informant -

A person who supplies information and/or intelligence about criminal activity with an expectation of receiving a monetary award from Department funds. Typically these are confidential informants and their identity is protected. This is the type of informant generally thought of as the police informant. Confidential files are kept of activities with paid informants.

4. Crime Solver Informant -

Crime Solver Informant is an anonymous informant who uses the Crime Solvers Program to earn rewards authorized by the Crime Solvers Board of Directors.

D. ENTRAPMENT:

Entrapment occurs where the informant encourages, persuades, or otherwise motivates a person to commit a crime.

## IV. PROCEDURES

A. GENERAL CONSIDERATIONS

1. A police informant is a person who provides information of a criminal nature. The informant typically is a citizen who for his/her own reason(s) provides information about others that are involved in criminal activities. An informant expects some remuneration such as money for the information, unlike a confidential source of information.
2. All police officers should seek to develop confidential sources and police informants. An Informant relationship may develop from a witness or a confidential source. In many cases, informants can be developed as a result of friendly, courteous and professional conduct on the part of the police officer. In the process of exercising police authority over individuals, officers have opportunities to develop sources of information.
3. All police officers shall protect the confidentiality of his/her informants. This must be done through a system which provides confidentiality to the informants' identities and transactions, but which also permits lawful accountability.
2. In developing informants, officers shall ensure confidentiality of informant identities and transactions and shall observe lawful accountability.

4. Officers shall not make any deals with people concerning charging, pleading, or sentencing. Officers may, however, consult with the commonwealth's attorney regarding these matters.
5. Informant information may become the basis for a variety of legal and police processes. The officer shall carefully consider the possibilities of being required to identify an informant in the courtroom, possibly placing the informant in jeopardy.
6. Informants are not law-enforcement officers and have no arrest powers and are not permitted to conduct searches and seizures. Informants receive no special legal exemptions and they shall be arrested if they commit crimes.
7. No employee shall knowingly maintain a social relationship or become personally involved with an informant. No employee shall solicit, accept gratuities, or conduct any business transaction with an informant.
8. When feasible, officers shall have witnesses to their transactions with informants. Whenever an informant receives pay for information, informants shall sign a receipt for money and another officer shall witness the transaction.
9. No juvenile shall be used as an informant without the written permission of his or her parent or guardian, and approval from the Chief of Police.
10. Officers shall tell informants that confidentiality cannot be guaranteed.

B. Identity of informants:

1. Each police officer that wishes to develop and use a paid (or otherwise) police informant will prepare a police INFORMANT PORTFOLIO INFORMATION (PD-IPI-250) report. This informant report will have the following information on it (See attached IPI form):
  - a. Officer's name and badge 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 file.
  - b. The name of the informant;
  - c. Informant's address;
  - d. Date of birth;
  - e. Social security number; and



- f. Relevant information about reliability of the informant to include but not limited to;
- (1) Biographical and background information physical description, marital status and number/names of children, aliases, residential addresses for the past five years, telephone number, known acquaintances, habits, current employer (and position, address, telephone number), and associated vehicles. **(OPR.02.06.b)**
  - (2) Criminal history record, if any, photographs, and fingerprints.
  - (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, including an update on the active or inactive status of the informant. Any information on the **unreliability** of the informant shall be included.
2. Before submitting the completed IPI form, wanted persons and criminal history check should be run on the individual and attached to the form being submitted.
  3. On the top of the IPI form is a space marked Code Number. This code number will be 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 file.
  4. This informant report will be turned into the supervisor by the police officer. The report will be in an unsealed envelope.
  5. The supervisor will review the material contained in the envelope to determine if any other officer has also identified the same informant.
  6. After the review, the supervisor will:
    - a. Seal the envelope;
    - b. Place it in an individual informant file with the informant's identifying code number on it; and
    - c. Place this file in the portfolio of confidential informant files under the particular police officer's name. **(OPR.02.06.a)**
  7. These informant files will be kept in a locked file cabinet in the chief's office. **(OPR.02.06.d)**

8. The completed IPI form on the individual informant with its attachments must remain sealed in the envelope in the informant files. It may only be opened:
  - a. By the individual officer working with the informant;
  - b. In response to a legal subpoena; or
  - c. If an emergency arises which makes it essential to identify individuals who might have had contact with an officer, relating to some harm having occurred to the officer, etc.
9. Once an individual informant file has been prepared on an informant, all future references to that informant in any report will be by the informant's code number only.
10. Two or more officers may develop the same individual as an informant. Each officer will develop an individual informant file, assign the informant a number, and keep personal records of their transactions with the informant.
11. Once the individual informant file has been prepared, it will be the police officer's responsibility to keep the file up to date by adding information as to transactions, money paid out, leads, contacts, reliability of information, etc. **(OPR.02.06.c)**
12. Informant files can be retained indefinitely, but officers are encouraged to keep only active informants on file.
13. Though not encouraged to do so police officers may maintain their own, duplicate informant files, but the police officer will be responsible for their security and for continuing to update the chief of police's files.

C. **WORKING WITH POLICE INFORMANTS: (OPR.02.06.i)**

1. Police officers will not make any "deals" with individuals relating to charges, pleadings or sentencing. Police officers may, however, consult with the Commonwealth's Attorney regarding developing a specific defendant informant.
2. Informants as participants in offenses must be willing to testify in court. Police officers must be careful in cases where the informant may be pulled into going along on an offense. In these types of cases, the police officer shall review the circumstances with Chief of Police and proceed only with his approval. Depending on circumstances, the Chief of Police should review the case with the Commonwealth's Attorney, with the officer present.
3. Police officers should deal with informants very carefully, particularly those with a sexual preference that makes an investigation more susceptible to compromise through alleged irregularities. **(OPR.02.06.g)**

4. Use of juveniles as informants is a particularly sensitive area. These are restricted informants and their use requires approval from the Chief of Police, parental permission, and consultation with the Commonwealth's Attorney and juvenile court judge prior to any such use. **(OPR.02.06.h)**

5. Informant's Identity: **(OPR.02.06.e)**

- a. The disclosure of an informant's identity will be avoided whenever possible, even when no prior offer of confidentiality has been given.
- b. All interactions with the informant, including his development, use and debriefing, will be carried out with the highest regard for confidentiality.
- c. When an informant is brought to the Community Offices Building, it should attract minimal attention. Meetings not at police facilities will be done, as much as possible, in neutral locations.
- d. Informant confidentiality will be thoroughly discussed with the prosecutor prior to the trial or other proceedings and any alternative(s) to disclosure will be given consideration.
- e. When the issue of disclosure arises during an officer's testimony and he is uncertain of the legal requirement, he should request time to discuss the matter with the Commonwealth's Attorney.

6. All informants shall be advised:

- a. That the Commonwealth's Attorney's office will be advised of any assurances and/or compensation provided to an informant or defendant informant in advance of any judicial proceeding.
- b. That if it is necessary to disclose the informant's involvement or identity to the Commonwealth's Attorney, the Commonwealth's Attorney shall be requested to handle this information with similar regard for security.
- c. That the informant has no official status, implied or otherwise as an officer or other employee of the Aquia Harbour Police Department.
- d. That the information they provide may be used in criminal proceedings, and although the Aquia Harbour Police Department will use all lawful means to protect their confidentiality, this cannot be guaranteed.

7. **“GOLDEN RULE”** Never give an informant your home phone number!

D. USE OF INFORMANT FUNDS: **(OPR.02.06.f)**

1. Fund Administration

- a. The chief of police will administer the informant funds and act as Fund

Administrator. He will also be in charge of the funds available to specific operations, and will:

- 1) Keep an Informant Funds Account book documenting all activity;
  - 2) Be responsible for the storage, use, and documenting of all fund usage;
  - 3) Keep all funds and the Informant Funds Account book locked in a file in his/her office.
2. Funds for payment of informants might be limited and officers must discuss appropriate levels of payment with the Fund Administrator.
  3. A Fund Administrator must authorize all payments by officers.
  4. Funds may be paid out for the following reasons:
    - a) The informant's information has led to the clearance of a case or to an arrest of a subject who has committed a crime or who is wanted by a law enforcement agency.
    - b) The informant has given information that has caused a search warrant to be issued.
    - c) The informant has made a drug buy or has made a buy of stolen property.
    - d) The informant has given information that has resulted in the recovery of stolen property.

There may be other reasons for an informant being paid and these will be taken up on a case-by-case basis with the Fund Administrator.

5. Monetary transactions with informants will be recorded in an Informant Funds Account Book. All funds must be carefully accounted for and the chief (Fund Administrator) will have periodic audit conducted by a disinterested party and compile disbursement report to be kept on file.
6. When an officer makes a "Payoff" to an informant, the officer must get a signed receipt if feasible.
7. Unexpended funds shall be returned to the Fund Administrator, who will log the return in the Account Book.
8. In extraordinary circumstances officers may be advanced a certain amount of money so as to have it available with them on the street as useful informant opportunities may arise. The officer and the Fund Administrator must specifically document use of these funds.

D. Legal uses of informants:

Specific legal guidelines exist regarding the use of informants. The following points are offered to help officers judge the usefulness of their informants. See **GO 2-1** and **GO 2-2** for more details on the legal use of informants.

1. If possible, corroborate informant tips through independent investigation.
2. 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 or her information reliable.
  - a. If no reason requires the informant's identity to be kept confidential, the officer may 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 if he or she is willing to testify in court.
  - b. When referring to unnamed informants, officers must rely on a magistrate to make a common-sense decision whether, given the veracity and basis of knowledge of informants supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place. If an officer relies on an informant's information for proving probable cause, in the affidavit he or she shall allege
    - (1) The facts from which the informant concluded that the thing to be searched for is probably on the person or premises to be searched; and,
    - (2) Based on the totality of the circumstances, the facts from which the officer concluded that
      - (a) The informant was credible; or
      - (b) The information furnished by the informant was reliable.
3. Informant reliability may be established by the following considerations:
  - 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 or she 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.
4. Informants shall not take and the department shall not condone any actions that may be deemed entrapment.

PD-IPI-250  
11/01

AQUIA HARBOUR POLICE DEPARTMENT  
INFORMANT PORTFOLIO INFORMATION

CODE NUMBER:

POLICE OFFICER:

NAME OF INFORMANT:

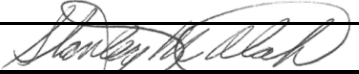
ADDRESS:

DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

CRIMINAL HISTORY ATTACHED:

OTHER DEPARTMENTS UTILIZING INFORMANT:

RELIABILITY INFORMATION, DOCUMENT ALL OTHER FACTORS INDICATING INFORMANT RELIABILITY ( i.e. CONTROLLED BUYS, VERIFIED INFORMATION THROUGH OTHER SOURCES OR INDEPENDENT INVESTIGATION).

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Patrol</b>		<b>NUMBER: 2-12</b>	
<b>EFFECTIVE DATE: JANUARY 1 2019</b>		<b>REVIEW DATE: JANUARY 1 2019 by 810</b>	
		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC: ADM.24.06, OPR 01.07, OPR.07.11</b>			

**NOTE**

This order 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.

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**INDEX WORDS**

Childhood death	Mental patients
Death investigations, preliminary	Patrol
Emergency notifications	Public intoxication
Hazards	Residential lockouts
Hospital response	Residential security checks
Juveniles (re: shoplifting)	Shoplifting arrests
Loud-party calls	Shoplifting evidence
Medical examiner	Vehicle lockouts

**I. POLICY**

Patrol is the primary activity of law enforcement that includes much more than driving through neighborhoods looking for evidence of lawbreaking. The department expects officers to conduct patrol vigorously to enforce traffic and criminal laws, answer complaints, conduct investigations, promote community-relations activities, transport prisoners, and prevent crime.

**II. PURPOSE**

To define and outline procedures for handling commonly encountered patrol situations.



### **III. DEFINITIONS**

Patrol can be defined in terms of its component activities:

- A. Crime prevention.
- B. Response to requested services.
- C. Investigation of crime, offenses, incidents, and conditions, including arresting offenders.
- D. Traffic direction and control.
- E. Regulation of certain businesses 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 in furtherance of community-oriented policing ideals.
- I. Reporting of information to appropriate entities.

### **IV. PROCEDURES - General**

- A. Patrol coverage
  - 1. The department provides 24-hour coverage, 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, house checks, security checks, foot patrols, or traffic enforcement.
  - 2. Each patrol officer will normally work a ten-hour shift, four days per workweek. Any additional days or hours actually worked above forty will constitute overtime. Shift schedule as designed provides for a minimum of one-hour overlap to allow for continuous coverage during shift change. The only exception is the change from night (2000-0600) and daylight (0600-1600). Continuous coverage is accomplished by the night officer ending tour only after daylight has been briefed and begun tour. All other shifts will brief oncoming officers with information that occurred during their tour.  
**(OPR.01.07.b.e.f)**

Officers will engage in independent patrol throughout the entire gated Aquia Harbour Property. Officers will patrol the Aquia Harbour Property in designated, marked patrol vehicles. Officers will need to periodically respond to the police station, when required, to assist walk-in citizen complaints. At any given time, more than one officer may be on duty and daily work plans will be provided by the on-duty supervisor for patrol officer duties which will be annotated on the white board in the patrol supervisors area. Work plans will not be inclusive and will allow officers to engage in other patrol duties as required.

3. The Deputy Chief will assign officers to their respective shifts, based on (1) needs of the department, (2) officer's preference (if possible), (3) and final approval by the Chief.  
(**OPR.01.07.a**)

B. Patrol activities

1. Responding to calls effectively and safely may, in some situations, require several officers. Circumstances 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. Aquia Harbour Police Officers are dispatched in two ways. Low priority calls are normally dispatched through the Aquia Harbour Front Gate Dispatcher and calls listed above are normally provided through the Stafford County Sheriff's Office Communications Center. For calls listed above, regardless of whether it came from the Aquia Harbour Front Gate or Stafford County Sheriff's Office Communications Center, an officer finding the circumstances listed above shall request back-up assistance. Two officers assigned to such a call shall coordinate their simultaneous arrival, when possible. The back-up officer may be another Aquia Harbour Police Department officer or Stafford County Sheriff's Office Deputy.
3. If the first responding officer to a priority call (under B.1 above) finds that the incident was not as reported and does not require multiple officers, he or she shall so advise dispatch so that back-up officers can be assigned other calls.

C. Incidents requiring presence of a supervisor (**ADM.24.06.e**)

A supervisor shall be notified and shall assume command of the following incidents: Due to the nature of Aquia Harbours structure, an Aquia Harbour Police Department supervisor may not be on duty during the times an incident described below may occur. On-duty Stafford County Sheriff's Office Supervisors will be notified of incidents where an Aquia Harbour Police Department Supervisor is not readily available or instances described within the Memorandum of Understanding (MOU) between the Aquia Harbour Police Department and Stafford County Sheriff's Office.

1. Use of force or arrest when off Aquia Harbour property
2. Serious injury to an officer.

3. Felonies and other offenses described in the MOU
4. .
5. Major crimes to include murder, bank robbery or a heinous crime or assault where death may occur.
6. Barricade/hostage situations.

7. Disasters, catastrophes, or severe weather producing emergency conditions.
8. Any complaint involving an officer that may be serious in nature.
9. Serious accident, injury, or incident involving Wintergreen Police Department personnel or property.
10. Any other incident where a supervisor is requested.

D. 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 on-duty patrol supervisor, may be delivered. Officers shall deliver any message pertaining to a death, serious injury, or serious illness in person. The following procedures shall be used whenever possible and practical for valid notifications by department employees:
    - (1) Notification shall be made as promptly as possible, and in person, not by telephone.
    - (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 to the next-of-kin alone, the officer shall offer assistance in contacting a relative, close friend, or member of the clergy.
    - (4) Officers delivering emergency notifications shall provide the source of the information.
    - (5) If the next-of-kin lives in another jurisdiction, then the dispatcher shall contact the Stafford County Sheriff's Office in order to send a teletype message requesting notification.
  - b. When requested **by another agency** to make notification of next-of-kin, the dispatcher or officer shall obtain whatever pertinent information about the situation that is available in order to assist the relative receiving the message.
    - (1) Other agencies must request an emergency notification by Teletype.
    - (2) If the request for notification originates from a private agency or a hospital, dispatch shall advise them to contact their local law-enforcement agency to verify the request and send a notification request to the department via Teletype through The Stafford County Sheriff's Office.

- (3) Telephone verification of notification requests from outside agencies is not acceptable.

E. Highway maintenance/public utilities

1. Patrol officers may identify a variety of **hazardous situations** such as bad road/weather conditions, unsafe structures, and potentially dangerous calls for service. Officers with knowledge of hazardous situations shall promptly tell the dispatcher and the on-duty supervisor. Some hazardous situations may require immediate notification of local media outlets in order to request public service announcements. Normally, the Chief of Police or his/her designee shall contact AH Public Relations Person for this purpose.
2. 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. Officers shall communicate either category to the on-call roads and grounds supervisor and take further appropriate action by notifying the Stafford County Utilities Department as needed.
  - a. Hazards requiring immediate notification of the proper agency:
    - (1) Large holes in road.
    - (2) Electrical power or telephone lines down.
    - (3) Large debris or obstacles in the road (that cannot be moved by the officer).
    - (4) Breaks in water, gas, or other utility mains.
    - (5) Snow/ice on road.
    - (6) Fire hazards needing immediate attention.
    - (7) Any other observed problem which poses a significant hazard to the public.
  - b. Hazards requiring notification at beginning of next business day:
    - (1) Small (non-hazardous) holes in road.
    - (2) Cable TV cables down but not creating hazard.
    - (3) Dead animals in road.
    - (4) Potential fire hazards not requiring immediate attention.

V. **PROCEDURES - Conduct while on patrol**

- A. Officers shall acquaint themselves with traffic hazards, geography of their territory, and particularly the location of roadways. Officers shall also ascertain the names and addresses of habitual criminals and law violators, fire and rescue stations, magistrates, 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 prove helpful in the administration of their duties.
- B. Officers shall employ the utmost care to protect themselves when stopping violators for infractions of laws. Consideration must also be given to 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. See **GO 2-19**, Traffic Law Enforcement.
- C. When an officer observes a violation of the law, he or she shall either (1) warn, (2) arrest, or (3) issue a summons to the violator to appear before the court having jurisdiction.
1. The officer shall inform the offender of the following:
- a. The nature of the offense.
  - b. The specific charge if a charge is made.
  - c. The procedure the violator must follow in order to bring the matter to a conclusion.
  - d. The reason why the offense was detrimental to the safety of the public, if appropriate (e.g., speeding in a residential area).
  - e. Prepayment information if applicable.
- D. Without exception, officers transporting non-department civilians (non-employees) shall notify the dispatcher of the transport. The officer shall relay to the dispatcher the point of origin, vehicle odometer reading, and the destination. Upon arriving, the officer shall so notify the dispatcher and give the odometer reading. The dispatcher shall log the information and record the time of each notification. See **GO 2-8**, Prisoner Transportation.
- E. To the capabilities of their training and qualifications, officers shall provide general and emergency assistance to motorists. Assistance includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Officers shall, within reason, 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 shall take the necessary steps to provide safety to the motorists or arrange for transportation. If the need arises, officers may transport a motorist to a place of safety (See subparagraph D above). **(OPR.07.11.a.b.c.d)**

## VI. PROCEDURES - Specific patrol situations

### A. Hospital response

Officers 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

See General Order 2-27 Mental Disturbances

#### 2. Handcuffed prisoners

Unless necessary to remove handcuffs, in order for a prisoner to receive medical treatment, the handcuffs or restraints shall remain. See GO 2-7 and GO 2-8 for further discussion of handcuffing procedures.

#### 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 shall 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. Residential Security Checks

The department shall honor requests from property owners to conduct security checks of their homes when they are away. An officer receiving the request shall ask the citizens to complete the "Request for Security Check" form if not previously on file. Officers shall advise citizens that checks cannot guarantee that their property will be safe from vandalism, burglary, or other offenses. Further, officers shall advise citizens on proven crime-prevention techniques such as having a neighbor collect any mail or newspapers. If a neighbor has keys to the house and either plans to reside in it temporarily or check it often, then the request form must include the name, address, and telephone number of the neighbor.

**Note:** Officer Safety, when an officer is entering a residence or building, after finding an open door, or after responding to an alarm, unless another emergency is in progress, or occurs during this time, all other officers shall maintain radio silence. If another officer is in the area

and is available to respond, he or she will respond to assist the officer with the search or one will be requested. After the searching officer has advised the dispatcher that the search is complete, the department will continue with normal radio traffic.

**Under these circumstances, the officer should consider requesting the channel from the Stafford County Sheriff's Office Communications Center.**

The dispatcher will advise all units to maintain radio silence, and when to continue with normal traffic.

C. Shoplifting arrests

1. *Virginia Code* §§ 18.2-105.1, 19.2-81, and 19.2-74 concern detention of shoplifters, arrests without warrants, and issuance of summonses in lieu of warrants. Officers shall consult these statutes for guidance.
2. Procedure for processing adult shoplifters detained by store security personnel who are not special police officers:
  - a. An officer shall be dispatched to the shoplifting scene. Detained shoplifters may be violent so responding officers shall exercise caution.
  - b. The officer shall 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 search incident to an arrest or a search for evidence of the offense but may upon **reasonable** fear for his or her 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. (See **GO 2-1**, Limits of Authority.)
  - c. The merchant, agent, or security guard must have direct, first-hand knowledge of the offense either by having observed it or by some other means.
    - (1) Felony: If the offense is a felony, handle as a physical arrest according to the provisions of **GO 2-4**, Arrests.
    - (2) Misdemeanor: If the offense is a misdemeanor, the officer may issue a summons unless the shoplifter:
      - (a) Refuses to give written promise to appear.
      - (b) Appears likely to disregard the summons.
  - d. Officers should keep in mind that per §§ 18.2-105.1 a shoplifter can be detained for a period not to exceed one hour pending the arrival of a law-enforcement officer.



### 3. Handling Juveniles

The officer shall verify the age of the offender. If the offender contends that he or she is a juvenile, and verification cannot be made immediately, he must be treated as such until a determination to the contrary is made. Ascertaining an offender's age and identification shall be through whatever means are available to the officer at the time, but caution shall be taken to assure that a juvenile is not processed as an adult offender. (See **GO 2-29**, Juvenile Procedures.)

#### a. 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 department office. Consult **GO 2-29.IV.L** concerning the processing of juveniles for fingerprints and photographs. Contact a parent to pick up the child. Advise the parent that a petition is being sought.

#### b. **Misdemeanor**

- (1) Every effort shall be made from the store to contact a parent or legal guardian. Request the parent 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 shall be sought. Factors to be considered in this action are the same as those for the release of an adult on a misdemeanor summons. Circumstances may dictate oral counseling or detention of the juvenile.

### 4. Evidence: special considerations

*Code § 19.2-270.1* allows for the introduction of a photograph of shoplifted property as competent evidence. The decision to use a photograph shall be made only after careful deliberation, not merely at the request of the merchant. If questions exist regarding the use of photographed evidence contact the Commonwealth's Attorney.

Officers shall consider:

- a. Is the item perishable?
- b. Would impounding the item represent an undue hardship to the merchant?

- c. Does the size or nature of the item make impounding impractical?

D. Residential and Vehicle lock-outs

The department shall assist citizens who are locked out of their residence or vehicles.

1. Persons requesting assistance in gaining access to a vehicle or residence from which they are locked out shall receive assistance from the police department after completion of Form PD-120. If the patrol officer is unable to gain entry, assistance will be offered in notifying a locksmith or relative.
2. When called to a lockout, the officer shall:
  - a. Obtain 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).
  - b. Advise the requesting party that the jurisdiction is not responsible for any damage incurred by the assisting officer. Have them sign a properly filled out form PD-120.
  - c. Call for assistance, when necessary, from the fire department, AHPD Maintenance, or other appropriate agency.
  - d. Avoid forcible entry if possible.

E. Special Populations

1. Mentally Ill/abnormal behavior
  - a. Situations involving mentally ill/abnormal behavior will be handled per the guidelines set forth in General Order 2-27, Mental Disturbances.
2. Public Intoxication
  - a. Officers who come into contact with persons displaying drug or alcohol intoxication may perform the following;
    - (1) If in the officer's estimation the subject is not a danger to him or herself and is able to communicate adequately the officer may transport him/her to their place of residence in lieu of arrest.
    - (2) Arrest the suspect, after conducting field sobriety tests and a pat down for weapons, for public intoxication per § 18.2-388.
  - b. Procedures

- (1) Before arresting a person for public intoxication under § 18.2-388 the officer, in his or her discretion, **may** inform the offender that he or she may voluntarily choose to be transported back to their residence or have a family member pick them up. If the offender refuses, or continues to be belligerent, then the officer shall arrest. The officer shall arrest if the following circumstances apply:
  - (a) Intoxicated as a result of drugs.
  - (b) Exhibits violent or suicidal behavior.
  - (c) Needs immediate medical attention.
  - (d) Appears to suffer from a major disease such as diabetes or pancreatitis.
  - (e) Unconscious or unable to walk.
  - (f) Currently detained on any other criminal charges.

F. Loud Noise Complaint

1. If available, two officers shall respond to a loud noise complaint call. Officers shall try to record names and addresses of complaining witnesses.
2. Officers shall advise the resident or person in control over the premises of their reason for responding to the location. Officers may photograph or videotape the scene to show cars blocking entrances, hydrants, or other examples of illegal parking, litter, or people drinking outside of the residence where the party is taking place.
  - a. Identifying the law violator may not be easy. Officers shall try to gain entry by obtaining the permission of the owner or manager, resident, or, if the party is attended mainly by juveniles, a responsible adult. If no one can be found to give permission for entry, consider whether exigent circumstances exist for a warrantless entry. (See **GO 2-1** for a discussion of exigent circumstances.) If an exigency or emergency does not exist, then a search warrant may be appropriate (see 3.a below).
  - b. Based on the totality of evidence, officers may decide that a search warrant is required to gain entry into the premises. Officers shall summon a supervisor if a search warrant seems required under the circumstances. (See **GO 2-2** for a discussion of search warrant requirements.)
  - c. Before allowing any partygoers to leave the scene, administer field sobriety tests or breath tests to any drivers.

3. If officers arrive and find or suspect that the party involves underage drinking, they shall take reasonable steps to identify and control juveniles whom they have observed consuming alcohol and shall further ensure that juveniles are safe and secure after closing the party and before leaving the scene. The provisions listed above for calling a supervisor, determining exigent circumstances, or obtaining a search warrant all apply.
4. If officers develop probable cause that underage drinking is occurring at the party and have entered the premises pursuant to a search warrant, consent or permission, or exigent circumstances, officers shall:
  - a. Search the premises and locate all persons who are present.
  - b. Seize any contraband in plain view (pursuant to GO2-1).
  - c. Provide medical attention as needed and have incapacitated juveniles transported to a hospital and contact Child Protective Services.
  - d. Continue photographing or videotaping the party.
  - e. Have dispatch begin contacting responsible parents or guardians and to call the juvenile intake officer concerning any juveniles who have been issued summonses and referred to the court.

## **VII. PROCEDURES - Preliminary death investigations**

### **A. Preliminary Death Investigation General.**

1. After arriving at the scene and until convinced to the contrary, all officers shall consider every **unattended death** call as a possible homicide or suicide.
2. Officers shall, as circumstances permit, check the victim's vital signs (breathing, pulse, muscle reflexes). Further, officers shall ensure the safety of any other persons in the vicinity, as necessary, to prevent injury or death.
3. Officers shall summon EMS personnel to establish the fact of death. In the death report, officers shall note the name of the EMS person and his or her identification number, and arrival time.

### **B. Officer's Responsibilities**

1. A patrol Officer shall secure the scene and possible evidence.

2. The body shall not be initially removed from the location of death. The removal of the body will be authorized only by the Medical Examiner or after the victim's attending physician commits to signing a death certificate, depending upon nature of death.
3. Request the Investigator and notify on-call Supervisor be notified promptly by dispatcher. The Investigator shall determine the necessity whether to respond to conduct the Death Investigation. In the absence of the Investigator, the on-call or on-duty Supervisor shall designate the appropriate personnel to respond and investigate the death.
4. For deaths occurring on Aquia Harbour property in Stafford County the Sheriff's Office shall be notified promptly by the dispatcher. The Sheriff's Office will respond per the MOU and assume the investigation. The Aquia Harbour Police will be a supporting agency and will not be in charge of the scene and its investigation. .
5. The Stafford County Sheriff's Office or designee shall be responsible for notifying the Medical Examiner or Victim's Physician as appropriate

C. If the death appears to be the result of natural causes.

1. Aquia Harbour Police Officers shall engage in life-saving techniques within scope of training (CPR, First Aid) when applicable. Scene and investigation will be turned over to the Stafford County Sheriff's Office per the MOU.
2. All deaths must be pronounced by a physician after field examination by qualified EMS personnel, 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 their report the time of pronouncement, the name of the physician, or qualified EMS personnel, and where the body was taken.

3. In the event a death occurs on the way to the hospital, or at the hospital (off Aquia Harbour property ) and involves a natural death as determined by a medical professional, acquire the name of the medical professional , and incorporate in your report

D. Medical Examiner's Cases

1. If the circumstances of death fall into any of the following categories, or if there is any doubt as to the death's inclusion in one of these classifications, it shall automatically be considered a medical examiner's case

Classifications

- a. Death occurs when the decedent was not under the care of a physician.
  - b. Sudden and unexpected.
  - c. Due to violence of any nature..
  - d. Occurs where violence might be suspected or cannot be ruled out.
  - e. By unusual, suspicious, or unnatural means.
  - f. Sudden death of an infant under eighteen months of age whose death is suspected to be attributable to Sudden Infant Death Syndrome.
2. Once on the scene you determine the aforementioned criteria exist, immediately notify the Stafford County Sheriff's Office. The scene and investigation will be turned over to the Stafford County Sheriff's Office per the MOU with the Aquia Harbour Police Department. Once sufficient information is obtained, the Medical Examiner's Office needs to be contacted.

E. Non-Medical Examiner's Cases

1. For the purposes of this procedure, 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.
  - b. The death is not within the classification of a Medical Examiner's case, as defined above.
  - c. Under no circumstances shall officers transport dead bodies.

F..

G. Death Notification

1. Note that timelines takes precedence over protocol when given a death notification. The officer shall notify, or cause to be notified, the next of kin as soon as possible. The information should be done in person. See section IV. D above

Attachments:

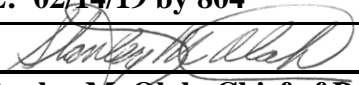
PD 210, Death Investigation Checklist

Local Funeral Homes and Removal Services

Virginia Department of Health, Office of the Medical Examiner

Information for Family and Friends



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: ON-OFFICER VIDEO CAMERAS</b>		<b>NUMBER: 2-12 A</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/14/19 by 804</b>	
<b>AMENDS/SUPERCEDES: Jan.04,2011 MAY 15, 2009</b>		<b>APPROVED:</b>  <b>Stanley M. Olah, Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.01.11</b>			

**NOTE**

This rule 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**

Body Worn Camera / Legality of Use  
 Activation/De-activation Legality of Use  
 Downloading to Computer Maintenance

**I. POLICY**

It is the policy of the department to protect and ensure the safety and welfare of our citizens and department personnel. Video documentation has become an integral and valued tool in Law Enforcement. The value has repeatedly outweighed the equipment and training costs involved with enhanced evidence gathering, report accuracy, complaint management and increased professionalism. Thus, wearable video technology is the next logical step. The Aquia Harbour Police Department has adopted standard operation procedures when using the On-officer camera.

**II. PURPOSE**

Officer safety is of paramount concern for the Aquia Harbour Police Department. In order to provide enhanced safety, field units are being equipped with wearable Video/Audio systems. The body worn camera can be used to record traffic stops, incidents, suspicious and/or criminal activity.

Digital recorded evidence can greatly enhance a criminal investigation by providing graphics.

### III. OBJECTIVES

The principle objectives of the On-officer camera program include:

- a. Enhancing officer safety
- b. Identifying criminal activity
- c. Identifying suspects
- d. Preventing/deterring crime and public disorder
- e. Reducing and removing the fear of crime
- f. Improving agency accountability
- g. Simplifying incident review
- h. Enhancing new recruit and in-service training ( post-incident use of videos)
- i. Improving Community/Media perceptions
- j. Strengthening police leadership
- k. Advancing prosecution/case resolution
- l. Enhancing officer performance and professionalism
- m. Increasing homeland security

### IV. PROCEDURES

1. Officers will be held responsible for the body worn camera assigned to them. The system will be maintained according to manufacturer's recommendations. The Axon wearable video camera is the only Agency approved On-officer camera.
2. At the beginning of each tour of duty, it shall be the responsibility of the officer to ensure that the issued On-officer camera is in proper working order;
  - a. Camera batteries will be charged by the wall mount located at the police station. .
  - b. The On-officer camera will be worn on the Agency uniform in a manner that ensures images in front of the officer are captured and recorded.
  - c. The camera can record approximately four and one-half hours of video per ten hour shift. Care should be used so that recordable time is not wasted.
3. Activation of the camera is generally at the discretion of the officer, however, activation is required for the following citizens encounters. NOTE: recorded announcement prior to incident contact, so to establish venue, accurate date (OPR.01.11.a)

- a. Traffic stops. **All traffic stops shall be recorded.**
- b. Suspicious incidents or any other incident where officer safety may become an issue. i.e. Building searches, alarms, etc.
- c. Domestic Violence situations.
- d. Any incident which may lead to an arrest, i.e. Drunk in Public, etc.
- e. On scene Investigative Interviews with victims/witnesses to include their present location or agency vehicles.

## V. CRIME SCENE ACTIVATION

1. Crime Scene Activation. Digitally recording evidence at a scene assists greatly in the capture of evidence. Therefore, officers are encouraged to activate their On-officer cameras upon arrival and while securing the scene pending the arrival of the Investigator of Evidence Technician.
2. Announcement of date, time, location and purpose of the recording.
3. A capture of the general scene or of an individual. A full frame capture of the person.
4. A capture showing the relationship of any injuries to the subject's body. (privacy should be taken into consideration especially in the case of a person with the opposite gender to the officer).
5. The officer making the recording at the crime scene should view the recordings on the computer housed at the station to ensure that the recordings effectively document a victim's injury or the crimescene
6. Officers are not able to delete or edit recordings and should not attempt to tamper with the camera's stored recording. Digital images that are relevant for investigative or trial purposes can be downloaded to a DVD at a later date.
7. The officer should note in the officer's incident report that digital recordings had been taken.

**NOTE: Officers shall call out the Investigator on duty when the situation calls for his presence.**

## VI. DOWNLOADING TO COMPUTER: (OPR.01.11.b)

At the conclusion of the officer's tour of duty, the officer shall;

1. Download all recordings to the designated computer at the station.
  - a. Add CCR# and other comments for each recording, such as individual's name, if known, type of call, etc.
2. Review any pertinent recordings and request a DVD be made by a supervisor on specific recording pending trial. **NOTE:** only systems administrators can create a recording of any incident.
3. Supervisors will make a DVD copy, and return the disk to the officer to be listed as evidence. ( see G.O. 2-17, Property/Evidence Procedures ).
  - a. This master shall serve as the permanent record. A separate DVD should be created for each criminal case or investigation, and the DVD is copy protected
  - b. Once the recording are downloaded, the cameras memory is emptied and ready for new recordings.
  - c. The supervisor should confirm that the digital images were correctly transferred to a blank DVD by;
    - (i) By reviewing the digital recording on the DVD.
    - (ii) Attempting to write a file onto the DVD. If the supervisor is able to write a file on the DVD, the DVD shall be destroyed and anew DVD created.
  - d. Officers shall leave their assigned on-officer camera in their police station, at the completion of their tour of duty. The camera shall be plugged into the charger until their next tour of duty.

## **VII. CONFIDENTIALITY**

1. Video recordings shall be conducted in a professional, ethical and legal manner.
2. Video surveillance for the purpose of monitoring work areas, social areas or sensitive areas should only occur in special circumstances, and this surveillance should further the policy's principle objectives, which include the prevention/deterrence of illegal activity and the enhancement of safety.
3. All recordings that are related to, or of value to an investigation are to be kept strictly confidential.
4. On-officer cameras shall not be directed through windows of a residential dwelling where an individual has a reasonable expectation of privacy.
5. Copies of recording shall only be made for investigative and/or evidence/training purposes and shall be controlled by the Chief of Police or his designee.

6. Each individual officer is responsible for all recordings captured by their assigned camera.

## **VIII. LEGALITY**

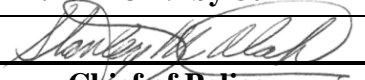
1. The State of Virginia is a one party consent state. Therefore, only the officer need know that the recording of the encounter is taking place.

## **IX. TRAINING**

1. Officers will receive in-service training on the proper use of the Agency issued on-officer camera. Training will include but not be limited to:
  - a. Setup and battery charging.
  - b. Uniform placement.
  - c. Recording techniques.
  - d. Weather conditions.
  - e. Camera subject bearings.
  - f. Proper care and servicing.
  - g. Downloading procedures.
  - h. Review of recordings.

## **XI. GREENWICH MEAN TIME**

1. When Virginia is on **Eastern Daylight Time**. ( Arrives 2:00 A.M. on the second Sunday of March) it is four (4) hours behind Greenwich Mean Time.(GMT)
2. When Virginia is on **Eastern Standard Time**. (Arrives 2:00 A.M. on the first Sunday in November) it is five (5) hours behind Greenwich Mean Time.(GMT)

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Alarms</b>		<b>NUMBER: 2-13</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02-13-19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-13, SEPT. 20, 1994, DEC. 10, 2001, Jan. 8,2011, MAR 2008</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.24.02</b>			

## NOTE

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## INDEX WORDS

Alarms  
Dispatcher's Gate Guard  
responsibilities

## I. POLICY

Alarms are a means of notifying the local law-enforcement agency that a serious crime may be in progress when the use of a telephone is impractical or impossible. Despite the frequency of false alarms, verified alarms represent a threat to citizens and law-enforcement officers and therefore require an organized, cautious response. All alarms shall be responded to as if they are real until proved otherwise. With this in mind, officers shall proceed with extreme caution when answering any type of alarm call. Officers shall be aware that alarms can be activated in a number of ways, the nature of the alarm sometimes determining the response.

## II. PURPOSE

To outline a plan to be followed in response to activated alarms to promotes officer safety.

## III. DEFINITIONS

A. Alarm

A device or series of devices including, but not limited to, systems interconnected with radio frequency signals and which are designed to emit or transmit an audible, visual, or electronic signal upon activation.

1. Dispatch learns of activated alarms through several means. Most are transmitted directly to dispatch by automatic dialing devices from homes or businesses, which transmit a message to non-emergency lines.
2. Citizens may observe or hear an alarm and personally report it.
3. Officers may discover and report alarms during their patrols. Dispatch shall classify alarms as follows:
  - a. Unknown alarm.
  - b. Financial institution burglary or robbery alarms.
  - c. Commercial burglary or robbery alarms.
  - d. Domestic violence alarm.
  - e. Residential burglary or panic alarms.
  - f. School alarm.

#### **IV. PROCEDURES**

##### **A. General dispatch responsibilities: (ADM.24.02.d)**

1. For all alarms, dispatchers shall assign officers to respond according to the priority appropriate to the circumstances and nature of the alarm. If the alarm company advises that they have confirmed with the protected premises that a crime has occurred, the dispatcher shall treat the event as a robbery or burglary and assign officers accordingly.
2. If the communications/gate officer receives a telephone call from a business (if during working hours) or home owner and advises the alarm was accidentally activated, the responding officer(s) shall be notified of the persons name and circumstances stated for the alarm activation.
3. If the telephone call goes unanswered, responding units shall be so advised.

##### **B. General patrol responsibilities**

1. When an alarm signal is received, two units shall (when possible) be dispatched (one closest to the scene and a backup) immediately to the alarm location. If available, other units will proceed to the location, and stand by while maintaining radio silence, unless another emergency exists. **NOTE: Burglary Alarms shall take precedence over all non-emergency calls.**
2. If units are dispatched to a robbery or burglary alarm a considerable distance away, the siren and emergency lights may be used, but the siren should be turned off within hearing distance from the location of the alarm. An emergency response is authorized per GO 2-9. Officers are to respond sensibly and cautiously when using emergency equipment.

**Note:** Officer Safety, when an officer is entering a residence or building, after finding an open door, or after responding to an alarm, unless another emergency is in progress, or occurs during this time, all other officers shall maintain radio silence.

If another officer is in the area and is available to respond, he or she will respond to assist the officer with the search.

After the searching officer has advised the dispatcher that the search is complete, the department will continue with normal radio traffic.

**Under these circumstances the searching officers will have radio priority.**

The communications officer will advise all units to maintain radio silence, and when to continue with normal traffic.

3. The first unit to arrive at the alarm scene shall approach the premises cautiously, being observant for possible getaway cars, lookouts, or other suspicious signs. Before arrival, responding units shall, by dispatch assignment or prearranged agreement, know which unit will cover the front and which will cover the rear. The first unit shall assume a position to cover the entrance (if possible) without being seen from the inside, unless it has been determined that suspects have already fled the scene.
4. The second unit to arrive at the scene shall assume a position which covers the second most likely exit (if possible) without being seen from the inside, unless it has been determined that suspects have already fled the scene.
5. In the case of a verified alarm, other patrol units shall be directed to monitor possible escape routes or resume other duties.



6. Upon arrival at an alarm incident, if officers confirm that a burglary or robbery has occurred, the scene should be secured and the investigator called in to assist with the investigation and evidence collection.

**C. Bank Alarms : UVA Credit Union / Wachovia Bank**

1. Upon receiving a "Hold-Up Alarm" from the UVA Credit Union or Wachovia Bank, the WPD dispatcher will employ units to respond Code-3 to the location of the alarm. The dispatcher will notify the Nelson County Sheriff's Office of the alarm, and request appropriate backup assistance.
2. The first officer on the scene will notify WPD Dispatch of being on location, position the patrol vehicle at a safe distance from the front of the building, and begin surveillance of the main entrance to the building. The second officer on the scene will tactically cover any secondary entrance/exit doors. The officers will position their vehicles at a front angle from the corner of the building, thus utilizing the vehicle as cover.
3. The officers on location will further secure the scene upon arrival, by attempting to, not allow any persons or vehicles from entering the premise, until the scene is safe and a determination is made if a crime scene exist.
4. Once the WPD dispatcher has received the officer's transmission of being on location, the dispatcher will either:
  - (1) Initiate telephone contact with the UVA Credit Union, advise an employee that a hold-up alarm has been received, that officers are on location outside of their building, and that a Credit Union employee must go out and make personal contact with the officer. OR
  - (2) Inform the employee at the Wachovia Communications Center, who initially called in the alarm to WPD, that they required to remain on the line, that officers are on location outside of the bank, and that a Wachovia employee must go out and make personal contact with the officer.
5. After communications with the WPD dispatcher, a credit union/bank employee will exit the front door of the building holding the orange sign displaying "Credit Union or Bank Staff with WPD patch". The employee will approach the police vehicle advising the officer the reason for the

alarm. The officer will verify that this person is an employee of the credit union/bank by means of a photo ID.

Note: A list of Credit Union employees will be in the contact book at WPD Dispatch. Wachovia's Communications Center will inform WPD Dispatch of the name of the employee who will approach the officer.

6. Once the contact officer has spoken with the credit union/bank employee, and is satisfied that the alarm is false and a hold up is not in progress, the officer will accompany the employee back inside the building to confirm that the alarm is false. All backup officers will remain outside of the building, until the confirmation is made.

7. If any of the required procedures are not met:

Examples : Employee does not answer the phone.

Employee answers the phone and does not confirm a false alarm with WPD Dispatch or Wachovia Communications Center.

Employee does not exit the front of the building and make personal contact with the officer.

**Dispatch and the responding officers will assume the alarm is not false.**

8. The dispatcher will notify a WPD Supervisor and the Nelsons Sheriff's Office that a holdup is in progress, and request an ETA of the responding units. In addition, dispatch will request the departmental investigator and a response from the Virginia State Police.
9. All Wintergreen Officers will maintain their tactical positions, while waiting for the responding backup units.
10. Dispatch will document all pertinent information relative to the call in a chronological order.

D. Cashiers Office

1. Upon receiving a hold-up alarm from the cashier's office the dispatcher will dispatch units to respond Code 3. The closest unit will first respond and if a second unit is available, will respond as back up. The communications officer will immediately begin and maintain telephone contact with the cashier's office. Upon making contact, the dispatcher will identify him/herself giving name and department and advise that a hold up alarm has been activated. A pre-determined code number for a hold-up at the cashiers office will be maintained between the cashiers office and the police department, such as the number "10". When calling the cashiers office the communicator will give a number, example "7". The person receiving the call will answer with a "3". The number by the cashiers office when added to the number given by the police dispatcher must equal "10". The pre-determined code may change upon request of the cashiers office or police department. The code should be changed annually.

If the correct total is received the communications officer will advise the responding units that contact has been made and everything appears to be a false alarm. The units will continue to respond according to procedures.

2. Officers shall approach entrances with caution using available cover to their best advantage, but shall not enter the building.
3. Upon arrival the first officer will enter the area from the breezeway and observe the front entrance to the cashier's office. The back-up officer will enter the area from Grassy Ridge Lot 1 and position at the first stairway landing between ski patrol and the cashier's office.
4. A cashier office employee should appear outside with proper identification. Officers shall not approach the employee. The employee should approach the officers.
5. If no cashier office employee approaches in a reasonable time and the dispatcher has telephone contact with the cashiers office, then officers shall consider the alarm to be a robbery in progress. In this event, maintain a safe position, advise dispatch, and ALWAYS KEEP RADIO CONTACT.
6. After contact with the cashier employee and the officer determines that the alarm is false, one officer shall enter the cashiers' office and the back-up officer will stand by maintaining contact with dispatch.
  - a. The officer entering the cashiers office must be satisfied that no robbery is taking place. Officers shall not rely solely on the teller or employee saying that the alarm was false.

E. The Stoney Creek Bar & Grill

1. Upon receiving a hold-up alarm from the grill the dispatcher will dispatch units to respond Code 3 The closest unit will first respond and if a second unit is available will respond as back up. Dispatch will immediately begin and maintain telephone contact with the Grill. Upon making contact, dispatch will identify him/herself giving name and department and advise that a hold-up alarm has been received. A pre-determined code number for a hold-up at the Grill will be maintained between the Grill and the police department, such as the number "10". When calling the Grill the dispatcher will give a number, example "7". The person receiving the call will answer with a "3". The number by the Grill when added to the number given by the police dispatcher must equal "10". The pre-determined code may change upon request of the Grill or police department. The code should be changed annually.

2. Officers shall approach the entrance with caution using available cover to their best advantage, but shall not enter the building, or park in front of the building.

3. Upon arrival the first officer will enter the area of Stoney Creek West and position at the lower circle entrance and observe the front entrance to the Grill. The back-up officer will position on Stoney Creek West.

4. The Grill employee should appear outside with proper identification. Officer shall not approach the employee; the employee shall approach the officer.

5. If no Grill employee approaches in a reasonable time and the dispatcher is not given the correct code then the officers shall consider the alarm to be a robbery in progress. In this event, maintain a safe position, advise the dispatcher, and ALWAYS KEEP RADIO CONTACT.

F. After contact with the Grill employee the officer will determine if the alarm is false.

a. Only one officer will enter the Grill and the back-up officer will stand by, maintaining radio contact with the dispatcher.

b. The officer entering the Grill must be satisfied that no robbery is taking place. Officers shall not rely solely on the employee saying that the alarm was false.

F. Business alarms (Aquia Harbour Property)

1. If the business is closed, the dispatcher shall immediately notify the owner or other person on the call list.
2. Officers shall enter a business showing no physical signs of break-in only after the owner arrives. Officers shall conduct a complete, thorough search of the premises.
3. If officers discover physical signs of a break-in, they shall assume that a suspect or suspects may be inside the business. Officers shall consider the possibility that hostages have been taken. If appropriate, officers shall summon a canine unit. In any event, officers shall conduct a thorough search of the premises.

G. Residential alarms

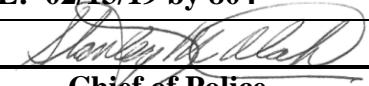
1. Officers shall thoroughly search the premises if a residence is found unsecured and secure it after the search leaving their business card indicating date and time they were there.
2. If officers discover signs of a forced entry, then they shall search the premises unescorted. A canine unit may be summoned, if available. Of primary concern once this has been accomplished is for that officer to secure the scene in order to prevent possible contamination of the crime scene.
3. Some residential alarms may be panic or domestic violence alarms. These alarms require the same expeditious and cautious approach as other types. If a domestic violence alarm, dispatch shall attempt to determine the existence of any preliminary or emergency protective orders in effect and so advise officers before their arrival (see GO 2-32 for guidance on responding to domestic violence calls).

H. Robbery/burglary

1. If a robbery or burglary has taken place and dispatch has the victim or reportee on the telephone, dispatch shall obtain any available information about the suspects description, mode and direction of travel, and shall advise the business or home to keep everyone out except police personnel. If a financial institution has been the victim of a robbery, observe the procedures described under IV.C above.
2. Secure crime scene and all physical evidence and summon appropriate personnel; see GO 2-14, Investigations.

I. False Alarms:

1. If responding officers determine the situation to be a false alarm, they shall so advise the dispatcher by telephone or radio.
2. The Chief of Police shall confer with businesses and homeowners showing repeated false alarms in order to curb the problem.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Investigations</b>		<b>NUMBER: 2-14</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/13/19 by 804</b>	
<b>AMENDS/SUPERSEDES:GO2-14,DEC 2001, DEC 2005, DEC 2010</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.02.01, OPR.02.03, OPR.02.04</b>			

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**INDEX WORDS**

Commonwealth's attorney; relationship with  
Disposition of cases  
Evidence collection  
Investigator/Evidence Technician call out  
Information; sources of  
Interviews/interrogations  
Investigation; follow-up  
Investigation; preliminary  
In-person lineup  
Photographic lineups  
Photo Sequential lineup  
Organized crime

**I. POLICY**

The primary purpose of an 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 correctly obtaining and handling information supplied by a victim or witness after the crime 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.

- A. Per the mutual agreement between the *Aquia Harbour Police Department* and the *Stafford County Sheriff's Office*, the following cases will be handled by the SCSO:
1. Missing adults and juveniles;
  2. Death investigations, including suicides, suspicious deaths, and homicides;
  3. Runaway juveniles;
  4. Abductions;
  5. Suspected or actual gang activity;
  6. Felonious assault;
  7. Robbery;
  8. Rape, attempt rape, and sodomy;
  9. Felony narcotics violations;
  10. Crimes against children (physical and sexual abuse);
  11. Serious or fatal accidents;
  12. Burglary;
  13. Stolen/recovery vehicles;
  14. Fatal or serious injury traffic crashes.
- B. In the case of incidents or crimes not identified above, follow-up and investigative responsibility will be determined on a case by case basis. If there is any doubt who is responsible for primary investigation, the determination will be made by the Sheriff's Field Supervisor.

### III. PROCEDURES - PRELIMINARY INVESTIGATIONS

A. General

The preliminary investigation begins when the first officer arrives at the scene of a crime (or citizen requests help) and continues until a specialized investigator intervenes.

**NOTE: Burglary Alarms, Grand and Petit Larcenies take precedence over all non-emergency calls.**

B. Caution

Officers who first arrive at a possible crime scene must take care not to enter hastily. The crime scene may pose a threat to the officer: an armed suspect may still be at the scene; toxic chemicals or infectious materials may be present; or evidence may be destroyed if the officer enters. When practicable, officers shall first note the total environment of the scene including, for example, whether doors and windows are open or closed, lights on or off, presence of odors, and the condition and circumstances of the victim. (**OPR.02.01.a**)

C. After forming an impression of the entire scene and ensuring that no threat exists, the

officer shall proceed with the preliminary investigation which consists of, but is not limited to, the following activities:

1. Providing aid to the injured.
2. Defining the boundaries of and protecting the crime scene to ensure that evidence is not lost or contaminated. Erect barricade tape, rope, or cordon off the immediate crime scene. Record any alterations to the crime scene because of emergency assistance, the immediate necessity to handle evidence, or the actions of witnesses, victims, or suspects at the scene. **(OPR.02.01.b)**
3. Determining if an offense has actually been committed and, if so, the exact nature of the offense by locating, identifying and interviewing victim(s). **(OPR.02.01.d)**
4. Determining the identity of the suspect or suspects and making an arrest if it can be accomplished either at the scene or through immediate pursuit. **(OPR.02.01.f)**
5. Furnishing other officers with descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspects or vehicles.
6. Determining the identity of all witnesses and conducting interviews. **(OPR.02.01.e)**



7. Collecting evidence. Unless exigent circumstances exist or a supervisory officer so orders, officers conducting a preliminary investigation shall not collect evidence at major crime scenes. When appropriate, officers shall gather documented evidence, taking care to maintain the chain of custody. **(OPR.02.01.c)**
8. Obtaining written statements from the victim, witnesses, and suspects.
9. Arranging for follow-up surveillance of the crime scene, if appropriate.
10. Accurately and completely recording all pertinent information on the prescribed report forms.

D. Follow-up

Patrol officers shall conduct the initial stages of all preliminary investigations, including crime scene processing.

In certain serious crimes as defined in Section IV of this general order investigators shall assume responsibility for completion of the investigation.

E. Supervisory responsibilities

The on-duty supervisor shall ensure that an adequate and complete preliminary investigation has been made and shall review, screen, and approve the officer's preliminary report. Screening shall include a review of facts to ensure that all essential information is included, along with legibility, clarity, and completeness. Supervisors shall review, approve, and sign crime reports.

1. Supervisors shall limit access to crime scenes to those persons immediately and directly connected with the investigation. This rule applies to other officers of the department, other agencies, or members of the community, regardless of rank or position.
2. The supervisor shall authorize the call-out of a certified evidence technician, if appropriate.
3. The supervisor may enlarge the preliminary crime scene if necessary by assigning officers to canvass the area for possible witnesses or suspects.

#### **IV. PROCEDURES: FOLLOW-UP INVESTIGATIONS**

- A. Homicides, rapes, and robberies, major disasters, hostage situations, bombings, sex crimes, child abuse/neglect, felonious assault, and kidnappings shall be handle by the SCSO. Officers who conduct preliminary investigations of these offenses shall contact the SCSO on duty supervisor as soon as practicable. The supervisor shall authorize the call-out of a certified evidence technician. The procedure for requesting assistance from the Investigator/Evidence Technician shall be as follows;

1. Contact Supervisor on duty and request assistance of the Investigator/Evidence Technician.
2. Order of call-out shall be in this order.
  - a.) Investigator
  - b.) Crime Scene Technician, or
  - c.) as designated by a Supervisor
- B. Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In these cases, the on-duty supervisor shall determine whether the investigation should be discontinued until the assigned officer's next tour of duty, or assigned to the next available officer or an investigator.
- C. Except where the investigation might be jeopardized by its temporary discontinuance, the original assigned officer shall handle the case.
- D. A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion that he or she works on it.
- E. On major offenses, supervisors shall ensure that each officer who responds submits a supplemental 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 or conducting necessary inspections.
8. Recording information.

FOLLOW-UP FOR A CRIMINAL CASE:

9. Reviewing and analyzing reports of preliminary investigations. **(OPR.02.03.a)**
10. Recording information.
11. Reviewing departmental records for investigative leads.
12. Seeking additional information (from other officers, informants, contacts in community, and other investigators/agencies).
13. Interviewing victims and witnesses. **(OPR.02.03.b)**
14. Interrogating suspects. **(OPR.02.03.b)**
15. Arranging for the dissemination of information as appropriate.
16. Planning, organizing, and conducting searches.
17. Collecting physical evidence. **(OPR.02.03.c)**
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. **(OPR.02.03.d)**
22. Checking the suspect's criminal history.
23. Determining if the suspect has committed other crimes.
24. Consulting with the commonwealth's attorney in preparing cases for court presentation and assisting in the prosecution. **(OPR.02.03.e)**
25. Notifying victims and witnesses when their presence is required in court.
26. Testifying in court.

27. Arranging for polygraph examinations, if necessary.

## **V. REPORT WRITING**

### **A. Field notes**

All formal reports begin with field notes. Field notes are important for the following reasons:

1. To create a permanent record of events.
2. To aid the investigation.
3. To ensure accurate testimony in court.
4. To protect the officer from false accusations.

### **B. Formal reports shall include the following information:**

1. Date, time of arrival at the scene.
2. Relevant weather or situational conditions at the scene upon arrival (e.g., a fire, crowd).
3. Circumstances of how the crime was discovered and reported.
4. Identity of other officers or emergency personnel at the scene.
5. Physical evidence present at the scene and the officers responsible for its collection.
6. Names, addresses, telephone numbers of victims or witnesses.
7. Results of interviews with the complainant, victim, or witnesses to include the identity or description of suspects.
8. Diagrams, sketches, photographs, or videotape taken at the scene, and the identity of the photographer or artist.
9. Recommendations for further investigation.

## **VI. SOURCES OF INFORMATION**

### **A. General**

Officers must cultivate sources of information to draw in an investigation.

B. Informants

Information is available from many sources, e.g., concerned citizens who wish to remain anonymous, and criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in crime. These sources shall be kept in mind when conducting investigations and interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it. For guidance on handling informants, consult GO 2-11.

C. Interviews and interrogation

1. Field interviews

Field interviews are a productive tool and source of information for the department. They shall be used only in the pursuit of legitimate enforcement goals 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 1-23.

2. Victim/witness interviews

- a. Officers must recognize the trauma/stress to which the victim or witness has been subjected and shall conduct the interview in such a manner as to reduce stress.
- b. The age, physical limitations, and credibility of witnesses shall also be considered when evaluating their information.
- c. Interviewing techniques specific to victims are discussed under GO 2-28.

3. Interrogation of suspects

- a. 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.
- b. For court use, detailed notes or a recorded tape shall be made of the interrogation for court use giving time, date, location, and officers present, waiver of rights, and the time the interrogation ended. Statements obtained during an interrogation shall not be based on coercion, promises, delays in arraignment, or deprivation of counsel. See GO 2-1 for further legal requirements. Juvenile victims, witnesses, and suspects shall be given the same constitutional protection as adults. The following additional safeguards shall be followed:

- (1) Parents or guardians shall be notified whenever a juvenile is interrogated, taken into custody, or charged.
- (2) The number of officers engaged in the interrogation shall be kept to a minimum. The interrogation shall be as short as possible.

D. Collection, preservation, and use of physical evidence

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 for further requirements.

E. Evidentiary Methods of Eyewitness Identification:

1. The officer shall document an accurate and exact description of a defendant before any identification method is used. There are four types of evidentiary methods for eyewitness identification: Physical Show-up, Photographic Show-up, Photographic sequential line up and Line-up.

a) Procedure for a Physical Show-up:

A physical show-up should only be used immediately after a crime has occurred.

A judge will carefully scrutinize a physical show for suggestiveness. A Physical show-up shall not be used, unless an officer is absolutely certain that a victim can make a positive identification at the time of the crime because of physical or psychological reasons (i.e. pain, undue stress, et cetera.) An accurate and exact description of a defendant taken from the victim, prior to the physical show-up, can be used to determine whether the victim is capable of making identification. The only justifiable reasons for this type of eyewitness identification are:

- (1) Emergency—when other forms of identification can not be used.
- (2) Immediate Identification—a physical show-up near the scene and time of the crime to determine if the captured person is actually the criminal.

b) Procedure for a photographic show-up:

(1) A photographic show-up is the same as a physical show-up, except a picture of the suspect is taken and shown to the victim rather than actually placing the suspect before the victim for identification.

(2) A photographic show-up shall only be used if the victim knows the suspect and can provide a name. The photograph is used to make a positive identification (if there is time to photograph the suspect then there is time to compile a photographic array). This is not a preferred method of eyewitness identification.

c) Procedure for Photographic Sequential Line Up

A Photographic Sequential line up is the most common and practical eyewitness identification method . It is a proper identification method only when officers follow the procedures listed below to ensure that the photographic sequential line up is not necessarily suggestive of any particular suspect.

(1) Officers shall use at least six photographs showing the victim/witness one photograph at a time (either all color or all black and white).

(2) If a better or different photograph must be inserted in the photo line-up It shall be of the same color and type.

(3) All of the persons in the photographs shall be of the same or approximate age, race and physical characteristics.

(4) All of photographs shall depict the person in the same or similar environment.

(5) Facial expressions shall be similar.

(6) Clothing, if it can be seen, shall be similar.

(7) Officers shall make sure that there are no visible notations on any photograph in writing or as part of the photograph.

(8) Officers shall not permit the victim to see the defendant or a photograph of the defendant, prior to the photographic array.

(9) Officers shall remain neutral to the eyewitness identification.

(10) Officers shall keep the photographic array and maintain it separate from other cases, until the outcome of the trial.

(11) The defense counselor need not be present at either a pre-indictment or a post- indictment photographic array.

(12) Officers shall show the victim and witness a photographic array completely Independent of one another.

d) Procedures for a line-up:

A line-up is appropriate to use in every situation where a photographic array is used. Line-ups should be used after photographic array identification or in and of itself. In a line-up, it is the duty of the police to assure that the accused "right to counsel" is provided. If the accused has counsel, that the counsel must be notified and be present at the line-up, unless a substitute counsel is present. If a subject does not have counsel, then one of the public defenders serving General District Court will appear at the line-up on behalf of the accused. Through this method, the identification of the subject will not be tainted, and the accused will have the benefit of a lawyer present on their behalf. The Commonwealth's Attorney has stated that the Public Defenders Office will perform this service, when requested to do so. The following procedures shall be used, when conducting a line-up.

- (1) The Investigator or Officer requesting the line-up shall keep a detailed record in every case where a witness views a subject. This report can be used when testifying at the trial concerning facts and persons appearing in the line-up. Photographs and video shall be taken, wherever possible, and kept for court evidence.
- (2) Defense Counsel is required to be present at any line-up held after the preliminary hearing or indictment, but defense counsel is not required at any pre-preliminary hearing or indictment line-up.
- (3) All of the persons in the line-up shall be of the same approximate age, race and physical characteristics.
- (4) Facial expressions shall be the same or similar.
- (5) Clothing should be similar.
- (6) Officers will not allow an eyewitness to see the defendant or a photograph of the defendant prior to the line-up.
- (7) Officers shall remain neutral to the eyewitness identification.
- (8) Officers shall take and keep a photograph and/or video of the line-up and the names and addresses of all participants.
- (9) All eyewitnesses shall view a line-up completely independent of one another.

## **VII. RELATIONSHIP WITH COMMONWEALTH'S ATTORNEY**



- A. All personnel shall make appointments with the commonwealth's attorney in advance, be on time, have the subject for discussion ready, and keep conversations brief.
- B. In every contested case, misdemeanor or felony, the officer involved shall make an appointment with the commonwealth's attorney or his or her assistant to discuss the case before trial.
- C. During any investigation (or during planning for arrest or pretrial stages), any questions of law or criminal procedure shall be addressed to the commonwealth's attorney. Questions on law-enforcement procedures shall be addressed to the chief of police.
- D. The commonwealth's attorney may advise the chief of police of any cases where a decision was made not to prosecute or where the case was dismissed because of mishandling/error by officer.

**VIII. ORGANIZED/VICE CRIMES AND POLICE INTELLIGENCE INFORMATION AND COMPLAINTS.**

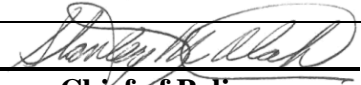
- A. Officers may receive information on or complaints' regarding organized crime, vice, or matters of law enforcement intelligence demanding investigation. Organized crime and vice activities and intelligence matters may include any of the following:
  - 1. Corruption, extortion, bribery.
  - 2. Illegal sale and distribution of liquor, tobacco, firearms, or controlled substances.
  - 3. Prostitution, pornography.
  - 4. Gambling.
  - 5. Theft/fencing rings.
  - 6. Loan sharking or labor racketeering.
  - 7. Terrorism, subversive activities, or civil disorders.
- B. Officers receiving information under A above shall prepare an incident/information report which shall include the following information:
  - 1. Type of illegal/suspected activity, location, names and addresses of suspect involved, and information concerning the activities.
  - 2. Name, address, and telephone number of the complainant, if any.

- C. Initially, the reporting officer shall conduct no preliminary or follow-up investigation, but shall first contact the on-duty SCSO supervisor concerning the reported information.
  - 1. The chief of police shall confer with appropriate state, federal, or local law enforcement agencies.

## **IX. DISPOSITION OF CASES**

- A. The investigator shall maintain files of all cases assigned to him or her. All case files shall be appropriately labeled with the date of incident, name of victim, or name of suspect or arrested person. All case files shall be secured in a locked file cabinet with access only to the investigator and Deputy Chief. **(OPR.02.04.a.d)**
  - 1. The file shall contain the original incident report, any supplementary reports, statements, photographs, lab reports, reports of disposition of any property stolen, confiscated, recovered, or otherwise pertinent to the case, arrest reports, and anything else the investigator deems pertinent. **(OPR.02.04.c)**
- 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. Closed – Final disposition by the courts after arrest and/or the investigation has reached a justifiable conclusion (i.e. property was not stolen, it was lost or missing).
  - 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, it did not.
  - 4. 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.
  - 5. Suspended - All leads have been exhausted. No further investigation is possible or practical until new leads develop.

**X. CASE COORDINATOR:** The Deputy Chief shall be the first line of supervision of the Investigator. He shall review and assign cases as deemed appropriate and assist in investigations when requested by the investigator or Chief. He is responsible for maintaining a record of all open investigations and supplemental reports as required by general order and closed investigations. **(OPR.02.04.b)**

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Detaining Situations</b>		<b>NUMBER: 2-14 A</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/13/19 BY 804</b>	
<b>AMENDS/SUPERCEDES; NOV.07,2006 Dec.26,2014, SEP 2015</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.14.01</b>			

**NOTE**

This order 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**

Detention of Arrestees  
Interview Room

**I. POLICY**

The Aquia Harbour Police Department does not maintain a formal lockup (holding facility), however, the police department recognizes that when an individual is not allowed to leave freely ( those under arrest or juveniles in need of services ) the individual is in what is described as a “Detaining Situation.”

**II. PURPOSE**

The purpose of this policy is to set guidelines as to how to handle an individual who is not allowed to leave.

**III. PROCEDURES**

A. Location

1. When an officer brings a person (detainee) to the police department or is with an individual who is:
  - a. In custody, under arrest. Note : On-Body camera to be utilized by Officer during interrogation

- b. A juvenile and in need of services according to State Code s/s 16.1-24
  - c. Being interrogated and not free to leave whenever he/she wishes to. Note: Officer to utilize On-Body camera when this occurs.
2. Police personnel will be within close proximity such that they can effect immediate intervention with the prisoner or the agency as needed.  
**(OPR.14.01.b)**

If the officer must leave, for any reason, the officer may leave only if the custody /control of the detainee:

- a. Is taken over by another police officer.
- b. Constant monitoring takes place by the use of video technology.  
**(OPR.14.01.a)**

**Note: THERE ARE NO EXCEPTIONS TO THIS RULE.**

B. Search of Detainee: **(OPR.14.01.c)**

All detainees will be searched within the police department, either:

- 1. The moment they are placed under arrest inside of the police department, or

2. Upon entering the Police Department's interview room, if necessary, as determined by the officer.

**Note: This is in addition to any searches done on the scene, prior to transport, etc.**

3. Whenever a detained person request to use the restroom facilities they will be accompanied by an officer. In the event the detainee is of the opposite sex, an officer of the detainee's sex will be required, when applicable..

**C** Room preparation: (OPR.14.01.d)

Officers must conduct a search or preparation of the interview room prior to each interview.

**D.** Control of Keys: (OPR.14.01.f)

Sworn Officers of the agency will have access to keys to the investigator's/interview room.

**E.** Weapons/Interview Room: (OPR.14.01.e)

All officers who utilize the interview room shall use the utmost discretion towards maintaining their firearm upon their person. Securing the firearm is an option but highly suggested.

**F.** Detainee Records:

The only record made that an individual was detained will be those that are noted in the officer's case folder and those logged in the department's computer system. This information will only be given out on a need to know basis.

**G** Training: (OPR.14.01.g)

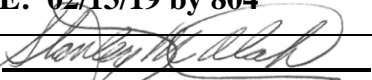
This general order will be the only training given on "detaining situations" and will be given out to all departmental personnel. Interview room procedures will be posted in the interview room. (Posted procedures on following page.)

## AQUIA HARBOUR POLICE DEPARTMENT

### INTERVIEW ROOM PROCEDURES

# **ALL PERSONS THAT ENTER THIS ROOM ARE SUBJECT TO SEARCH**

1. For the protection of all persons, the Interview Room shall be searched before and after use. In addition, arrestees and detainees shall be searched before being brought into the Interview Room.
2. No person is to be left alone in the Interview Room without constant monitoring of some type. Personnel should remain in close proximity of the room and be readily available to intervene.
3. Aquia Harbour Police personnel will be mindful of the position of their firearm while utilizing the Interview Room. Securing the firearm is an option. Lock Boxes are provided in close proximity.
3. Access to all secure areas of the Aquia Harbour Police Department will be restricted to police personnel only. **No person shall ever be left unattended in any portion of the building for any reason.**

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Eyewitness Identification</b>		<b>NUMBER: 2-14 B</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/13/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O.2-14, JAN 2014</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
		<b>VLEPSC STANDARDS: OPR.02.07, OPR.02.08</b>	

**NOTE**

This order 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 setting.

**INDEX WORDS**

*Eyewitness Evidence: A Guide for Law Enforcement*

- eyewitness identification
- fillers (non suspects)
- lineup
- lineup Identification Form
- lineup identification number
- live lineup
- mugshots
- photo Lineup
- right to counsel
- sequential Lineup
- show-up

**I. POLICY**

Given that the traditional system for conducting eyewitness identification procedures is not infallible and that the procedures did not incorporate the growing body of psychological study of eyewitness memory and behavior, the National Institute of Justice (Department of Justice), the International Association of Chiefs of Police, the Commission on Accreditation of Law Enforcement Agencies, the Police Executive Research Forum, the American Bar Association and others have issued reports and/or directives responding to a need for change in this area of police practice. These reports

and recommendations attempt to take the basic elements of police investigations and suggest workable changes in order to achieve more consistent eyewitness results.

The following procedures for use in Virginia incorporate many of the recommendations issued by the United States Department of Justice in its *Eyewitness Evidence: A Guide for Law Enforcement* and also include those practices that have gained the support of social scientists and law enforcement practitioners since its publication. An identification obtained through a lineup composed in this manner should minimize the risk of misidentification and have stronger evidentiary value than one obtained without these procedures. Specifically, use of these procedures should maximize the reliability of identifications, minimize unjust accusations of innocent persons and establish evidence that is reliable and conforms to established legal procedure.

## **II. PURPOSE**

To establish a policy for the preparation and presentation of photographic and in-person lineups. **(OPR.02.07.a)**

## **III. DEFINITIONS**

### **A. Lineup**

A lineup is any procedure in which a victim or witness to a crime or other incident is asked to identify a suspect from among a group of persons in order to determine or confirm the identity of the suspect. Such procedures involve either actually viewing of persons (in live line-ups or show-ups) or viewing of photographs (in a photo lineup).

### **B. Photo Lineup**

An identification procedure in which an array of photographs, including a photograph of the suspected perpetrator of an offense and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness either in hard copy form or via computer for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

### **C. Sequential Lineup (OPR.02.07.d)**

A method of administration where photographs are shown to the victim/witness one at a time, with an independent decision on each, before the next photo is shown.

### **D. Blind Administrator**

The person administering the line-up has no knowledge of which person in the photo/live line-up is the suspect.



E. Blinded Administration

This is a lineup procedure in which the administrator may know the identity of the suspect, but by virtue of the use of procedures and/or technology to accomplish this purpose, does not know which lineup member is being viewed by the eyewitness.

F. Confidence Statements: (OPR.02.08.e)

A statement in the victim/witness' own words, articulating their level of confidence in the identification taken at the time the identification is made.

G. Fillers

Non-suspect photographs or line-up members.

H. Folder Shuffle Method

A method requiring the lineup administrator to place a photograph of the suspect and filler photographs into blank folders with one photograph per folder. The folders are then "shuffled" before being presented individually to the witness.

I. Show-up: (OPR.02.08.a)

A show-up procedure is an identification procedure in which an eyewitness is presented with a single suspect for the purpose of determining whether the eyewitness identifies this individual as the perpetrator.

**IV. PROCEDURES - General responsibilities**

A. Department personnel shall strictly adhere to established procedures for conducting suspect lineups in order to avoid the possibility of error or of undue suggestiveness to witnesses. **(OPR.02.07.c) (OPR.02.08.b)**

B. Department personnel shall receive initial and refresher training in lineup procedures to establish uniformity and consistency of such procedures and to establish a high level of competence in carrying out this important aspect of a criminal investigation. The frequency of this training will be conducted upon an officers entry into the Agency and/or on a Biennial basis. **(OPR.02.07.g)**

C. Department personnel shall report any known errors, flaws or non-conformance with established procedures in the conduct of a suspect lineup that they may observe or

become aware of to their supervisor in order that corrective actions may be taken and safeguards established to protect the innocent.

- D. The Department will confer with the Office of the Commonwealth's Attorney in establishing lineup procedures in order to assure the best use of this type of evidence and to assure that procedures established are compatible with the prosecution of criminal cases. Likewise, instructions given to witnesses during a lineup procedure will be those established and approved in consultation with the Commonwealth's Attorney.
- E. The investigator(s) conducting the show-up will avoid any conduct that might directly or indirectly influence the witness' decision, and will avoid making any comments or actions that suggest that the witness did or did not identify the subject when the show-up is completed. **(OPR.02.08.d)**

## V. PROCEDURES

Prior to a photo or live lineup, the investigating officer should record as complete a description as possible of the perpetrator provided by the eyewitness and in the eyewitness's own words. This statement should also include information regarding conditions under which the eyewitness observed the perpetrator including location, time, distance, obstructions, lighting, weather conditions and other impairments, including, but not limited to alcohol, drugs, stress, the presence of a weapon and any other relevant conditions. The eyewitness should also be asked if s/he needs glasses or contact lenses and whether s/he was wearing them at the time of the offense. **(OPR.02.08.c)**

### Show-up Procedure

- A. Show-ups should only be performed using a live suspect and only in exigent circumstances that require the immediate display of a suspect to an eyewitness.
- B. Investigators should not conduct a show-up with a single photograph; if investigators want to determine if an eyewitness can make an identification using a photo, a photo lineup should be employed.
- C. The eyewitness should be transported to a neutral, non-law enforcement location where the suspect is being detained for the purposes of a show-up.
- D. The eyewitness should be provided with the following instructions:
  - 1. The perpetrator may or may not be the person that is presented to the eyewitness;
  - 2. The eyewitness should not feel compelled to make an identification;
  - 3. The investigation will continue regardless of whether an identification is made;

4. The procedure requires the investigator to ask the eyewitness to state, in his or her own words, how certain s/he is of the identification s/he has made; and
  5. The eyewitness should not discuss the identification procedure with other eyewitnesses involved in the case and should not speak to the media.
- E. If there are multiple eyewitnesses, only one eyewitness at a time should participate in the show-up procedure, independent of the others. If a positive identification is made, and an arrest is justified, additional eyewitnesses should be shown live or photo lineups.
- F. If identification is made, the investigator should seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified is the perpetrator. **(OPR.02.08.f)**
- G. Investigators should photograph a suspect at the time and place of the show-up to preserve a record of his or her appearance at the time of the show-up.

#### Folder Shuffle Method

The "Folder System" was devised to address concerns surrounding limited personnel resources while allowing for blind administration. Should the investigating officer of a particular case be the only law enforcement personnel available to conduct a photo lineup, the following instructions are recommended:

- Obtain one (1) suspect photograph that resembles the description of the perpetrator provided by the witness.
  - Obtain five (5) filler photographs that match the description of the perpetrator, but do not cause the suspect photograph to unduly stand out.
  - Obtain ten (10) file folders. [four of the folders will not contain any photos and will serve as 'dummy folders'].
1. The individual administering the lineup should:
    - a. Affix **one (1) filler photograph** to the inside of the first folder and label it "#1".
    - b. Affix the **suspect photograph** to the inside of the next folder. *It is imperative that this folder is not yet numbered.*
    - c. Affix **four (4) filler photographs** (one each) into the next empty folders. *It is imperative that these folders are not yet numbered.*
    - d. Shuffle the folders (with the exception of folder #1) so that the administrator is unaware of which folder the suspect is in.

- e. Label the shuffled folders #2 through #6.
2. The remaining folders will not contain photos and should be labeled #7 through #10. These folders will only contain a page with the following text: "THIS FOLDER INTENTIONALLY LEFT BLANK". *[This is done so that the witness does not know when he has seen the last photo. Agencies may choose to include up to eight (8) photographs instead of the recommended six (6). When increasing the number of photographs, it is necessary to increase the number of blank folders. The intent is that the witness is not aware of when the last photo is being presented.]*
3. Place all folders in numerical order (#1 through #10) for presentation of the lineup.
4. The administrator should provide instructions to the witness. The witness should be informed that the perpetrator may or may not be contained in the photos he is about to see and that the administrator does not know which folder contains the suspect.
5. Without looking at the photo in the folder, the administrator is to hand each folder to the witness individually. The witness must view the photo in the folder and then return it to the administrator before being presented with the next folder. The order of the photos should be preserved, in a facedown position, in order to document in Step 7. *[The witness may be permitted to review the folders a second time, but it is imperative that all folders are provided in the same order as the original presentation.]*
6. Instruct the witness that the procedure – only if identification is made - requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification at the time that the identification is made.
7. The administrator should then document and record the results of the procedure. This should include: the date, time and location of the lineup procedure; the name of the administrator; the names of all of the individuals present during the lineup; the number of photos shown; copies of the photographs themselves; the order in which the folders were presented; the sources of all of the photos that were used; a statement of confidence *in the witness's own words* as to the certainty of his identification, taken immediately upon reaction to viewing; and any additional information the administrator deems pertinent to the procedure. *[It is important for the administrator to not ask the witness for a numerical rating of their confidence level.]*

### Lineup Procedures (both photo and live)

- A. The investigator in charge should select an individual to serve as the blind administrator. The blind administrator must not know which member of the lineup is the “true” suspect to conduct any lineups in order to avoid inadvertent signs or body language that may lead or cause a witness to make an incorrect identification. The blind administrator should be thoroughly familiar with this procedure.
- B. Assure that law enforcement and/or prosecutorial personnel present and involved in the case are knowledgeable about the procedure so that they will not interfere or influence any witness during the process. Unnecessary personnel should be removed from the location where the process is being conducted.
- C. A photo or live lineup should be composed so the fillers generally resemble the eyewitness’s description of the perpetrator, while ensuring that the lineup is comprised in such a manner that the suspect does not unduly stand out from the fillers. However, complete uniformity of features is not required. Avoid reusing filler photos/ live lineup members. If the eyewitness has previously viewed a photo or live lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup should be different from the fillers used in prior lineups.
- D. When there are multiple suspects, each identification procedure should include only one suspect.
- E. Avoid mixing color and black and white photos. Photos should be either all black and white or all color.
- F. Cover any portions of mugshots or other photographs that provide identifying information. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness. If it is necessary to block-out or cover a notation, such as a name on one photo, then similar blocking-out or covering marks should be placed on all photos so that they will appear alike.
- G. Use photos of the same size and basic composition, and never mix mugshots with other snapshots or include more than one photo of the same suspect.
- H. Select fillers (non suspects) who generally fit the witnesses’ description of the offender. When there is a limited or inadequate description of the offender provided by the witness, or when the description of the offender differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.
- I. Select a photo that resembles the suspect’s description or appearance at the time of the incident, if multiple photos of the suspect are reasonably available to the investigator.

- J. Ensure that the photos are reasonably contemporary.
- K. Include a minimum of five fillers (non-suspects) per photo identification procedure and a minimum of four fillers per live lineup.
- L. Create a consistent appearance between the suspect and fillers so that the photos depict individuals who are reasonably similar in age, height, weight and general appearance, and are of the same sex and race. However, avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- M. If there are multiple eyewitnesses, each eyewitness should view the lineup independently and separately and the suspect should be placed in a different position in the photo or live lineup for each eyewitness.
- N. Review the array, once completed, to ensure that the suspect does not unduly stand out.
- O. Assign each photo/person a lineup identification number. Record the identification number on the back of each photo. Refer to that photo/person only by that number. The nature of the identification number should be purposely complex to the witness, so that any inadvertent glance should not significantly hinder the identification process or alert the witness as to the identity of the actual suspect.
- P. After each photo/person has been assigned an identification number, record the number along with all other pertinent information on the Lineup Identification Form.
- Q. Record the presentation order of each lineup and ensure that a complete written record of the identification proceeding is made and retained. The record should include: all identification and non-identification results obtained during the procedure and signed by the eyewitness, including the eyewitness's confidence statement; the names of all of the persons present at the identification procedure, the date and time of the identification procedure, and the sources of all photos or persons used in the identification procedure. In addition, the photos themselves should be preserved in their original condition. For live lineups, a group photo should be taken of all persons in the lineup together to illustrate size differences among the lineup participants. This photo must not be shown to the witness, but will be included with the completed case file.
- R. There is a right to have counsel present at a live line-up, where the defendant-suspect has been charged.
- S. Advise the accused that he may take any position in the live lineup that he prefers and may change positions prior to summoning a new witness.

- T. Ensure that witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the live lineup.
- U. Ensure that no more than one witness views each live lineup at a time and that they are not permitted to speak with one another during live lineup proceedings.
- V. If identification is made, the investigator should seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified is the perpetrator. **(OPR.02.07.e)**

## **VI. PROCEDURES - Conducting the Identification Procedure**

- A. The identification procedure should be conducted in a manner that promotes the accuracy, reliability, fairness and objectivity of the witness' identification. These steps are designed to ensure the accuracy of identification or non-identification decisions.
- B. Assure that all law enforcement and/or prosecutorial personnel present and involved in the case are knowledgeable about the procedure so that they will not interfere or influence any witness during the process. Unnecessary personnel should be removed from the location where the process is being conducted.
- C. When presenting the lineup, the person administering the lineup should use the approved standard instructions for witnesses prior to the lineup that the offender might or might not be among those in the photo array or live lineup, and therefore, the witness should not feel compelled to make identification. **(OPR.02.07.b)**
- D. Assure the witness prior to the lineup that regardless of whether identification is made, the police will continue to investigate the incident.
- E. Instruct the witness that if the offender is seen in the lineup, he/she might not appear exactly the same as on the date of the incident because features such as clothing, head or facial hair can change. Additionally, photos do not always depict the true complexion of a person, which might be lighter or darker than shown in the photo. Be careful not to imply or lead the witness to believe that the suspect's appearance has actually changed in any way.
- F. Provide the following additional viewing instructions to the witness:
  - 1. Individual photos/persons will be viewed one at a time.
  - 2. Photos/persons are in random order.
  - 3. Take as much time as needed in making a decision about each photo/person.
  - 4. All photos will be shown, even if identification is made prior to viewing all photos.
  - 5. The administrator does not know who the perpetrator is.

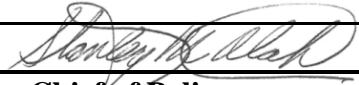
- G. Confirm that the witness understands the nature of the sequential procedure.
- H. Instruct the witness that the procedure – only if identification is made - requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification at the time that the identification is made.
- I. Present each photo to the witness separately, in a previously determined order, as documented on the lineup worksheet, removing those previously shown.
- J. Care should be taken to avoid the witness turning over the photo and reading the identification number recorded on the back.
- K. Avoid saying anything to the witness that may influence the witness' selection.
- L. If identification is made, avoid reporting or confirming to the witness any information regarding the individual he or she has selected, until the entire process (including obtaining a confidence statement and obtaining required signatures and paperwork) has been completed.
- M. If the witness requests to view the photo/person sequence again, (or specific photos/persons again), they may be shown a second time, but must be shown again in the same sequence in its entirety even if the witness makes an identification during this second showing.
- N. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

## **VII. PROCEDURES - Recording Identification Results**

- A. When conducting an identification procedure, the person administering the lineup shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness. A complete and accurate record of the outcome of the identification procedure is crucial. This record can be a critical document in the investigation and any subsequent court proceedings. **(OPR.02.07.f)**
- B. When documenting the identification procedure, the person administering the lineup should record both identification and non-identification results, including a statement of confidence, in the eyewitness's own words. ***[The results should not be ranked]***
- C. If the eyewitness makes an identification, the administrator shall seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified in a given identification procedure. ***[It is important for the administrator to not ask the witness for a numerical rating of their confidence level.]***



- D. If the eyewitness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning such person before the administrator obtains the eyewitness's confidence statement about the selection. After the eyewitness' confidence statement is obtained, the administrator shall not tell the eyewitness information about how accurate they were in their identification or provide additional information about the defendant.
- E. Document in writing the photo lineup procedures, including identification information and sources of all photos used, names of all persons present at the lineup, and date and time of the identification procedure.
- F. Ensure that the results are signed and dated by the witness and the person administering the lineup.
- G. Ensure that no materials indicating previous identification results are visible to the witness.
- H. Ensure that the witness does not write on or mark any materials that will be used in other identification procedures.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Evidence</b>		<b>NUMBER: 2-15</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/13/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-15, MAR. 14, 1994, DEC. 10, 2001, JAN. 2, 2007, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.16.01</b>			

**NOTE**

This order 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**

- |                          |                           |
|--------------------------|---------------------------|
| Alcoholic beverages      | Chain of custody          |
| Crime scene              | Evidence                  |
| Property Manager         | Evidence technician       |
| Exclusionary rule        | Photographs (crime scene) |
| Preservation of evidence | Property                  |
| Weapons (as evidence)    |                           |

**I. POLICY**

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each officer carefully process a crime scene being sure not to overlook, 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.

Most, if not all, of the crime scenes within the Aquia Harbour property would be conducted by a Stafford County Sheriff's Deputy., when applicable, determined by the MOU between the Aquia Harbour Police Department and

Stafford

County

Sheriff's

Office.

## **II. PURPOSE**

To establish responsibilities for officers/investigators in processing crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory.

## **III. DEFINITIONS**

### A. Chain of custody

The 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.

### B. Exclusionary rule

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.

### C. Evidence

Any substance or material found or recovered in connection with a criminal investigation.

### D. Property Manager

The property manager is the employee designated by the Chief to have administrative oversight over all property which comes into departmental possession.

### E. Evidence Technician

The evidence technician is the employee designated by the Chief who has received advanced training in the collection and preservation of evidence.

## **IV. PROCEDURES - General crime scene processing**

### A. Responsibilities of the first officer at a crime scene

The officer responding to a crime scene shall perform the following:

1. Arrive at the scene promptly and safely.
2. Secure the scene to prevent the destruction or contamination of evidence.
3. Determine if supervisor, investigator/evidence technician should be notified.

4. Prepare the original offense report.
5. Locate, collect, preserve, and package evidence.
6. Locate witnesses.
7. Photograph and sketch the scene when appropriate.
8. Submit evidence to the forensic lab for analysis. (See **GO 2-14** for a discussion of preliminary and investigative procedures at crime scenes.)

B. Crime scene processing by an investigator

Certain serious offenses of the type listed in **GO 2-14** require that an investigator or a crime-scene technician process the crime scene.

1. Investigator to determine if additional assistance, sheriff's office, State Police etc. required.

C. Crime scene processing equipment

1. The officer/investigator responding to a major/serious crime scene shall make a determination of equipment needed for processing. The department maintains 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).
  - a. Each officers vehicle is equipped with a preliminary investigation kit for minor crime scene searches.
2. Use of property and evidence form:
  - a. The property and evidence form (**PD 600**) shall be used for all property coming into custody of the department. (**ADM.16.01.b**)
  - b. All property and evidence will be logged into the property system prior to ending tour of duty. (**ADM.16.01.a**)
3. Record the case number on the property and evidence form (**PD 600**) and on all supplements or continuation sheets.

E. Notes and Reports - Valuable Records

1. The Evidence Tech'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 Evidence Tech should record at the scene include:
  - a. Case number
  - b. Date and time of arrival at scene
  - c. Location of scene
  - d. Name of victim
  - e. Actions taken at scene
  - f. Name of collecting officer

F. Preliminary Scene Survey

1. Officer/Investigator's actions at the crime scene should include the following:
  - a. Observe and record (look, but do not touch).
  - b. Determine nature and extent of crime scene.
  - c. Determine location of evidence.
  - d. Determine order of collection.
  - e. Establish best working route.
  - f. Duplicate movement of perpetrator (in thought) and plan search accordingly.
  - g. Note all existing conditions.
  - h. Note items out of place or damaged.
  - i. Note relationship between items.
  - j. Initial rough sketch should be made.

G. Crime scene sketch

Before moving objects at major crime scenes (except where necessary to help a victim, apply first aid, or handle a suspect), officers shall prepare a sketch of the scene. Minimum detail to be contained in the sketch includes the following:

1. Time and date of preparation.

2. Location of offense.
3. Location of items of evidence in the scene and their relationships to one another, including any items, which appear, displaced or damaged.
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. Scale.
9. Location of lights and whether they are on/off.
10. Location of windows and whether they are open/shut.
11. Location of radio/television and whether they are on or off.

H. Photographing the scene - general

At the end of the preliminary scene survey, overall photographs of the scene shall be taken from several vantage points. Use a wide-angle lens to obtain an overall establishing view, followed by medium shots and close-ups as appropriate. The crime scene photographer shall complete a sketch and diagram indicating from which angles pictures were taken.

I. Information to be recorded on photographs

The officer shall record the following information about each photo:

1. Type of camera used.
2. Type 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.

J. Midrange photography

Midrange photography is used to orient the viewer to the exact location of items of evidence in the scene.

1. If possible, the officer shall include two items of evidence within 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 shall always be taken with a standard lens to prevent distortion.

K. Close-up photography

Before any item of evidence is moved, a close-up photograph shall be taken according to the following requirements:

1. Fill the field of vision with the item.
2. Take one close-up shot of the item with a scale. A ruler in the evidence collection kit can be used for this purpose.
3. Place a strip of masking tape across the face of the ruler, making sure not to cover the measuring increments. Record the following information on the tape:
  - a. Item number.
  - b. Case number.
  - c. Date.
  - d. Officer's initials.

L. Location of evidence - measurements

Prior to the collection of any item of evidence, the following procedure should be followed:

1. Take measurements by use of triangulation or coordinate method so that the officer can exactly place the item of evidence at the scene.
2. The officer should conduct a close visual examination of the item so he knows exactly what he is dealing with.

M. Latent fingerprinting

Fingerprints shall be identified and lifted where possible. If transporting evidence may damage or destroy the latent prints on it, then the evidence shall be processed for prints at the scene.



N. Overall measurements

Obtaining wall, room, and building measurements is one of the last operations to be performed in processing 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.

O. Final organized search

Conduct a final, thorough search of the crime scene in case evidence may have been overlooked. Wherever possible, on a final search use an officer who has not participated in processing the scene.

P. Documentation

1. The officer/investigator processing a crime/incident scene shall prepare a report giving an accurate account of events. This information shall be placed in the offense/incident report and shall include the following:
  - a. Date and time the officer arrived at the 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. All evidence shall be properly and prominently tagged or identified. In addition to the property report, the recovering officer shall complete a property card for the property manager.

Q. Legal requirements

Officers shall observe principles regarding the legal use of physical evidence. Officers shall rigorously maintain the chain of custody of all evidence and shall always remain mindful of constitutional safeguards. If officers are not scrupulous in observing these safeguards, then the exclusionary rule may prohibit key evidence from being introduced at trial and the case may be lost or dismissed.

## V. PROCEDURES - Evidence and property control

### A. Collection of evidence

The Physical Evidence Collection Guide published by the Virginia Bureau of Forensic Science 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. When collecting evidence, the officer shall use latex gloves along with tongs or tweezers where possible. The officer shall avoid touching the evidence with his hands or anything that might contaminate the item.
2. In collecting evidence, officers shall remain mindful about the possibility of contagion if the crime scene contains body fluids. Refer to **GO 2-34**, communicable diseases. Further, some evidence may consist of hazardous chemicals or waste products, explosives, or highly combustible materials. The Property Manager in consultation with an evidence technician shall decide the best disposition of such items.
3. If a firearm is present at the crime scene, do not unload it. The evidence technician shall unload the weapon: the evidence technician must examine the weapon in its exact condition as when it was discovered.
4. Proper order of collection
  - a. Collect perishable evidence first. Perishable evidence such as fresh blood, bloodstained objects, physiological stains and tissue, or biological material shall be collected only by a trained evidence technician who shall arrange to submit the material to a lab.
  - b. If the immediate destruction of evidence is not a concern, work through the scene systematically, collecting in a logical sequence, trying to avoid disrupting other items of evidence.
5. Collection of 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 of hairs, fibers, paint, glass, soil, and tool marks.
6. Documentation of each item collected: The officer processing the crime scene shall list each item collected on the evidence recovery log. Note the following information for each item.
  - 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); and
- c. The name of the person collecting the item.
- d. Date and time collected.
- e. Collecting persons initials

B. Marking evidence

1. In many instances, marking and labeling evidence may represent a single process. In instances where the evidence is large, complete identifying data may be recorded directly on the evidence to 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 to be noted directly on the item. In these instances, the container or attached tag shall be marked with appropriate information.
3. The evidence technician or the officer searching the crime scene shall mark similar items in the same place to save time and embarrassment in looking for the identifying marks when asked to identify the evidence in court.
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, ballpoint pens.
5. The officer who collects the evidence shall mark it.
6. Each officer or investigator shall develop his own identifying mark, normally his or her initials.

C. Packaging items of evidence (ADM.16.01.c)

1. The officer who collects the evidence shall choose a container suitable to the type of evidence for packaging and following the guidelines of the Virginia Department of Forensic Science. Considerations in choosing the proper container include:
  - a. The size and weight of the item.
  - b. Whether the item is moist or wet (which could rot or deteriorate if packaged in plastic or an airtight container for an extended time).
  - c. Wet (soaked items) must be packaged in plastic and transported immediately, refrigerated a maximum of one week, or air-dried.

2. Avoid any contamination of evidence by packaging all items separately.
3. Fluids or stains should not 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 and initial or sign across the seal.
6. Label the exterior of the package before placing the evidence within it.
7. Whenever possible, the package should be labeled before placing the evidence in it so as not to damage contents while writing on it.
8. Packaging Materials - Described in Physical Evidence Collection Guide published by Virginia Bureau of Forensic Science.

D. Latent Fingerprinting

When processing the crime scene for latent fingerprints, the Evidence Tech should take the following into consideration:

1. The size of the item to be dusted;
2. The type surface; and
3. Potential for destruction if moved. If movement or transporting the object will destroy latent prints, the object should be processed at the scene.

E. Overall Measurements

The 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.

F. 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 another officer on a final search is preferred. He may find what someone else overlooked.

G. Special circumstances

1. Weapons
  - a. No officer shall, under any circumstances, personally retain custody of any found or confiscated weapon.
  - b. Officers bringing weapons into custody shall inspect them to ensure their safe storage. All firearms shall be unloaded before storage. See section V.A.3.
  - c. The recovering officer or investigator shall check all confiscated or found weapons against NCIC/VCIN files.
2. Drugs and narcotics (see **GO 2-16**, narcotics enforcement).
3. Alcohol
  - a. All containers of alcoholic beverages shall be sealed or contained to avoid any chance of leakage.
  - b. The only alcoholic beverages that are considered contraband are those seized from underage persons whose possession is in itself illegal (see *Virginia Code* §§ 4.1-304 to -306). Contraband alcoholic beverages shall be destroyed upon conclusion of legal proceedings.
  - c. Alcoholic beverages seized or recovered which are not contraband or evidence shall be returned to the owner.
4. A supplemental report by the Evidence Tech processing a crime/incident scene will be prepared, giving an accurate account of the events. This information should be placed in the Offense/Incident report and will include:
  - a. Date and time he arrived at scene;
  - b. Location of the crime;
  - c. Name of victim (if any);
  - d. Name of suspect(s), (if any);
  - e. Officer/Investigator's actions at the scene; and
  - f. Case number.
5. Failure to Recover Physical Evidence/Photograph Scenes of Serious Offense/Incidents

Whenever photographs are not taken or when 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 the addendum of the supplemental report or subsequent follow-ups.

6. Processing Stolen Vehicles

When a stolen vehicle is recovered by an officer of this department, it shall be treated with the same care as any other crime scene. The investigator should be called in for processing. The agency shall be notified to which it was reported stolen, so that all necessary notifications can be made. The investigating officer shall initiate all NCIC and VCIN requests.

H. Preservation and submission of evidence to the forensic laboratory

1. Under normal circumstances, the investigator who processed the crime scene is responsible for relinquishing the evidence to either Nelson Co. or Augusta County investigator for assistance in submission to the forensic laboratory.
2. Where more than one officer processed the scene, the on-duty supervisor shall choose an officer to take custody of all collected evidence.
3. 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), arrangements should be made for transportation to the forensic laboratory the same day, if at all possible.
  - b. Any time an officer arranges for the transportation of a perishable item to the laboratory for immediate analysis, the laboratory shall be called first so they will be ready to receive it.
  - c. In cases where immediate transport to the forensic lab is **not** possible, observe the following procedures.
    - (1) Refrigerate the evidence for not longer than one week and then make arrangements to transport to the lab.
    - (2) Air dry (no more than one week) and have it transported to lab.
    - (3) Where appropriate, collect known specimens of evidence so that comparisons can be made. The investigating officer shall be

responsible for obtaining any required known specimens for submission along with the items of evidence, to the forensic lab for analysis and comparison.

4. Request for Laboratory Examination (Form #DGS FS 70-001)
  - a. Any evidence submitted to the Division of Forensic Science, will be accompanied by a completed Request for Laboratory Examination (Form #DGS FS 70-001). The Division of Forensic Science automatically will supply written results on all requested examinations.
  - b. The bottom part of the request form is reserved for documentation of chain of custody, and must be completed by the relinquishing deputy as well as the receiving person at the lab.

I. Administration of property and evidence

1. The processing officer, investigator, or property manager shall, when possible, check all property against NCIC or VCIN records.
2. For property that may be lawfully released to the owner, the recovering officer, investigator, or property manager shall immediately attempt to notify the owner (by telephone or letter) that the department is holding their property and to make arrangements to retrieve the property. (ADM.16.01.e)
3. The investigator shall check the files quarterly for property and evidence that is unclaimed or of no further evidentiary value. Officers shall then make arrangements for returning property to the owner.
4. The property manager shall ensure that final disposition of found, recovered, and evidentiary property is accomplished within sixty days after legal requirements have been satisfied, unless title to the evidence or property has been awarded to the department by court order. The property manager shall report any exceptions to the Chief of Police.
5. The investigator shall obtain the prosecutor's authorizing signature on the property form for release of any evidence on a case pending appeal. The investigator shall ascertain from the prosecutor when contraband may be destroyed and, upon approval, arrange for witnessed destruction or other disposal with the property room manager.

## VI. CHAIN OF CUSTODY

A. Transfer of Custody

Each time a custody transfer of physical evidence takes place, a record of that transfer shall be completed and contain the following information at a minimum:

1. Date of transfer;
2. Receiving person's name;
3. Reason for the transfer;
4. Name and location of the laboratory, synopsis of event, and examination required, when transferring to a laboratory.

B. Transfer to a Laboratory for Examination

Every time physical evidence is submitted to a laboratory for examination, a written record must be kept of prior custody information to include:

1. Name of person last having custody of the item;
2. Date of submission or mailing and method used for transmission;
3. Date and time of receipt in the laboratory;
4. Name and signature of person in the laboratory receiving the evidence.

**VII. PROPERTY MANAGER**

- A. The property manager shall have administrative control over all found or confiscated property that enters the property storage room and shall ensure that all stored confiscated or found property has been documented appropriately.
- B. The property manager shall ensure that the property storage room is clean, orderly, and secure, and shall take necessary steps to ensure that all found or confiscated property is protected from damage, deterioration, or theft.
- C. The property manager shall restrict access to the property storage room to authorized personnel only. Access by other persons is prohibited as a general rule. Exceptions will be granted by the Chief. The property manager shall maintain a log of all persons who enter the evidence storage room.
- D. The property manager shall maintain a separate locked cabinet within the property room for large amounts of money, valuable jewelry, weapons, precious metals, or narcotics. (ADM.16.01.d)
- E. The property manager shall maintain a refrigerator for the storage of perishable items.
- F. The property manager shall maintain records on all property which document the chain of custody. The property manager shall maintain a master inventory of all property.
- G. The property manager shall release property only to authorized persons and may demand proof (such as a *subpoena duces tecum*) of legal necessity to take property.

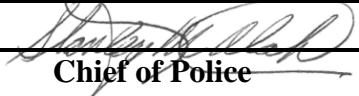


- H. An annual inventory of evidence shall be conducted by the Chief of Police or his designee, a person not routinely connected with evidence control. The property manager shall facilitate the inspection.

## **VIII. TRAINING**

Specialized training shall be provided to all personnel responsible for crime scene processing to develop the following skills:

- A. Recovery of latent fingerprints and palm prints;
- B. Recovery of foot, tool, and tire impressions;
- C. Photographing crime and accident scenes;
- D. Preparing crime or accident scene sketches; and
- E. Collecting, preserving, and transmitting physical evidence, including biological materials.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Vice, Drug, and Organized Crime Enforcement</b>	<b>NUMBER: 2-16</b>
<b>EFFECTIVE DATE: MARCH 16, 2016</b>	<b>REVIEW DATE: 02/13/19 by 804</b>
<b>AMENDS/SUPERSEDES: G.O. 2-16 MAR 2002 – MAR 2005, JAN 2007, FEB 2011</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLEPSC STANDARDS: OPR.03.01, OPR.03.03, OPR.03.04,</b>	

## NOTE

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## INDEX WORDS

Confidential funds  
 Drugs  
 Informants  
 Narcotics  
 Searches  
 Specialized equipment

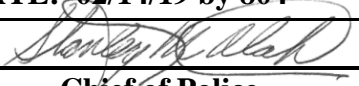
### I. PURPOSE

The purpose of this General Order is to formally state the Aquia Harbour Police Departments commitment to the suppression of offenses related to vice, narcotics and organized crime, and to establish the investigative structure and guidelines to effectively deal with such matters.

### II. POLICY

It is the policy of the Aquia Harbour Police Department to, inform SCSO, when appropriate, in cases involving vice, narcotics and organized criminal activity. It is the duty and responsibility of all department members to constantly be alert for such activities and to take appropriate action. **While minor vice and narcotics violations may be effectively dealt with at the patrol level, offenses of a greater magnitude and all cases involving alleged organized criminal activity may dictate investigation by highly trained and specialized personnel of the Stafford County Sheriff's Office (OPR.03.01.a)**



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Property/Evidence Procedures</b>		<b>NUMBER: 2-17</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/14/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO2-17, NOVEMBER 21,2007, Jan. 2008, NOV 2015</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.16.02, ADM.16.03</b>			

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**INDEX WORDS**

Alcohol; disposal of	Blood; DUI of samples
Evidence	Gambling devices; disposal of
Money; unclaimed	Narcotics
Property; found and non-evidentiary	Property; unclaimed
Temporary Secured Lockers	Weapons; disposal of
Secured Storage Building	

**I. POLICY**

It is the policy of the Aquia Harbour Police Department that all evidence and property recovered, confiscated, seized, found, or turned in to this agency be properly packaged, handled, recorded, and stored in a secure designated area. **(ADM.16.02.a.b)**

This General Order establishes a system for the safe and efficient storage and retrieval of items of evidentiary or other value, which comes into the custody of this agency. Its purpose is to eliminate the possibility of lost or mishandled property, and to avoid an unnecessary accumulation of property held by the department.

This system establishes strict accountability for all property and evidence in the custody of the Aquia Harbour Police Department. Only authorized personnel shall have access to the Property and Evidence Rooms.

## II. PURPOSE

To establish guidelines for the storage and disposal of evidentiary and non-evidentiary property which comes into the possession of the Aquia Harbour Police Department.

## III. PROCEDURES

### A. General Responsibilities: ( see flow chart on page 2-17.10)

1. All sworn personnel shall have access to the Non-Evidentiary Property/Supply Room located at the Aquia Harbour police station for the purpose of:
  - A. Receive only Non-evidentiary property from officers for submission to the Property Room.
  - B. Retrieval of Non-evidentiary property only to be returned to its rightful owner.
2. The SCSO Property/Evidence Manager and his Assistant are the only Sworn Supervisory Personnel issued keys to the Property/Evidence Rooms at the Humphrey Building, the Temporary Secured Lockers and the Secured Storage Building. (ADM.16.02.d)
3. All Sworn Officers will have access to the side entry door/back room of the SCSO station. Once any property has been stored and secured in the assigned lockers, only the Property/Evidence Manager or his Assistant shall have key access to this Room .
4. The Recovering Officer shall be responsible for proper packaging and labeling of all items collected or recovered as property or evidence to prevent any tampering, contamination, or destruction. (ADM.16.01.c)
5. Officers shall, as soon as practical (but not later than the end of shift), after coming into possession of **Non-evidentiary** property , could fill out a Found/Evidence/Recovered Property Harbour report, detailing the circumstances by which each item of property or evidence came into the officers/agency's possession. The property should be stored at the Aquia Harbour supply room.
- 6.
7. All Evidentiary property shall be secured in the Property/Evidence Room at the **Humphrey Building**, with the exception of items too large for the Property/Evidence Room, for example a vehicle or other items of substantial size shall be stored in the Secured Storage Building located on Headwaters Lane.

**A. Property Submission**

1. Officers shall submit Non-evidentiary property and , place the property in the supply room..
2. Non-evidentiary property requiring additional protection such as; any amounts of money, valuable jewelry, or precious metals, etc., shall in the presence of a on Duty Supervisor follow above procedures and complete a Submission of Valuable Property Form (PD 602). The on duty Supervisor will then place the property in the Safe.,
3. In the absence of a on duty Supervisor, the property will be secured in a Temporary Secured Locker along with the completed Submission of Valuable Property Form (PD 602)
4. Any officer requesting property from the Safe will contact the Supervisory on duty and sign for the release of the property and reason for release, on a PD-602.

## B. Evidence Submission

Officers shall submit Evidentiary property in the follow manner. Fill in the property book, and;

1. **All Evidentiary property shall be photographed.**
2. After proper labeling and packaging the officer will submit a PD-605. **If the Evidence Manager or his Assistant is available**, the evidence will be turned over to them and placed in the Evidence Room or Secured Storage Building.
3. **In the absence of the Property/Evidence Manager or his Assistant**, the officer will complete the proper labeling and packaging along with a PD-605 and place the evidence in the Temporary Secured Locker or the Secured Storage Building. If the property is too large for the temporary secured locker but of a size to fit in the evidence room, then the Property/Evidence Manager or his Assistant shall be called to respond and secure the property in the Evidence Room. The Evidence Manager or his Assistant will retrieve the evidence from the Temporary Secure Locker and place it in the evidence room.
7. **For storage of larger Evidentiary or Non-evidentiary property in the Secured Storage Building**, the Recovering Officer might contact the road supervisor for assistance. Upon securing property in the building, a PD-605 and/or PD-600 shall be completed.
8. Any items, which require temporary refrigeration, will be placed in the small refrigerator, located in the Evidence Room. **The submitting officer shall contact communications to have the evidence manager respond and place the evidence in the evidence room refrigerator.**

9. When evidence is required for court or lab, the officer must notify the Evidence Manager or his Assistant twenty four (24) hours prior to court date. The officer will sign the evidence log and complete the Evidence Removal/Retention Form, PD 606, indicating what is being removed and for what purposes (i.e. “out for court”). At the end of each court day, the officer will return the evidence to the manager. If the Evidence Manager or his Assistant is not available place the Evidence in a temporary secured locker. If the evidence is retained by the court, a receipt issued by The Clerk of the Court will be placed in the temporary locker. If the Evidence is to be destroyed the officer shall obtain a destruction order from the proper court, also to be placed in the temporary locker. **(ADM.16.02.g)**
  
10. Officers shall ensure that any orders for destruction or other instructions are conveyed to the property/evidence manager within six (6) months of satisfaction of legal requirements for final disposition of all property.

B. Property/Evidence Manager Responsibility

1. Ensure all property and evidence is stored within the designated secured evidence room or the Secured Storage Building. Access to the Property Room is limited to authorized Sworn Supervisory personnel only. Access to the Evidence Room is limited to the Property/Evidence Manager and his Assistant only. Key access to the Secured Storage Building after property/evidence is stored therein, is limited to the Property/Evidence Manager and his Assistant only.
  
2. The Property/Evidence Manager is responsible for all property management functions within the police department and shall ensure the following:
  - a. Maintains records that reflect the status of all evidence and non-evidentiary property held by the police department. **(ADM.16.02.f)**
  
  - b. The property manager shall restrict access to the property storage room to authorized personnel only. Access by other persons is prohibited as a general rule. Exceptions will be granted by the Chief. The property manager shall maintain a log of all persons who enter the evidence storage room. **(ADM.06.02.e)**

C. General procedures

1. It shall be the responsibility of all personnel submitting property, which may be claimed to advise the rightful owner, if known, of the requirements and time limitations for claiming property in the possession of the Aquia Harbour Police Department. The responsibility shall apply to evidence, recovered stolen property, and any non-evidentiary property.



2. All property, other than evidence or contraband, removed from the person of someone who has been placed under arrest and transported to detention facilities, shall be placed in an envelope or brown paper bag and the complete contents described on the outside. The property will accompany the arrestee to the detention area and signed for by one of their receiving personnel.
3. It shall be the responsibility of the officer to make every reasonable effort to identify, locate and return found property. **(ADM.16.01.e)**
4. Property not claimed within 60 days is considered abandoned and shall be disposed of without further notice per the below policy.
  - a. If the finder of property, other than a police officer or member of his or her immediate family, does not claim the property within the 60 day period, it (the property) will be disposed of by auction, destruction or conversion to the department or at discretion of the Chief of Police.
5. Property stored as evidence may be held no longer than 6 months after final court disposition unless deemed necessary by the Chief, Property/evidence Manager, Commonwealths Attorney, or Investigating Officer.
6. In any event, final disposition of any found, recovered, or evidentiary property shall be reached within six months after all legal requirements have been satisfied. **(ADM.16.02.h)**
7. Perishable substances
  - a. Perishable evidentiary items shall be photographed and returned to the owner immediately when possible and practical, in accordance with Code of Virginia. s/s 19.2-270.
  - b. Perishable items whose owner cannot be located shall be destroyed or donated to a charitable organization, upon approval of the Chief.

D. Release of non-evidentiary, recovered and lost/found property

1. Non-evidentiary, recovered and lost/found property shall be released to the true owner or his agent when claimed.
2. Satisfactory proof of ownership (e.g., serial number, receipts, sales slip, and 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 (characteristics which only the owner would know), property may be released.

3. Any other person seeking release of property, particularly when a dispute exists about ownership, shall be advised that the property can only be released to them as a result of the following:
  - a. A valid court order.
  - b. Written consent from the Commonwealth's Attorney.

E. Disposal of recovered, lost/found, and non-evidentiary property

1. The property/evidence manager shall conduct a monthly inspection of the storage area and files to ensure that proper storage and tagging procedures have been maintained and to dispose of any property determined to be abandoned.
2. The property manager shall present the semi-annual inspection report to the Chief of Police.
  - a. The Chief may conduct a spot inspection or audit of the property room without notice. The evidence room must be inspected in the presence of the Property/Evidence Manager .
3. The property/evidence manager shall ensure disposal of these items in accordance with procedures specified by department policies, and will provide a record of disposal.

F. Weapons

1. All potentially dangerous articles shall be rendered safe. Firearms shall be unloaded and open-blade knives will have exposed edges covered.
2. Following all criminal proceedings, legally possessed weapons not ordered confiscated by the court shall be returned to the rightful owner or the owner's agent.
3. Proof of ownership (e.g., serial number, receipts, sales slips or detailed descriptions) shall be required before release.
4. Disposal of contraband weapons and those ordered confiscated by the court shall be disposed of according to court orders and § 19.2-386.29.
5. Firearms not retrieved by the owners or taken into departmental inventory may be destroyed or retained for use by the department, by order of the Chief

G. Drugs/Narcotics (See **GO 2-16**)

1. All personnel are required to utilize the following procedures with respect to the seizure/confiscation of controlled drugs and narcotics.

- a. The recovering officer shall ensure against contamination of the suspected narcotic or controlled drug by any other substance or foreign body. Placing the suspected drug in a tamper-proof lock-seal envelope, as soon as practical, most easily accomplishes this. The outside of the envelope shall have an evidence label affixed to it, completed, with a description of the evidence inside, including, but not limited to the following:
  - (i) A physical description of the item, what the item is believed to be, and a total count of items.
  - (ii) When a suspected controlled drug or narcotic is seized/confiscated from a suspect, a field test should be performed to determine the type of drug, if such a test is immediately available. Confessions by suspects as to type of drug can substitute for the field test.
2. Large seizures in excess of 10 pounds of controlled substances or marijuana shall be disposed of according to § 19.2-386.24 of the Code of Virginia as amended. The section sets forth the disposal procedures for large amounts of controlled substances.
3. Controlled substances and marijuana of no evidentiary value shall be disposed of according to § 19.2-386.23.
4. Property seized in connection with the illegal manufacture, sale, or distribution of controlled substances shall be handled according to asset forfeiture procedures per § 19.2-386.1-386.14.
5. Substances analyzed and found to be non-controlled, where no demand has been made for their return within seven days after all rights to appeal have been exhausted, shall be listed on a court order and destroyed in the same manner as controlled substances.

#### H. Alcohol

1. Contraband alcoholic beverages (those possessed by underage drinkers) shall be disposed of per department policy. See GO 2-15.11

#### I. DUI Blood Samples

1. The Dept. of Forensic Sciences shall destroy the containers according to Va. Code 18.2-268.6, unless otherwise directed by the accused or his attorney.
2. The destruction of any other blood or bio-hazard materials will be done in compliance with GO 2-34.

J. Gambling

1. Property and evidence seized incident to an arrest shall be forfeited to the Commonwealth by order of the court having last jurisdiction.

K. Inventories/Inspections

1. On an annual basis, a documented property audit shall be conducted by an employee not routinely or directly connected with the control of property. The employee to conduct this audit shall be appointed by and submit his report to the Chief of Police. (**ADM.16.03.c**)
2. On a semi-annual basis unannounced documented inspections of property storage areas might be conducted by an employee not routinely or directly connected with the control of property as directed by the Chief of Police. (**ADM.16.03.d**)
3. At least quarterly, the person responsible for the property and evidence control function, or his or her designee, conducts a documented inspection of adherence to procedures used for the control of property; (**ADM.16.03.a**)

L. Change of Evidence/Property Key Holder

Whenever a property/evidence key holder is assigned and /or transferred from the property/evidence control function, a documented audit of all property/evidence is conducted jointly by the newly designated property/evidence key holder and a designee of the CEO to ensure that records are correct and properly annotated. (**ADM.16.03.b**)

# WINTERGREEN POLICE DEPARTMENT EVIDENCE STORAGE CHART

OFFICER OBTAINS EVIDENCE

COLLECTS, PACKAGES AND LABELS EVIDENCE

EVIDENCE MANAGER ON DUTY?

YES

Contact Evidence Manager for transfer of evidence to the Evidence Room

Evidence Manager checks evidence packaging, tags and logbooks for accuracy

Evidence Manager places item in Evidence Room and completes lower half of PD 605

Evidence Manager updates computer system files for evidence recieved

When Officers need Evidence for court or lab the officer is responsible for contacting the Evidence Manager 24 hours in advance

After court, Officer returns evidence or court order to Evidence Manager for re-entry into Evidence Room - updates computer files

NO

Officer completes entry in Property Room Log Book and Property Book

Officer complete form PD 605 and secures Evidence inside Temporary Locker with PD 605 and locks lock

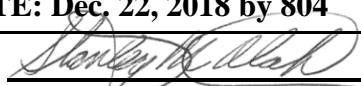
NOTE: If Evidence needs to be refrigerated CALL IN Evidence Manager.

Evidence Manager inspects Temporary Locker for entry of evidence

Evidence Manager transfers evidence to Evidence Room, completes lower half of PD 605 and entry logbook forms

Evidence Manager replaces open lock on Temporary Locker and updates computer system files for evidence recieved

**This same chart applies to property of value, i.e. money-substitutue form PD 602**

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Crime Prevention and Community Relations Services</b>	<b>NUMBER: 2-18</b>
<b>EFFECTIVE DATE: APRIL 10, 2016</b>	<b>REVIEW DATE: Dec. 22, 2018 by 804</b>
<b>AMENDS/SUPERSEDES: GO 2-18, Apr. 1, 2002, DEC 2006, FEB 2011</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLEPSC STANDARDS: ADM.20.01, ADM.20.02, ADM.21.01</b>	

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## INDEX WORDS

Crime Analysis  
Crime prevention  
Operation Identification  
Security surveys

## I. POLICY

The **Aquia Harbour** Police Department is committed to establishing close ties with and responding to the needs of the citizens of the Aquia Harbour community. Community relations and crime prevention plans and programs and crime analysis constitute an integral part of the department's activities. Crime analysis is a law enforcement function utilized by the Aquia Harbour Police Department whereby data relating to crimes are collected, analyzed, and disseminated. Data pertaining to criminal activities is primarily generated from records and reports within the agency. This agency shall utilize this data to assist in the prevention and suppression of crime and to aid in the apprehension of criminal offenders. All employees of this agency are charged with supporting and furthering these efforts.

## II. PURPOSE

This General Order is issued for the purpose of establishing policy and guidelines for the development and operation of the agency's community relations, crime prevention, crime analysis

plans and programs. This general order also sets forth the method by which the crime analyst gathers, stores, retrieves, disseminates and analyzes reliable data. Aquia Harbour management staff and officers will be able to use crime analysis data for planning relative to crime trends, agency resource allocation, crime prevention, and associated areas.

### **III. PROCEDURES – Crime Prevention Responsibilities**

#### **A. Crime Prevention Program Administration**

1. The agency's crime prevention programs are based on planning and coordinating crime analysis and prevention activities in addition to the overall development and coordination of the department's community relations activities.
2. Responsibility for crime prevention and effective community relations is shared by all Aquia Harbour Police Department employees. The department is responsible for ensuring that its employees are informed of, and actively support, the stated crime prevention programs available to the community.
3. The officer is also charged with identifying and transmitting citizen and community comments concerning these programs. Such comments and concerns will normally be addressed by the owner whom the officer has good rapport. The officer must also assure individuals that their comments assist in evaluating the effectiveness of the programs and that the department is committed to correcting actions, practices, procedures and attitudes that may tribute to overall effectiveness.

#### **B. Community Crime Prevention Programs**

1. Departmental crime prevention programs emphasize the prevention of property crime and personal safety. The following departmental programs will be stressed:
  - a. Operation ID for homes;
  - b. House Check Program;
  - c. Personal Safety Check Program; and
  - d. Residential and Vehicle Lockout Program.
2. AHPD officers will coordinate or conduct these four program activities within the community on a daily basis or as assigned.

#### **C: Community Relations Activities**

1. The Chief of Police is responsible for liaison with formal community organizations (Executive Director, Board of Directors) and other interested community groups or individuals, either through representation of such groups and through the Annual

Property Owners Meeting and the Meetings held. Through these meetings the Chief develops community relation's policies and prepares an annual report on current concerns voiced by the community and a description of potential problems that have a bearing on law enforcement activities within the community. In addition, the Chief prepares a statement of suggestions or recommendations for addressing these problems.

2. The annual report, prepared by the Chief, shall also include an evaluation of the effectiveness of crime prevention programs as perceived by the community and supporting statistics.
3. A survey may be conducted by the department at the request of the Board of Directors to gather citizen attitudes and opinions in respect to the following:
  - a. overall agency performance
  - b. overall competence of agency employees
  - c. officers attitudes and behavior towards citizens
  - d. concerns over safety and security
  - e. recommendations and suggestions for improvements

#### **IV. PROCEDURES – Crime Analysis Responsibilities**

##### **A. Crime Analysis Administration**

1. At Aquia Harbour Police Department crime analysis is a part-time function and, as such, will be designated as an additional duty by the Chief of Police. The crime analyst may be a sworn or unsworn member of the agency who is selected according to his/her ability to analyze offenses, identify similarities, and to reach logical conclusions based on such information. The crime analyst should receive formal schooling in his/her responsibilities during the first year of their selection.
2. The Chief of Police shall have over-all responsibility for the collection of crime data. The Chief of Police shall ensure that the necessary data is made available to the crime analyst and that all reports required by this order are promptly submitted to appropriate authorities.
3. Data for analytical purposes shall be maintained at the discretion of the Chief of Police to ensure data integrity for "year-to-date" and "pattern analysis" studies.

##### **B. Collection of Data**

1. Primary crime analysis data will be gathered from the offense and supplemental reports and arrest records.



2. Additional data may be obtained from sources such as field interviews/interrogation reports, property owner files, officer schedules, radio logs, and census information.

C. Collation of Data

1. Data may be collated (arranged in order according to specific informational requirements) by two methods: hand searching appropriate files or computer printouts of previously stored information. The following data is available:
  - a. Offense reports;
  - b. Arrest reports;
  - c. Stolen/recovered property;
  - d. Day, date, and time of incident; and
  - e. Location of incidents.

D. Crime Data Analysis

1. The crime analyst should orient his data to provide analysis of the following areas:
  - a. Frequency by type of crime;
  - b. Geographic factors;
  - c. Chronological factors;
  - d. Victim and target descriptors;
  - e. Suspect descriptors;
  - f. Suspect vehicle descriptors;
  - g. Modus operandi factors; and
  - h. Physical evidence information.
2. Crime data shall be analyzed by the crime analyst when deemed necessary, with reports prepared and submitted to the Chief. This report shall give the total number of crimes that were reported to the police department during the past month including, at a minimum:
  - a. Type of crime;
  - b. Day, date, and time of occurrence;

- c. Number of crimes by reporting area; (from 911 System); and
- d. Any apparent trends (including year-to-date analysis).

The intent of this report is to provide an "early warning system" to the Chief and the Executive Director of AHPOA so that they can be informed of impending crime trends in time to provide pro-active decisions and appropriate manpower allocations.

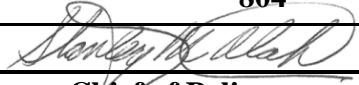
- 3. The Chief of Police shall designate such crime analysis reports as may be required to support such activities as budget submissions, annual reports, and crime prevention programs.

E. Dissemination of Crime Data

- 1. In addition to the analysis required under paragraph III, D, 2 of this General Order, an additional report shall be made available to each supervisor which shall contain at a minimum, the same information included in the Chiefs and directors report. Should a supervisor desire to have additional data included in their report, they may request it on a continuous or specific basis from the Chief.
- 2. The Chief of Police shall utilize the crime analysis in the reassessment of patrol personnel distribution.
- 3. The Chief of Police shall utilize the crime analysis in the annual reassessment of division personnel allocation and distribution.
- 4. When the police department receives a request from a news agency for crime analysis data, or when certain crime data should be disseminated to the public in an effort to enhance the public's understanding of the agency's goals or to solicit community assistance and support, the release of such information shall be handled by the office of the Chief, Executive Director or his designee.

F. Program Evaluation

- 1. The Chief of Police shall, upon completion of the annual crime analysis and the Annual Report, conduct a crime analysis program review utilizing feedback reports, analysis requests received through the previous year, and other indications of need, response, and usefulness, and forward such report to the Executive Director.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Traffic Enforcement</b>		<b>NUMBER: 2-19</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: Dec 10, 2018 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-19 DEC 2001, DEC 2004, JAN 2007, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.07.01, OPR.07.03, OPR .07.04, OPR.07.09, OPR.07.10</b>			

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**INDEX WORDS**

DUI  
 Enforcement; traffic  
 Escorts  
 Juveniles; traffic violations by  
 Radar  
 Speed Control Device -Traffic  
 Traffic stops - felony  
 Traffic stops - routine  
 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 also includes warnings to drivers and pedestrians to 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 order is to prescribe procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, pedestrians, and the courts.

## III. PROCEDURES

### A. General

Officers shall enforce the same laws consistently under similar circumstances. Before taking any enforcement, officers must consider the circumstances of the law violation and decide on a course of action, which relies on experience, training, and judgment. Further, traffic laws shall be enforced without regard to race, sex, nationality, location of the operator's residence, or the nature of the vehicle (type, model, whether commercially or privately operated).

### B. Types of enforcement actions

#### 1. Warnings

Officers may issue warnings to a violator whenever a 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. In their discretion, officers must recognize that a properly administered warning can be more effective than any other type of enforcement. **(OPR.07.01.c)**

#### 2. Virginia Uniform Summons (VUS)

A VUS shall 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. **(OPR.07.01.b)**

#### 3. Physical Arrest (OPR.07.01.a)

In compliance with *Virginia Code* § 46.2-940, officers shall make a physical arrest and take the violator before a magistrate when the officer believes that

- a. The violator has committed a felony; or
- b. The violator is likely to disregard the summons issued under § 46.2-936 (arrest for misdemeanors); or
- c. The violator refuses to give a written promise to appear under §§ 46.2-936 and -945 (issuance of citations).

C. Handling special categories of violators

1. Non-residents

Officers may consider use of warnings for non-residents who commit minor, non-hazardous violations. If appropriate, officers may arrest non-residents by issuance of a summons. If the circumstances of § 46.2-940 obtain, officers shall take non-resident violators directly before a magistrate.

2. Juveniles

Juvenile traffic offenders are prosecuted in Juvenile and Domestic Relations Court and that shall be so noted on the summons. Officers issuing a traffic summons to juvenile offenders shall advise them of their options regarding prepayment or court appearance and that a parent or guardian must accompany them when they appear before the court.

3. Foreign diplomatic or other consular officials

- a. Diplomatic immunity is granted by the United States Government. Generally, immunity may apply to diplomats, members of their families, and employees of diplomatic missions concerning acts performed in the course of their official duties.
- b. Different levels of immunity exist. The burden is on the diplomat to claim immunity and show the appropriate U.S. State Department-issued credentials. Refer to **GO 2-04** (arrests), section IX.B for further guidance.
- c. The Department of State is interested in all incidents including traffic accidents, summonses and criminal complaints involving a diplomat or consular officer.

4. The lieutenant governor and members of the General Assembly (OPR.07.03.l)

During the session of the General Assembly and for five days before and after the session, the lieutenant governor, members of the General Assembly, the clerks, the clerks' full-time assistants, and the sergeants-at-arms of the Senate and House of Delegates shall be privileged from custodial arrest for most traffic offenses. They are not immune from misdemeanor or felony arrests. *Virginia Code* §§ 30-6, 30-7, and 18.2-8 apply.

5. Military personnel (OPR.07.03.m)

Military personnel who are passing through the county may be treated as non-resident 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, upon presentation of valid credentials, he or she shall be released immediately. 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.

D. Information regarding traffic summons

The VUS shall be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following:

1. The court appearance schedule.
2. Whether the court appearance by the motorist is mandatory.
3. Prepayment information, whether the motorist may be allowed to pay the fine.
4. Answer the motorist's questions about the summons as thoroughly as possible.

**IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS**

A. Drivers under the influence of alcohol

It is unlawful for any person to drive or operate any motor vehicle while under the influence of alcohol.

- B. Operating a motor vehicle after driving privileges have been suspended or revoked.(OPR.07.03.b)  
The VUS shall be issued when an officer has stopped a motorist who is driving with a suspended or revoked license. (s/s46.2-301).

C. Speed violations (OPR.07.03.c)

Officers shall clearly demonstrate the violator's speed in court by competently explaining the method of measuring the violator's speed and the circumstances. Appropriate speed may depend on the location of violation.

D. Other hazardous violations (OPR.07.03.d)

Be able to articulate the degree of hazard in a particular location which justified the issuance of a summons. The hazard may be based on the previous accident history of location.

E. Off road vehicle violations (including dirt bikes, snowmobiles and mopeds) (OPR.07.03.e)

Officers shall enforce laws, rules and regulations concerning the operation of off road vehicles on public owned trails, parks or property

F. Equipment violations (OPR.07.03.f)

With only annual inspections required on vehicles, summonses may be issued for any essential equipment defects.

G. Public carrier/commercial vehicle violations (OPR.07.03.g)

In issuing a summons, consider traffic congestion, lack of parking and carrier needs for delivery access. However, repetitive violators shall be enforced.

H. Violations committed by juveniles (OPR.07.03.h)

Juvenile offenders are prosecuted in Juvenile and Domestic Relations Court

I. Violations committed by non-residents (Out of area and /or out of state) (OPR.07.03.i)

Officers may consider warnings for non-residents who commit minor violations. A summons may be issued, however, if s/s 46.2-940 occurs, officers shall take non-resident violators before a magistrate.

J. Newly enacted laws

The law usually does not provide for a grace period when new laws take effect. Officers, though may use discretion in observing a reasonable grace period before issuing a summons for the following:

- a. Speeding violations in an area which the speed limit has been reduced.
- b. A violation of a newly enacted traffic law.

K. Violations resulting in traffic accidents (OPR.07.03.j)

All traffic accidents on Aquia Harbour roads, where injury or death had occurred shall require a report. Property damage (+\$1,500) will be at the discretion of the officer.

L. Pedestrians and/or bicycle violations (OPR.07.03.k)

Records are reviewed annually to determine what enforcement actions are needed to provide a proactive pedestrians/bicycle safety enforcement program.

**V. TRAFFIC LAW ENFORCEMENT PRACTICES**

A. General

Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their 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.
5. 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 other drivers to comply with traffic laws.

B. Objectives of traffic stops

1. The two primary objectives of any traffic stop are:
  - a. To take proper and appropriate enforcement action; and
  - b. To favorably alter the violator's future driving behavior.
2. Achievement of these objectives requires the officer to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, officers must exhibit flexibility to minimize conflict/argument with the violator.



C. Traffic violator/officer relations

1. Rules to be followed in all traffic stops:
  - a. Be alert at all items for the unexpected.
  - b. Be absolutely certain that 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 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 who has committed a violation that would not be a violation in his jurisdiction, such as making a right turn on a red light. The officer may then decide to issue a warning rather than a citation.
2. Before making a vehicle stop: (**OPR.07.04.a**)
  - a. Maintain a reasonable distance between the violator and the patrol vehicle.
  - b. Locate a safe spot to stop the vehicle.
  - c. Activate the emergency lights and, when necessary, the siren to signal the vehicle to stop.
  - d. Advise the dispatcher of the intention to stop the particular vehicle, the reason for the stop, the location of the stop, the vehicle's license tag number and description and the number of occupants.
  - e. The officer shall position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol 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. Additionally, when stopping a vehicle in which the occupant(s) is (are) deemed to present a hazard to the officer's safety, perform the following actions:
  - a. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before making the actual stop;

- b. Train the unit's auxiliary lights (spotlight) on the occupant(s) of the vehicle when applicable;
  - c. When necessary use the vehicle's public address system to give instructions to the occupant(s) of the violator's vehicle.
4. Hazards
- a. On multi-lane roadways, the officer shall 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 or her 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.
  - c. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop. Once the violator has stopped, to maximize officer safety, use the spotlight and set the headlights for high beam, and employ emergency bar lights and emergency flashers.

5. Approaching the violator (**OPR.07.04.b**)

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. Follow these procedures unless circumstances dictate another reasonable method.

- 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, check to confirm that the rear trunk/hatch is secure and locked (pull up and push down), place handprint on multiple locations (if practical), look into its 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 shall approach to the trailing 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-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes, and act as an observer and cover for his or her fellow officer. At no time shall the two officers approach the violator together along the same side of the violator's vehicle (Field Training being the exception).

6. Communicating with the violator

In transacting business with the violator, the officer shall observe the following rules.

- a. Greet the violator courteously with an appropriate title.
- b. Inform the violator what traffic law he or she has violated and the intended enforcement action (do not keep the violator in suspense).
- c. Ask for and accept only the violator's driver license and vehicle registration. If the driver offers money, the officer shall refuse it 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. Administer an oral warning or complete the forms required for the enforcement action, as appropriate.
- g. Explain to the violator exactly what he or she is supposed to do in response to the action taken and how this action will affect him or her.
- 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, such as prepayment information, 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.

- b. Release the defendant after he or she
  - (1) Signs the summons, and
  - (2) Receives a copy of the summons.
- c. Assist the violator in safely re-entering the traffic flow.
- d. Do not follow the violator.

D. Stopping a known or suspected felon

- 1. Special procedures shall be used in vehicle stops when the occupants are reasonably believed to be armed and dangerous. When an officer locates a vehicle driven by a known or suspected felon, the officer shall notify the dispatcher immediately of the suspect's location and give a thorough description of the vehicle and its occupants. The officer shall keep the suspect vehicle in view and request sufficient assistance in making the stop.
- 2. The officer shall keep support units informed of the suspect's location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle shall not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-officer felony vehicle stop.
- 3. The following procedures shall be used in effecting the stop:
  - a. The officer shall plan to stop the suspect vehicle in a location, which presents minimal danger to other citizens.
  - b. When conditions are appropriate and support units available, the officer shall move into position to the rear of the suspect vehicle.
  - c. The officer shall signal the violator to stop, using all emergency equipment to warn other traffic.
  - d. The violator shall be stopped on the extreme right side of the road.
  - e. If the violator is known to be armed and dangerous, the officer shall have his weapon drawn and ready for immediate use.
  - f. When the suspect vehicle begins to stop, the officer shall turn off the siren and turn on the public address system.
  - g. The officer shall park the patrol vehicle so that it provides maximum protection and cover.

- h. At night, the officer shall focus all lights on the interior of the suspect vehicle.
- i. The officer shall leave the patrol vehicle quickly but remain behind the door and accessible to the public address system microphone.
- j. The officer making the stop is in command and shall 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 shall then be ordered to lie face down on the ground.
- k. If a public address system is not available, the officer shall give voice commands if they can be heard; if this fails, the officer should consider that the commands have been heard but ignored. Consistent with training, the officer shall consider other options before leaving a position of cover.
- l. To reduce confusion, the officer shall instruct support officers, as appropriate, and shall be the only officer to direct the suspects.
- m. The support officers shall cover the arresting officer and remain on the curb side of the vehicle until all occupants are in the search position.
- n. Officers shall exercise extreme caution not to get within each other's line of fire.
- o. When all occupants have been removed from the vehicle, the support officers shall move to cover the arresting officer while the suspects are searched.
- p. Arrestees shall be searched and handcuffed before transportation.

E. Persons charged with revoked/suspended operator's license

The VUS shall be issued when an officer has stopped a motorist who is driving with a revoked or suspended operator's license (§ 46.2-301). An officer who sees a person driving who is known to be under suspension or revocation may swear out a warrant if unable to stop the violator.

F. Speed enforcement

Excessive speed is a major cause of death and injury on the national highways. Officers shall uniformly enforce speed laws within the confines of Aquia Harbour. 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 ½ - 1 mile, to obtain a speedometer reading. Speedometers shall 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 shall always be operated in compliance with manufacturer's instructions. All departmental radar units meet current NHTSA standards. All officers must be academy trained before using the Radar.

- 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. Radar should not be used in the stationary mode unless specific incident warrants it for a particular area. The location must also be conducive to the effective and safe operation of radar.
- d. The radar unit shall be tested for accuracy to ensure accuracy in checking speed. The operator must follow the manufacturers recommended specific methods of checking calibration without exception. Officers shall report promptly any problems with the operation of radar units.
- 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) The officer's qualifications and training in the use of radar;
  - (3) Proper operation of the radar unit;
  - (4) Proof that the unit was tested for accuracy before and after use by an approved method;
  - (5) Identification of the vehicle;
  - (6) The speed limit where the officer was operating and where the signs were posted.

- f. The Chief of Police or his designee is responsible for the upkeep, maintenance, and calibration of tuning forks and vehicle speedometer units, maintenance of records, and that appropriate certificates are filed with the clerks of district and juvenile courts.

## **VI. SPEED CONTROL DEVICE**

### **General**

The speed control device (SHIELD sign board) location is designated by the Chief of Police. These locations are logged in the speed control log book. The device is deployed at the designated location with a fixed attached speed limit sign. The approaching vehicle has its speed displayed in lighted digits.

When the approaching vehicle is traveling at a speed greater than the posted speed limit, the digits flash making the driver aware of his actions.

It is the intent of the department that the speed control device be used in areas of high traffic density flows, in areas where complaints have been received from the community and in other areas within the community deemed appropriate based on vehicle accident data, etc. A tracker form should be completed when a citizen complaint was received.

## **VII. DUI ENFORCEMENT PROCEDURES (OPR.07.03.a)**

### **A. Laws**

It is unlawful for any person to drive or operate any motor vehicle, engine, or train while under the influence of alcohol or while under the influence of any narcotic drug of any nature. The term motor vehicle includes pedal bicycles with helper motors (Mopeds), while operated on the public highways (§§ 18.2-268.1 to -268.12).

### **B. Responsibilities**

Officers shall be alert for suspected DUI offenders. Officers shall use and document standardized roadside sobriety tests. In addition, the portable Alco-sensor if available, shall be offered to each suspected driver. Officers must carefully document the behavior of the DUI beginning with observations of driving. Once the violator has been stopped, then the officer shall note the suspect's appearance, responses to stimuli, speech, admissions of drinking, or drug ingestion.

### **C. Breathalyzer**

- 1. The regulations of the Department of Criminal Justice Services Division of Forensic

Science require that the breathalyzer be stored in a clean, dry location which is only accessible to an authorized licensee (defined in the DUI statutes listed above) for the purpose of administering a breath test, preventative maintenance check, or other official uses.

2. The Breathalyzer is located at Stafford County Sheriff's Office and is operated by the SCSO or state police officers within the county.

D. Sobriety tests

1. Officers shall administer a minimum of three field sobriety tests from the following list. The list names the most commonly administered tests.
  - 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 shall be offered if available (§ 18.2-267). The operator may refuse the Alco-sensor test, and shall 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 shall be arrested for DUI and taken before the magistrate.
4. If an officer suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed **in addition to** testing for alcohol. Blood samples shall be analyzed by the Division of Forensic Science for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs.
5. The officer shall make a full written report of the circumstances of the DUI arrest, formation of probable cause, and witnesses' observations.

E. Arrest

The arresting officer shall perform the following:

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 this blood or for the presence of drugs if such person is arrested for violation of §§ 18.2-266 and -266.1.

2. If the arrest occurs as a result of operation of a motor vehicle on private property, the Implied Consent Law (§ 18.2-268.2) does not apply. Although it does not apply, the officer shall try to obtain consent from the arrested person to submit to a chemical analysis of the suspect's 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 or her *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 or she may elect to have either a breath or blood sample taken, when available, but not both unless the officer suspects the presence of drugs. It is not a matter of defense for the driver in court that neither test was available.
4. If the arrestee refuses the available test, advise him or her that unreasonable refusal of the test constitutes grounds for the revocation of the driver's license and that a separate charge shall be placed to which he or she will have to answer in court.
5. If he or she still refuses, the arrestee shall be advised of the Implied Consent Statute and penalties by the magistrate. If the arrestee refuses to sign a declaration of refusal, which shall be, presented to the arrestee at this point, then the magistrate may sign the form certifying the refusal.

F. 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 shall withdraw blood for the purpose of determining its alcoholic content and drugs (18.2-268.5 applies) after obtaining a search warrant from the Magistrate. The officer shall then mail the container of blood samples to the Department of Forensic Science per 18.2-268.2.

G. Breath analysis

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Division of Forensic Science. This may include the arresting officer or anyone participating in the arrest. In the event the Breathalyzer 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 shall be in accordance with the regulations of the Division of Forensic Science.

3. The testing officer shall issue a certificate of breath alcohol analysis which indicates that the test was conducted per the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six 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. A copy of this certificate shall be promptly delivered to the accused.

H. Accident investigation

If the DUI suspect has been involved in a traffic accident, officers shall also undertake the following:

1. Identify any witnesses who saw the suspect operating a motor vehicle.
2. Question the witness about the suspect's condition, actions, and statements immediately after the accident.
3. Establish a time lapse from the time of the accident to the time of arrest.
4. Question the witnesses and the suspect about what, if anything, the suspect ingested between the time of the accident and the officer's arrival.

**VIII. SPECIAL TRAFFIC PROBLEMS**

A. Identification and referral of driver recommended for re-examination to the Department of Motor Vehicles (DMV)

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 or she may take, the officer shall notify

DMV 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. A driver deficiency report should be used for this purpose.

**IX. ESCORTS**

A. General rules

1. Officers shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned. **(OPR.07.09.b)**

2. Officers may provide escorts of vehicles with oversize or hazardous loads. These escort duties shall be conducted under the authorization of a supervisor. The officer shall coordinate the escort with the authority having control over the escorted vehicles. **(OPR.07.09.a)**
3. Officers shall not escort fully operational emergency vehicles. Exception: When an emergency vehicle has inoperable lights/siren or a foreign agency needing directions to the location. The dispatcher or the escorting officer shall order the driver of the emergency vehicle to obey all traffic control devices and to travel behind the patrol vehicle. The patrol vehicle, while using lights and siren, shall not exceed 5mph over the posted limit. Further, the patrol vehicle will not commit traffic violations during the escort. The escorting officer shall keep the dispatcher informed of the nature of the escort, the location, and destination.

## **X. ROADBLOCKS AND CHECKPOINTS**

### **A. Definitions**

#### **1. Checkpoint**

A brief stop of all traffic through a designated location for a limited time to inspect drivers' licenses and vehicle registrations, and thereby increase traffic safety by apprehending or citing persons who violate licensing laws, operate unsafe vehicles, or operate a vehicle while under the influence of alcohol or drugs.

#### **2. Roadblock**

Due to manpower and topographical constraints, Aquia Harbour Police Department will not initiate roadblocks.

### **B. General guidelines for checkpoints (OPR.07.10)**

1. All checkpoints shall be conducted pursuant to a written plan, which accomplishes the following:
  - a. Describes the objective of the checkpoint.
  - b. Identifies the personnel involved.
  - c. Specifies the location of the checkpoint.
  - d. Provides adequate space for parking police vehicles out of the traffic flow.
  - e. Provides adequate space for vehicles to be pulled out of the traffic flow without creating a hazard.
  - f. Specifies the dates, times for beginning and ending the checkpoint.

- g. Identifies the traffic control devices or special uniforms or equipment required, and their use at the checkpoint.
      - h. Requires a minimum of two officers to direct traffic for the duration of the checkpoint.
  - 2. Each vehicle passing through a checkpoint shall be stopped and subjected to the same inquiry or procedure as described in the plan. Vehicle stops shall be as brief as possible.
    - a. Checkpoints shall last from half an hour to three hours under most circumstances.
  - 3. Nothing in this general order prohibits one or more officers from performing selective enforcement for specific law violations such as speeding or failure to stop at a stop sign.

C. Selection criteria

- 1. The written checkpoint plan shall specify the site to be monitored. The site shall be chosen from a list compiled through recommendations of officers or supervisors. Each site on the list shall be chosen as a result of historical, articulated data.
- 2. The on-scene supervisor shall prepare a report following the checkpoint that records its location, date, exact times, the number of vehicles stopped, and the number of violations discovered. An on-scene senior officer shall directly supervise any checkpoint.

D. Conduct of the checkpoint

- 1. Officers assigned to the checkpoint shall park their vehicles so they do not impede traffic flow. The vehicles should be highly visible to approaching drivers and should provide protection to stationary officers.
- 2. Traffic control and warning devices shall be placed to provide adequate warning to drivers.
- 3. Officers shall create a safe location for vehicles that require further inspection, possibly in a lane that has been temporarily shutdown.
- 4. All officers assigned to checkpoint duty shall be in uniform and shall wear traffic vests.
- 5. Upon approaching a vehicle, officers shall scan the interior for weapons and contraband, advise the driver of the purpose of the stop, request driver's license and registration, and shall limit the interaction to approximately 25 seconds.

6. If the officer observes behavior that furnishes a reasonable suspicion that the driver has been drinking, the officer may ask if the driver has been drinking, how much, and when. The officer may then direct the driver to the safe location for further investigation.
7. Officers shall not stop vehicles on a discretionary basis. Every car shall be stopped unless the on-scene supervisor directs a change (i.e., every second or third vehicle stopped).

## **XI. SEARCH AND SEIZURE ISSUES**

### **A. Consent**

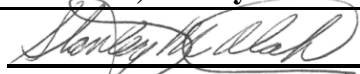
While on a traffic stop, if the officer decides to ask the driver for consent to search a part of the vehicle, probable cause is not required. Further, the officer does not need to tell the motorist that he or she is free to leave. Nevertheless, officers shall be conscious that their actions may communicate to the violator that he or she cannot leave and had no choice but to consent to the search. Avoid actions or words that might lead a reasonable motorist to believe that he or she cannot leave and has no choice but to consent. See **GO 2-1** for further information.

1. The mere fact that a citizen refuses a consent search does not give probable cause to search, or a reason to detain the motorist further .

## **XII. TRAFFIC RECORDS SYSTEM**

- A. The Chief of Police shall designate an officer on a case by case basis to conduct planning, analysis, monitoring, and coordination of department traffic activities to include:
  - 1) Evaluation of traffic accident data through the review of hardcopy accident reports and online reports.
  - 2) Review and evaluation of traffic enforcement data through the review of hardcopy summonses, online incident reports and traffic stop files
  - 3) Review of Roadway Hazard Reports
  - 4) Provide to the Chief of Police traffic accident and enforcement analysis reports.
- B. A copy of all traffic accidents, summonses issued, and traffic stops conducted will be kept in a separate file, one for each year, accessible by all department supervisors for the purpose of providing data upon which management decisions may be based.

- C. At the end of each calendar year the officer designated by the Chief of Police shall compile totals relating to number of accidents, traffic stops, summonses issued, and location of same.
- D. Pedestrian and Bicycle safety
  - 1. The chief of police shall 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.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: SPEED ENFORCEMENT</b>		<b>NUMBER: 2-19A</b>	
<b>EFFECTIVE DATE: APRIL 10, 2016</b>		<b>REVIEW DATE: Dec 10, 2018 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-19, JAN 2007, MAY 2009</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: NONE</b>			

**NOTE**

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**INDEX WORDS**

Radar/ Speed Enforcement  
Speed Control Device - Traffic

Radar Calibration  
Speedometer Calibration

**I. POLICY**

The Aquia Harbour Police Department will strive to detect and enforce speed laws as defined by the Code of Virginia. Only Officers currently certified by the Virginia Department of Criminal Justice Services standards may operate speed measuring devices.

**II. PURPOSE**

The Aquia Harbour Police Department places high value on public safety within the community. Officers are encouraged to actively enforce all applicable speed laws, especially through the use of department issued Vehicle Mounted Radar Units. In conjunction with enforcement activities, the police department actively seeks public assistance in identifying and addressing problem areas. The Aquia Harbour Police also operates a SHIELD speed sign in selected areas in order to alert drivers and deter speed violations .

**III. PROCEDURES**

Officers shall enforce the same laws consistently under similar circumstances. Before taking any enforcement, officers must consider the circumstances of the law violation and decide on a course of action, which relies on experience, training and judgment. Furthermore, speed enforcement laws shall be enforced without regard to race, sex or nationality.

#### **IV. SUMMONS AND ALTERNATIVES TO ARRESTS:**

Issuing a summons for speed or other violations are not prohibited, however, officers should consider alternatives to arrest or summons. Based on the totality of the violation with the resort atmosphere of the Aquia Harbour Community.

- a. A CCR# number is required from the dispatcher if the violator is arrested. A CCR# number is issued at the officer's discretion for any incident requiring documentation.

#### **V. SPEED ENFORCEMENT:**

Excessive speed is a major cause of death and injury on our nation's highways. Officers shall uniformly enforce speed laws within the confines of Aquia Harbour. 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 ½ - 1 mile, to obtain a speedometer reading. Speedometers shall be calibrated at least every six months and calibration filed with the District Court Clerk..

##### **2. Radar**

Radar shall be applied where vehicle speed is a hazard to other motorist or pedestrians. The following guidelines govern the use of radar, which shall always be operated in compliance with manufacturers instructions. All departmental radar units meet current NHTSA standards. All officers must be academy trained and certified before using the radar.

- 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 observation can support the speed meter reading.
- c. Radar should not be used in the stationary mode unless specific incident warrants it for a particular area. The location must also be conducive to the effective and safe operation of radar.



- d. The radar unit shall be tested for accuracy to ensure accuracy in checking speed. The operator must follow the manufacturer's recommended specific methods of checking calibration without exception. Officers shall report promptly any problems with the operation of their radar units.
- e. In court, officers must be able to establish the following elements of radar speed:
  - (1) The time, place, location of the vehicle, the identity of the operator, the speed of the vehicle and the visual and radar speed check.
  - (2) The officer's qualifications and training in the use of the radar.
  - (3) Proper operation of the radar unit.
  - (4) Proof that the unit was tested for accuracy before and after use by an approved method.
  - (5) Identification of the vehicle and driver.
  - (6) The posted speed limits where the officer was operating radar at the time of the violation.
- f. The chief of police or his designee is responsible for the upkeep, maintenance, calibration of the tuning forks, maintenance of records, and that appropriate certificates are filed with the clerks of the district and juvenile courts.

**NOTE: Per Virginia Code – the speed limit in a sub-division or residential district is twenty five (25) miles per hour, regardless whether posted or not.**

## **VI. SPEED CONTROL DEVICE**

### **General**

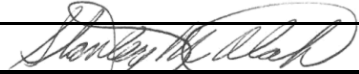
The SHIELD Speed board location is designated by the Chief of Police. These locations are logged in the speed control log book. . The device

displays the posted speed limit at designated location attached to a speed limit sign. The approaching vehicle has its speed displayed in lighted digits. When the approaching vehicle is traveling at a speed greater than the posted speed limit, the digits on the speed board flash, making the drivers aware of their speed.

It is the intent of the department that the speed control device be used in areas of high traffic density flows, in areas where complaints have been received from the community and in other areas within the community deemed appropriate based on vehicle accident data, etc.

**Traffic enforcement is the number one (#1) reason for complaints against officers. Officers should ensure that professional standards of conduct are used during the violation transaction. Remember that the violator's first impression, good or bad, of an officer affects everyone.**

**NOTE, OFFICERS ARE REMINDED THAT ALL TRAFFIC STOPS SHALL BE RECORDED USING THEIR ON-OFFICER CAMERA. ( refer to General Order 2-12A, for operating procedures). ALL SUCH RECORDINGS SHALL BE MENTIONED IN THE NARRATIVE, OF ANY WRITTEN REPORT.**

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Accident Investigation</b>		<b>NUMBER: 2-20</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: Dec 10,2018 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-20, DEC. 10, 2001, JAN. 8, 2007, February 11, 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.07.05, OPR.07.06, OPR.07.07</b>			

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**INDEX WORDS**

Accident  
Traffic accident

**I. POLICY**

An objective of the department is the reduction of motor vehicle accidents. To accomplish this, the department performs a variety of functions such as 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 determine the cause of an automobile crash and use the information to develop enforcement that will reduce accidents. Accident reports might be used by the Department of Motor Vehicles, the Department of State Police, and the Department of Transportation at the state level, and by the A.H..P.O.A. 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. Aquia Harbour Subdivision is considered private property for reporting purposes..

### III. PROCEDURES - General

#### A. Accident report and investigation, general

1. *Virginia Code* requirements concerning the reporting of traffic accidents include:
  - a. § 46.2-371: The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify the law-enforcement officials.
  - b. § 46.2-373: A law-enforcement officer investigating an accident resulting in injury or death or total property damage to an amount set by the Virginia Revised Code or more shall make a written report of it to DMV.
  - c. § 46.2-373: 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. An officer shall respond to and prepare a report of accident involving any of the following:
  - a. Death or injury. **(OPR.07.05.a)**
  - b. Property damage in excess of amount set by the Virginia Revised Code. **(OPR.07.05.b)** at the discretion of the responding officer.
  - c. Hit and run. **(OPR.07.05.c)**
  - d. Impairment due to alcohol and drugs. **(OPR.07.05.d)**
  - e. Hazardous materials.
  - f. Any accident involving association property, vehicles, equipment, or facilities. In this case officers will fill out a Harbour Report describing the circumstances surrounding the crash and a DMV FR-300F even if the accident is non-reportable and occurs on private property. **(OPR.07.05.e.f)**
3. Officers shall also be assigned to respond to any accident involving disturbances between drivers/passengers or which create major traffic congestion as a result of the accident or where vehicles are damaged to the extent that towing is required. Patrol 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 these accidents at supervisor's direction. **(OPR.07.05.g)**

B. Accident scene responsibilities

The first officer to arrive at an accident scene shall perform the following:

1. Identify and if certified, administer emergency medical care (basic life support measures) pending arrival of rescue personnel.
  2. Summon additional help as required (police, fire, rescue, tow truck).
  3. Protect the accident scene. **(OPR.07.06.c)**
  4. Preserve short-lived evidence (broken parts, skid marks).
  5. Establish a safe traffic pattern around the scene.
  6. Locate witnesses and recording key accident information.
  7. Expedite removal of vehicles, persons, and debris from the roadway except for fatal accidents.
  8. Identify and deal with fire hazards or hazardous materials. **(OPR.07.06.a.b)**
- C. The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. He or she becomes the primary investigating officer 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 the amount set by the Virginia Revised Code, unless the supervisor directs.

**IV. PROCEDURES - Accident scene**

A. Collecting information

1. At the scene of the accident, the investigating officer shall gather appropriate information for a report. Information to be collected at the scene may include, but is not limited to, the following:
  - a. Interview principals and witnesses and secure necessary identity/address information.
  - b. Examine and record vehicle damage.
  - c. Examine and record the effects of the accident on the roadway or off the roadway on private or public property.

- d. Take measurements as appropriate.
- e. Take photographs or video as appropriate.
- f. Collect and process evidence.
- g. Exchange information among principals.

B. Follow-up activities

1. Follow-up activities, which may be necessary, include the following:
  - a. Obtain and record formal statements from witnesses.
  - b. Reconstruct the accident.
  - c. Submit evidentiary materials for laboratory examination.
  - d. Prepare accident or offense reports to support charges arising from the accident.
  - e. Reports will be assigned a CCR# and put in computer system prior to end of shift, when possible.
2. In a particularly serious accident involving severe injuries, fatalities, or multiple vehicles, it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident crash team specialists, or other specialists. Expert assistance shall be requested through a supervisor. Contact the investigator for assistance.
3. At the accident scene, the officer may take immediate enforcement action and issue a Virginia Uniform Summons. In death cases, the commonwealth's attorney may decide the appropriate charge.
4. If the investigating officer concludes that the accident was caused by a person driving under the influence of intoxicants (DUI) and the defendant is still at the scene, the DUI arrest shall be made before transport.
5. If the driver is transported to the hospital before the officer arrives and if the officer later concludes DUI, an arrest warrant shall be obtained. If the driver is hospitalized, then the warrant will be served when the driver is released.
6. In other traffic-related investigations, when the officer leaves the scene of the offense and later identifies an offender or offense, arrest warrants may be obtained. The summons can be issued at the hospital after the accident scene has been processed.

C. Accident scene procedures

1. Upon notification of an accident, the officer assigned shall proceed Code 2 or Code 3 depending on injuries (see **GO 2-9**). The patrol vehicle shall not be parked at the scene in a manner that will endanger other pedestrians, motorists, or citizens. The officer shall consider using the vehicle as a shield to protect the scene as well as him- or herself. The officer shall leave the vehicle emergency lights on.
2. At all times the officer shall wear a reflector safety vest when investigating the accident. During periods of reduced visibility, adverse road and/or weather conditions, officers shall use flares (available in each patrol vehicle) to create an illuminated warning pattern to alert other drivers. Note that flares may be dangerous at accidents where hazardous materials are present, use electronic flares in these cases.
3. In case of fire danger from leaking or ruptured gas tanks or where the accident may involve hazardous materials, the on-scene officer shall summon the fire department. See **GO 2-24** for further guidance on handling hazardous materials.
  - a. All patrol vehicles are equipped with a copy of the current emergency response guidebook to aid in identifying vehicles carrying hazardous materials. The guidebook illustrates hazardous materials placards and identifies and describes the relevant hazard, appropriate emergency procedures, and evacuation procedures.
  - b. Any officer arriving at the scene of such an accident who sees hazardous materials placards shall immediately summon the fire department. The fire chief will assume control of any scene involving hazardous materials and all officers shall provide support as required. The investigation of the accident shall begin after approval by the fire chief.
4. Any property belonging to accident victims shall be protected from theft or pilferage and, if owners are not present, it shall be taken into custody, tagged, and held for safekeeping until the victims claim it. (**OPR.07.07**)
5. § 18.2-324 requires any person clearing 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 A. H..P.O.A. Maintenance shall be requested. The fire department may assist in washing down combustible substances.
6. If either driver is not present at the accident scene, do not assume that it is a hit/run unless further inquiry indicates the possibility. Perform the following actions if the incident appears to be a hit/run.
  - a. As soon as practicable, transmit the description of the vehicle and driver to dispatch, along with the direction of travel and time elapsed since the incident.
  - b. Process the accident scene as a crime scene.

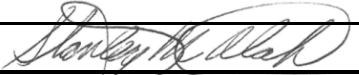
D. Accident report

1. A report shall be filed on all accidents that occur on public property within the confines of Wintergreen. Public property is any highway, roadway, street, or public parking lot maintained by the state, county, or Wintergreen.
2. In the event of an accident that occurs on private property, an accident report should be filed if it meets any of the normal reporting criteria .

E. Disabled vehicles

1. Officers shall not push or tow any vehicle with a patrol vehicle
  2. Officers shall first utilize the power pack to start disabled vehicles. If the power pack is unavailable, or discharged, jumper cables may be employed. Owing to the risk to radio and emergency equipment damage, officers shall normally not connect jumper cables from a patrol vehicle to start a citizen's vehicle unless all electronic equipment is cut off. Utilize another vehicle or summon a wrecker is preferred if a jump-start is required.
- 
1. Officers shall direct motorists who are low on gas to the nearest station



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Traffic Control</b>		<b>NUMBER: 2-21</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: Dec. 14, 2018 by 804</b>	
<b>AMENDS/SUPERSEDES: GO2-21, DEC. 10, 2001, DEC, 26. 2006, Dec 26, 2010</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.07.08</b>			

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**INDEX WORDS**

Accidents, traffic  
Traffic control

**I. POLICY**

The department performs traffic functions such as point traffic control, parking control, emergency assistance, and identifies and reports hazards, checks abandoned vehicles, recovers stolen vehicles, and provides traffic safety information and recommendations. The public relies on law enforcement 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. Further, traffic control usually does not involve arrests or criminal investigations, yet it is a service necessary to the safe regulation of pedestrians and vehicles. A highly visible activity, traffic control must be performed consistently, responsibly, courteously, and professionally. The department expects officers to be mindful of the expectations of the community and perform accordingly.

**II. PURPOSE**

The purpose of this order is to establish uniform procedures for the provision of traffic direction and control, traffic engineering, and ancillary traffic services.

### III. PROCEDURES

#### A. Traffic control equipment

1. Officers shall have immediately available personal equipment for directing traffic to include the following:
  - a. Uniform: Except in an emergency, officers shall be in uniform when directing traffic. Off-duty and plain-clothes personnel shall conspicuously display their badge when directing traffic.
  - b. Reflective vest: Officers directing traffic shall wear a reflective vest at all times. **(OPR.07.08.g)**
  - c. Whistle: Officers may use a whistle when directing traffic, unless circumstances preclude its effective use.
  - d. Flashlight: Officers shall attach the illumination cone to the flashlight or use an orange traffic wand when directing traffic during hours of darkness and any other circumstance of limited visibility.
2. Each patrol vehicle shall include the following equipment:
  - a. Flares: Officers shall use flares during hours of darkness or inclement weather. Officers may use them at any other appropriate time. During hours of daylight, cones may be more visible than flares. Electronic road flares are also available.  
  
Cones: Officers may use cones during daylight hours.
  - b. Illumination cones for flashlight.
  - c. Hand held Wand Glo-light.
3. A. H..P.O.A. Maintenance Department has temporary barricades, cones, and non-lighted signs. The on-duty supervisor shall request assistance if circumstances warrant. There are no traffic light signals on property, so manual operation of a traffic control device is unavailable. **(OPR.07.08.e.f)**

#### B. Methods of manual direction of traffic (OPR.07.08.b)

1. *Virginia Code* § 46.2-1309 outlines uniform hand and whistle signals as follows:
  - a. To stop traffic by hand, the officer shall stand with shoulders parallel to moving traffic. Raise the arm(s) up 45 degrees above the shoulder with hand(s) extended, palm(s) toward the moving traffic to be stopped.

- b. To move traffic by hand, the officer shall stand with the shoulders parallel to the traffic to be moved. Extend the right arm and hand full length at the height of the shoulders, towards such traffic, fingers extended and joined, palm down. Bring the hand sharply in the direction the traffic is to move. Repeat the movement with the left arm and hand to start traffic from the opposite direction.
  2. If the officer uses the whistle (per § 46.2-1309), the following commands shall be observed:
    - a. To stop traffic, sound one long blast.
    - b. To start traffic, sound two short blasts.
    - c. To stop traffic for an emergency, sound three or more short blasts. This signal orders traffic to clear the intersection and stop.
    - d. Give several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal.
  3. Use of flashlight with illuminated cone or baton:

Although a flashlight alone may be used to halt traffic, officers may use the safer and more effective cone attachment or a traffic wand. 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. Special event traffic control

For any other special event, the chief of police shall 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 relief's, alternate traffic routing, temporary traffic controls and parking prohibitions, emergency vehicle access, and appropriate media coverage.

D. Traffic control at accident scenes (OPR.07.08.a)

Officers shall employ techniques of traffic control at accident scenes with the following objectives in mind:

1. Protect lives and property.
2. Prevent additional accidents.
3. Protect evidence.

4. Keep avenues of ingress and egress open for emergency vehicles.
5. Restore the safe flow of traffic as soon as practicable.

E. Traffic control at fire scenes (OPR.07.08.c)

1. Upon arrival at a fire scene, officers shall contact the on-scene fire officials to determine if any special traffic-control procedures must be observed.
2. The objective of traffic control is to allow fire and rescue equipment to be deployed without hindrance and to keep pedestrian and vehicular traffic away from the scene.
3. Restore the safe flow of traffic as soon as practicable.
4. Officers responding to the scene of a fire call shall observe the following rules, mindful that the senior fire official is in charge:
  - a. No vehicles, including those of volunteer firemen, shall be allowed to drive into the block where fire apparatus is parked and operating.
  - b. No vehicles shall be allowed to cross fire hoses without the approval of the senior fire official.
  - c. The exception to the rules above shall be life saving vehicles on actual calls for services.
  - d. Parked vehicles, which interfere with fire operations, may be towed as needed.

F. Traffic control during adverse road and weather conditions (OPR.07.08.d)

1. Patrol officers shall notify A. H..P.O.A. maintenance, fire department and rescue squad of adverse road conditions that affect the motoring public.
2. Patrol officers may close a street if, in his or her opinion, the surface conditions and terrain are unusually hazardous. He/she shall request A.H..P.O.A. maintenance assistance in alleviating the problem.
3. Patrol officers shall request gate personnel to notify the proper utility company and 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.
4. Adverse road conditions may require several officers and the use of flares, traffic cones, or temporary barriers to reroute traffic. The on-duty supervisor shall contact A.H..P.O.A. Maintenance for assistance, signs, and barricade equipment, if needed.

5. Adverse weather conditions may require the assistance of other law-enforcement agencies. If additional personnel are needed, the on-duty supervisor shall ask the dispatcher to request help from Stafford County Sheriff's Office or the State Police as required.

G. Escorts: See GO 2-12, GO 2-19

H. Roadblocks: See GO 2-6, GO 2-9, GO 2-19

I. Ancillary traffic services

1. Stranded or disabled motorists

- a. Officers shall provide reasonable assistance to motorists. Help may include requesting the dispatcher to call wreckers or obtaining other services as needed. Time and duty permitting, officers may assist stranded and disabled motorists to obtain fuel and repairs, but officers shall not perform repairs personally.
- b. Unless extenuating circumstances exist, police vehicles shall not be used to jump-start or push non-police department vehicles.
- c. Officers shall be aware of possible dangers to motorists who are stranded in isolated 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 or she shall request that another officer check the area and provide assistance or protection when available or attempt to make the scene as safe as possible .
- e. Officers shall be able to provide directions to various locations within Aquia Harbour subdivision.

2. Highway emergencies

Officers arriving at the scene of any emergency, shall request the dispatcher/ gate personnel to obtain necessary services and then provide and obtain additional assistance as the situation requires, pending arrival of appropriate emergency services.

3. Emergency escorts

- a. Officers shall not escort other emergency vehicles. Officers may direct traffic at intersections to expedite the movement of other emergency vehicles. See GO 2-19 for guidance on providing escorts for emergency vehicles (exceptions).

- b. Officers shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned.
4. Procedures for reporting road hazards and debris
- a. An officer locating hazardous debris in the roadway shall remove it or request the gate personnel to notify roads maintenance to have it removed from the road to a safe location if the officer is unable to remove it themselves.
  - b. Officers shall report all highway defects to the gate personnel and, in turn, gate personnel shall contact the A. H.P.O.A. Maintenance as soon as the situation dictates.

J. Speed Control Devices

. The speed control device location is designated by the Chief of Police. These locations are logged in..

The device displays a digital display of the speed of the approaching vehicle.

It is the intent of the department that the Speed Control Device be used in areas of high density flow of traffic, to curb the speed of otherwise reckless and inattentive drivers.

The Speed Control Device is to be located in areas where the department has received citizen complaints of vehicle speeding activity.

- \* Residential areas
- \* Construction sites in residential areas with heavy flow of contractor vehicles and equipment.
- \* Areas with high density traffic

- a. Officers shall utilize all safety precautions when setting up or retrieving the Speed Control Device. Utilization of emergency lights when positioning the speed control device is recommended.
- b. Care should be taken in positioning the Speed Control Device to insure that the device:
  - 1. Is positioned to be visible to on-coming traffic to adequately read and display the speed of on-coming vehicles.

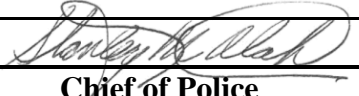
2. Is not positioned to block visibility at intersections or otherwise pose a traffic hazard. At no time shall the device be positioned so that any portion of the device extend onto the roadway.

K. Patrol Officer Responsibilities

- a. During routine patrol, officers will check device to insure device is operating correctly, free of debris and stationary.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: LICENSE PLATE READERS</b>		<b>NUMBER: 2-21A</b>	
<b>EFFECTIVE DATE: JUNE 1, 2013</b>		<b>REVIEW DATE: DEC 14,2018 BY 804</b>	
<b>AMENDS/SUPERSEDES: REPEALED</b>		<b>APPROVED: _____ Chief of Police</b>	
<b>VLEPSC STANDARDS:</b>			



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Unusual Occurrences</b>		<b>NUMBER: 2-22</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: Dec. 22, 2018 by 804</b>	
<b>AMENDS/SUPERSEDES: GO2-22, DEC 2001, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.05.01</b>			

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**INDEX WORDS**

- Active Shooter
- Disasters
- Special operations
- Unusual occurrences
- VIP Special Operations

**I. POLICY**

Unusual occurrences include emergencies resulting from natural or man-made disasters or civil disturbances such as riots, disorders, violence, or labor disputes. The departmental response to these unusual occurrences may involve barricade/hostage situations, bomb threats and disposal plans, VIP protection, active shooter situations, search missions of missing/endangered persons or civil defense. While these occurrences are uncommon, the department must not only deploy personnel in the field but must coordinate the responses of other law-enforcement agencies, public health officials, fire authorities, and the military. Department personnel must act quickly, decisively, and mitigate disorder or disaster by restoring order and control, and by protecting lives and property. The many variables involved prevent precise development of plans for specific situations; however, basic planning can help to guide officers. (**OPR.05.01.a.b**)

**II. PURPOSE**

To establish general guidelines for planning and deploying personnel for unusual occurrences.

### III. PROCEDURES

#### A. Administration

1. The Chief of Police is responsible for overall planning of the law-enforcement response to unusual occurrences and for department participation in the regional emergency operation plan.
  - a. Unusual occurrences include both natural and man-made disasters. Natural disasters include hurricanes, tornadoes, storms, floods, blizzards, ice storms, fire, or any other natural catastrophe which results in property damage, suffering or hardship, or loss of life. A man-made disaster includes transportation accidents, explosions, major power failures, hazardous materials exposure, or environmental contamination which results in property damage, suffering or hardship, or loss of life.
2. At least once annually, the department shall conduct training for all personnel on their roles and responsibilities under the regional emergency response plan. Copies of the emergency response plan are found in the chief's office, the communications center, and the briefing room.
3. The following orders outline special operations for specific unusual occurrences:
  - a. GO 2-23, Hostage/barricade situations;
  - b. GO 2-24, Hazardous materials incidents;
  - c. GO 2-26, Civil disturbances.
  - d. GO 2-23A Active Shooter
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 is covered under RR 1-17.

#### B. Operations

1. The Police Station maintains a variety of maps and topomaps to serve in plotting operational commitments including the following:
  - a. The map showing all key utility sites and public buildings and areas.

- b. Portable map boards in chief's office.
- d. Maps of parking lots and housing 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 special operations. They shall assign officers by skill qualification, training, physical fitness and agility, psychological stability, and interpersonal communication skills which are best suited for requisite response.
- 2. Officers selected for special operations shall be under the authority of the commander directing the operation until properly relieved.
- 3. The Explosive Ordnance Disposal (EOD) unit of the Virginia State Police must conduct bomb disposal operations. Telephone numbers are available to dispatchers. See **GO 2-25** for specific guidance.
- 4. If directed by management, Stafford County Sheriff and/or State Police will be contacted for any situations needing a tactical team. Team will be briefed by agency personnel and be deployed in accordance with State Police protocols.

CI. Special events (OPR.05.03.b)

Special event plans shall 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 with outside agencies.

E. Mobilization/call-back

- 1. In any emergency or special operation where additional 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.
  - 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 shall assign personnel called back as required, using the skills, knowledge, and abilities of recalled officers where appropriate.
4. Callback time is paid time and will be strictly controlled and accounted for, minimizing expenditure where feasible.

#### IV. EMERGENCY OPERATIONS PLAN (EOP)

- A. The county and AH EOP outlines plans for unusual occurrences where additional staffing and the diversion of resources are required. The plan provides guidance on the following topics:
  1. Communications.
  2. Operations Periods (Alert stages).
  3. Primary and alternate assembly areas.
  4. Equipment distribution.
  5. Activation of special teams or units.
  6. Key personnel designations and duties.
  7. Transportation requirements.
  8. Management control measures.
  9. Rehearsals.
- B. The EOP is activated through a series of progressive alerts. The executive director (specific succession list located on page 4 of the EOP) authorizes each alert. The operation periods (alert stages) are listed below.
  1. **Normal Operation** involves the development and maintenance of emergency operations plans and procedures. Training and test exercise will be conducted as periodically required to maintain readiness.
  2. **Increased Readiness** is when a peacetime disaster threatens. All agencies having responsibilities will take action as called for in their respective functional annex. (Example: flash flood)

3. **Emergency Operations** involves full-scale operations and a total commitment of manpower and resources required to mobilize and respond in time of emergency. The local EOC will direct and control all emergency operations. A local emergency should be declared. Damage assessment begins. There are two phases of emergency operations:

- a. **Mobilization Phase**

- Conditions worsen requiring full-scale mitigation and preparedness activities.

- b. **Response Phase**

- Disaster strikes. An emergency response is required to protect lives and property.

4. **Recovery** involves both short and long term processes. Short-term operations restore vital services to the community and provide for basic needs of the public. Long-term recovery focuses on restoring community to its normal, or to an improved state of affairs.

C. EOP responsibilities

Specific requirements for the Aquia Harbour Police Department are set forth in the law enforcement section of the **EOP** (located on page 12).

- D. Copies of the **EOP** are at the gate, and the offices of all supervisors. Updates will be accomplished in accordance to schedule set forth in body of the **EOP**.

V. A. General

1. All requests for police security services of VIP visitors will be directed to the Chief of Police, who will determine the level and nature of services to be provided. (**OPR.05.03.a**)
2. The Chief of Police or his designee will serve as supervisor and coordinator of the security detail and coordinate with other agencies as required..
3. He/she will meet, as required, with the advance party/VIP security representative, and will prepare necessary plans for provision of security services.
4. There are generally three types of VIP visits which affect the level of necessary protection:
  - a. Quiet, private visit with no or limited public activity. Requires little or no police security.

- b. VIP known by name or position, but not by actual physical appearance. May require limited security prior to public appearance, more security after.
- c. Readily recognizable VIP making public appearances, police security assistance required.

B. Security Considerations

Advance planning, normally involving a VIP representative and security team coordinator, must consider the following:

1. Itinerary and Schedule

Review for conflicts with other activities scheduled during the same period.

2. Travel Routes

Plan and review quickest and safest routes, as well as alternative routing. Identify possible hazard locations. Verify no planned construction or maintenance.

3. Emergency "Safe House" Locations

Identify public buildings or other places where VIP could be taken in case of emergency.

4. Medical

Identify any medical needs which might necessitate treatment, hospitalization, or special emergency service personnel and equipment.

5. Hotel/Restaurants

Determine plans, needs, and make recommendations based on security considerations.

6. Communications

If VIP has security personnel, communications arrangements may include loan of police radio.

7. Physical Inspections of Buildings

Physical inspection of buildings and areas to be visited should be made to ensure familiarity with layouts, exits, stairways, etc.

8. Media Representation

Determine media requirements, needs, arrangements.

9. Intelligence

Any information concerning possible sources of trouble or problems should be obtained. Information as to threats received or persons who may cause problems should be obtained.

10. VIP Group Composition

Information as to who will be included in the VIP group, vehicles to be used, usual security arrangements, security equipment and identification devices usually available and used must be obtained and/or planned. Names of contact personnel, security personnel, and license numbers are essential.

**11. Coordination with outside agencies will be as required or requested.**

12. Equipment

Requirement will be determined as to equipment needed such as vehicle, body armor, weapons, etc., for both security personnel and VIP party.

13. Inspection

Advance inspection of sites and facilities to be visited or used.

C. Basic Protection Principles

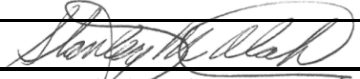
1. All personnel on duty during a VIP visit should be made aware of the visit, general visit itinerary, and police security plans. Exact timing and precise security details may be restricted on a need-to-know basis.
2. Security will generally be tightest when the VIP is moving either on foot or in a vehicle or when stationary during a public appearance. In general, it may also be necessary to protect the VIP's residence location and any parked vehicles. When traveling by car, there usually should be an advance vehicle, VIP vehicle, and a follow car, and the three vehicles should not usually be separated.
3. Personal security and bodyguard procedures should minimize the impact on the lifestyle of the VIP. Protection may be planned on a double ring concept, with the outer ring of security designed to limit access to the VIP while the inner ring prevents personal contact.

4. In the event of an emergency, the responsibility of personal security is to protect and remove the VIP from the scene, and not to assist other police officers in quelling disturbances or apprehending perpetrators.
5. Police personnel assigned to security duties must be carefully selected for physical fitness, good hearing and vision, and all should have the same type weapon, ammunition, handcuffs, communications equipment, and security identifier. All should be equipped with body armor.
6. Close-in security personnel should remain near the VIP. The VIP should never be actually touched except as an emergency signal of impending danger, and the VIP should not be "crowded". Radio traffic should be limited with no direct references to times or places unless part of essential emergency traffic. During times when the VIP is stationary, security personnel should focus all attention outward to spot potential trouble.
7. Dress of security personnel will be consistent with the event, either appropriate civilian attire or uniform. In civilian attire, all police equipment should be kept out of sight.
8. Officers assigned to stationary posts will not leave those posts; supervisors must plan adequate reliefs. While on a post, unauthorized intrusions and deliveries will not be allowed. Officers should be polite with the public but not allow any distracting conversations or release any confidential information. No special recognition should be given when the VIP passes the post.
9. During any VIP foot movement, the security/ bodyguards form a protective formation around the VIP, the exact shape determined by the number of personnel assigned and the route followed. For tight security, four persons are used: right front and rear, and left front and rear, with the VIP in the middle. In case of emergency, the four will collapse around the VIP, and will bend the VIP over to reduce target size and then immediately remove him from the area. If an assailant is close by, any weapon will be attacked and the suspect smothered to the ground by other security personnel.

D. After-action Report

After the security detail has been terminated, the security team coordinator will meet with all parties involved for debriefing, and discuss important aspects of the visit. An after action report will be submitted to the Chief of Police describing the activities, resources utilized, problems noted, and suggesting any recommendations for future assignments.



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Hostages</b>	<b>NUMBER: 2-23</b>
<b>EFFECTIVE DATE: MARCH 16, 2016</b>	<b>REVIEW DATE: Dec.22, 2018 by 804</b>
<b>AMENDS/SUPERSEDES: GO 2-23, JAN 1996, Dec 2001, DEC 2006, FEB 2011</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLEPSC STANDARDS: OPR.05.01</b>	

**NOTE**

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**INDEX WORDS**

Barricade  
Dispatcher responsibilities (re: hostages)  
Hostage

**I. POLICY**

Hostage and barricade situations present extreme danger to officers and citizens. Each hostage/barricade situation is different, but a basic plan may provide officers with guidelines to help defuse the situation safely. Whatever happens, the department expects its officers to react logically and sensibly. Above all, officers shall not fuel a hostage taker's stress but shall strive to contain or limit the situation. The paramount objective in a hostage incident is its peaceful resolution and the safe release of hostages.

**II. PURPOSE**

The purpose of this general order is to establish general guidelines applicable to a hostage/barricade incident. **(OPR.05.01.d)**

**III. PROCEDURE**

A. General

The first 10-20 minutes of a hostage/barricade situation are the most emotionally charged and present the greatest danger. Stress is high both among the officers 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. The patrol officers who confront hostage incidents shall not undertake any tactics other than what is immediately necessary to protect lives.

B. Communications Officer responsibilities

Since communications officers may be the first to receive information concerning a hostage/barricade situation, they should gather as much information as possible and transmit it to officers in the field clearly and quickly so that upon arrival at the scene they are aware of the dangers. Information gathered by dispatch shall include answers to the following questions. Try to keep the caller on the telephone until police arrive.

1. Where is the event taking place?
2. Where is the complainant calling from (number and location)?
3. What is the complainant's name and telephone number?
4. Can the complainant see the scene?
5. Are the suspects armed? With what?
6. How many suspects are there?
7. What do the suspects look like?
8. Are there any other persons involved? If so, how many?
9. Is the officer already there or approaching the scene?

C. Responsibilities of first officer and supervisor on scene

The duties and responsibilities of the first officer on the scene include the following:

1. Assess whether a hostage/barricade situation exists.
2. Inform dispatch and request the supervisor's presence, SCSO and additional back up as needed.
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 removed immediately shall be instructed to seek protection where they are if gunfire is taking place. Briefly detain any witnesses to obtain information about the incident.

5. Inform the on-duty supervisor of all pertinent facts upon his or her arrival.
6. Assist the on-duty supervisor in gathering as much information as possible about the situation, including the following:
  - a. Suspects
    - (1) Location: floor, room, roof, basement?
    - (2) What types of weapons do they possess (handguns, rifles, hand grenades, dynamite, etc.)?
    - (3) Is the suspect a criminal (burglar, rapist), mentally ill, militant?
    - (4) Complete physical description? Mental and physical condition?
    - (5) What is the suspect's purpose?
    - (6) What crime has the suspect committed?
  - b. Hostage: physical description (age, height, weight, sex, hair, etc.)? Physical and mental condition?
  - c. Location of the incident
    - (1) Obtain 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 a police scanner is in the building.

D. Supervisor's responsibilities

Upon arrival at the scene, the supervisor shall assume command of all officers and shall make all appropriate decisions until relieved by higher authority. Duties and responsibilities of the supervisor include the following:

1. Notify appropriate personnel within the department and support agencies as appropriate.
  - a. Notify the Chief of Police.
  - b. After determining the danger of the situation, make the appropriate

notifications, which may include callbacks.

- c. Calling-up of department personnel: see **GO 2-22**, unusual occurrences.
  - d. Ask the rescue squad to stand by in the general area.
  - e. Ask the hospital emergency room to maintain an alert to possible injuries.
  - f. Ask the fire and rescue departments to stand by in an area to be determined.
  - g. If appropriate, request specialized units from SCSO and the State Police such as the Tact Team, K-9 unit, helicopter, or hostage negotiators. (To contact the State Police or N.C.S.O, see **RR 1-17**, jurisdiction/mutual aid). Summon an evidence technician.
  - h. Request the news media to inform the 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. Assign an officer to control the perimeter.
    - a. Assign all officers within the inner perimeter to wear body armor.
    - b. Ensure that personnel within the inner perimeter maintain firearm discipline and are relieved periodically by members of a tactical team, if available.
    - c. Only officers who are guarding the hostage scene or participating in negotiations shall be permitted within the inner perimeter. Pedestrians and vehicles may be permitted within the outer perimeter as the on-scene supervisor determines.
  3. Establish a command post in a safe area for coordination with assisting state agencies. On scene supervisor shall maintain control until arrival of higher authority (Chief of Police and/or Sheriff) while maintaining a firm grasp of the entire situation. Assign an officer or other person to record personnel assignments and to develop a chronological log of events at the command post.
  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 shall 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 the following steps.
    - a. Attempt to locate relatives, friends, or neighbors.

- b. The telephone company will assist if a telephone number is needed. See *Virginia Code* § 18.2-50.2, "Emergency control of telephone service in hostage or barricaded person situation."
- c. If unable to contact the suspect telephonically, use the public address system or the bullhorn.
- d. Have a relative or friend converse with the suspect as a last resort, but do not allow this person to enter the building.
- e. Make every effort to persuade the suspect to surrender voluntarily before using force.

F. Use of force/chemical agents

Following consultation with the Chief of Police and/or Sheriff, the on-duty supervisor shall 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, requiring "give and take" on both parts. Of primary importance in establishing a dialog are the following points. Only the assigned negotiator shall communicate with the suspects.

- 1. In negotiating, practically all demands are negotiable except:
  - a. Supplying the hostage with weapons or ammunition.
  - b. Taking additional hostages or exchanging hostages.

H. Chase/surveillance vehicle/control of travel route

The on-duty supervisor shall ensure that, should the hostage taker get a vehicle, units cover all possible routes of travel. Additionally, surveillance vehicles may be assigned in order to observe the activities of the hostage taker.

I. De-escalation

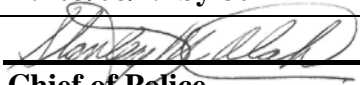
Once the hostage taker has been captured, the following actions shall be performed:

- 1. The suspect shall be removed from the scene immediately in a screened unit following an extensive search of his or her person incident to an arrest. The investigating officer shall take the suspect to a place of interrogation.
- 2. Hostages shall be removed immediately upon capture of the suspect.
  - a. The on-scene supervisor shall alert all participants by radio that the hostages

- are exiting the scene.
- b. Medical treatment shall be provided, if needed.
  - c. Find a quiet area so 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 shall remain cordoned off until the on-duty supervisor declares it open.
  - b. Officers who 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 building or destroyed lawns and gardens. Investigations shall 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.

<b>AQUIA HARBOUR POLICE</b>		<b>GENERAL ORDERS</b>	
<b>DEPARTMENT</b>			
<b>SUBJECT: ACTIVE SHOOTER</b>		<b>NUMBER: 2-23A</b>	
<b>EFFECTIVE DATE: November 1, 2016</b>		<b>REVIEW DATE: 03/08/19 by 804</b>	
<b>AMENDS/SUPERSEDES: AUG.31, 2006, FEB 2011, MAR 2016</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.05.01</b>			

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**I. POLICY:**

The Aquia Harbour Police Department recognizes that some incidents are sufficiently unique such that their effective handling cannot be reduced to procedures. As such, this Protocol shall be used as a guideline to the extent possible and practical in a crisis situation keeping in mind that deviation from this policy may be necessary.

An Active Shooter Incident is defined as "An armed person or persons who has used deadly physical force or has threatened such use on other persons and continues to do so while having access to additional victims." The means by which the Active Shooter is deploying his/her deadly force is not limited to firearms. The mere fact that innocent civilians are being subjected to deadly force requires the same level of response as if they were being subjected to gunfire.

**Immediate intervention by the responding officer(s) is critical. The immediate implementation of contact, contain, and/or neutralize is the protocol used to stop the on-going threat that is being caused by the Active Shooter. Immediate Intervention tactics are utilized to save lives and prevent serious injuries. It is the policy of the Aquia Harbour Police Department to protect life. The goal for the police response in these incidents is to eliminate the on-going threat by denying the Active Shooter(s) access to additional victims.**

**Active Shooter response tactics are not a substitute for conventional response tactics to a violent barricaded individual or hostage situation (refer to G.O.2-23 Hostages). They are tactics that are exigent in nature with the sole purpose of neutralizing the active shooter and preventing any further loss of life.**

**While it is important to provide first aid to the wounded, it is our public safety duty to first protect lives by stopping the actions of the active shooter engaged in a continuing criminal episode.**

## **II. PURPOSE:**

The purpose of this Policy is to provide a written directive that establishes guidelines, and assigns responsibility during Active Shooter incidents to the extent possible. **(OPR.05.01.e)**

A. Active Shooter Incidents are sufficiently unique such that their effective handling cannot be reduced to procedures. As such, this Protocol shall be used as a guideline to the extent possible and practical in a crisis situation keeping in mind that deviation from this policy may be necessary. This policy will define the following:

1. The roles of the police officer(s) who are on-scene and attempting to stop the Active Shooter(s).
2. The structure and responsibilities of contact, rescue, and containment.
3. The responsibilities of the officers during the post-incident Investigation and response.
4. The training and proficiency necessary to implement and maintain this plan of action.

## **III. PRIORITIES:**

A. The priorities of the officer(s) responding to an Active Shooter Incident are as follows:

1. Stop the active shooter.
2. Rescue all victims.
3. Provide medical aid.
4. Preserve the crime scene.

B. Immediate Intervention Tactics:

1. The first officer on-scene should assess, to the extent possible and practical, whether or not his/her immediate entry could lessen the toll of casualties, or if by making a single officer entry, he/she would expose the additional responding officers to further risks.
  - a. Once the shooter(s) open fire, immediate action needs to be taken. Initial responding officer(s) need to rapidly proceed to the suspect and stop the threat.
  - b. In an active shooting incident, it falls to the first officer(s) to arrive on the scene to attempt to stop the threat.



c. A single officer responding to an active shooter call must realize that he or she can minimize casualties by the successful actions they take. Upon arriving at the scene there will be little time for thought, so preparation should be made in advance. The officer must decide in a moment to take immediate action if people are dying. An officer may have to risk his/her own life.

d. Upon arriving to an active shooting in progress, gather as many facts as you can while on the move. You may have to move past injured or deceased victims without stopping to help. You may have to pass areas that have not been cleared. You may have to ignore fleeing and screaming witnesses. Quickly assess the suspect's actions and if he/she is in the process of shooting then do not advise, warn or request. You do not have to verbalize if it endangers yourself or others. Respond to the aggressions.

2. To the extent possible and practical, upon assessing that there is an Active Shooter Incident, he/she will relay the following information to dispatch:

a. The officer will identify that this is an Active Shooter situation.

b. If possible and practical the officer will provide their location.

c. To the extent possible and practical, the officer will provide a brief description of the incident, including suspect description, type of weapons being used, and the number of potential victims.

d. If possible and practical, all personnel that arrive on-scene will advise the initial officer of their availability and will receive their assignment.

e. Upon the threat being stopped, rescue teams will be formed consisting of both Police and EMS personnel. They will begin their systematic search and rescue operation throughout the crisis site.

f. To the extent possible and practical, if the incident transitions into a barricade situation, responding officers will set up an inner perimeter and remain at that location until they are relieved by SWAT (refer to G.O.2-23 Hostages).

#### **IV. SECURING THE CRISIS SITE:**

1. Upon ensuring the crisis site has been properly secured and all personnel are accounted for, an officer(s) along with other additionally required personnel will conduct a final search of the site to the extent practical and possible. Upon completing this task, the investigator will assume responsibility for investigation of the incident.

#### **V. POST INCIDENT INVESTIGATION:**

1. Upon authority being given to the investigator, the crisis site will be considered a crime scene. All information regarding this incident will be relayed to the investigator.

## **VI. AFTER ACTION ACTIVITIES:**

1. All personnel involved in the event will submit applicable written reports delineating their assignments as well as detailed descriptions of their actions during the event.
2. The Chief of Police will conduct an after-action review with all involved parties and prepare an After Action Report for inclusion with the Investigative file.

## **VII. COUNSELING:**

All enforcement personnel involved in a deadly force encounter must attend at least one counseling session with a qualified counseling professional of the department's choosing.

Additionally, a critical stress debriefing session can also be arranged for all involved members as well.

## **VIII. MEDIA RELEASE:**

1. All media releases will be coordinated by the Chief of Police and handled in accordance with R.R.1-13 Media Relations.

## **IX. TRAINING:**

The Aquia Harbour Police Department will provide training to all sworn/civilian personnel in "response to active shooters."

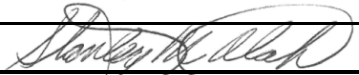
## **X. CONSIDERATIONS BEFORE THE CRISIS:**

### Characteristics of an Active Shooter

The following is a list of characteristics commonly associated with active shooter suspects. The list is compiled from descriptions of past active shooters and not meant to be a comprehensive list describing all active shooters, as each active shooter incident is unique.

1. Active shooters usually focus on assaulting persons with whom they come into contact. Their intention is usually an expression of hatred, rage or revenge rather than the commission of a crime.
2. An active shooter is likely to engage more than one target. Active shooters may be intent on killing a number of people as quickly as possible.
3. Generally, the first indication of the presence of an active shooter is when he/she begins to assault victims.

4. Active shooters often go to locations where potential victims are close at hand, such as schools, theaters, concerts or shopping malls. Active shooters may act in the manner of a sniper, assaulting victims from a distance or may engage multiple targets while remaining constantly mobile.
5. Tactics such as containment and negotiation, normally associated with standoff incidents, may not be adequate or appropriate in active shooter events. Active shooters typically continue their attack despite the arrival of emergency responders.
6. Active shooters are often better armed than the police, sometimes making use of explosives, booby traps and body armor. Active shooters are not limited to the use of firearms in accomplishing their attacks on victims. They may use bladed weapons, vehicles, or any tool that, in the circumstance in which it is used, constitutes deadly physical force.
7. Active shooters may have a planned attack and be prepared for a sustained confrontation with the police. Historically, active shooters have not attempted to hide their identity or conceal the commission of their attacks. Escape from the police is usually not a priority of the active shooter.
8. Active shooters may employ some type of diversionary tactics.
9. Active shooters may be indiscriminate in their violence or they may seek specific victims.
10. Active shooters may be suicidal, deciding to die in the course of their actions either at the hand of others or by self-inflicted wound.
11. Active shooters usually have some degree of familiarity with the building or location they choose to occupy.
12. Active shooter events are dynamic and may go in and out of an 'active' status; a static incident may turn into an active shooter event or an active shooter may go 'inactive' by going to a barricaded status without access to victims.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Hazardous Materials</b>		<b>NUMBER: 2-24</b>	
<b>EFFECTIVE DATE: APRIL 10, 2016</b>		<b>REVIEW DATE: Dec. 22, 2018 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-24, JAN 1996, DEC 2001, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: NONE</b>			

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**INDEX WORDS**

Accidents  
 Contamination  
 Evacuations  
 Hazardous materials

**I. POLICY**

Hazardous materials are occasionally transported through the agency's jurisdiction. The possibility, therefore, of an accident involving a vehicle carrying hazardous substances is a reality. The extent of damage from an accident involving toxic or otherwise dangerous substances depends on the response of emergency personnel and their ability to correctly identify and handle such incidents. The agency expects officers to be competent in basic skills and abilities necessary to identify the presence of hazardous materials and perform "first responder" services. The agency does **not** expect officers to exercise duties or responsibilities beyond the first-responder stage.

**II. PURPOSE**

To establish procedures for the initial response and investigation of accidents involving vehicles carrying hazardous materials.

**III. DEFINITIONS**

A. Contamination

The direct or indirect contact between officers and a hazardous substance. Officers shall consider contamination to be an injury, which could result in illness or death.

B. Exposure

The concurrent presence of law-enforcement officers and hazardous materials under uncontrolled circumstances. Exposure may result in injury, illness or death.

1. Officers shall treat exposure as contamination even though no symptoms are evident. Known contamination requires medical attention and monitoring.

C. Hazardous material

Any solid, liquid, or gas which by its nature can cause injury, illness, death, property damage, or environmental degradation. **Radiological material** meets this definition except that it contains radioactive elements.

#### IV. PROCEDURES

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. At the scene of any incident or accident where hazardous materials may have been exposed, officers shall notify SCSO and request dispatch to summon appropriate units which shall assume authority and responsibility for emergency procedures.
  - a. Officers shall advise dispatch as soon as possible of the exact location of the hazardous materials incident and safe approach routes for emergency vehicles.
  - b. Officers shall rescue injured persons at the hazardous materials site **only if** they are properly equipped. Officers shall not unduly risk contamination.
2. If officers discover any evidence of leaking liquid or vapor, they shall assume that an exposure has occurred with possible contamination of people or facilities and shall:
  - a. Seal off the area until positive identification can be made by the fire department.
  - b. Summon back-up units to establish a perimeter, setting up roadblocks or barricades as appropriate.
  - c. Evacuate the area and detain people as necessary.

- (1) If the nature of the hazardous materials does not permit approaching the scene, keep **at least 300 feet away** and keep bystanders **at least 1500 feet away**.
  - (2) If the hazardous materials incident involves radiological materials, keep **at least 2000 feet away**.
3. Supervisors shall summon back-up units to establish a perimeter, as necessary, or order evacuation or detention of people. Supervisors shall instruct personnel to avoid **any** contact with liquids or fumes, to eliminate **any** sources of ignition, and not to eat nor drink near the scene. The on-scene supervisor shall construct a command post, if appropriate. The on-scene supervisor shall advise dispatch to notify appropriate command, association and county personnel, as necessary. The dispatcher shall contact key agencies, as specified in the Aquia Harbour Emergency Operations Plan, relaying the following information:
  - a. Location of incident or accident.
  - b. Nature and type of hazardous material involved.
  - c. Shipper (if known) of hazardous material.
  - d. Nature of environment (business district, rural area, etc.).
  - e. Size of container and estimated amount of material discharged or leaked.
  - f. Location of hazardous material car (if a train), counted from the head of the train, car number, and description.
  - g. The serial number of any aircraft, if involved.
4. Approach the accident scene upwind if possible. If radiological materials are involved, **do not** approach. Await fire department personnel or HAZMAT teams who have special monitoring equipment.
  - a. Note that communicable disease protective equipment, leather gloves, or chemical agent gas masks provide **no** protection from hazardous materials.
  - b. Note that personnel may not be able to recognize hazardous materials immediately, although they are present. Some hazardous gasses are invisible and odorless.
5. The on-scene supervisor shall notify immediately the Chief and the Association General Manager of the situation and shall keep him advised of any changes.
6. Normal accident investigation procedures shall be suspended until the on-scene

authority has given appropriate clearance whereupon the accident shall be investigated and reported as provided in GO 2-20.

B. Identification of hazardous materials

Identification of hazardous material by the carrier may be accomplished by the following.

1. 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 have misidentified the cargo. Some placards are made of paper, which may have burned before the officer's arrival. When on duty, each patrol officer shall carry a departmental brochure identifying placards in use.

- a. Red placards indicate flammable materials.
- b. Rust placards indicate explosive materials.
- c. White placards indicate poisonous materials.
- d. White/black placards indicate corrosive materials.

2. Driver

When the accident involves a truck, the driver 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.

3. Shipping papers

- a. 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. Officers shall record the name of the materials, classification information, and quantity.

4. Chem-cards

To supplement the placarding system, many shippers of chemicals provide the drivers with Chem-cards that provide emergency information. Although Chem-cards are subject only to voluntary use, the officer shall ask the driver for them.

5. Each officer's vehicle is furnished with a copy of the U.S. Department of Transportation guidebook on hazardous materials, which contains identifying information on chemical products, first-responder hazards, and specific countermeasures.

C. Evacuation

1. When the possibility of an evacuation of all residents or inhabitants of part or the entire county exists, the chief of police shall consider:

- a. Manpower requirements.
- b. The method of notifying persons to be evacuated (i.e., door to door, PA system, etc.).
- c. The size of area and number of people living there to be evacuated.
- d. Area maps.
- e. Use of mass transportation to move evacuated persons.
- f. Housing of evacuated persons, where possible, in public schools.
- g. Security of evacuated areas to prevent looting and premature return (the fire chief shall make the decision when it is appropriate for people to return home).

2. The on-duty supervisor shall consult with the HAZMAT coordinator on any decision to evacuate an area. The supervisor shall effect the evacuation upon order of the HAZMAT coordinator. In the event of evacuation, the supervisor shall establish a command post, ensuring that the following tasks are undertaken.

- a. Establish an emergency communications link with appropriate authorities.
- b. Evaluate the size of the area and number of people to be evacuated.
- c. Assign personnel to notify people through use of a PA system or door-to-door contact.
- d. Notify the news media when applicable.



- e. Arrange for mass transportation if needed.
- f. Arrange for temporary housing of evacuees.
- g. Arrange for security of evacuated areas.

D. 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 shall 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 of 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. The initial and number of aircraft, if any.

E. Key agencies

Depending on the hazardous materials involved, one or more of the following agencies shall be contacted:

- 1. Chemical Transportation Emergency Center (CHEMTREC), 800-424-9300
- 2. Environmental Protection Agency's National Response Center, 800-424-8802
- 3. Department of Emergency Services, 804-674-2400, Richmond. (Use this number for radiological emergencies, toxic substances.)
- 4. Etiological (disease-causing agents) agents: Department of Health, Office of Epidemiology, 804-786-6029, Richmond.
- 5. Hazardous chemicals: Department of Emergency Services, Richmond, 804-897-6510.
- 6. State Department of Emergency Services/HAZMAT team: 804-674-2400
- 7. Department of Agriculture and Consumer Services, 804-786-2373, Richmond.
- 8. Water Control Board, 804-698-4108.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Bomb Incidents</b>		<b>NUMBER: 2-25</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: Dec. 23, 2018 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-25, August 1995, GO 2-25, Oct. 2001, OCT. 1, 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.05.01</b>			

**NOTE**

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**INDEX WORDS**

Bombs  
Communications Officer responsibilities (re: bomb threats)  
Explosions  
Searches (for bombs)

**I. POLICY**

Bomb threats and actual bomb emergencies present a serious threat to officers, the public, and to property. Recently, more bombings of public and private buildings have occurred in the United States than at any time this century. Law enforcement must be able to respond effectively to all bomb threats to ensure the public safety. Additionally, officers must be able to properly investigate bomb threats/bomb emergencies in order to apprehend those responsible. Officers shall display caution when responding to any bomb call: the evidentiary procedures that follow the discovery of a possible bomb or incendiary device are dangerous. For the purpose of this order, a bomb threat or an actual detonation includes a class of offenses including arson, a detonation of a device that emits hazardous or noxious fumes or gas that threatens the health or safety of citizens, or extortion based on threats of assaults with explosives.

**II. PURPOSE**

The purpose of this order is to establish procedures for handling bomb threats and actual bomb emergencies. (**OPR.05.01.f**)

### III. PROCEDURES

#### A. Duties and responsibilities of Stafford County communications officers or Gate personnel.

The duties and responsibilities of the communications officer or gate guard receiving a bomb threat/bomb emergency call include the following (if gate guard notify Stafford communications immediately):

1. Gate personnel shall attempt to transfer the call or information to the Stafford communication center immediately, notify the duty officer, supervisor and Chief of Police.
2. Obtain as much information as possible such as:
  - a. complainant
  - b. how complainant was notified and time of notification
  - c. the bomb's exact location;
  - d. the time set for detonation;
  - e. a description of the bomb;
  - f. the type of explosive or bomb; and
  - g. the reason for the bombing.
3. When dispatch/guard receives a call for bomb threat, they will advise and have the patrol officers and supervisors make contact over landline. Patrol officers shall initially investigate bomb threats, while actual bombings require the assignment of investigators. Interview the person who received the original call. All details, such as the caller's voice, mannerisms, background noises, and the time shall be noted. The time the call was received is most important since a watch or clock, which restricts the bomber to a 12-hour period or less, activates many bombs. Play back the tape recording of the bomb call, if one was made.
4. Contact the Shift Supervisor for Fire and EMS via phone and relay all available information. Page Fire and EMS personnel for "All available fire and rescue personnel to report to Station " (station closet to the event) "Additional information will be given by the Shift Supervisor at the station". Fire and EMS personnel will respond and assist in setting up a perimeter as the situation demands along with the mobile command post. The purpose of this is to keep communications under control and avoid citizen/media involvement until the proper time.
5. Notify the on-call supervisor and the Chief of Police (if a bombing occurs) to the scene.
6. Call-in/page patrol officers and communications personnel for assistance as directed by the supervisor to assist at the scene .
1. **IF facility is AH property,** notify appropriate AHPD Personnel

Other agencies

- a. If a possible explosive device is located, contact the Virginia State Police hazardous device technician.
- b. Contact the FBI if a bombing or explosion has occurred

B. Duties and responsibilities of the on-duty supervisor

Upon notification, the on-duty supervisor shall respond immediately to the scene. Radios and cellular phones shall be turned off. Additionally, the supervisor shall perform the following procedures:

1. Assess the situation and make a determination to notify other command personnel, investigators, State Police with bomb search dog, Stafford County Sheriff or FBI.
  - a. Establish a command post location in a safe area for coordination with assisting county and state agencies if not previously accomplished by Fire/EMS Chiefs. On scene supervisor shall maintain control until arrival of higher authority (chief of police, fire or EMS chief, sheriff). Assign an officer or other person to record personnel assignments and to develop a chronological log of events at the command post.
  - b. Determine what outside agencies shall be notified or whose assistance must be requested such as fire, rescue, hospitals, the FBI, and the Virginia State Police.
  - c. If a bomb is found, have the dispatcher contact the Virginia State Police Bomb Disposal Unit at Third Division Headquarters in Appomattox.
2. Establish a security perimeter around the scene and instruct officers about traffic control procedures for the general area.
3. Coordinate the tasks of arriving outside law enforcement agencies.

C. Duties and responsibilities of the assigned investigator

1. Upon arrival at the scene, the investigator shall assume responsibility for the completion of the preliminary investigation and begin a follow-up per GO2-14.
2. If an actual explosion has occurred, detailed investigation and crime scene processing shall await the arrival of the Virginia State Police and FBI, as deemed appropriate.

D. Evacuation

1. Upon receipt of a bomb threat, the Chief of Police or designee must make the final decision

to evacuate. The role of law enforcement is to provide information which Chief of Police or designee may use in making their evacuation decision.

2. If the decision is made to evacuate the building, officers should assist building management in the process. All known occupants must be accounted.
3. Only if a building search reveals a possible explosive device should the supervisor order an evacuation of the building.
  - (a) If a possible explosive device has been found, officers shall open all doors and windows in its vicinity before evacuating.
4. All persons shall be evacuated to a distance of at least 300 yards from the bombsite. Elevators shall not be used during evacuation.
5. The on-scene supervisor shall set up a perimeter (300 yards) from and around the bombsite and shall prevent **anyone** from entering until bomb technicians have removed or defused the device.

E. Searching the premises

1. The decision to search a building is also a Chief of Police or designee's decision, with officers providing information.
2. After the decision to search has been made, the on-scene supervisor shall 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 shall 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 made available for immediate reference.
4. All areas open to the public shall be given special attention first: restrooms, trash receptacles, stair wells, elevator shafts, boiler rooms, fire extinguisher cabinets, and supply closets.
5. Nothing shall be done to change the environment of the area searched, such as turning on light switches or thermostats until the area has been searched thoroughly using flashlights. **Do not use radios and do not smoke** when approaching or searching the area.

6. Never tell management personnel that their building contains no explosive devices. Tell them that the search revealed nothing, re-occupation of the building would be determined by the Chief of Police or designee.
7. If a search reveals an unusual device or bomb, officers shall not try to disarm or move it in any manner. The explosive may contain an anti-disturbance device and should be approached only by explosive experts. The main concern is to safeguard lives by isolating the area. If a suspected bomb is found, dispatch shall contact the State Police. A disposal team shall respond to handle the device with all necessary equipment to remove and destroy the bomb.

F. Communications

1. Due to the danger of possible bomb detonation from radio transmissions all police/fire/rescue and known commercial radios at the scene shall be turned off.
2. Communications between the supervisor and dispatch shall be by landline or an officer can use their radios beyond the 300 yard safe zone to transmit messages using the radio .

G. If an explosion occurs

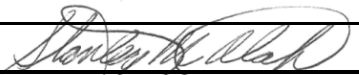
1. Notify the FBI, Stafford County, Va. State Police and page ALL sworn officers to report for duty.
2. The on-scene supervisor shall seal off and protect the area while the FBI, investigator and the Virginia State Police arrive to begin scene processing.
3. Fire Department shall respond to the scene and attempt to control any subsequent fires as their policy dictates.
4. Situation permitting officers and rescue personnel shall attend to injured persons.
5. With the exception of investigators and emergency rescue personnel, no one shall be permitted to enter the scene for one hour following the explosion.
6. The on-scene supervisor shall assume that there are secondary devices that could be detonated and shall advise all arriving personnel of this possibility.

H. After-action report

1. Offense reports shall be completed on each bomb threat/bomb emergency. All responding personnel shall also complete reports indicating their participation, observations and incurred responsibilities during the event as supplements to the investigation. The on-duty supervisor shall coordinate the reports: the initial

responding officer shall complete an incident report.

2. The on-scene supervisor shall complete an after-action report and forward it to the Chief of Police/Stafford Sheriff, detailing in chronological order the participation of all department personnel and resources used and actions taken during the incident and offer recommendations, if appropriate.
3. A critique of the incident shall be completed as soon as possible with the Chief and on scene personnel.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Civil Disturbances</b>	<b>NUMBER: 2-26</b>
<b>EFFECTIVE DATE: MARCH 16, 2016</b>	<b>REVIEW DATE: Dec. 14, 2018 by 804</b>
<b>AMENDS/SUPERSEDES: GO 2-26, AUG. 1995, FEB 2002, DEC 2006, FEB 2011</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLEPSC STANDARDS: OPR.05.01</b>	

## NOTE

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## INDEX WORDS

Civil disturbances  
Dispatch responsibilities (re: civil disturbances)  
News media; notification re: civil disturbances

## I. POLICY

Civil disturbances may take many forms and vary in size and degree of danger to the 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 the situation and restoring order. 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 order is to establish procedures for the department's response to and handling of civil disturbances. (**OPR.05.01.c**)

## III. DEFINITIONS

### A. Civil disturbance

An unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property or other unlawful acts.



## IV. PROCEDURES

### A. Authority for plan implementation

1. The on-duty supervisor is authorized to implement this emergency operations plan if a civil disturbance warrants. The on-duty supervisor/officer shall notify the chief of police and SCSO supervisor as soon as practicable.
  - a. The chief of police shall immediately notify the General Manager of the disturbance and shall keep him/her advised of any changes.
2. The on-duty supervisor/officer shall be responsible for implementing the plan until relieved by the chief of police.

### B. Departmental resources

The supervisor implementing this plan shall determine what, if any, additional departmental resources are required.

1. Additional personnel may be called back per **GO 2-22**, unusual occurrences.
2. For additional equipment needs beyond that readily available, the supervisor shall contact the chief of police and SCSO immediately.

### C. Duties of first officer(s) on the scene

The duties of the first officer(s) arriving at the scene of a disturbance include the following steps.

1. Observe the situation from a safe distance and determine if crowd is peaceful or potentially violent.
2. Notify the SCSO dispatcher and Gate personnel of the seriousness of the situation and request the on-duty supervisor and additional back up to respond.
3. Through remote observation, try to identify the leaders of the group and any persons engaged in criminal acts.

### D. Duties of the on-scene supervisor

Upon arrival at the scene, the on-duty supervisor shall assume command until relieved by higher authority. He shall perform the following actions:

1. Assess the situation for seriousness and danger and evaluate what resources are needed to meet the problem.

2. Maintain communications with the dispatcher by relaying the following information:
  - a. Estimating the crowd's size and area involved.
  - b. Gauging the crowd's mood.
  - c. Noting any weapons.
  - d. Noting any destroyed property.
3. Establish a command post from his or her vehicle or a safe available location. All outside agencies responding to assist shall act under the authority of the on-scene supervisor. Representatives from all responding agencies will be asked to report to the command post for consultation with the on-scene supervisor and for directing their agency personnel.
4. Decide the number of personnel/equipment needed. If a callback has begun, the supervisor shall determine the assembly point and equipment to be worn.
5. Instruct dispatch to make proper notifications to include:
  - a. Fire department.
  - b. Rescue squad.
  - c. Hospital emergency rooms.
  - d. Neighboring jurisdictions.
  - e. State Police/Sheriff's Office, requesting back-up personnel or specified teams.
  - f. Ethnic/civic group leaders.
  - g. News media (through AHPI or SCSO) to provide public information.
  - h. Commonwealth's attorney to provide legal advice on arrest/confinement.
  - i. District/juvenile court judges and magistrates for arrest/confinement.
6. Construct an outer perimeter sufficient to contain the disturbance and prohibit entry into the immediate area of the disturbance. Instruct officers about traffic control through and around the perimeter.

E. Duties and responsibilities of dispatch

When a civil disturbance arises, communications officers shall perform the following tasks:

1. Make appropriate notifications requested by the on-scene supervisor. Officers who have been called to duty shall be told when and where to report and what personal equipment will be needed.
2. Make news media referrals to the AHPI spokesperson.
3. Refer inquiries about any casualties to the appropriate hospital.

F. Operations - general

Once appropriate and adequate personnel are in place, the supervisor shall perform the following tasks:

1. Approach the crowd and inform the leader or leaders that the assembly is unlawful and that they have to disperse. Use the public address system in police vehicles or the bullhorn. *Virginia Code* § 18.2-406 defines an unlawful assembly and its criminal penalty and § 18.2-407 criminalizes remaining at a place of riot or unlawful assembly after a warning to disperse has been given.
2. Set a time limit for dispersal and make clear that no extensions will be allowed.
3. If the crowd fails to disperse and continues its unlawful acts, after consultation with the chief of police, the supervisor shall:
  - a. Authorize the use of tear gas/force.
  - b. Order the formation of police lines and move into the crowd to gain control.

G. Operations - options

If the crowd does not disperse after the supervisor has followed the procedures under F above, one of two options may be pursued:

1. Containment and dialog: The objective of this option is to disperse the crowd by developing a dialog with crowd leaders to assess their intentions and communicating that a violation of the law has occurred and the crowd must disperse.
2. Physical arrest: The objective of this option is to arrest the crowd leaders. To achieve this objective, supervisor must employ tactical riot formations, ensure that officers are properly equipped and protected that back-up officers are available, and transportation is immediately available to convey arrestees from the scene. See discussion under N below regarding the use of force.

H. Transportation

All departmental vehicles shall be available for transportation of officers and equipment to the scene, and for prisoner transport from the scene. If additional transportation is required, SCSO and the state police shall be contacted for extra vehicles.

I. Public facility security

The on-scene supervisor shall detail officers to provide security to all public facilities threatened by a crowd to include:

1. The community water supply.
2. Fire/rescue/buildings and access to them.
3. Community Office Building.
4. Aquia Harbour Police Department and Gate buildings

J. Public information/rumor control

The on-scene supervisor shall respond to appropriate news media requests through the AHPI or SCSO public affairs spokesperson in order to keep the public informed and to dispel rumors.

K. De-escalation procedures

Once the disturbance has been brought under control and the situation has returned to normal, the supervisor shall begin de-escalation procedures to include the following steps.

1. Disengage officers as appropriate. Every officer who participated in the incident shall be accounted for. A debriefing may be arranged if needed.
  - a. On-duty officers shall return to normal patrol operation.
  - b. Called-back officers shall return issued equipment to the command post.
2. Assign officers to remain in the area of the disturbance to guard against a recurrence of trouble.
3. Discontinue the command post.
4. Ensure that departmental equipment is collected.

L. Post-occurrence duties/after-action reports

When the disturbance has ended, the supervisor shall 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 AHPI or SCSO spokesperson.
3. Arrange for evidence collection at the scene.

M. Mass arrest procedures

1. Mass arrests must be handled quickly and efficiently in providing transportation to jail or release on summons with a consistent observance of arrestees' rights.
2. Arrested persons shall be removed from the point of disturbance and brought to where initial booking shall take place. The supervisor shall establish an arrest team to handle prisoners. Arrest team duties shall include the following steps.
  - a. Photograph the arrested person with the arresting officer using a digital camera. Arrest/identification information shall be recorded using a placard.
  - b. Prisoners shall then be transported to the sheriff's office where formal charging/booking shall take place.
  - c. Allow arrested persons to contact legal counsel at the conclusion of booking if suitable.
  - d. Arrange for medical treatment for any injured arrestees before booking begins.
3. The commonwealth's attorney shall provide legal advice to the on-scene supervisor as appropriate.
4. Juveniles involved in arrests shall be treated according to procedures set forth in **GO 2-29**, juvenile procedures.

N. Use of force

1. General: Officers shall use the minimum amount of force necessary to effect an arrest or control the disturbance. See **GO 2-6**, use of force.
2. If the arrest of crowd leaders or agitators does not disperse an unlawful assembly, the supervisor may order the use of non-lethal force to achieve this end. If non-lethal force is used against a crowd, the supervisor shall ensure the following:
  - a. A clear path of escape is available for those who wish to leave the area.
  - b. The use of tear gas, smoke, or other non-lethal tools is controlled and coordinated.
  - c. Canine units shall not participate in enforcement actions.
3. The use of deadly force shall be governed by **GO 2-6**, but particular caution must be exercised when shooting near a crowd. Officers shall not return fire in crowds. If officers encounter sniper fire, **GO 2-23** on hostages and barricaded suspects applies.

## V. SPECIAL CIRCUMSTANCES - Labor disputes

### A. Objective

The objective of the department in responding to strikes or labor disputes is to preserve the peace by fair and equitable dealings with all parties and to protect the safety and property of all concerned.

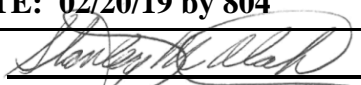
### B. Supervisor's responsibilities

The supervisor shall contact both the business or employer as well as labor representatives in order to:

1. Advise them of department policy in protecting lives and property.
2. Emphasize to labor representatives the importance of a peaceful demonstration and that their rights to legally assemble and protest will not be interfered with as long as they do not interfere with the legal rights of the business.
3. State the law on warning and arresting demonstrators and emphasize the need to maintain communication at all times between law enforcement personnel and strikers.

### C. Guidelines for officers assigned to strikes or labor disputes

1. The officer's objective at a labor dispute is to protect life, property, and ensure the safety of all concerned, to protect the civil rights of all parties, and to maintain the peace.
2. Officers shall not fraternize or engage in unnecessary conversation with business employees or picketers or other disputants. To this end, officers shall not park police vehicles on company property nor enter company premises for any reason other than to conduct police business.
3. Officers shall avoid arrests for minor misdemeanors if at all possible, and instead enlist company and labor representatives to control their own people. If the officer determines that an arrest must be made, the best course is to identify the offender and arrest later.
4. Verbal abuse shall not constitute the sole reason for arresting a demonstrator. Language that incites violence, however, may be cause for removing and arresting the offending person.
5. Any decision to arrest shall consider the availability of properly equipped back-up officers and the magnitude of the offense relative to the effect an arrest may have as an incitement to others to commit violent acts.
6. To facilitate the free traffic of passers-by or persons with legitimate business, officers may have to open breaches in a picket line and personally escort traffic, whether pedestrian or vehicular.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: MENTAL DISTURBANCE INCIDENTS</b>		<b>NUMBER: 2-27</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/20/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-27, DEC. 10, 2001, DEC. 5, 2006 FEBRUARY 11, 2011, NOV 2015</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.08.03</b>			

**NOTE**

This order 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**

ECO  
Emotionally distraught  
Mentally Ill  
TDO

**I. POLICY**

It is the policy of the Aquia Harbour Police Department to execute and initiate when necessary Civil Mental Emergency Custody Orders (ECO) and Civil Mental Temporary Detention Orders (TDO) and take the person into custody and deliver him/her to a location for evaluation by a person who is skilled in the diagnosis and treatment of mental illness, and can assess the need for hospitalization. These civil orders and the associated civil processes exist to handle mentally disturbed subjects who have become a danger to themselves or others. Public safety and social order are the intentions of these processes. Police Officers are frequently agents for the initial apprehension of the subject and should initiate the process on their own initiative and judgement when appropriate.

**II. PURPOSE**

It is the purpose of this policy to provide guidance to law enforcement officers when working with suspected mentally ill or emotionally distraught individuals and to establish policies and procedures applicable to the issuance and service of Civil Mental Emergency Custody Orders and Civil Mental Temporary Detention Orders.

**III. DEFINITIONS**

- A. Mentally ill is defined as, a person afflicted with a mental disease to such an extent that for his own welfare or the welfare of others, he/she requires care and treatment. A person who is drug addicted or alcoholic is defined as "mentally ill" for these purposes, but not a person who is mentallyretarded.
- B. Emotionally Distraught/Disturbed Individual, a subject who displays any range of feelings, including anger, hate, joy, depression, etc., but as a result may be potentially harmful to themselves or others.
- C. Civil Mental Emergency Custody Order (ECO) is a document issued by a magistrate or other authorized person under Sections 37.2-808 Code of Virginia under certain circumstances for a person thought to be mentally ill for the purpose of a face to face evaluation by a health care professional. (Form DC-492)
- D. Civil Mental Temporary Detention Order (TDO), is a document issued by a magistrate or other authorized person under Sections 37.2-809, Code of Virginia allowing detention of an individual for a specified time period in an institution for further evaluation in preparation for a formal commitment hearing by a judge. (Form DC-491)

#### **IV. GENERAL**

- A. Members of the Department shall attempt to seek non-arrest resolutions whenever possible, with the referral to appropriate facilities on a voluntary basis being the desired result.
- B. Involuntary detentions will be sought when the safety of the public, or the individual involved, is at risk. The obtaining of involuntary detentions will be done in accordance with §37.2-809 of the Virginia State Code.

#### **V. PROCEDURES**

##### **A. RECOGNIZING ABNORMAL BEHAVIOR**

- 1. Mental illness is often difficult for even the trained professional to define in a given individual. Officers are not expected to make judgements of mental of emotional capacity but rather to recognize behavior that is potentially destructive and/or dangerous to self or others. The following are generalized signs and symptoms of behavior that may suggest mental illness although officers should not rule out other potential causes such as reactions to, or withdrawal from, drugs or alcohol or temporary emotional disturbances that may be situationally motivated. Officers should evaluate the following symptomatic behavior in the total context of the situation when making judgements about an individual mental state and need for intervention absent commission of a crime.
  - a. Degree of Reactions – Mentally ill persons may show sign of strong and



unrelenting fear of persons, places or things. The fear of people or crowds, for example, may make the individual extremely reclusive or aggressive without apparent provocation.

- b. Appropriateness of Behavior – An individual who demonstrates extremely inappropriate behavior for a given context may be emotionally ill. For example, a motorist who vents his frustration in a traffic jam by physically attacking another motorist may be emotionally unstable.
- c. Extreme Rigidity of Inflexibility – Emotionally ill persons may be easily frustrated in new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior in dealing with the situation.
- d. Mentally ill persons may exhibit one or more of the following characteristics:
  - (1) Abnormal memory loss related to such common facts as name or home address (although these may be signs of other physical ailments such as injury or Alzheimer’s disease);
  - (2) Delusions, The belief in thoughts or ideas that are false, such as delusions of grandeur (““ am Christ””) or paranoid delusions (““everyone is out to get me””);
  - (3) Hallucinations of any of the five senses (e.g., hearing voices commanding the person to act, feeling one’s skin crawl, smelling strange odors, etc.);
  - (4) The belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time; and/or
  - (5) Extreme fright or depression.

## 2. Determining Danger

Not all mentally ill persons are dangerous while some may represent danger only under certain circumstances or conditions. Officers may use several indicators to determine whether an apparently mentally ill person represents an immediate or potential danger to himself, the officer, or others. These include the following.

- a. The availability of any weapons to the suspect.
- b. Statements or actions by the person that suggest that the individual is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendoes to a direct threat that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.

- c. A personal history that reflects prior violence under similar or related circumstances. The officer or family, friends may know the person's history, or neighbors may be able to provide such information.
- d. Failure to exhibit any mental illness symptoms prior to arrival of the officer does not guarantee that there is no danger, but it does in itself tend to diminish the potential for danger.
- e. The amount of control that the person demonstrates is significant, particularly the amount of physical control over emotions of rage, anger, fright, or agitation. Signs of a lack of control include extreme agitation, inability to sit still, communicate effectively, wide eyes, and rambling thoughts and speech. Clutching ones' self or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual is close to losing control.
- f. The volatility of the environment is a particularly relevant factor that officers must evaluate. External stimuli that may affect the person or a particularly combustible environment that may incite violence should be taken into account.

### 3. Police Management of the Mentally Ill

Should the officer determine that an individual may be mentally ill and a potential threat to himself, the officer, or others or may otherwise require law enforcement intervention for humanitarian reasons as prescribed by statute, the following responses may be taken.

- a. Request backup officer in cases where the individual will be taken into custody. Officer should notify dispatch to contact on-call Supervisor
- b. Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive acts have not occurred, avoid physical contact and take time to assess the situation.
- c. Move slowly and do not excite the disturbed person. Provide reassurance that the police are there to help and that he will be provided the appropriate care.
- d. Communicate with the individual in an attempt to determine what is bothering him. Relate your concern for his feelings and allow him to ventilate his feelings. Where possible, gather information on the subject from acquaintances or family members and/or request professional assistance if available and appropriate to assist in communicating with and calming the person.

- e. Do not threaten the individual with arrest or in any other manner, as this will create additional fright, stress, and potential aggression.
- f. Avoid topics that may agitate the person and guide the conversation toward subjects that help bring the individual back to reality.
- g. Always attempt to be truthful with a mentally ill individual. If the subject becomes aware of a deception, he may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.

B. EMERGENCY CUSTODY ORDER (ECO) 37.2-808 Code of VA.

1. Issuance: In cases where a person due to mental illness is incapable of volunteering or is unwilling to volunteer for treatment, then a magistrate upon :
  - a. The sworn petition of any responsible person **or**
  - b. His/her own motion
  - c. When based upon probable cause to believe that:
    - 1) The person is mentally ill and in need of hospitalization **and**
    - 2) The person presents an imminent danger to himself or others as a result of mental illness, **or**
    - 3) Is so seriously mentally ill as to be substantially unable to care for himself.
  - d. May issue an order of emergency custody requiring any person within his judicial district to be taken into custody, transported to a convenient location; and to be evaluated by a person designated by the community service board who is skilled in the diagnosis and treatment of mental illness and can to assess the need for hospitalization.
2. If an ECO is obtained by any other person or persons other than an officer of this Department, it is the responsibility of the Stafford County Sheriffs Office to execute and take the individual into custody and transport. You may assist the deputy in locating the individual when requested.
3. Aquia Harbour Officer Responsibility
  - a. If an individual is taken into custody an officer must inform Communications that you are seeking an ECO A mental health evaluator should be contacted.

- a. If an ECO is obtained and executed upon the person, have the officer notify the on-call mental health evaluator.
- b. Region Ten should advise to either take the person to the local Region 10 office in Lovington, or if after hours advise you to transport the person to the University of Va. or Martha Jefferson Hospital for evaluation unless another location is specified in the ECO.
- c. The officer must maintain a presence with the patient throughout the evaluation process.
- d. After evaluation:
  - 1) If released transport the patient back to the location of custody or suitable location, such as home, etc.
  - 2) If Temporary Detention Order is issued have issuing authority of the TDO contact Stafford County Sheriff's Office to provide transportation to wherever designated by the evaluating authority.
- e. Return the executed ECO to the Stafford County Sheriffs Office for forwarding to the Clerk of issuing Court.

4. Limitations and Authority

- a. A law enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for purposes of executing an order of emergency custody.
- b. Once the person is taken into custody, a maximum of **eight hours** is allowed to secure the evaluation. This eight hour time period begins at the point of custody by the law enforcement officer. The person shall remain in custody until a temporary detention order is issued, until the person is released, or until the emergency custody order expires. If an Emergency Custody Order is not executed within eight hours of its issuance, the Order shall be void and returned to the office of the clerk, of the issuing court.

C. TEMPORARY DETENTION ORDER (TDO)

**NOTE: All Temporary Detention Orders are the responsibility of the Stafford County Sheriffs Office. (per Code of VA)**

1. Issuance: The magistrate may issue a Civil Mental Temporary Detention Order (TDO); Upon the advice of and only after an in-person evaluation by a person who is skilled in the diagnosis and treatment of mental illness.
2. The Temporary Detention Order (TDO) may include transportation of the person to such other medical facility as may be necessary to obtain emergency medical evaluation or treatment prior to placement.
3. The magistrate is authorized to issue a TDO without a prior in-person evaluation **if** evidence is readily available to indicate that:
  - a. The person is mentally ill and in need of hospitalization **and**
  - b. The person presents an imminent danger to self or others as a result of mental illness, **or**
  - c. Is so seriously mentally ill as to be substantially unable to care for self, **and**
  - d. The person is incapable of volunteering or is unwilling to volunteer for treatment.
  - e. If Temporary Detention Order is not issued and the patient is released, transport the subject to location of custody or other suitable location if appropriate.

D. TEMPORARY DETENTION ORDER (TDO) and EMERGENCY CUSTODY ORDER (ECO) for JUVENILES

1. If there is probable cause to believe a juvenile is mentally ill and presents an imminent danger to him or herself or to others, or due to mental illness is unable to care for oneself and has no parent or legal guardian to do so, then an officer may take the juvenile into custody.
2. c Community services board (CSB) is to be contacted immediately at 540-659-2725 or 540-373-6876. The officer will be directed to transport the juvenile to a assigned location for an evaluation by a qualified member of the community services board.
3. Once an evaluation has been performed, and if the findings are sufficient requiring further services for the juvenile, then the CSB evaluator will contact the local magistrate and request an emergency custody order (ECO). Once issued, the officer will be directed by the CSB evaluator as to which treatment facility to transport the juvenile.

4. Once at the facility, a mental health examiner is required to further evaluate the juvenile in order to make ongoing recommendations of custody and care. Based on the findings of the examiner and the sworn petition of a responsible person, a temporary detention order (TDO) may be requested from a local magistrate. **\*\*important\*\*** the TDO has to be issued within four-hours of the physical custody of the juvenile (law-enforcement detainment).
5. If an ECO/TDO is obtained without the initial involvement of the Aquia Harbour Police Department, then the Stafford County Sheriff's office is to serve the ECO/TDO and take the juvenile into custody with the assistance of a AHPD officer.

E. **EMERGENCY CUSTODY BY LAW ENFORCEMENT**


1. A law enforcement officer is authorized to take emergency custody of a person thought to be mentally ill without an order issued by the magistrate. When the officer observes or based on the reliable reports of others develops probable cause to believe that a person meets the criteria for an Emergency Custody Order.

F. **TRANSPORTATION: (OPR.08.03)**

1. It should be remembered that when transporting "mentally ill" persons regardless of age they are unpredictable and may become violent at any time. Common sense should be utilized when determining the appropriate use of restraints.
2. Transporting vehicles should always be equipped with a cage for "mentally ill" patients.

G. **DOCUMENTATION**

Officers shall document all Mentally Ill (ECO) transports and shall note any unusual circumstances or events. Officers shall document the circumstances of any apparently mentally ill and their medical treatment. Give names (and badge numbers, as appropriate) of personnel from and to whom the patient was released.. Documentation will be on a supplement to the original offense report.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Victim Services</b>		<b>NUMBER: 2-28</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/20/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-28 DECEMBER 14, 2001, DECEMBER 14, 2004, JAN. 3, 2007, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC: ADM.23.01, ADM.23.02, ADM.23.03, OPR.13.01</b>			

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**INDEX WORDS**

- Crisis intervention
- Dispatcher responsibilities (re: victims)
- Interview techniques
- Investigator responsibilities (re: victims)
- Patrol responsibilities (re: victims)
- Victims

**I. POLICY**

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 law-enforcement officer. The manner in which victims are treated not only affects their ability to cope with the crime, but also their willingness to prosecute. 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 is a department priority.

**II. PURPOSE**

The purpose of the general order to establish guidelines, responsibilities, and procedures relating to departmental policy and legal requirement concerning crime victim assistance in accordance with the Code of Virginia. (**ADM.23.01**)

### III. RIGHTS OF CRIME VICTIMS

The General Assembly between 1984 and 1995 has enacted a range of legislation regarding the fair treatment of crime victims and witnesses.

#### A. 1984 General Assembly Resolution

The 1984 resolution calls upon all **law-enforcement agencies**, attorneys for the Commonwealth, and courts to strive to provide dignified, respectful, courteous and sensitive treatment to victims of crime and witnesses for both the Commonwealth and the defense and to pursue the following protections afforded criminal defendants:

1. That victims and witnesses receive **protection** from harm and threats to harm arising out of their cooperation with law-enforcement, prosecution or defense efforts, and be provided with information as to the level of protection available.
2. That victims be informed of **financial assistance and social services** available as a result of being a victim of a crime, including information on how to apply for assistance and services.
3. That victims and witnesses be provided, where available, a **separate waiting area** during court proceedings that affords them privacy and protection from intimidation.
4. That victims have any **stolen property** held by law-enforcement agencies for evidentiary purposes **returned promptly**, unless there is a compelling law-enforcement purpose for retaining it.
5. That victims and witnesses be provided with appropriate **employer intercession** services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.
6. That victims and witnesses receive prompt advance **notification**, whenever possible, of judicial proceedings relating to their case.
7. That victims be **awarded restitution** in accordance with the laws of the Commonwealth where the offense results in damage, loss, or destruction of the property of the victim of the offense or in cases resulting in bodily injury or death to the victim.
8. That the Commonwealth make **training and information available to criminal justice agencies** emphasizing the proper and complete assistance that should be afforded to victims and witnesses of crime.



B. "CRIME VICTIM AND WITNESS RIGHTS ACT"

On July 1, 1995, the "Crime Victim and Witness Rights Act" took effect. The Act builds on existing law and provides for the following:

1. Victims shall have the right to **remain in the courtroom** during trial and all attendant proceedings which the defendant may attend, unless excluded by the court as a material witness.
2. Attorneys for the Commonwealth must give victims **advance notice** as practicable of judicial proceedings and any changes in court dates, if victims have provided their names, current addresses and telephone numbers.
3. Victims must be informed of **financial assistance and social services** available, including the "Criminal Injuries Compensation Fund."
4. In cases tried in Circuit Court, victims may present a **Victim Impact Statement** to the court.
5. Defendants convicted of crimes in violation of any provision of Title 18.2 except DUI, must make at least partial **restitution** for property damage or loss or actual medical expenses incurred by victims.
6. Sheriffs, jail superintendents and the Department of Corrections must **notify victims** of the release, transfer, escape or change of name of a prisoner, if victims have requested notice in writing and have provided their names, current addresses and telephone numbers in writing.

C. Request for confidentiality

1. Per Va. Code 19.2-11.2 (1995), **upon the request** of any crime victim, a law enforcement **agency may not disclose**:
  - a. the residential address,
  - b. telephone number, or
  - c. place of employmentof the victim or a member of the victim's family.
2. A notation will be made on the Offense Report of the victims desire to activate this right of nondisclosure for departmental records.
3. In addition, there is a state form, , "Request for Confidentiality by Crime Victim," for the victim to sign noting their desire for this information to be withheld

(this form is available at the Magistrates office). It is up to the officer to inform the victim of this form and to aid in completing it. This allows the victim's address and telephone number to be withheld from the warrant and any subpoenas that are issued.

D. Restriction on disclosure

Except with the written consent of the victim, a law enforcement agency **may not disclose** to the public information, which directly or indirectly identifies the **victim of** a crime involving any **sexual assault or abuse**.

**IV. PROCEDURES-General**

A. General responsibilities

1. "Victim" means a person who suffers physical, emotional, or financial harm as a direct result of a crime committed upon his/her property or person. (See *Virginia Code* § 19.2-368.1, § 19.2-11.01.B.)
2. All members of the department have responsibilities for and shall support crime victim assistance procedures. (See § 19.2-11.01.C, -368.17)
3. Department personnel shall consider victims as clients of the criminal justice system and treat them 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. (*Virginia Code* § 19.2-164 applies) by contacting Communications.
6. All personnel receive training on the nature and impact of victimization in the basic academy.
  - a. See the appendices to this order for further information and review regarding the recognition of symptoms of crisis (shock, disbelief, denial, anger, fear, guilt, and frustration); suggested approaches to interviewing victims; and resources available to the officers.
7. Officers are required to render assistance to victims unless they 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.

**DISPATCH RESPONSIBILITIES – Stafford County Communication Center (Includes personnel who receive calls for assistance.)**

Communications Officers 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.

8. Communications Officers shall ask the following, if possible:
  - a. Are you physically hurt? Do you need medical assistance? Are you safe at this time?
  - b. Location? (Reverse a and b for a crime in progress.)
  - c. Number calling from?

Communications Officers shall also:

- d. Reassure victim that help is on the way.
  - e. For victims of violent crimes or child victims, prowler calls keep the victim on line until officer arrives. Above all, use commonsense.
  - f. Log the responding officers time on scene.
- 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. Dispatch shall maintain a written list of department personnel and other agencies that can provide information and assistance to victims or their representatives. The actual numbers are located in the emergency phone number contact list located at the gatehouse.

## V. **PATROL RESPONSIBILITIES (First officer on scene; see also GO 2-14)**

### A. Arrival at scene

1. Patrol officers shall:
  - a. Mark on arrival.
  - b. Advise street supervisor of the nature of the call.
  - c. Determine location and condition of victim.
  - d. Determine if suspect is still at crime scene (initiate crime broadcast, if applicable).
  - e. Summon an 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 review crisis intervention skills. (See Appendix 1 to this General Order.)

B. Crime scene preservation

1. The first officer on the scene is responsible for preserving crime scene and explaining fully to the victim what the investigation will entail. (See GO 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. The victim must be informed of the necessity of taking photographs of him or her and removing personal belongings for evidence. Officers shall use tact in explaining evidence collection procedures because the victim may well be upset or distraught. Officers shall do their utmost to protect the privacy of the victim when taking photographs of the victim's body. (See GO 2-15.)

C. Concern for the victim

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. (ADM.23.02.a)

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

Interview the victim separately from witnesses and in private.

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. Check for bruises or injuries and have photos taken.
5. 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. The 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 (OPR.13.01.d)

1. Victims may be transported in department vehicles when necessary to accomplish a law-enforcement purpose: to a medical facility, to the department or other criminal justice agency, to a safe shelter or to appear before a magistrate. (ADM.23.02.f)
2. Once the victim is taken to the necessary destination, an officer shall escort the victim inside and ensure 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. (ADM.23.02.c)

I. Distribute brochures

Patrol officers shall give brochures to the victim or victim's representative that explain the next steps to be taken in the case. See Appendix 3 to this General Order for a list of brochures. Information to be given to victims includes: (ADM.23.02.d)

1. Victim compensation information card (for violent offenses).
2. Victim and witness information brochures including information in Virginia's Crime Victim and Witness Rights Act).

3. Copy of crime report upon request.

J. Determine victim's whereabouts

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. Ensure that this information is maintained as confidential by not adding it to the incident report but instead to the supplement.

K. Property control

If an officer takes property from the victim for purposes of investigation, the officer shall document the action utilizing a PD600 and shall explain why it is required as evidence. The victim's property shall be returned as soon as practicable. (See **GO 2-15**.)

L. Further protection of the victim

Notify the victim of the department's interest in protection from intimidation or threats by defendant, his family, or friends. Inform the victim of his or her options concerning protection through emergency protective orders (see **GO 2-32** for a discussion of emergency protective orders). Instruct the victim to call the department if intimidation occurs. (**ADM.23.02.b.e**)

M. Media relations (See **RR 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.

N. If an investigator is needed, the patrol officer shall report all that has been done when the investigator arrives.

## **VI. INVESTIGATOR RESPONSIBILITIES**

A. Purpose

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 **GO 2-14**, investigations, and **GO 2-12**, patrol responsibilities.)

B. Arrival at scene.

1. Upon arrival, the investigator shall receive a report from the patrol officer who completed the preliminary investigation.

2. Investigators shall 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. (**ADM.23.03.a**)
3. Investigators shall apply 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 **GO 2-15**.)
4. Record all information with accuracy, clarity, and completeness.
5. Review test results after their return from lab.

D. Care and return of victim's property used as evidence: (**ADM.23.03.c**)

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 **GO 2-15**.)

E. Follow-up interviews or other required appearances of the victim

Conduct any further interviews, other required appearances or line-ups 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.) (**ADM.23.03.b**)

1. Obtain additional information, which the victim was reluctant, unable, or forgot to provide during the preliminary investigation.
2. Clarify any inconsistencies in the original report.
3. Recheck for bruises or injuries which were not initially visible or not photographed and have photos taken.

F. Transportation of crime victims (See paragraph V.G above.)

G. Determine identity of suspect

Attempt to determine the identity of the suspect(s), if unknown, through the use of one or more of the following procedures:

1. Arrange for the victim to develop a composite drawing. (If VASP Identi-Kit operator is available, he or she may need to spend time alone with the victim to accomplish this.)
2. Arrange for the victim to review police photograph line-up. Provide necessary transportation. To assure an accurate identification, a reasonable number of photos shall be shown to the victim, even if suspect is selected almost immediately. ( **GO 2-14 for guidelines on lineups.**)
3. Arrange for the victim to review a physical line-up of potential suspects. Provide necessary transportation. Explain the process to be used and choose a time convenient for the victim.
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 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 (if present) 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.

H. Arrest of suspect

The victim shall be notified as soon as possible about the arrest, custody status, and charges filed.



I. Case presentation

The investigator shall prepare a case presentation to include any available evidence and lab results, for use in court. Remember, the investigator will be with the victim through all court proceedings although prosecutors and defense attorneys may change.

J. Further protection of victim

As the case prosecution progresses, the investigator has the following responsibilities:

1. Maintain victim's case confidentiality.
2. Provide support for the victim.
3. Protect the victim and 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 the defendant makes bond or has a bond 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 the victim the investigator's name and phone number for further contacts.
9. Advise the victim of social service agencies. Contact phone numbers can be located in the emergency phone number book located at the gatehouse.

K. Further notification of the victim

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--consults 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

## 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 and body  
                                  functioning  
                                  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 that these reactions can occur (they aren't going crazy). To know that these are normal symptoms can help the victim predict and prepare. To understand these reactions 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 the story in their 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.

## **Interviewing**

Several factors influence interviewing skills at the crime scene and during the investigation. They include an understanding of crisis/stress theory, personality of the victim, type of response given to the victim, and knowledge of interviewing procedures.

### **Stages of the Interview Process**

1. **Preparation**--Build security and rapport, focus on victim needs, emphasize feelings.
2. **Information**--Obtain 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 or her 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 worded 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 decision making.

## **Verbal/Non-Verbal Techniques**

1. Eye contact--Direct eye contact is important for communicating to the victim that one is listening and concerned. The victim's failure to make eye contact is not a sign of deception. The victim may feel ashamed or humiliated by the crime.
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). Always let the victim make the first move.
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.

<b>Interview</b>	<b>Interrogation</b>
<p><b>Why (purpose)</b></p> <p>To gather and to test validity of information to determine the particulars of the matters under investigation.</p> <p><b>Who (subject)</b></p> <p>Victims and witnesses who are willing to provide police with any information they possess about the matter under investigation.</p> <p><b>When (timing)</b></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><b>Where (location)</b></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><b>How (method)</b></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><b>Why</b></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><b>Who</b></p> <p>Persons suspected of crimes as well as others who may have information but are reluctant to offer it.</p> <p><b>When</b></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><b>Where</b></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><b>How</b></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)



## 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:

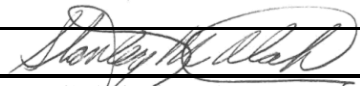
1. Victim Compensation Information Card  
(Virginia Code §§ 19.2-368.1 to .22)  
Obtain brochures and applications from  
Criminal Injuries Compensation Fund,  
P.O. Box 5423, Richmond, VA 23220, (804) 367-8686 or 1-800-552-4007.
2. *An Informational Guide to Virginia's Crime Victim and Witness Rights Act*  
Obtain from Department of Criminal Justice Services, 10th floor, 805 E. Broad Street,  
Richmond, VA 23219, (804) 786-4000.
3. Victim/witness program brochure (attach one from your locality).

Other brochures available at no charge from the Department of Criminal Justice Services include:

*A Statement of Principles and Recommended Judicial Practices to Assure Fair Treatment of Crime Victims and Witnesses*

*An Informational Guide for Domestic Violence Victims in Virginia*

*An Informational Guide for Sexual Assault Victims in Virginia*

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Juvenile Procedures</b>		<b>NUMBER: 2-29</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/22/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-29 DECEMBER 14, 2001, DECEMBER 14, 2004, JAN. 3, 2007, FEB 11, 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.04.01, OPR.04.02, OPR.04.03</b>			

**NOTE: MISSING, RUNAWAY AND ALL CRIMES AGAINST CHILDREN ARE HANDLE BY SCSO. Remains for informational purposes only where applicable.**

This order 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.

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## INDEX WORDS

Confinement of juveniles	Juveniles;
Custody; of juveniles	handling of (general)
Fingerprints; of juveniles	handling of (informal)
Incorrigible juvenile: see Status offenses	procedures for handling crimes
Information; confidentiality	committed by
Juveniles;	Questioning; see Interrogations
escapees	Runaways; see Status offenses
handling of (formal)	Status offenses
	Summonses; of juveniles
	Transportation (of juveniles)
	Truant; see Status offenses
	Warrants

### I. POLICY: (OPR.04.01)

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 derives from Virginia Code §§ 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

### A. Child, juvenile, minor

A person who is less than eighteen years of age. Physical appearance, maturity, marriage, or the seriousness of an offense does not affect a juvenile's legal status. (Confer with the commonwealth's attorney on the handling of emancipated juveniles.)

### B. 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. Refer to § 16.1-228.2 for a legal definition of the term.

### C. Delinquent child

A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his or her 18th birthday.

### D. Intake officer

A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the criminal process, or petition the court. An intake officer is normally a juvenile probation officer, per § 16.1-228.2.

### E. 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.

1. All juvenile offenses occurring in confines of Aquia Harbour are heard in the Juvenile and Domestic Relations District Court located in Stafford. Officers shall appear to prosecute their cases.

### F. Person acting for a parent

A teacher, relative over the age of eighteen, or any adult willing to accept the responsibility for the juvenile.

G. Status offender (OPR.04.03.a)

1. A juvenile who commits an act (status offense) which is unlawful only if committed by a juvenile. Examples of status offenses:
  - a. A juvenile who is subject to compulsory school attendance but is habitually absent without justification (truant).
  - b. A juvenile who is habitually disobedient to the lawful commands of parents or other responsible persons (incorrigible).
  - c. A juvenile who remains away from or who habitually deserts or abandons the family (runaway). § 16.1-228 pertains.
2. Note that some federal offenses are status offenses as well. For example, 18 *United States Code* § 922(x) makes it a federal crime for a juvenile to possess a handgun.

**IV. PROCEDURES - General**

A. Overview

1. All members of the department shall cooperate with juvenile justice and support activities. Department orders (including this one) regarding juvenile operations shall be maintained and periodically reviewed by all sworn personnel.
2. All department personnel shall thoroughly understand and practice the provisions of this order.

B. Handling of juvenile offenders - general

1. A juvenile offender shall 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 law enforcement is his or her first impression of society's enforcement system. The officer's proper handling may prevent the recurrence of anti-social behavior. An 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 officers and other government officials are unfair, untrustworthy, and inflexible, and may result in the juvenile's complete rejection of lawful authority. See § 16.1-227 for a discussion of the purposes and objectives of juvenile justice in Virginia.
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.

3. The officer may handle a juvenile either informally or formally. The options under informal handling are detailed under D below. Formal handling occurs when the juvenile is brought before the juvenile court or an intake officer for further processing. The options under formal handling are detailed under E below.
  - a. Officers shall complete all required paperwork with comprehensive information on the child, parents, complainant, and witnesses.
  - b. Officers shall initially determine whether the juvenile is alleged to have been harmed or in danger of harm. **(OPR.04.03.b)**
4. In making the decision to handle the juvenile either informally or formally, the officer shall consider the following:
  - a. Seriousness of offenses.
  - b. Prior record of child.
  - c. Child's age.
  - 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.

C. Supervisory responsibilities - general

The supervisor shall:

1. Review and approve all paperwork by the arresting officer.
2. Immediately contact the intake officer (if the arresting officer or the supervisor determines that the juvenile in custody is innocent), relate the facts of the case, and request a decision whether to release or detain if charges are pending.

D. Informal handling

1. Informal handling includes the officer's use of the following measures:
  - a. Warning and releasing to a parent or guardian. **(OPR.04.02.a)**
  - b. Requiring the parents to pick up the juvenile.
  - c. Referring the family to a community social service agency.
2. Guidelines for informal handling

- a. Respect a juvenile's right of privacy. Information gained should be provided to others only on a "need to know" basis.
- b. When the officer encounters a victim/complainant who demands to bring a child before the juvenile court, and the officer wishes the matter handled informally, the officer shall contact the intake officer for assistance.
- c. Even when he or she is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation. Officers shall decide without delay whether formal or informal handling is in order, then apply the appropriate guidelines of this order.
- d. 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 or her parents to an appropriate social service agency.
- e. Officers who release juveniles after issuance of a warning shall complete a field interview card. On it, the officer shall give a complete clothing description and the circumstances of the contact.

3. Sample offenses for informal handling

Generally, first instances of the following types of offenses shall be handled informally; however, the list is not complete and officers' good judgement is important.

- a. Annoying telephone calls.
- b. Cursing and abuse.
- c. Drunkenness.
- d. Disorderly conduct.
- e. Curfew violation and other status offenses (more specific discussion of status offenses follows).

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. **(OPR.04.02.c)**
2. Generally, the following situations require formal handling of the juvenile.
  - a. Delinquent acts that if committed by an adult would be felonies.
  - b. Delinquent act involving weapons.

- c. Delinquent act involving aggravated assaults and batteries.
- d. When the police arrive at the scene of domestic violence and discover a child at risk.

F. Taking juveniles into custody

In accordance with § 16.1-246, no juvenile may be taken into immediate custody except under the following circumstances:

- 1. With a legal detention order.
- 2. When the child is alleged to be in need of services, and two conditions exist:
  - a. The juvenile is alleged to have been harmed or to be in danger of harm.
  - b. Custody is necessary to insure child's appearance before court.
- 3. When, in the arresting officer's presence, a child commits a crime and the officer believes custody is necessary for protection of the public interest.
- 4. The officer has probable cause to believe a child has committed an offense, which if done by an adult would be a felony.
- 5. The officer has probable cause to believe a child has committed a misdemeanor offense involving shoplifting (§ 18.2-103), assault/battery, or carrying a weapon on school property (§ 18.2-308.1).
- 6. The officer has probable cause to believe that a child has either run away from home or is without adult supervision at such hours of the night and under such circumstances where the officer reasonably concludes that there is a clear and substantial danger to the child's welfare.
- 7. The officer has probable cause to believe that a person committed to the Department of Juvenile Justice as a child has run away or has escaped from a jail or detention home.
- 8. The officer has probable cause to believe that a child has run away from a residential facility or home where he or she had been placed by the court or an appropriate social services agency.
- 9. The child is believed to be in need of inpatient treatment for mental illness (§ 16.1-340).

G. General guidelines for taking juvenile into custody

- 1. Do not take custody of a juvenile or assume an overly authoritative position when the purpose can be accomplished by asking appropriate, permissible questions at the

location of contact.

2. When stopping them 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 shall 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 or her family. Unless there is special justification for doing otherwise, don't remove the juvenile from his or her home.
4. Refer to § 16.1-247 for a specific outline of duties of the arresting officer when the juvenile court offices are open or closed.
5. Regardless of the disposition of the juvenile in custody, officers shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances. **(OPR.04.03.e)**

#### H. Transportation of juveniles

1. No juvenile under 18 shall be transported in the same vehicle with adults suspected of or charged with criminal acts (§ 16.1-254 applies).
2. No juvenile who is known or believed to be less than 15 years of age shall be transported in a patrol wagon.
3. Transport the juvenile to the intake facility or the juvenile component without delay (unless the juvenile is in need of emergency medical treatment). **(OPR.04.03.d)**

#### I. Legal aspects of confinement of juveniles

1. Virginia law requires juveniles who are taken into custody to be released to a suitable parent or guardian or otherwise suitable person, after the facts have been ascertained and under certain conditions. Detention of the juvenile is permissible under the following circumstances (per § 16.1-248.1):
  - a. The juvenile has committed an act, which would be a Class 1 misdemeanor or a felony if committed by an adult.
  - b. The seriousness of the present or past offenses, other pending charges, the legal status of the juvenile, and other aggravating or mitigating circumstances all pose an unreasonable danger to public safety.
  - c. The release of the juvenile would pose a clear and substantial threat of harm to the juvenile's health or life.
2. § 16.1-249 puts certain restrictions on the place of confinement. No person known or alleged to be under the age of 18 shall be confined in any jail or other facility with adults except under certain circumstances as detailed in the statute.



3. § 16.1-249.G states that if a juvenile 14 years of age or older is charged with an offense which, if committed by an adult, would be a felony or Class 1 misdemeanor, and the judge or juvenile intake officer determines that secure detention is required, the child may be detained not longer than six hours in a temporary lock-up or juvenile ward pending transfer to a juvenile facility. This room or ward may be located in a building with a jail but the room or ward must be separate and removed from adults, must be under constant supervision, and must be approved by the State Board of Corrections for the detention of juveniles.

J. Questioning juvenile suspects

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:
  - a. very carefully ensure that all rights of the juvenile are protected;
  - b. Determine the maturity and mental state of the child;
  - c. Explain their rights in simple terms, at their level of understanding;
  - d. Make notes as to how you explained their rights to them;
  - e. Custodial interviews to include duration and number of officers present during the interview. **(OPR.04.03.f)**
  - f. Wherever possible for felony cases, make a tape recording of your explaining their rights to them and have it transcribed for use in court.
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 by physical force, coercion, or intimidation. Consult **GO 2-1** on "Limits of Authority" for legal guidelines.
3. No juveniles can be compelled to answer any questions, which may tend to incriminate him. Juveniles are entitled to the full Miranda Warnings and these rights should be explained in the presence of parents, circumstances permitting, guardian or counsel. If possible, contact parents and give them time to arrive before proceeding. If not possible for parents to be present, use another responsible adult. **(OPR.04.03.c)**
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, one officer should handle the interrogation if possible in order to lessen the chance of the juvenile feeling intimidated or pressured.
5. When interviewing a female juvenile suspect, witness, or victim, a male officer should have a second officer, if available a female officer, sit in with him.
6. In cases involving sexual offenses or other sensitive material, all interviews involving

victim(s), witness (es), or suspect(s) must involve two official personnel. This can include two officers, an officer and the victim/witness program coordinator, or an officer and a Child Protective Services agent/case worker. This will be conducted by the SCSO.

7. When possible, juvenile interviews should be tape-recorded. For cases involving sexual offenses, juvenile interviews **MUST** be tape-recorded.
8. Officers are reminded that the rules governing searches, frisks or pat-downs, reasonable suspicion, and probable cause are the same as those for adults.

K. Written citations/summonses

An officer may use the Virginia Uniform Summons form, just as for an adult, in the following situations: (**OPR.04.02.b**)

L.

1. Violation of the traffic laws, including offenses involving bicycles or hitchhiking.
2. Violation of town/county ordinances establishing curfew violations or animal control violations.
3. Violation of game and fish laws.
4. An arrest for any alcohol-related offense where a parent/legal guardian is available to sign the summons.
5. Violation of tobacco laws.

M. Fingerprints, photographs and other physical evidence of children

All juveniles, **ages 14 and over, charged with a felony** will be processed the same as an adult but the records will be filed separately. See VA. CODE 16.1.299 for requirements and exceptions.

1. When must a juvenile be processed:
  - a. within the process of obtaining a petition or during intake after a petition has been filed;
  - b. when whereabouts is unknown when the petition is issued, juvenile must be processed when picked-up or returns home;
  - a. if the juvenile has not already been processed by their first appearance in court or the trial date, and the juvenile is prosecuted in the case, the arresting officer must make arrangements to process the juvenile after the case is prosecuted.

2. Fingerprints and photos may be taken of a child regardless of age or offense if he or she 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.
3. Other physical samples may be taken from a juvenile for identification purposes only after the officer has conferred with the J&D Court and 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, stomach contents, handwriting. The "implied consent" statute must be followed for blood and breath samples in DUI cases.

M. Dissemination/retention of fingerprints and photographs

1. The Chief of Police is responsible for the Department's compliance with Virginia Code (16.1-299, 16.1-301) requirements on dissemination and retention of juvenile records including fingerprints and photographs.
2. Fingerprints cards and photographs will be destroyed when:
  - a. No petition has been filed within 60 days against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law; **OR**
  - b. A juvenile is found not guilty by the J&D Court or the Circuit Court of a charge of delinquency; **OR**
  - c. A juvenile is less than thirteen years of age and is found guilty of a delinquent act.
3. Fingerprint cards and photographs may be retained and copies of the fingerprints must be sent to J&D Court when:
  - a. A juvenile fourteen years of age or older is:
    - 1) found guilty of a felony in J&D Court, or
    - 2) 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 in a juvenile court and is adjudicated delinquent of:
    - 1) malicious wounding (18.2-51 and 18.2-52),
    - 2) use of a firearm in committing a felony (18.2-53.1),
    - 3) attempted poisoning (18.2-54.1),
    - 4) extortion (18.2-59),
    - 5) grand larceny (18.2-95),

- 6) burglary (18.2-89 through 18.2-91),
  - 7) forcible sodomy (18.2-67.1),
  - 8) inanimate object sexual penetration (18.2-67.2),
  - 9) rape as provided in (18.2-61),
  - 10) robbery (18.2-58),
  - 11) arson and related crimes (18.2-77 through 18.2-88), or
  - 12) murder, or
  - 13) any attempt to commit the above mentioned felonies (18.2-25 or 18.2-26).
4. 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. § 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. Juvenile records are to be destroyed only upon notification by the court per § 16.1-306.
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. This information may only be used for current investigations.
3. For release of juvenile information to the media, see **RR 1-13**, Media Relations.
4. The chief of police shall 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 must:
  - a. notify the juvenile's parent or person acting for a parent of the specific acts which brings the juvenile into the custody of the police; **and**
  - b. contact the Intake Officer at the J&D Court when appropriate; **and**
  - c. complete all required paperwork with complete information on the child, parents, complainant and witnesses; **and**
  - d. if child is detained, contact the Commonwealth's Attorney as soon as practicable for purposes of a detention hearing; **and**

- e. if it is discovered that a detained juvenile is definitely innocent or no crime has actually been committed, contact the immediate supervisor and the Commonwealth's Attorney in order to release the child with due explanation and consideration.
2. The supervisor shall:
  - a. review and approve all paperwork by the arresting officer
  - b. if the supervisor, as with the arresting officer, determines that the juvenile in custody who has been referred to Intake is in fact innocent, the supervisor shall immediately contact the Intake Officer and the Commonwealth's Attorney, relate the facts of the case, and request the release of the child and the dropping of the pending charges.

B. Child protection

When probable cause exists that a juvenile has runaway from home or 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 J&D Court, who will decide if a petition should be filed. The officer may consult with the Crisis Intervention Specialist of the Court Services Unit as well.
3. If the Intake Officer decides a petition should not be filed, the officer will:
  - a. return the child to his/her home and release child to parent, guardian, legal custodian or other person acting for a parent; **or**
  - b. utilize social services or an intake officer to place the child in shelter care for no longer than 24 hours; **or**
  - c. release the child.
4. The officer shall complete an incident report on the matter.
5. Incidents involving child neglect or abuse must be reported to Child Protective Services or the Dept. of Social Services via the Nelson County Sheriffs Office

**VI. STATUS OFFENSES**

- A. Runaways will be investigated as follows: ( handle by the SCSO)

Police officers taking a report of a runaway child **shall**:

1. have the parent and/or guardian review the information for the report for its accuracy, particularly for verification that the birth date and physical description of the child are as they stated; **and**
2. have the original copy of the report signed by the parent or guardian
3. ask the parents to provide the Department with a recent photograph to assist in efforts to locate the child; **and**
4. complete an incident report on the matter; **and**
5. broadcast a lookout for the runaway juvenile; **and**
6. contact the local runaway shelter(s) to try to locate the child.
7. The supervisor shall review the completed report within one hour and ensure entry of appropriate information in VCIN and NCIC.

B. Taking a runaway into custody: ( NOTIFY SCSO)

Being a runaway is not a crime in itself. A runaway child should not be held against their will unless a petition or detention order is about to be issued or is on file, or their behavior, conduct or conditions present or result in a clear and substantial danger to their life or health. The latter is a child in need of supervision (CHINS). Thus only when probable cause exists that an encountered juvenile has run away from home, the officer shall:

1. In local cases
  - a. take the child into custody; **and**
  - b. verify runaway youth status; **and**
  - c. contact the parents or guardian to come and get the child.
  - d. If the parent(s) or guardian cannot be contacted, or refuses to take the child then the officer must decide whether to:
    - 1) Contact the Runaway Emergency Shelter Service for trouble shooting and referral in handling the child. Actual placement of the child requires parental permission, and Social Services should be notified; **or**
    - 2) Contact the CSU Crisis Intervention Specialist for assistance; **or**
    - 3) Refer the handling of the child to the Department of Social Services; **or**
    - 4) Seek a CHINS petition for temporary entrustment through Court Services; **or**

- 5) Release the juvenile to a neighbor or some other responsible adult willing to act for the parent; **or**
- 6) release the juvenile.

The officer should complete a Virginia Missing Children Information Clearinghouse Report. In any event, the officer must complete an incident report documenting the handling of any runaway child taken into custody.

2. In Non-Local cases ( NOTIFY SCSO)

- a. Take the child into custody; **and**
- b. verify runaway status with the teletype from the other jurisdiction;
- c. if a detention order is on file contact the juvenile Intake Officer and follow the instructions for serving a detention order as discussed below (VII.E.);
- d. if no detention orders exist, the child cannot be held in a custodial status against their will. If they are agreeable;
  - 1) notify the originating jurisdiction to have them contact the parents or guardian and make arrangements about picking up the child,
  - 2) if the parents are unavailable, the officer may -
    - a) get a "run-away pass" and put the child on the bus, **or**
    - b) contact the Runaway Emergency Shelter Service (SAFE) for assistance and referral, **or**
    - c) retain the child for a brief period while continuing efforts to contact the parents, **or**
    - d) release the child, but only as a last resort.
  - 3) if the parents refuse to take any action then the options are the same as those above but Social Services should be contacted for potential involvement with the child.

3. Working with CSU

- a. The Intake Officer will not usually accept and file a petition on a runaway unless they are a habitual runaway.
- b. If the Intake Officer refuses to file a petition, this refusal can be appealed by contacting the Director of the CSU.

- c. Always contact the Probation Officer on-call after picking-up a juvenile on an existing detention order, before transporting to a detention facility.

C. Truant ( HANDLE BY SCSO)

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 circumstances 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 an incident report including:
  - a. the name of the person notifying the parent or school of the truancy and
  - b. the name of the person to whom the juvenile was released.

D. Child in Need of Supervision (CHINS)

1. Juveniles who are in violation of status offenses and are generally incorrigible 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 and seems in need of treatment or services, the officer shall advise the parents to contact the J&D Court Intake Officer for guidance.
3. If however the officer believes the child is in a situation which constitutes a clear and substantial danger to the child's life or health, or a danger to others then the officer may at his or her discretion take the child into immediate custody. Contact Social Services through the Stafford County Sheriffs Office.

**VII. CRIMINAL OFFENSES/DELINQUENT ACTS**

A. Interrogations

Follow the provisions of Section IV.J. above

B. Warnings/Petitions

1. Officers have the statutory authority (VA CODE: 16.1-246) to take a juvenile into custody (arrest):
  - a. for a crime committed in their presence;
  - b. for a misdemeanor not in their presence reported by a reliable witness involving shoplifting, Assault and Battery, or a weapon on school property;
  - c. with probable cause to believe the child has committed a felony; **OR**



- d. with probable cause to believe the child is an escapee from a Detention facility, jail, or a detention home.
2. A warning may be issued according to the officer's judgement 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. Field Interview Cards (G.O. 4-4) must be completed and turned in on all such incidents.
3. Use of warning is prohibited when:
  - a. The complainant or victim is committed to proceeding with prosecution (See IV. C.2.c for all exceptions), **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 and petition sought in all cases in which a juvenile is taken into custody (excluding CHINS offenses) for an act which, if committed by an adult, would be a Class 1 Misdemeanor or a felony.
5. Appeal of Intake Officer's refusal to petition.

If the Intake Officer of the J&D Court refuses to issue a petition sought for a Class 1 Misdemeanor or a felony. In such cases the officer may;

- a. 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.
- b. The officer shall include, with the material presented to the Magistrate, written notice of the refusal from the Intake Officer.
- c. **There is no appeal from an Intake Officer's refusal for Class 2, 3, or 4 Misdemeanors.**
- d. The Magistrate's finding is final, but he or she is required to issue a warrant if he or she finds probable cause (VA Code 16.1-260D).
- e. If a warrant is issued, it shall be returnable to the J&D Court and the Intake Officer shall file a petition founded upon the warrant.

C. Immediate Custody

1. Juveniles may be taken into immediate custody according to the provisions of IV.F. above.
2. Notification of parents 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 (see GO 4-4). 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. Release to parents

Officers will whenever possible release a juvenile to a parent or person acting for parent, who,

- a. is available and willing to provide supervision and care; and
- b. promises to bring the juvenile before the Court when requested.

2. Seeking detention

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**
  - 4) the child has a record of willful failure to appear at a court hearing within the immediately preceding twelve months; **or**
  - 5) the child has fled from a detention home or facility operated by the Department of Corrections; **or**
  - 6) the child is a fugitive from another state where there is an outstanding detention order or warrant; **or**
  - 7) 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, and temporary detention orders will be served on juveniles in the same manner as adults except that:
  - a. when the J&D 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 J&D Court or the detention home in the most expeditious manner possible.
    - 3) A parent or other person acting with parental authority if available 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 incident report.
    - 6) Officers shall file the original copy of the executed detention order with the Clerk of the J&D 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 J&D Court is not in session:
    - 1) Follow procedures as above except omit Step 6, and the Intake Officer will advise where to place the juvenile; and
    - 2) ensure that the paperwork is available to J&D Court personnel the next working day.

F. Handling of Escapees

1. Immediate custody of escapees:
  - a. Juveniles who are escapees from a jail, a detention home, or another institution in which they were placed by order of J&D Court, Child Protective Services or some 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 J&D Court is open or closed, the juvenile may be returned and released to the facility from which the juvenile escaped or fled.
- b. Whether J&D Court is open or closed, when the juvenile is not released to the facility from which the juvenile escaped or fled, the officer shall contact the Intake Officer of the J&D Court who will determine where the juvenile will be placed.

3. Reporting requirements (HANDLE BY SCSO)

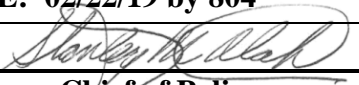
- a. The officer shall complete an incident or offense report (PD 100 or 200).
- b. When a locally placed juvenile runs away from an unsecured group home, no matter where that home is located, the officer shall:
  - 1) Take an incident report for a missing juvenile (runaway); and
  - 2) complete a Virginia 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 a local detention home or run away from a local group home, the officer shall:
  - 1) Direct the administrator reporting the missing juvenile to notify the jurisdiction which placed the juvenile in the facility; and
  - 2) complete an incident 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 J&D 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 incident report including a description of the suspect.

- 3) If an out-of-town placed juvenile escaped or ran away from a local facility, supplement the incident report, contact the facilities administrator and have them notify the jurisdiction that originally placed the juvenile.
4. 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. Contact the Commonwealth's Attorney and the juvenile's attorney if there is one;
2. Inform the juvenile's parents or guardian that an interview will be requested;
3. Arrange the interview consistent with detention facility rules and regulations;
4. Before the interview, inform the juvenile of his/her legal rights;
5. The results of this interview should be immediately documented; and
6. In cases involving sexual crimes or a felony, or when interviewing a juvenile of the opposite sex, the interview should be tape-recorded and a second officer should be present. Have the tape recording

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Child Abuse</b>		<b>NUMBER: 2-30</b>	
<b>EFFECTIVE DATE: APRIL 10, 2016</b>		<b>REVIEW DATE: 02/22/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-30, DEC. 14, 2001, DEC 2006, DEC 2010</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: NONE</b>			

**NOTE: THIS CASES WILL BE HANDLE BY SCSO. OFFICERS WILL CONTACT STREET SUPERVISOR AS SOON AS POSSIBLE. G.O. WILL REMAIN FOR INFORMATIONAL PURPOSES ONLY.**

This rule 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.

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**INDEX WORDS**

Child abuse / Child Neglect  
Communications Officer responsibilities (re: child abuse/neglect)  
Interviewing (children)  
Investigator responsibilities (re: child abuse/neglect)  
Patrol responsibilities (re: child abuse/neglect)

**I. POLICY**

It is the policy of the department to protect and ensure the safety and welfare of our children. All officers must be knowledgeable about child abuse and neglect, their effect on children, and shall help the children who become victimized. Coordination and collaboration with other criminal justice and social services agencies is paramount. Initial responsibility for investigation of most cases of abuse or neglect lies with law enforcement. The department has assumed community leadership in the prevention of child victimization and in the prosecution of offenders. The protection of all children is vital to the well being of our community.

**II. PURPOSE**

To establish guidelines for investigating crimes in which the victims are children (any persons under the age of 18 years).

### III. PROCEDURES

#### A. General responsibilities

1. As required by *Virginia Code* § 63.2-1502-1529, officers who have reason to suspect that a child is abused or neglected shall complete a report on the matter and contact the Department of Social Services through their toll-free child abuse and neglect hotline (800-552-7096). Officers shall coordinate with Child Protective Services (CPS) and Juvenile and Domestic Relations Court (JDRC) as appropriate.
  - a. Officers shall evaluate the circumstances of the possible abuse or neglect and decide whether the child requires immediate removal to a place of safety or whether an alternate course of action is more appropriate. In any case, officers shall communicate all pertinent information to CPS as soon as possible: CPS and the officer shall jointly determine a course of action.
  - b. If the child's circumstances are such that continuing in his or her place of residence or care presents an imminent danger or if evidence of abuse is perishable or subject to deterioration before a hearing can be held, and a court order cannot be obtained immediately, then the officer shall take the child into custody.
    - (1) The officer shall notify the JDRC and within 72 hours shall obtain an emergency removal order per § 16.1-251. The **emergency** removal order is not necessary if JDRC holds a hearing within 72 hours of the child's removal and issues a **preliminary** removal order. Note that the 72-hour period may be extended if it expires on a weekend or other legal holiday.
2. Department personnel shall be trained and knowledgeable about child abuse and neglect, their effects on children, and how to identify them. (See the list of resources at the end of this order.)
3. All personnel interacting with child victims shall use developmentally appropriate communication skills. (See Appendix to GO 2-28.)
4. All officers shall know and regularly review the sections of the *Virginia Code* that pertain to crimes most commonly committed against children:
  - a. **Child abuse** -- §§ 63.2-100 (definitions)

- b. **Child neglect** -- § 18.2-371 (contributing to delinquency, abuse, or neglect), § 18.2-371.1 (abuse or neglect), § 18.2-314 (failure to secure medical attention for an injured child)
  - c. **Sexual exploitation of children**-- § 18.2-61 (rape), § 18.2-371 (statutory rape)
  - d. **Child abduction/kidnapping** -- § 18.2-47 (abduction and kidnapping), § 18.2-48 (abduction with the intent to extort money or for immoral purpose), § 18.2-49 (threatening, attempting, assisting in abduction), § 18.2-49.1 (violation of court order regarding custody and visitation)
5. When and where appropriate, officers shall work with local schools and social services agencies to educate children to identify and prevent their own victimization, and to provide community awareness.

B. Dispatch (communication center) responsibilities

- 1. The communications officer must decide if the child is in imminent danger (due to injury, threat, or abandonment). If so, an officer shall be sent to the child immediately. If circumstances do not involve imminent danger, an officer shall be sent although CPS shall be contacted to conduct a joint investigation.
  - a. If the alleged abuser is a caretaker (parent, guardian, or other legally sanctioned adult), then CPS has an investigative role. If not, then law enforcement has the primary investigative role.
- 2. The dispatch 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;
  - e. Complainant's name, location, and relationship to the child; and
  - f. History of any previous injury to the child and identification of the person responsible.
- 3. It is important to give support and reassurance to the complainant regarding the appropriateness of the report and its confidentiality, if applicable.
- 4. If there is a report of possible sexual assault, refer to sexual assault procedures (GO 2-31). Have a medical examination performed regardless of when the sexual assault took place.



C. Patrol responsibilities

1. Obtain all pertinent information from dispatch before arrival.
2. Document pertinent conditions, events, and remarks.
3. Initial contact
  - a. If the patrol officer suspects child abuse, he or she shall explain the law-enforcement 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 court judge (§ 16.1-246 applies).
    - (2) In an emergency, forced entry without a warrant is legal when there is probable cause that a child is in danger. (See GO 2-1 for guidance on warrantless entries/emergency searches.)
  - 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.
4. Transport the child victim to a safe place, if necessary. This may include a local shelter. The officer shall confer with CPS to decide on the appropriate placement. (See Victim Services, GO 2-28, re: transportation of crime victims).
5. If the child is a victim of sexual assault, refer to sexual assault procedures (GO 2-31).
6. Locating, identifying, and 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 (CPS), the courts, and the commonwealth's attorney before interviewing. If the child is the victim of possible parental abuse, consider the following strategies:

- (1) The child may be too young to interview (a child's capacity to deal with information differs from an adult's).
  - (2) Observe and note child's reactions during the initial contact.
  - (3) Interviewing the victim of child sexual abuse requires particular skills (see GO 2-31).
  - (4) Usually the parents should not be present during the interview of the child (the child may be afraid to tell the truth).
  - (5) 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).
  - (6) The officer shall not appear to be taking sides against the parents. Children will generally become defensive if someone criticizes their parents, even if they agree.
  - (7) The interview shall be conducted in language at the child's developmental level.
  - (8) The interview shall always include what will happen next and how the officer will use the child's information.
  - (9) Provide reassurances to an anxious child victim by expressing belief in the child's story and an understanding of the child's dilemma but do not make promises.
- b. Allow a supportive person to be present during the interview for a child's emotional comfort. The supportive person might be a parent, grandparent, or other adult whom the child trusts.
  - 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 conduct an informal, friendly interview with the child.
  - 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. The interviewer must be sensitive to time. Younger children have shorter attention spans and the interview may need to be divided into several sessions to allow the child victim time to play or vent excess energy between sessions.
  - f. Provide a comfortable, child-friendly environment. Have a supportive person remain for the interview. Take reasonable steps to relax the child and allow for a more thorough interview.
  - g. If the officer decides that protective custody is needed, the provisions of §§ 16.1-251, -252, and -253 shall guide the officer. § 16.1-246 allows an officer to take a child into custody for 72 hours without the prior approval of the parents or guardians under specified circumstances. To meet the letter and spirit of the relevant laws, the officer shall consider the totality of circumstances to include

- (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) evidence that the parents cannot provide for the child's basic needs; and
  - (5) a history of prior offenses/allegations in which the child is the victim.
- h. See Victim Services, interviewing the victim procedures (GO 2-28)
7. Locating, identifying, and interviewing witnesses (including the parents/guardians).
    - a. Create an atmosphere of support and understanding. Remain non-judgmental.
    - 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 suspects criminality, constitutional safeguards must be scrupulously observed. The officer may need to advise the suspect of *Miranda* rights before conducting the interview. (Refer to GO 2-1, constitutional safeguards.)
    - 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 allegation. Parents shall be told the reason for the interview and be treated with respect. Parents shall be interviewed at the department office, not at their home.
    - f. Witnesses may be reluctant to discuss a family matter with an officer (due to fear of retaliation or because of breaking confidentiality). Officers shall explain the use of any information provided and the confidentiality that will be maintained. Refer to General Orders GO 2-28 and 2-29 regarding confidentiality requirements.
  8. Interview the complainant
  9. Interview the suspect
  10. Refer to the section on patrol responsibilities in GO 2-28 regarding procedures for crime scene preservation; completing the crime report; property control; media relations.

D. Investigator responsibilities

1. Child victims have little power and depend on law-enforcement officers and social services agencies to take action in whatever way is needed to lessen their victimization. In collaboration with the commonwealth's attorney, CPS, and other relevant authorities, the investigator shall determine whether or not criminal prosecution is the best means to achieve that end. Short of an arrest, protective and removal orders may be appropriate.
2. The investigator shall place a high priority on coordinating and communicating at every component of the case with appropriate social services agencies (e.g., CPS, Juvenile and Domestic Relations Court, court-appointed guardian, or child advocate).
3. Either the investigator or the patrol officer must report any child abuse/neglect to the Department of Social Services. A copy of the offense report must be sent of Social Services. Under § 63.2-1509, law-enforcement officers are mandated reporters of abuse or neglect.

## Investigative Resources

Several resources exist which help law enforcers refine investigative skills in child physical and sexual abuse, and neglect. Printed resources, however, go out of date, are revised or updated, and new ones appear each year. Although several publications are listed here, contact the resource agencies for lists of their latest publications. Note that most of these publications are free of charge.

1. *National Center for Missing & Exploited Children*, 1-800-843-5678 (<http://www.missingkids.com>), 2101 Wilson Blvd., Suite 550, Arlington, VA 22201-3077.

Federal law created the National Center which provides free services and resources including technical case assistance, a 24-hour, toll-free hotline, publications, expert investigative on-site assistance, forensic services, and photograph and poster preparation and distribution, to note the most significant services. The 800 number above gives access to the hotline (plus case management and lead/information analysis). The hotline can also be reached at 703-235-3900 (or [74431.177@compuserve.com](mailto:74431.177@compuserve.com)). Recently, the National Center created the National Child Pornography Tipline, 1-800-843-5678. Some of the National Center's free publications which are designed for law enforcement include:

*Missing and Abducted Children: A Law Enforcement Guide to Case Investigation and Program Management*

*Child Molesters: A Behavioral Analysis*

*Child Sex Rings: A Behavioral Analysis*

2. *National Clearinghouse on Child Abuse and Neglect Information*, PO Box 1182, Washington, D.C. 20013-1182, 703-385-7565, 1-800-FYI-3366.

The National Clearinghouse publishes a "User Manual Series" designed to provide guidance to professionals involved in the treatment and prevention of child abuse and neglect. Some of the National Clearinghouse's free publications include:

*A Coordinated Response to Child Abuse and Neglect: A Basic Manual*

*The Role of Law Enforcement in the Response to Child Abuse and Neglect*

*Child Sexual Abuse: Intervention and Treatment Issues*

*Using Crisis Intervention in Child Abuse and Neglect Cases*

3. *Juvenile Justice Clearinghouse, Office of Juvenile Justice and Delinquency Prevention (OJJDP)*. Through the National Criminal Justice Reference Service (NCJRS), the Juvenile Justice Clearinghouse publishes several free guides that can be ordered by sending an email request to [askncjrs@ncjrs.org](mailto:askncjrs@ncjrs.org) or by writing the Juvenile Justice Clearinghouse at PO Box 6000, Rockville, Maryland 20849-6000, or by calling 1-800-638-8736. NCJRS can be reached

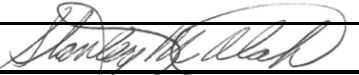
at <http://www.ncjrs.org>. The following Juvenile Justice Clearinghouse guides are available (and quote the NCJ number when ordering):

*Battered Child Syndrome: Investigating Physical Abuse and Homicide* (NCJ-161406)  
*Interviewing Child Witnesses and Victims of Sexual Abuse* (NCJ-161623)

*Photodocumentation in the Investigation of Child Abuse* (NCJ-160939)

*Law Enforcement Response to Child Abuse* (NCJ-162427)

*Sexually Transmitted Diseases and Child Sexual Abuse* (NCJ-160940)

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Sexual Assault</b>		<b>NUMBER: 2-31</b>	
<b>EFFECTIVE DATE: APRIL 10, 2016</b>		<b>REVIEW DATE: 02/22/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O.2-31, DEC.14, 2001, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: NONE</b>			

NOTE: ALL CRIMES OF SEXUAL NATURE WILL BE HANDLE BY SCSO. . OFFICERS WILL CONTACT STREET SUPERVISOR AS SOON AS POSSIBLE. G.O. WILL REMAIN FOR INFORMATIONAL PURPOSES ONLY. This order 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

Children (interviews of sexual assault victims)  
 Dispatcher responsibilities (re: sexual assault)  
 Evidence collection (re: sexual assault)  
 Interviews (of sexual assault victims)  
 Investigator responsibilities (re: sexual assault)  
 Patrol responsibilities (re: sexual assault)

## I. POLICY

The department recognizes the fact that sexual assaults (rape, forcible sodomy, sexual battery, object penetration, incest, child molestation, exploitation of children, and attempts thereof) are personal violent crimes that have great psychological and physical effects on the victims. It is the policy of the department to assist sexual assault victims in a supportive manner, using appropriate crisis intervention skills (see appendix 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 is a department priority.

## II. PURPOSE

To outline a protocol for coordinated preliminary and follow-up investigations of sexual assault and other related offenses.

### III. PROCEDURES

#### A. General responsibilities

1. "Sexual assault" means those offenses involving sexual penetration/contact with any person by force or threat of force, fear, or intimidation, or any attempts to force sexual penetration/contact on any person.
2. Department personnel shall be aware of community services available to victims of sexual assault. Contact information will be found in emergency phone book at the gate.
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 appendix to **GO 2-28**.)

#### B. Dispatch (communication center) responsibilities

1. If hospital personnel call in the sexual assault report, the communications officer 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, dispatch shall observe the following procedures.
    - (1) Try to obtain as much information as possible concerning the crime details. Do not insist on the victim's identity.
    - (2) Encourage the victim to go to the hospital for treatment and evidence collection. Advise the victim that an officer will meet with her there. (Note: the Virginia Supreme Court pays expenses related to the PERK (Physical Evidence Recovery Kit) exam). The Criminal Injuries Compensation Fund applies, per *Virginia Code* § 19.2-368.18.
    - (3) 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 a law-enforcement response, dispatch shall observe the following.
    - (1) Obtain initial information only such as name, present location, telephone number, basic incident details, and victim's condition.



- (2) Ensure the victim's safety. A patrol car shall 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** performing the following activities: washing self or clothes, brushing teeth, eating, drinking, smoking, douching, combing hair or putting on make-up, going to the toilet, and 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), and offer to contact that person if necessary.
  - (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, dispatch responsibilities (**GO 2-28**) for additional procedures.

C. Patrol responsibilities

1. Specific steps common to all preliminary investigations found in General Order on Investigations, **GO 2-14**. The patrol officer has certain immediate responsibilities, as follows.
  - a. The primary concern is the victim's physical well being. Give attention to the victim's emergency medical needs. Ensure safety.
  - b. document pertinent conditions, events, and remarks
  - c. preserve the crime scene. Call the evidence technician.
  - d. locate and identify all victims and witnesses
  - e. interview the complainant, witnesses and suspect

- f. The officer shall be alert to any suspect in the vicinity. Give crime broadcast, if applicable.
  - g. The officer shall explain his or her role to the victim 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.
  3. Obtain preliminary statements from victim and witnesses. Try to establish rapport and get only the needed information. (See appendix to **GO2-28**.)
  4. The officer shall inform the victim, preferably in writing, of counseling services available in the area. (Inform the victim that the Criminal Injuries Compensation Fund 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 dispatch. Offer to contact this person if necessary.
  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. If the assault occurred more than 72 hours before, the officer shall still encourage the victim to seek medical help.
  6. See Patrol, **GO 2-12**, Investigations, **GO 2-14**, and Victim Services, **GO 2-28**, for additional guidance. If the situation dictates have dispatch contact the investigator.

D. Investigator responsibilities

1. The investigator shall obtain a complete report from the patrol officer assigned to the case. Steps common to all follow-up investigations outlined in General Order on Investigations, **GO 2-14**.
2. The initial contact with the victim may happen in different ways:
  - a. At the crime scene: The patrol officer shall protect the 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 shall 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 department: Before interviewing, review the patrol officer's report and establish rapport with the victim by allowing her or him to ask preliminary

questions or voice initial concerns.

3. The investigator shall be trained in sexual assault procedures.
  - a. The investigator shall allow the sexual assault crisis worker to be with the victim for 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?
    - (2) Assailant: Name, if known? Age? Race? Color of hair? Clothing? Height? Weight? Identifying marks? Relationship to victim, if any?
    - (3) Multiple assaults occur? Other crimes committed?
    - (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 do? Other degrading acts? Did he ejaculate? Was there penetration? What was said?
    - (5) How long was assailant with you?
    - (6) What did you or the assailant do immediately after the attack?
    - (7) Concerns about prosecuting?
  - c. At the conclusion of the interview, the investigator shall ask about any additional assistance needed. (Counseling services are always recommended.)

Available services contact numbers can be found in emergency book at gate.

- 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.
  - f. As soon as practicable, alert the victim/witness advocate that a sexual assault has occurred. Provide the information necessary for staff to contact the victim.
5. See **GO 2-14** and Victim Services, **GO 2-28**, Investigator responsibilities, for additional guidance on follow-up procedures.
  6. See **GO 2-14**, investigator responsibilities for guidance on case screening, continuing or suspending investigation efforts, and case file management. Specific details regarding case file management system can be found in **GO 2-39**, Forms.

## **NOTE CONCERNING GENERAL ORDER 2-31, 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 (*Virginia Code* § 18.2). Each victim requires strong support from medical, legal, law enforcement, victim/witness, 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 an 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 not reported. 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. As rapists are recidivists (repeaters), law-enforcement officers, with the aid of several written reports, can often identify the person based on his similar mode of operation and description.

Officers 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, nonjudgmental way.

Most 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.

### **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, stalking, and indecent exposure. Direct assaults include rape, incest, child molestation, sodomy, and attempts thereof. The two most severe 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, brother/sister, grandfather/granddaughter, uncle/niece, etc. Coercion is built on trust and love rather than violence. The offender is often immature with low self-esteem. 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 penetration against the will of the victim. It may include many different sexual acts--vaginal, oral, anal intercourse, object penetration, plus other humiliating acts (urination by offender, lewd remarks, and physical injury). Rapists commonly have low self-esteem, desire for dominance, frustration and instability. They may be anti-social and violent. Social pressures may 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 sexually transmitted disease, pregnancy, and injuries. At first, the victim will experience confusion, shame, and fear. Later on, helplessness, worthlessness, isolation, distrust, anger, fear, and guilt will become strong feelings. Trouble may persist in the form of inability to express affection, relate to family members, or trust others. Crisis counselors trained to deal with sexual assault can help victims cope with the assault and find a resolution to the incident and their 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 or evidence technician, 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, hairs, fibers, or other pieces of trace evidence, or that might 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 a car, gather sweepings from seats and floors, search floor mats and seat covers for stains.
7. If entry was forced into the victim's residence, gather samples of broken glass, paint samples, and note any pry marks or other signs of forced entry.
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, as dictated by the nature of the assault.



## **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, Sexual Assault Crisis Center/counselor, and victim/witness staff.

- 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 disclosure 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 may like 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: Interruption, distracting an already short attention span, or diverting focus of interview will make a self-conscious or apprehensive child withdraw.
  - 4. Support: If the child wishes a parent (if appropriate) or other person present, allow it. 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 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. (It 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 at 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 the following words: 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. Ask HOW questions ("How did you end up in the car with ---?")
3. Never threaten or try to force a reluctant child to talk. Pressure causes a child to clam up and may further traumatize him/her.
4. Be aware that the child who has been instructed or threatened not to tell by the offender (**especially** 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). These fears often need to be allayed. Be comforting but never lie to the child.
  - "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 the 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, wiener) 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 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, *Sesame Street*, your brother's bedtime?"

4. WHERE

The assault usually occurs in the child's and/or offender's home. Information may be learned about which room, where other family members were, where child was before assault.

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?"

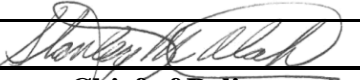
C. Assessing Credibility and Competency.

1. Does child describe acts or experiences 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? To whom has the child reported?
4. How many times has child given history and how consistent is it regarding the basic facts of the assault?
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 because they may not understand the concepts. A sample question designed to elicit the child's comprehension of truth and lying might be, "If I told you that I was wearing a purple dress, would I be telling the truth or a lie?")

IV. *Closing the Interview.*

- A. Praise/thank child for information/cooperation.
- B. Provide information. The victims advocate can be contacted through Nelson County Sheriff's Office dispatch center.
  1. Child: Do not extract promises from a 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 the process.
  - D. Answer questions; solicit responses.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Domestic Violence</b>		<b>NUMBER: 2-32</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/26/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-32 December 14, 2001, December 14, 2004 , JAN,7, 2007, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.23.02, OPR.13.01</b>			

**NOTE**

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**INDEX WORDS**

- Arrests; in domestic disputes
- Dispatcher responsibilities (re: domestic violence)
- Domestic violence
- Family violence
- Firearm; purchase or transport while subject to a protective order
- Interviewing (participants of domestic disputes)
- Patrol officer's responsibilities (re: domestic violence)
- Predominant physical aggressor
- Protective orders
- Search of premises
- Stalking
- Victims; of domestic violence

**I. POLICY**

The department assigns domestic or family violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance call

shall (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

## **II. PURPOSE**

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, describe measures to end violence and protect victims.

## **III. DEFINITIONS**

### **A. Assault**

See *Virginia Code* §§ 18.2-57 and 18.2-57.2 ("Assault and Battery Against a Family or Household Member," which upon a third or subsequent conviction of the same or similar offense of any jurisdiction within a ten-year period shall be treated as a Class 6 felony).

1. A related matter, § 18.2-60 criminalizes the sending of letters to anyone threatening death or injury (Class 6 felony).
2. A magistrate issuing a warrant for violation of § 18.2-57.2 shall also issue an emergency protective order.

### **B. Domestic violence shelters/programs**

Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.

### **C. Family abuse**

Any act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of serious bodily injury and which is committed by a person against such person's family or household member (§ 16.1-228).

### **D. Family or household member**

Per §§ 18.2-57.2, 16.1-228, and 19.2-81.3, includes:

1. Spouses, whether or not residing in the same home.
2. Former spouses, whether or not residing in the same home.

3. Persons who have a child in common, whether or not they have ever been married or resided together.
4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters who reside in the same home with the suspect.
5. Parents-in-law, children-in-law, brothers- and sisters-in-law who reside in the same home with the suspect.
6. Persons who cohabit or who, within the previous 12 months cohabited with the suspect, and any children of either whom then resided in the same home as the suspect.

[Juvenile and Domestic Relations Court hear Warrants against family/household members.]

E. Predominant physical aggressor (OPR.13.01.b)

(See § 19.2-81.4) The party that poses the greatest threat. The predominant physical aggressor **is not necessarily the first** disputant to engage in assaultive behavior, but the one with the most ability and inclination to inflict physical injury. Officers shall identify a predominant physical aggressor based on the **totality of the circumstances**. Some or all of these characteristics may be present:

1. Evidence that any of the parties acted in self-defense.
2. A history of violence (prior assault convictions) of the parties involved, including history of calls for service.
3. The relative severity of injuries inflicted on all parties, plus consideration whether the injuries were offensive or defensive.
4. The relative size, bulk, and strength of the parties involved.
5. Evidence from persons involved in or witnesses to the incident.
6. The likelihood of future injury to any party.
7. Current or previous protection orders filed against either party.

F. Protective order

A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, plus other measures (see § 16.1-279.1). A protective order may be valid up to two years. Officers must be aware of two types of protective orders:



1. A law enforcement officer may request an emergency protective order (see § 16.1-253.4) by telephone or in person (or by an allegedly abused individual in person) from a judge or a magistrate. The emergency protective order aims to protect the health or safety of **any person**. It must be put in writing as soon as possible by the officer on form **DC-626**. The order expires 72 hours after issuance, but if the expiration of the 72-hour period occurs when the court is not in session, the protective order shall be extended until 5 p.m. of the next business day that the court is in session. The officer shall serve a copy of this order on the respondent and give a copy to the abused family/household member. The officer shall forward the original to the issuing judge or magistrate for verification, who then files it with the Juvenile and Domestic Relations Court within five days of issuance. The officer shall request that Stafford Dispatch enter order into VCIN as soon as possible, with an update of the record upon service of the order. Note that a law-enforcement officer may request an extension of an emergency protective order if the person in need of protection is mentally or physically incapable of doing so.
2. An abused/family household member may petition for a **preliminary** protective order (see § 16.1-253.1) through the Court Services Unit. After an *ex parte* hearing and based on immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred, the court may issue a preliminary protective order (protecting the petitioner **or** his or her family) which is valid pending a full hearing which is to be held within 15 days of the issuance of the protective order. Officers shall serve the order as soon as possible on the abuser and shall specify a date for the full hearing. The officer shall leave a copy of any order with the abused person. The officer shall request that Stafford Dispatch enter order into VCIN as soon as possible, with an update of the record upon service of the order.
3. Note that protective orders are available for victims of stalking. Stalking protective orders function like those outlined above. Victims must petition the Circuit Court if the stalker is not a family member. If the stalker is a family member, then the Juvenile and Domestic Relations Court is appropriate.
4. Any person violating the provisions of a protective order as outlined in § 16.1-253.2 shall be guilty of a Class 1 misdemeanor.
5. Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in Virginia.

G. Purchase or transportation of a firearm by a person subject to protective orders

§ 18.2-308.1:4 prohibits any person subject to a protective order (as defined in the statutes cited in this order) from purchasing or transporting a firearm while the order is in effect, punishable as a Class 1 misdemeanor. Firearms transported or purchased in violation of this law shall be confiscated and subject to forfeiture.

## H. Stalking

Any person who on more than one occasion engages in conduct directed at another person with the intent to place, or with the knowledge that the conduct places, that other person or the person's family or household member in reasonable fear of death, criminal sexual assault, or bodily injury, shall be guilty of a Class 1 misdemeanor (§ 18.2-60.3). Further, upon a conviction the court shall impose an order prohibiting contact between the offender and the victim or victim's family.

1. Stalking behaviors include following a person to home, work, and other places, parking outside home or office, threatening notes or telephone calls, threats.
2. A person who violates any provision of a protective order related to stalking is guilty of a Class 1 misdemeanor (§ 18.2-60.4).

## IV. **PROCEDURES - General responsibilities**

- A. Department personnel shall refer victims of domestic violence to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs). Where possible, officers shall help victims directly access referral agencies. (See also VII.G.5.) Referrals help prevent future disturbances.
- B. Department personnel shall be trained about domestic violence and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.
- C. Dispatch (communications center) responsibilities
  1. Because dispatch is likely to be the first person to receive the call, he or she is instrumental in determining the type of response.
  2. The communications officer is responsible for deciding whether an officer is needed at the scene. To make that decision, dispatch shall determine the following, if possible:
    - a. Who is complaining? Phone number? Whereabouts and identity of the assailant/aggressor?
    - b. Name of caller and location of incident? Location of caller and complainant, if different? Phone numbers?
    - c. Is the crime (incident) in progress or when did it occur?
    - d. Is a weapon involved?

- e. Have people at the scene been injured? Is an ambulance needed?
  - f. Presence of children? Witnesses?
3. At this point, if evidence of injury or a weapon exists, someone has threatened violence, or the complainant requests an officer, dispatch one immediately (two officers preferred) and an ambulance, if needed. The dispatch shall perform a VCIN inquiry and give the results to the responding officer(s) before their arrival at the scene. Keep the caller on the telephone, if possible, and obtain additional information:
    - a. Assailant's whereabouts? If not known, obtain vehicle description, direction of travel, and elapsed time and access to weapons.
    - b. Were alcohol or drugs involved?
    - c. A history of calls to this address? Outstanding warrants on disputants? Probation/parole status of assailant/aggressor?
    - d. A history of previous arrests?
    - e. A protective order in effect?
  4. The communications officer shall maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. Dispatch shall advise the victim of the intended department response. Use crisis intervention skills. (See Appendix to **GO 2-28**.)
  5. The communications officer shall provide the responding officer with as much information as possible to identify risks at the scene.
  6. See Victim Services, **GO 2-28**, dispatch responsibilities.

## **V. PROCEDURES - Patrol responsibilities**

### **A. Arrival at the scene**

1. Obtain all available information from dispatch before arrival.
2. Approaching the scene.
  - a. When possible, officers should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.
  - b. Avoid the use of sirens and other alarms in the vicinity of the scene. The assailant might be dangerous and could turn a weapon upon arriving officers.

- c. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.
  - d. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
  - e. 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 and not in front of windows when knocking. The unexpected may occur when the door opens.
3. Initial contact with occupant(s).
- a. Identify selves as law enforcement officers by name, give an explanation of your presence, and request entry into the home (when conditions permit). Ascertain identity of complainant, and ask to see him or her and any other person at the home.
    - (1) Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Officers shall not leave without interviewing the complainant.
  - b. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.
  - c. Refusal of entry or no response to a knock at the door may require a forced entrance **only** if officers have a reasonable suspicion that the safety of people inside may be in jeopardy.
    - (l) In deciding to make a forced warrantless entry, officers shall evaluate the following elements:
      - (a) The degree of urgency involved and the time required to get a warrant.
      - (b) The possibility of danger to others, including officers left to guard the site.
      - (c) Whether the suspected offense involved violence.

- (d) Whether officers reasonably believe that persons may be armed.
- 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 also applies if the man and woman are unmarried cohabitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.
  - (2) If the complainant has asked for law enforcement assistance in retrieving personal property from his or her residence, the officer must first determine if the complainant has lawful authority to do so. If so, the officer shall stand by to preserve the peace, but may advise the disputants that rights to any disputed property can only be determined by the courts.
- 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 (example: officers believe that someone, perhaps children, is in need of emergency 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 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.
  - (2) Finally, officers are reminded that they have a lawful right to investigate any situation which they reasonably believe to be an emergency.
- f. Once inside, establish control by:

- (1) Inquiring about the nature of the dispute.
  - (2) Identifying disputants.
  - (3) Being aware of potential weapons in surroundings.
  - (4) Determining if persons are in other rooms, whether children or adults, and the extent of any injuries (these persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised).
- g. Protect the victim from further abuse. Separate the victim from the assailant and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph the victim's injuries.
  - h. Ascertain whether a protective order has been violated.
  - i. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If officers determine that weapons should be removed from the premises, contact the field supervisor. Refer to VII.FA.6,7 regarding § 18.2-308.1:4 which prohibits persons under protective orders from purchasing or transporting firearms.
4. Transporting family/household members to the hospital, safe shelter, or magistrate. See § 16.1-253.2 and **GO 2-28** (concerning transportation services for victims).
    - a. Officers shall assist victims in obtaining transportation to another location as they wish or as the circumstances require. If necessary, officers may transport victims.
    - b. If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must determine that the complainant has lawful authority to do so; must advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the officers' function is to maintain order; that any dispute over property is a matter for the courts to decide.

**B. Interviewing all disputants**

1. Ensure safety and privacy by interviewing the victim in a place separate from the assailant, if identifiable.
2. Critical to the success of the interview is the officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal

communications signals (see appendices to **GO 2-28**).

3. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.
4. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.) Although the disputants may be separated, officers shall remain within sight and hearing of each other.
5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts (which allows the parties to point out anything that might be misrepresented).

C. Interviewing the victim

Ascertain the following information from the victim:

1. What happened.
2. Any injuries, who caused them, and what weapons or objects were used.
3. Relationship to assailant.
4. Any threats made against victim or others.
5. Forced sexual contact against victim's will.
6. Any court cases pending against assailant or any protective orders in effect.
7. Is assailant on probation or parole.
8. Did assailant threaten others, particularly children, damage property, or hurt pets.

D. Interviewing witnesses

1. Interview any witnesses to the incident--children, other family members, neighbors--as soon as possible. See "Gathering Evidence" under section VII.F.8 (witness statements).
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.

4. 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.

## VI. PROCEDURES - Issuing an emergency protective order (OPR.13.01.f)

- A. If an officer has at least a reasonable belief that family abuse has occurred and there exists probable danger of further abuse, the officer shall petition a judge or magistrate to issue an emergency protective order. Officers shall advise the victim, too, that he or she can request an emergency protective order directly from a magistrate. (ADM.23.02.e)
- B. An officer can petition for an emergency protective order by telephone or in person.
- C. An emergency protective order shall expire 72 hours after issuance. If the expiration of the 72-hour period occurs at a time that the court is not in session, the order shall be extended until 5 p.m. of the next business day. The officer shall attempt to serve the order as soon as practicable to the assailant.
- D. The officer shall complete form DC-626 and serve a copy to the respondent as soon as possible. The clerk/communications officer shall enter the relevant information into VCIN as soon as possible and update the entry upon service of the order.
- E. The officer shall submit the original order to the issuing judge or magistrate, provide a copy to the victim, and attach a copy to the incident report.

## VII. PROCEDURES - Arrests: (OPR.13.01.a)

- A. Officers may make an arrest without a warrant if they have probable cause to believe that a felony has been committed in or out of his or her presence (§ 19.2-81). The *Code* specifies the misdemeanors for which officers can arrest for offenses not committed in their presence. Further, **the department promotes a policy of arrest when the elements of an appropriate offense are present**. Officers are reminded that they cannot release the abuser on a summons, but must take the abuser before a magistrate. See GO 2-1 for a discussion of probable cause to arrest and GO 2-4 for guidelines on arrests.
- B. Officers who develop probable cause that a person was the predominant physical aggressor in a violation of § 18.2-57.2 (assault/battery against a family/household member) or § 16.1-253.2 (violation of a protective order) shall arrest and take him or her into custody (§ 19.2-81.3). (If the "no contact," "no trespass," or "no further abuse" provision of a protective order is violated, then it is treated as its own Class 1 misdemeanor offense.)
  1. When the safety of the complainant or victim could be compromised by an arrest, or some other circumstance precludes physical arrest, the officer must decide, within his or her discretion, whether to arrest. Officers shall not instruct victims to obtain warrants for applicable offenses; officers themselves shall obtain the warrants if circumstances so require. If circumstances nevertheless dictate no arrests, see V.E below.



- a. If an arrest is made, advise the victim that the case **may** be prosecuted even if the victim later declines to testify.
  - b. If officers cannot identify a predominant physical aggressor, then they should not make an arrest (but thoroughly document the incident). Further, officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.
2. In cases where the conditions of a protective order have been violated (§ 18.2-119), officers shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") are violated then the officer shall arrest the violator if probable cause exists. Officers shall honor court orders from other states. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.
3. Officers making arrests under § 19.2-81.3 shall petition for an emergency protective order (§ 16.1-253.4). If the officer does not arrest but a danger of family abuse still exists, the officer shall petition for an emergency protective order.
- a. If children are involved in the incident, officers shall contact the on-call Child Protective Services worker **if** a child is abused **or** neither parent can reasonably look after the child's safety and well-being (neglect is a separate, reportable offense).
  - b. If the abuser is not present, officers shall try to serve the protective order as soon as possible and shall so advise the victim once service has been made (and officers shall arrange to have the order entered into VCIN as soon as practicable).
4. In determining probable cause, the officer **shall not** consider:
- a. Whether the parties are married or living together, or their race, sex, ethnicity, social class, or sexual orientation.
  - b. Whether the complainant has not sought or obtained a protective order.
  - c. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
  - d. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
  - e. That the complainant has not begun divorce proceedings.

- f. Assurances from either disputant that violence will stop.
  - g. The lack of visible bruises or injuries.
  - h. Denial by either disputant that violence occurred.
5. Officers shall be alert to the elements of a stalking arrest. Ask victims:
- a. Is the assailant following you or did he or she follow you?
  - b. Is the assailant harassing you or did he or she harass you?
  - c. Is the assailant threatening you or did he or she threaten you?
6. The possibility of other offenses shall not be overlooked. Other related offenses include:
- a. Family sexual assault
  - b. Violation of a stalking protective order (§§ 19.2-152.8, -152.9, 152.10).

C. Factors favoring the decision to arrest

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 the relationship.
- 6. Second call for law enforcement help.
- 7. When a felony has occurred.
- 8. Evidence of drugs or alcohol use at the assault.
- 9. Offenses committed with the officer present.
- 10. Valid warrants on file for other crimes.
- 11. A protective order has been violated. Charge as a Class 1 misdemeanor under § 16.1-253.2.

12. Aggressive behavior toward anyone, pets, anything, or threatening behavior.

D. Making the arrest

1. Arrest the assailant if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.
2. If the assailant is absent, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-lookout" message describing the assailant and arrange for an arrest warrant.
3. If an arrest must be made because a protective order has been violated, verify its validity by:
  - a. Examining the victim's copy, if available.
  - b. Having communications search VCIN or contact the jurisdiction that issued the order to confirm its currency (see VII.B.2).

E. If the abusive person is not arrested

1. Complete an incident report and give a copy or arrange to have a copy given to the victim.
2. Inform the victim that he or she can begin criminal proceedings at a later time. Provide information about how to file a criminal charge, including time, location, and case number, if available, and offer to help in filing charges at a later time.
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 and offer to help the victim obtain them later.
5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers (see V.A.4.b).
6. Give the victim cards with telephone numbers of emergency shelters in the area and the police emergency phone number.
7. Assure the victim that Aquia Harbour Police Department will assist in future emergencies and explain measures for enhancing his or her own safety.

F. Gathering evidence:

1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
2. The victim's account of injuries sustained should be corroborated by a physician.
3. When feasible, take photographs of injuries.
4. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
5. Collect evidence according to the same principles as applied to any crime scene
6. If the assailant is under a protective order and appears to have purchased or transported a firearm, confiscate it as evidence of § 18.2-308.1:4 (see also VII.I.4.c below).
7. Seize any weapons that the primary physical aggressor used or threatened to use in the commission of any crime.
8. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.

G. Documenting the incident: **(OPR.13.01.c)**

1. A report shall be filed for domestic calls, if an offense occurred. All incident reports on domestic violence shall follow general reporting procedures with special attention to the victims services crime report procedure in GO 2-28.
2. Include in all reports of domestic violence:
  - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor.
  - b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
  - c. The victim's statements as to the number of prior calls for law enforcement assistance.
  - d. The disposition of the investigation.
3. If an arrest is not made, the incident must still be documented, where either no probable cause existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
  - a. What referral information was given.

- b. The name of any counselor contacted.
- c. Why no arrest was made, nor any warrant issued.
- 4. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services (see VII.B.3.a above).
- 5. Regardless of whether an arrest is made, the officer shall provide appropriate information to the victim, **both** orally and in writing, about legal and community resources available. **(OPR.13.01.e)**

H. Follow through and follow-up

- 1. Follow-up and follow through on most cases of domestic violence, other than major crime cases, will be handled by the initial patrol officer responding to the call and completing the initial report. This follow-up investigation will include but not be limited to the following:
  - a. reviewing preliminary investigation reports
  - b. conducting additional interviews and interrogations
  - c. preparing case files
  - d. collecting and preserving physical evidence
  - e. identifying and apprehending suspects
  - f. assisting in the prosecution of the case
- 2. On major crime cases, the investigator may be called in. In which case the initially responding officer will be responsible for the preliminary report and securing the crime scene.
- 3. The Victim/Witness Program Coordinator should be notified about any victims in need of services. Typically this can be accomplished through forwarding copies of the report or a voice mail message, but she also may be available on-call for especially serious cases.

I. Arrests of law enforcement personnel (OPR.13.01.g)

- 1. If the predominant physical aggressor or abuser is an employee of this or any law enforcement agency, the responding officer shall summon the field supervisor, who shall in turn notify his or her chain of command.
- 2. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's departmental weapon may be evidence of an offense.
- 3. The on-call investigator shall be summoned who shall begin an internal criminal

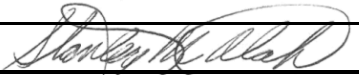
investigation (see RR 1-9 for guidelines on internal criminal and administrative investigations).

- a. If probable cause to arrest exists, the investigator shall arrest and gather evidence (including taking photographs) consistent with this general order.
  - b. The assigned investigator shall work with the responding patrol officer to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The responding patrol officer shall assist in obtaining an emergency protective order.
  - c. The investigator shall speedily present the case to the commonwealth's attorney.
4. Upon termination of the criminal investigation, the chief may assign an officer to undertake an internal administrative investigation into the incident consistent with RR 1-9. The chief may suspend the employee pending the outcome of the investigation.
- a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the property officer.
  - b. If the internal administrative investigation supports a violation of agency policy, the chief of police shall take appropriate action consistent with personnel rules outlined in RR 1-7. Further, if the investigation confirms that domestic violence occurred, the chief of police may require counseling, psychological evaluation, demotion, or termination of employment.
  - c. Recently enacted federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may therefore be unable to maintain their certification.
    - (1) Note that officers who are the subject of a protective order shall not carry firearms. Officers who are the subject of a protective order shall turn in all agency-issued weapons.
  - d. Refer to RR 1-02.V.DD for guidance on arresting officers of other jurisdictions, and RR 1-02.V.P for requirements that employees report court actions to which they have been a party.

5. The chief shall ensure that any court orders or injunctions are served on the employee at the agency. The chief shall ensure that legal papers are served in a private setting so that supervisory personnel can coordinate process service with counseling or psychological services.
  - a. The employee's supervisor shall monitor the employee's behavior. Upon service of any court papers, the supervisor shall be present to review any affidavits supporting such papers. The supervisor shall stay alert to behavior that may be unseemly or indicative of problems requiring professional intervention.
6. **Officers are reminded that RR 1-02.V.T requires notification to the chief of any civil or criminal action pending against them.**

J. Dealing with Repeat Offenders (OPR.13.01.h)

1. When investigating domestic disturbances, officers are reminded to be aware that there may be a history of domestic abuse by either party involved. While a prior history of domestic abuse alone does not constitute probable cause for an arrest, it could be used in addition to the other factors found in Section VII, C. which do favor a decision to arrest.
  - a. Officers should inquire of all parties involved as to whether there is a history of abuse, either locally or in other jurisdictions against “family or household members” s/s 16.1-228.
  - b. If probable cause to arrest exists, the officer shall arrest and gather evidence (including taking photographs) consistent with policy and procedure.
  - c. If and arrest is not made for domestic violence or stalking, the incident still must be documented, where either no probable cause existed, or circumstances dictated another course of action. In such cases officers shall note:
    1. What referral information was given.
    2. The name of any counselor contacted.
    3. Why no arrest was made, nor any warrant issued.
  - d. As with any case involving domestic violence, stalking or related crimes, thoroughly document probable cause to arrest, or the lack of probable cause and still note any findings of repeat offenses.
2. Upon making arrest for domestic assault, officers shall request a criminal history by provided to the Magistrate on duty. Prior offenses may be used by the Magistrate to determine probable cause for the issuance of a warrant for the third subsequent offense Under 18.2-57.2.B a class six felony. The Magistrate may also use the arrestee’s criminal history of determine issuance of bail in accordance with 19.2-120.B.12.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Impounds</b>		<b>NUMBER: 2-33</b>	
<b>EFFECTIVE DATE: September 15, 2016</b>		<b>REVIEW DATE: 02/26/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-33, DEC 10, 2001, DEC, 5, 2006, March 2011, MAR 2016</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.07.12</b>			

**NOTE**

This order 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**

Abandoned vehicles  
Inventory (of vehicles)  
Towing

**I. POLICY**

Officers must understand when the towing and storage of vehicles is appropriate and legal. Abandoned vehicles constitute a public nuisance, a hazard to traffic, and citizens view their removal as an essential police service. Likewise, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes. In either case, a motor vehicle is an important piece of personal property that must be managed and supervised if it enters police custody. Whenever possible, owners or operators of vehicles for which towing is required will be encouraged to specify a towing service of their own choice.

**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 officers have obtained necessary investigative information. 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 use departmental vehicles to push cars unless equipped with push bars and the officer has been trained in its use.
2. If the procedure above is not possible and a traffic hazard results, the officer may order towing of the vehicle at the owner's expense.

B. Emergency

Any vehicle found illegally parked in the vicinity of a fire, traffic, or 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 towed on an officer's orders at the owner's expense. Vehicles being used by radio, television, 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 a disabled vehicle is not promptly removed and creates a traffic hazard, the officer may order the vehicle towed at the owner's expense.

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 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 issue a parking summons and order the vehicle towed at the owner's expense. **(OPR.07.12.a)**

F. Unattended traffic hazard/violation of law

1. Officers may tow any unattended motor vehicle found on a public street or grounds that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law. **(OPR.07.12.c)**
2. On the first offense of this nature an WARNING sticker will be affixed to the windshield or where appropriate. A notation will also be made in the Parking Violation File documenting the type vehicle, license plate, date and time of offense etc.

3. On the second or subsequent offense (after officer has expended a reasonable effort to locate owner of vehicle (guest, employee etc.)), vehicle will be towed at the owners expense Shanks Towing ( 540-710-1628)or where appropriate and documentation will be per paragraph **IV Towing Procedures** and the utilization of form filled out by the responding officer.

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 officer may order it towed at the owner's expense.

H. Abandoned vehicle (OPR.07.12.b)

1. Whenever any motor vehicle is abandoned upon public or privately owned property without the permission of the owner, lessee, or occupant thereof, the officer may order it towed at the owner's expense.
2. A vehicle may be presumed to be abandoned if it lacks either a current license plate, a current county, city, or town tag or sticker or a valid state inspection, and it has been left unattended on public property (other than an interstate or primary highway) for more than 48 hours or on private property for more than 48 hours without the property owner's consent, regardless of whether it was brought onto the private property with the consent of the owner

I. Removal from private property (OPR.07.12.d)

1. No removal shall be ordered from private property under subparagraphs G and H above.
2. Property or business owners may act immediately to have vehicles towed which are occupying a lot, area, space, building or part thereof without their permission.
3. Current Aquia Harbour Police Department form will be utilized to document the removal

J. Evidence/crime involvement

1. Vehicles that are of evidentiary value or involved in commission of a crime shall be first processed in accordance with the most current revision of GO 2-15 and 2-16 where applicable. Only upon supervisory approval will a vehicle of this nature be towed and stored at Shanks Towing lot.

2. Vehicles that have been knowingly used by the owner or by another for unlawful purposes such as terrorism, drugs, etc shall be seized and forfeited to the Commonwealth as provided by the Code of Virginia.

K. DUI vehicles

A vehicle driven by a DUI suspect that is legally and safely parked shall be locked and left there if the arrestee consents. The arrestee may turn the keys over to a friend or relative who will move the vehicle, or the suspect may request a particular garage tow the vehicle. 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 officer may order it towed for safekeeping at the owner's expense.

**IV. TOWING PROCEDURES**

- A. Officers shall know under which provisions (subparagraphs A-K above) and laws the vehicle shall be towed.
- B. Preferably, use the vehicle owner's or operator's choice of towing company.
- C. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer shall ask the dispatcher to send a wrecker.
- D. In an emergency involving major traffic congestion owing to a disabled vehicle, the officer shall so notify the dispatcher and shall request a wrecker.
  1. If the vehicle involved in an emergency is larger than the normal passenger vehicle or pickup size, the officer shall so advise the dispatcher who has a separate list of specially equipped wrecker services.
- E. Dispatchers shall log each instance of calling a tow service. The dispatcher shall log the time he or she called the tow service.
- F. When the wrecker arrives on the scene, the officer shall advise the dispatcher of time of arrival and any other subsequent problems.
- G. Dispatchers shall be notified of all requests to tow vehicles by officers or owners of private property and the officer making the request shall record date, time, place towed from and to, license number, make or model, and color of vehicle in the towing form. (**OPR.07.12.e**)

**V. INVENTORY**

A. Authority and purpose

A motor vehicle inventory is an administrative procedure designed to protect vehicles and

their contents while in departmental custody. Any motor vehicle inventory must strictly observe the provisions of this general order. The purpose of the inventory is to protect the owner's property and to protect the department against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:

1. The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver.
2. After towing the vehicle for violations, safety reasons, or other purposes as defined by law.

B. Inventory vs. search

An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search and as such is governed by GO 2-1, constitutional safeguards.

- C. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall 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 2-1 and GO 2-5 for further details.

- D. A vehicle inventory report shall be completed whenever an officer assumes responsibility for towing a vehicle, and shall complete an inventory at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later.

- E. Before the vehicle is removed, officers may obtain the signature of the tow truck driver on the inventory report.

F. Inventory procedures

1. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments as long as the officer has a key. Locked or sealed items shall not be forcibly entered if doing so will damage them. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the engine compartment, passenger compartment, trunk and glove compartment. ***[Note: If a question arises about forcible entry into locked containers or compartments, contact your commonwealth's attorney.]***
2. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents.
3. Any evidence, contraband, fruits or instrumentality's of a crime discovered during an inventory shall be handled per evidence procedures as outlined in GO 2-15 and GO 2-16.

## NOTE CONCERNING GENERAL ORDER 2-34, COMMUNICABLE DISEASES

Sections VII.A and B of General Order 2-34 concern a department's handling of employees who may become infected with a communicable disease in the line of duty. As this order is written, departments may require employees to submit to testing after an accident has occurred in which an employee was bitten, cut, injured, or otherwise came into contact with body fluids of another person. Note that the order presumes that the department's health care insurer may require such testing. Law-enforcement executives should understand, however, that the legality of such a requirement--that employees must undergo testing following an incident--is open to question. Executives must review, with competent legal help, the provision of their health care contract to decide whether or not they have the authority to order employees to submit to tests for communicable diseases.

Similarly, Section V.H.12 requires officers, before releasing a crime scene to the owner of the property, to advise the owner of an infection risk and request that the owner contacts the local health department for advice. Some law-enforcement executives may feel that this provision as written may not go far enough to ensure that the owner does not become infected from fluids or materials left at the scene. Executives, then, should modify this provision to suit their own notions of appropriateness. At a minimum, however, officers should always advise property owners or occupiers of the health risks.

The federal government requires many states, including Virginia, to enact laws outlining requirements for minimizing employees' occupational exposure to bloodborne pathogens. The 1991 regulations, published by the Occupational Safety and Health Administration (OSHA) require law-enforcement managers, among others, to limit occupational exposure to blood and other fluids or materials that might aid the transmission of pathogens which cause disease or death. The regulations cover *all employees who could be "reasonably anticipated"* to come into contact with blood or other infectious materials. "Infectious materials" includes, for policy purposes, virtually any body fluid. To comply, law-enforcement executives must undertake the following:

1. Develop a written exposure control plan. The plan must identify not only tasks and procedures but also job positions where occupational exposure to blood occurs, *without* regard to protective equipment or clothing. The plan must also include a schedule for implementing other provisions of the OSHA standard, and describe procedures for evaluating exposure incidents. The plan must be made available to employees--though not necessarily included in a policy--and it should be reviewed and updated at least annually.
2. Develop universal precautions. Universal precautions refer to treating all body fluids and associated materials as potentially infectious. Workplace controls should be articulated and implemented. Such controls include a requirement that employees wash hands, for example, when exposed to fluids. These controls should set forth procedures to require employees to undertake certain measures to minimize infection risks, such as when punctured with needles, splashed with blood, as well as to ensure proper packaging and labeling of fluids and related materials. *Employers must provide appropriate facilities for employees to exercise these controls.*
3. Provide employees with personal protective equipment, at no cost, including gloves, mask, mouthpieces, and bags.
4. Develop a written schedule for cleaning and decontamination of equipment, specifying procedures to be followed upon contact with fluids or blood.
5. Provide vaccinations, at no cost to employees, against hepatitis B. The vaccinations must be made

available to all employees who have occupational exposure to blood within 10 working days of assignment. Employees who refuse this service must sign a declination form, but may later opt to receive the vaccination.

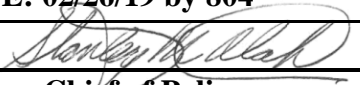
6. Specify procedures to be made available to all employees who have had an exposure incident with the further proviso that any laboratory tests must be conducted by an accredited laboratory at no cost to the employee. The follow-up must include a confidential medical evaluation documenting the circumstances of the exposure, identifying and testing the source person, if available, plus testing of the employee's blood if he or she consents, and counseling and evaluation of any reported illnesses.

7. Affix warning labels or biohazard symbols to any containers or waste involving body fluids or associated materials.

8. Provide training initially upon assignment of personnel, and at least annually on bloodborne pathogens. The training must include making accessible a copy of the OSHA regulations, and explanation of them, discussion of bloodborne diseases and their transmission, the exposure control plan, workplace controls, personal protective equipment, exposure procedures, hepatitis B vaccinations, and labeling of materials. The training must include a question-answer session.

9. Maintain medical records for each employee with occupational exposure for the duration of their employment plus 30 years. The files must be strictly confidential and must include name, Social Security number, hepatitis B vaccination status (including dates), a copy of the healthcare professional's written opinion; and a copy of the information provided to the healthcare professional for evaluation. Further, medical records must be made available to the subject employee. Training records must also be kept for a minimum of three years and must include dates, contents of the training program or a summary, trainer's name and qualifications, names and job titles of all employees attending the sessions.

*[Most of the above information on the OSHA regulations comes from "Occupational Exposure to Bloodborne Pathogens; Final Rule--1910.1030, as adopted by the Virginia Occupational Safety and Health Codes Board, February 25, 1992.]*

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Communicable Diseases</b>		<b>NUMBER: 2-34</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/26/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-34, OCT 1994, JAN 2002, JAN 2007</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>FEB 2011</b>		<b>VLEPSC STANDARDS: PER.10.01, OPR. 8.06</b>	

**NOTE**

This order 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**

AIDS  
 Acquired Immune Deficiency Syndrome  
 Communicable Diseases  
 Diseases  
 Evidence  
 possibly contaminated  
 Exposure control program (communicable diseases)  
 HBV  
 Hepatitis A/B  
 HIV  
 Human Immunodeficiency Virus  
 Infectious diseases  
 Occupational exposure  
 Personal protective equipment  
 Training;  
 responsibilities concerning infectious diseases  
 Tuberculosis  
 Vaccinations

**I. POLICY**

The department bears an obligation to the public and to its own personnel to increase awareness about risks, modes of transmission, and procedures for handling communicable diseases such as hepatitis A/B, tuberculosis, HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome), and AIDS-related infections. Although, of the diseases mentioned, AIDS has received the

most notoriety, all present hazards to law-enforcement officers: hepatitis A/B and tuberculosis are more infectious than HIV, for example.

All personnel must understand that the focus of the news media on AIDS has dealt with so-called "high risk" groups, i.e., homosexual men, intravenous drug users, and prostitutes. As a matter of practice, the department does not recognize high-risk groups since health and legal experts maintain that the actual risk of contagion comes from high-risk **behavior**. Anyone--including members of the department--might conceivably behave in a way that promotes risk of infection. Further, the long incubation periods associated with diseases such as HIV (years) render testing difficult. Accordingly, officers shall act responsibly in minimizing the risk of infection when dealing with **any** person, male or female, child or adult, or with **any** body fluids. A few simple precautions, however, will avoid the risk of infection almost entirely.

Officers cannot refuse to work with or handle anyone--victim, complainant, or suspect--because of the officer's fears of possible infection. Personnel shall not refuse to arrest or otherwise refuse to handle any person in a legitimate law-enforcement context, provided that appropriate protective equipment is available. The measures provided herein will assist officers in carrying out their duties while simultaneously minimizing health risks.

The most likely danger from contact with HIV or other communicable diseases comes from handling blood or other body fluids as evidence or at the scene of injury or death. The department does expect officers to exercise caution when handling evidence, to which end the following procedures are set forth. One point bears repeating, however: officers have **no way** to determine with certainty if a citizen is infected with a communicable disease.

The department shall provide employees, continuously, with information and education on prevention of communicable diseases, as well as safety equipment and procedures to minimize their risks of exposure. The department has instituted post-exposure reporting, evaluation, and treatment for all members exposed to communicable diseases.

Finally, the department advises all personnel that they shall not receive discriminatory treatment nor bear any stigma if they contract a communicable disease that becomes known to the department. Legally, a communicable disease **is** a handicap under federal law so discrimination against infected persons is illegal.

The department expects officers to become educators in their law-enforcement work. Officers can advise children, drug users, or prostitutes of the risks of infection and can further distribute educational literature. Additionally, officers may refer citizens to health agencies such as the American Red Cross and the local health department. Department personnel, then, may set an example in demonstrating rationality and confidence in dealing with communicable diseases.

## **II. PURPOSE**

The purpose of this order is to establish guidelines and procedures to be followed when a member of the department is exposed to a communicable disease with a risk of major illness or death, and for handling of evidence or property that may be contaminated. This General Order is the written exposure control plan of the Department.



### III. DEFINITIONS

#### A. Communicable disease

An infectious disease capable of being passed to another by contact with an infected person or his/her body fluids or on an object.

#### B. HIV (Human Immunodeficiency Virus)

The virus that causes AIDS. HIV infects and destroys certain white blood cells, undermining the body's ability to combat infection. (Also named HTLV-III or LAV). Technically speaking, this general order aims to reduce the chance of HIV transmission, the virus that causes AIDS. HIV is transmitted through very specific body fluids, including blood, semen, vaginal fluids, and breast milk.

#### C. ARC (AIDS-Related Complex)

A condition caused by the aids virus (HIV) and has a specific set of symptoms. Such symptoms include persistent fever, weight loss, skin rashes, diarrhea, and swollen lymph nodes. Although these symptoms may be debilitating, they are generally not life-threatening.

#### D. AIDS (Acquired Immune Deficiency Syndrome)

A bloodborne and sexually transmitted disease that attacks and destroys the body's immune system. It makes people susceptible to infections, malignancies, and diseases not generally life threatening to persons with normal immune systems. AIDS also causes disorders of the central nervous system. There is no vaccine against the virus. Personnel are advised that AIDS is **not** transmitted through any of the following (according to the Centers for Disease Control):

1. Sneezing, coughing, spitting.
2. Handshakes, hugging, or other nonsexual physical contact.
3. Toilet seats, bathtubs, or showers.
4. Various utensils, dishes, or linens used by persons with AIDS.
5. Articles worn or handled by persons with AIDS, i.e., doorknobs, pens, or cups.
6. Being near someone with AIDS frequently or over a long period of time.
7. Riding the same transportation.
8. Eating in the same public place with an AIDS-infected person.
9. Working in the same office.

E. Seropositivity

Refers to a person having antibodies to HIV, meaning that infection has occurred at some time in the past. A seropositive person can be infected with HIV for years without ever developing symptoms of AIDS. Infected persons can transmit the virus even though they may not have symptoms of AIDS.

F. Hepatitis B (HBV)

A viral infection that can result in jaundice, cirrhosis, and, sometimes, cancer of the liver. The virus is transmitted through exposure to blood, semen, vaginal secretions, breast milk, and possibly saliva. Two vaccines are currently available against hepatitis B [Recombivax (synthetic) or Heptivax (serum derived)].

G. Tuberculosis

A bacterial disease that can be transmitted through saliva, urine, blood, and other body fluids by persons infected with it. Primarily inhaling airborne droplets from infected coughing people spreads tuberculosis. It can enter the body through infected mucous on the skin (as from coughing or sneezing) or from droplets that are inhaled. It is an airborne, opportunistic disease and it primarily causes lung infection. Although no vaccine against tuberculosis exists, medications are available to treat the disease.

H. Exposure control program

A written agency plan, available to all employees, which details the steps taken to eliminate or minimize exposure incidents, and identifies at-risk tasks and assignments.

I. Personal protective equipment (PPE)

Specialized clothing or equipment supplied to and used by employees for protection against infection. PPE does not include uniforms or work clothes without special protective qualities.

J. Universal precautions

Controls or procedures advised by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that blood and body fluids are potentially infectious.

#### IV. GENERAL RESPONSIBILITIES

- A. The Chief of Police shall develop a written exposure control plan which provides the overall strategy for limiting exposure to HIV and HBV viruses, and for handling exposure incidents. The plan is available to all employees and may be reviewed upon request to their immediate supervisor. **(PER.10.01.a)**

1. The plan adheres to the principles and procedures for the prevention of HIV and HBV exposure as detailed in the universal precautions prescribed by the CDC plus other federal agencies.
  2. All employees and supervisors are responsible for the maintenance of a clean, sanitary workplace, and shall inspect workplaces daily to ensure that these conditions are met.
    - a. General cleaning and decontamination of equipment and vehicles will occur at either a fire station or the police station, whichever is practical.
- B. The Chief of Police shall ensure that adequate supplies are available for communicable disease control within the department. Supervisors are responsible for maintaining continuously an adequate supply of disease control supplies for all affected personnel within their purview. Further, supervisors must ensure that: **(PER.10.01.c)**
1. Personal protective equipment (PPE) can be found in sufficient quantities at advertised locations.
  2. Hypoallergenic gloves and other materials are available for employees allergic to standard-issue gear.
  3. Supplies are routinely inspected, replaced, cleaned.
  4. First Aid supplies and disinfectants are available always.
- C. The Chief of Police, through his or her subordinate supervisors, shall ensure that the department vehicles will each contain a Bloodborne Pathogen PPE that meets federal OSHA regulations.
- E. The Chief of Police or his designee shall cause to be maintained extra PPE kits for immediate replacement of used kits by officers.
- F. Personnel shall use protective equipment under all appropriate circumstances unless the officer can justify otherwise.
1. Officers who, for whatever reason, do not use protective gear when appropriate shall document the incident as soon as practicable for department review.
- G. All personnel whose skin comes into contact with body fluids of another shall begin disinfecting procedures immediately: these procedures range from simple soap-and-water washing to the use of alcohol or antiseptic towelettes. All open cuts and abrasions shall be covered with waterproof bandages before personnel report for duty.

## V. GENERAL PRECAUTIONS

### A. General

Officers shall wear disposable latex gloves, masks and eye protection when doing any of the following: **(PER.10.01.b)**

1. Handling persons or items with any blood or body fluid products (hypodermic needles, syringes, or surfaces soiled with blood or body fluids, gun or knife wounds).
2. Packaging and handling such items as evidence.
3. Cleaning up blood or other secretions, which appear on floors, seats, equipment, handcuffs, shoes, clothing, pens, pencils, etc.

B. Specialized devices

1. Masks shall be worn whenever splashes, spray, spatter, or droplets of potentially infectious fluids endanger contamination through the eyes, nose, or mouth. Masks may be worn with other protective devices such as goggles.
2. Gowns, jackets, coats, aprons shall be worn as determined by the degree of exposure anticipated.

C. Handling people

1. Wash hands thoroughly for thirty seconds with warm water and soap after removing gloves (when handling evidence) or after contact with the subject (if bleeding or vomiting). If water is unavailable, use pre-moistened towelettes found in the communicable disease control kit to decontaminate skin. If at all practical utility sinks will be used for this purpose.
2. Leather gloves or their equivalent shall be worn when searching persons or dealing in environments, such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered. Search techniques shall be used that require suspects to empty their own pockets or purses and remove sharp objects from their persons. Remember: *Never put your hands where your eyes cannot see.*
3. When transporting prisoners/persons: **(OPR.08.06)**
  - a. Do not put fingers in or near any person's mouth.
  - b. Transport persons with body fluids on their persons in separate vehicles from other persons. A person who is bleeding or producing a fluid may have to wear a protective covering.
  - c. Notify other support personnel or law-enforcement officers during a transfer of custody that the person has fluids on his or her person, or that the person has stated that he or she has a communicable disease. Booking forms should so state.

d. When transporting a prisoner/person to a medical facility the facility shall be notified before the transport takes place in order that medical personnel may be forewarned to address the needs of the facility and the prisoner/person.

D. Handling objects

1. Objects contaminated with body fluids shall be completely dried, double bagged, and marked to identify possible disease contamination.
2. Contaminated items to be disposed of shall be autoclaved.
  - a. To autoclave, items must be treated in special (biohazard) bags at a high temperature. Local laboratories or hospitals can assist.
  - b. Before burning, the bags must be closed with autoclave tape, which turns purple when the microbes are dead.
3. Officers shall use extra care when handling any sharp objects. If officers find syringes, they shall not bend, recap, or otherwise manipulate the needle in any way, but shall place them in puncture-resistant containers provided by the department.
4. Properly bagged and labeled contaminated objects/items will be delivered to the medic on duty at either station 1 or 2 as soon as practical. Officers shall notify the medic prior to delivery.

E. Handling fluids

1. Clean up blood spills or other body fluids with regular household bleach diluted 1 part bleach to 10 parts water (or use undiluted bleach, if easier). Bleach dilutions should be prepared prior to use to retain effectiveness.
  - a. Wear latex gloves during this procedure.
  - b. A soiled uniform (by blood or body fluids) should be changed as soon as possible. Officers shall utilize an appropriately sized coverall located in the patrol sergeant's office if another clean uniform is not readily available.
  - c. Uniforms contaminated with body fluids shall be double bagged, and marked to identify possible disease contamination.
  - d. Properly bagged and labeled contaminated uniforms will be delivered to the medic on duty at either station 1 or 2 as soon as practical. Officers shall notify the medic prior to delivery.
2. Departmental vehicles within which body fluids are spilled require immediate

disinfecting procedures. Employees who have the vehicles assigned to them shall notify their supervisor of the spill and arrange for a thorough cleaning as soon as possible. Affected vehicles should bear an "Infectious Disease Contamination" sign upon arrival at a service center and while awaiting disinfecting.

- a. All police vehicles will be cleaned with disinfectant as part of a routine, scheduled washing and maintenance check.
- b. General cleaning and decontamination of equipment and vehicles will occur at either station 2 or the gate which ever is practical.

F. Precautions when bitten

The danger of infection through bites is low. The victim cannot be infected with HIV through the blood of the biting person unless that person has blood in his or her mouth, which comes into contact with the victim's blood. HIV cannot be transmitted through saliva. With HBV, however, transmission takes place through infected blood or blood-derived body fluids. Infection takes place by exposure of the eyes, mouth, or mucous membranes to the virus. Precautionary procedures to minimize the risk of infection include:

1. Encouraging the wound to bleed by applying pressure and gently "milking" the wound.
2. Washing the area thoroughly with soap and hot running water. Use utility sinks at the Police or Fire Station whenever practical.
3. Seeking medical attention at the nearest hospital (if the skin is broken).
4. Advising your supervisor (who will notify the Infectious Disease Control Officer), make a report, or follow any other policy for reporting injuries, including the filing of appropriate Worker's Compensation forms.

G. Precautions when punctured by needles or knives

If an officer is cut or punctured by a needle or a knife or other instrument while searching a suspect or handling contaminated evidence, follow these general guidelines:

1. Allow the wound to bleed (unless severe bleeding occurs) until all flow ceases. Then cleanse the wound with alcohol-based cleanser (or pre-moistened towelettes) and then with soap and water. Do not rely exclusively on towelettes: wash wounds thoroughly with soap and water.
2. Seek medical attention as soon as possible after the injury. A physician will then decide the proper treatment.

3. Advise your supervisor (who will immediately notify the Infectious Disease Control Officer), make a report, or follow any other policy for reporting injuries, including the filing of appropriate Worker's Compensation forms. **(PER.10.01.d)**

#### H. Precautions at major crime scenes

At the crime scene, officers and crime scene technicians confront unusual hazards, especially when the crime scene involves violent behavior such as homicides where large amounts of blood have been shed.

1. No person at any crime scene shall eat, drink, smoke, or apply make-up.
2. The best protection is to wear disposable latex gloves. Any person with a cut, abrasion, or any other break in the skin on the hands should never handle blood or other body fluids without protection. **Officers shall carry latex gloves on their persons at all times.**
3. Latex gloves should be changed when they become torn or heavily soiled or if an officer leaves the crime scene (even temporarily).
4. If cotton gloves are worn when working with items having potential latent fingerprint value, wear cotton gloves over latex gloves.
5. Hands should be washed after gloves are removed, even if the gloves appear to be intact. Officers shall take care to avoid contact between skin and soiled gloves.
6. Always keep a plastic bag in the communicable disease control kit to be used only to collect contaminated items (gloves, masks, etc.) until they can be disposed of properly. Clearly mark the bag "Contaminated Material"(biohazard bag). All properly bagged and marked contaminated material will be delivered to the duty medic at either Station 1 or 2. Call in advance to make arrangements. **(PER.10.01.e)**
7. Shoes and boots can become contaminated with blood. Wash with soap and water when leaving the crime scene, or use protective disposable shoe coverings.
8. Wrap-around eye safety goggles and facemasks should be worn when the possibility exists that dried or liquid particles of body fluids might strike the face. Particles of dried blood, when scraped, fly in many directions, so wear goggles and masks when removing the stain for laboratory analysis.
9. While processing the crime scene, be constantly on the alert for sharp objects, such as hypodermic needles, razors, knives, broken glass, nails, etc. Use of mirrors may be appropriate while looking under car seats, beds, etc.
10. Use tape--never metal staples--when packaging evidence.

11. If practicable, use only disposable items at a crime scene where blood or other body fluids are present. Even those items (gloves, masks, shoe coverings, pens, pencils, etc.) must be decontaminated before disposal. If autoclaving is not possible contaminated items must be covered with a bleach solution (one part bleach to ten parts water, or undiluted bleach).
12. Before releasing the crime scene, advise the owner of the potential infection risk and suggest that the owner contact the local health department for advice.
13. Warning labels must be placed on all plastic evidence bags to go to the crime laboratory.

## **VI. VACCINATIONS**

- A. The department affords all employees who have occupational exposure to hepatitis A/B the opportunity to take the HBV vaccination series at no cost.

## **VII. OCCUPATIONAL EXPOSURE TO COMMUNICABLE DISEASES: (PER.10.01.f)**

### **A. Occupational Exposure**

1. Patrol officers are at the greatest risk of coming into contact with the above listed communicable diseases due to their frequent contact with the general public. The remaining members of the department in a purely administrative capacity are at minimal risk of exposure.

### **B. Notification**

1. As soon as practicable, all employees shall document possible exposure to infectious fluids or materials. In any case, employees shall immediately notify their supervisor of possible exposure. The supervisor in turn shall immediately notify the Infectious Disease Control Officer. *Virginia Code* § 32.1-45.2 requires public safety employees to immediately notify their agencies of any "possible exposure prone incident."
2. Examples of such exposure include:
  - a. Direct contact with body fluids on chapped or open areas (cuts, scratches) on the skin or on mucous membranes (i.e., eyes, mouth).
  - b. Direct mouth-to-mouth resuscitation (CPR) without use of a one-way valve.
  - c. Receiving a cut or puncture wound as a result of searching or arresting a suspect or handling contaminated evidence.

### **C. Testing**



If a member of the department is exposed to the body fluids of a person who has or is suspected to have a communicable disease, the member must be evaluated for evidence of infection by the a physician at a medical facility.

1. The person whose body fluids came into contact with an officer may state that he or she has AIDS. Often, a person may try to prevent police from withdrawing blood for drug screening (as in a DUI arrest), although, in fact, he or she is not infected at all. While the department cannot coerce a citizen--suspect or otherwise--to take periodic tests for infection, the department shall try to convince the citizen who may have transmitted infection to do so.
    - a. § 32.1-45.2 states that if any person or employee has been exposed to body fluids, the person or employee whose fluids were involved will be requested by the agency to consent to HBV or HIV testing and disclosure of results. The general district court can order a citizen to be tested after an exposure incident.
    - b. § 18.2-62 provides measures whereby a person charged with any crime involving sexual assault, or particular offenses against children, may be ordered to submit to HIV testing.
  2. Personnel should understand the difficulty of transmitting HIV and hepatitis A/B. If infection control measures have been followed, the risk is very low.
- D. Testing for presence of infection shall be done if indicated by a medical assessment (after an incident involving the possible transfer of blood or other body fluids). The following information details testing methods and their reliability.
1. AIDS/ARC/HIV
    - a. Blood tests can detect HIV antibodies (produced by the body's immune system).
    - b. The two common tests for HIV antibodies are the ELISA (Enzyme-Linked Immunosorbent Assay) and the Western Blot. Since the ELISA is less expensive and easier to perform, it is usually used as a first screen for HIV. If the ELISA identifies the person as seropositive, a second ELISA is performed. If the second test is also positive, a Western Blot is usually performed to confirm the results.
    - c. Since HIV antibodies may not develop for some months after a person has been infected, an initial negative result may not mean freedom from infection. Typically, three to six months elapse following an infection for a positive reaction to occur. High false positive rates also occur with the use of only ELISA test.
    - d. One must be tested, then, immediately following the incident (for a baseline) and then six and twelve months later.

- e. The department shall ensure that the employee receives qualified counseling during the testing period.
- f. The Virginia State Public Health Department provides free confidential or anonymous testing (both ELISA and Western Blot) in every health district. The results are given only to the person tested. State law, under §§ 32.1-36.1, provides confidentiality and prescribes a penalty.

2. Hepatitis B

A blood test can confirm the presence of hepatitis B virus six to eight weeks after exposure. Note that different tests exist for hepatitis B depending on the reason for testing. See Section VI above.

3. Tuberculosis

This disease is detected first by a skin test, then confirmed by an x-ray. The department physician can order this test for the department employee. (Some local health departments may do the test.)

E. Confidentiality (PER.10.01.h)

Confidentiality of information concerning test results is paramount. The victim has a right to privacy in employer-maintained information about his/her health. No need exists for a supervisor routinely to know that a person tests positive (for HIV or hepatitis B). The department views a breach of confidentiality as a serious disciplinary problem, which may result in suspension, or termination of employment.

1. Under most circumstances, medical authorities will retain confidential records unless the employee tested requests it or state law requires it.

F. Positive test results

1. Any person who tests positive for HIV or hepatitis A/B shall not be summarily removed from duty. The department shall make no restrictions simply because of diagnosis. These diseases are not spread by casual contact (as between coworkers in the department). The department shall alter an employee's assignment only when he or she can no longer perform the required duties.
  - a. The department shall ensure continued testing, if necessary, of members for evidence of infection, and shall provide psychological counseling if necessary.
2. Any person who tests positive for tuberculosis may be restricted from working for a period of time. The medical evaluation will determine the stage and type of disease the person has contracted and if he/she is contagious. A tuberculosis-infected person requires medication and shall not return to work until the doctor says he/she is non-

communicable. (Tuberculosis is easily transmitted and its incidence in Virginia has recently shown a slight increase. After exposure to tuberculosis, a person may, after a medical evaluation, take medicine to help prevent the disease.)

G. Job performance

1. Communicable disease: Infected employees shall continue working as long as they maintain acceptable performance and do not pose a safety or health threat to themselves or others in the department.
  - a. Where feasible, an employee who has medical complications from a communicable disease will either be reassigned to another job or have his/her job restructured so that he/she can remain employed. As necessary, medical documentation shall support requests for job restructure or reassignment. All personnel shall treat such employees in the same manner as employees who suffer from other serious diseases or handicaps: that is, fairly, courteously, and with dignity.
  - b. The department may require an employee to be examined by the department physician to determine if he/she is able to perform his/her duties without hazard to him/herself or others.

H. Federal law

Employees infected by communicable diseases are generally protected by the Federal Rehabilitation Act of 1973. (A medical standard that is not job-related constitutes a prohibited personnel practice.)

I. Discrimination

The department expects all personnel to continue working relationships with any fellow employee recognized as having AIDS/ARC, hepatitis B, or non-communicable tuberculosis. The department will consider appropriate corrective or disciplinary action against an employee who threatens or refuses to work with an infected employee or who disrupts the department's mission.

J. Records (PER.10.01.h)

The agency maintains a record for each employee detailing incidents of occupational exposure, including information on vaccination status; the results of examinations and tests; health care professionals' written opinion; and any other relevant information. These records are retained by the emergency medical services chief or his designee in secure storage for the duration of tenure of employment plus 30 years, and **shall not be disclosed or reported without the express written consent of the employee.**

## **VIII. TRAINING: (PER.10.01.g)**

- A. Education on communicable diseases shall be continuous in the department. The training officer shall ensure that all members of the agency with occupational exposure shall receive a course of instruction on bloodborne diseases before their initial assignment. Further, each affected employee will receive annual refresher training plus any additional training appropriate to the particular employee assignment.
- B. The training officer shall retain complete records on instruction of employees to include dates of training; content of sessions; names and qualifications of trainers; names and job titles of attending employees.
- C. The training officer is responsible for dissemination of updated information to all personnel and for appropriate educational programs about communicable diseases. These programs shall include at a minimum:
  - 1. Written information concerning AIDS/ARC/HIV, hepatitis B, and tuberculosis in the form of brochures, bulletins, memorandums, or fact sheets.
  - 2. Group and/or individual presentations and discussions provided by adequately trained personnel or experts from outside the department.
  - 3. Local resources for further medical and law-enforcement information.
  - 4. For more information, personnel may at any time contact:
    - a. National Hotline for AIDS, 1-800-342-AIDS.
    - b. Virginia AIDS Info Hotline, 1-800-533-4148.
    - c. AIDS Update (Dept. of Health and Human Services), 1-202-245-6867.
    - d. AIDS Clearinghouse (America Responds to AIDS)  
1-800-342-7514.
    - e. National Institute of Justice AIDS Clearinghouse, 1-301-251-5500.
    - f. State and local public health department.
    - g. Local American Red Cross.
    - h. Forensic laboratories.

## **IX. Suspicious Biohazard Packages ( notify SCSO )**

- A. After verification of a suspicious package/envelope, notify investigator and on-call supervisor.
  - 1. Utilize double evidence gloves and approved face mask

2. Determine any factors that may create reasonable suspicion that parcel may contain biohazard material:
  - a. Professional position of recipient - potential threat level
  - b. Threatening message
  - c. Observe unknown substance on or within parcel
  - d. Other reason - basic investigative procedure

B. If there are **NO** factors, as listed above, to believe there is a presence of biohazard material:

1. The parcel will be removed and destroyed **at the complainant's request**.
  - a. Notify the complainant that the contents of the parcel will not be tested or identified.
  - b. Have complainant sign a statement on incident report stating understanding of property destruction
  - c. Place the contents of the package in doubled plastic bag and secure
  - d. Place gloves in doubled plastic bag and secure
  - e. Notify complainant to wash their hands with soap and water, if desired.
  - f. Respond with bags containing suspicious item and gloves to be placed in the disposal biohazard box at either Station One or Two.
  - g. The officer will wash with soap and 5% solution of water and bleach.
2. The parcel **will not be removed** from the complainant's possession without their permission, if no confirmed biohazard conditions exist, as listed above.

C. If there **are** factors which would cause an officer to believe the possibility of presence of biohazard material exists:

1. Stafford Fire/Rescue will respond to scene.
2. Officers will utilize at minimum, safety protection consisting of:
  - a. An approved face mask and double gloves
3. Responsibilities at scene:
  - a. Officer and investigator, in coordination with Wintergreen Fire/Rescue at scene, will:
    1. Isolate room of exposure, if possible
    2. Isolate subjects in contact with material
    3. Heating/air conditioning ventilation systems are shut off
    4. Establish a crime scene
- b) Officer will complete two (2) copies of an accurate list of subjects (Subject list)

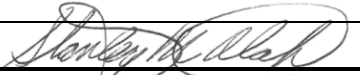
possibly exposed to biohazard material:

1. To include their name, address and telephone numbers:
  2. Officer will ensure one subject list is attached to evidence at scene.
  3. Officer will attach the second copy of subject list to incident report (PD 100).
- c. Officer will prepare an incident report and forward a copy to the supervisor.
- d. It will be the responsibility of the authorized person/persons in charge of premises to determine a need for evacuation. The officer will not make a determination for evacuation of premises unless there is an obvious exigent emergency situation requiring evacuation
- e. It is the responsibility of the persons responsible for the premises to complete a clean-up upon the completion of the crime scene
- f. At completion of assignment, the Officer should wash with soap and 5% solution of water and bleach spray.

## APPENDIX A TO GO 2-34

### AIDS-RELATED CONCERNS OF PERSONNEL

<u>ISSUE</u>	<u>INFORMATION</u>
Human Bites	A person who bites is typically the one who gets the blood; viral transmission through saliva is highly unlikely. If bitten by anyone, gently milk wound to make it bleed, wash the area, and seek medical attention.
Spitting	Viral transmission through saliva is highly unlikely.
Urine/feces	Virus isolated in only very low concentrations in urine; not at all in feces; no cases of AIDS or HIV infection associated with either urine or feces.
CPR/first aid	To eliminate the already minimal risk associated with CPR, Use masks/airways; avoid blood-to-blood contact by keeping open wounds covered and wearing gloves when in contact with bleeding wounds.
Body removal	Observe crime scene rule: do not touch anything; those who must come into contact with blood or other body fluids should wear gloves.
Casual contact	No cases of AIDS or HIV infection attributed to casual contact.
Any contact with blood	Wash thoroughly with soap and water; or body fluids clean up spills with 1:10 solution of household bleach.
*Source: Adapted from:	<u>AIDS and the Law Enforcement Officer: Concerns and Policy Responses</u> by Theodore M. Hammett, Ph.D., National Institute of Justice, U.S. Department of Justice, June, 1987

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: LEGAL PROCESS AND DOCUMENT TRACKING</b>		<b>NUMBER: 2-35</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: MARCH 16, 2021</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-35 DEC 2004, NOV.06,2006, DEC 26,2010</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.25.10, OPR.12.01, OPR.12.02, OPR.12.04, OPR.12.05</b>			

**NOTE**

This order 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.

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**INDEX WORDS**

Document Control System  
Civil and Criminal Papers

**I. POLICY**

The proper handling of all warrants, summonses, detention orders and other legal documents, in accordance with Code of Virginia 15.2-1704, that is received by the Aquia Harbour Police Department, is a shared responsibility that rests not only with the Chief of Police, but with all department personnel who receive, handle, file and serve these documents. The legal process in the Aquia Harbour Police Department involves the serving of various legal papers received from the Stafford County General District/Juvenile and Domestic Relations Court/Circuit Court, or other law enforcement agencies or courts in other jurisdictions

The papers received from these various courts/agencies are papers that are for citizens who reside inside the limits of Aquia Harbour. Papers received for those who do not reside within the limits will be returned back to their originator.

The Aquia Harbour Police Department serves legal papers that are related to criminal incidents. These papers will be served on a timely basis.



**II. PURPOSE:** To establish control and service procedures for all warrants, capias, summons, detention orders and other legal documents received by the department and to lay foundations of a document control system. (**ADM.25.10.b**)

**III. PROCEDURES:**

**A. Document Control System (DCS)**

1. All legal documents whether civil or criminal in nature coming into the control of the Aquia Harbour Police Department will be logged in appropriately into the log book/CAD.

**B. Execution of Civil Documents: (OPR.12.01)**

1. The following information with regards to civil process will be entered into the log book/CAD.
  - a. Date received; (**OPR.12.02.a**)
  - b. Agency tracking method; (**OPR.12.02.b**)
  - c. Nature of document; (**OPR.12.02.c**)
  - d. Source of document; (**OPR.12.02.d**)
  - e. Name of plaintiff/complainant and defendant/respondent; (**OPR.12.02.e**)
  - f. Officer assigned for service or serving officer; (**OPR.12.02.f**)
  - g. Date of assignment; (**OPR.12.02.g**)
  - h. Method of service; (**OPR.12.02.h**)
  - i. Date of service and/or return; (**OPR.12.02.i**)
  - j. Location of service or attempted service; (**OPR.12.02.j**) and
  - k. Reason for non-service. (**OPR.12.02.k**)

C. Type of Legal Documents our department may serve

- a. Capias
- b. Emergency Custody Order (civil )
- c. Temporary Detention Order.(civil)
- d. Juvenile Detention Order
- e. Petition – juvenile criminal
- f. Preliminary Protective Order (civil)
- g. Emergency Protective Order (civil)
- h. Warrants of Arrest.
- i. Criminal Traffic Offenses

CI. Access/Control of Criminal Document

1. The current record system maintained for legal documents provide for 24-hour access to these documents, of which the original will be on file at the Stafford County Sheriff's Office. (**ADM.25.10.f**)
2. All legal documents that come into the control of the Aquia Harbour Police Department will be assigned for service. Criminal documents will not be removed from the file without being recorded in the log book, at the Communications Center.
3. Should the document not be served by the officer during his shift, the officer will return the document recording its return in the log book.
4. If the officer(s) attempting to serve the document discovers the defendant.
5. has left the jurisdiction, or is incapacitated (i.e. hospital), such information should be included on a report and submitted to a supervisor.

E. Execution of Criminal Documents: **(OPR.12.04)**

1. The following information with regards to criminal process will be entered into the log book/CAD.
  - a. Date and time received; **(OPR.12.05.a)**
  - b. Agency tracking method; **(OPR.12.05.b)**
  - c. Nature of document; **(OPR.12.05.c)**
  - d. Source of document; **(OPR.12.05.d)**
  - e. Name of complainant and defendant; **(OPR.12.05.e)**
  - f. Officer assigned for service or serving officer; **(OPR.12.05.f)**
  - g. Date of assignment; **(OPR.12.05.g)**
  - h. Method of service; **(OPR.12.05.h)**
  - i. Date of service and/or return; **(OPR.12.05.i)**
  - j. Location of service or attempted service; **(OPR.12.05.j)** and
  - k. Reason for non-service. **(OPR.12.05.k)**

1. Misdemeanor warrants (minor non-violent)

Whenever a misdemeanor warrant is sent to another jurisdiction for service:

- a. The warrant/summons will be logged in the warrant module of the department's computer system
- b. The Administrative Assistant will fill out a warrant cover letter
- c. Both the warrant and the cover letter will be forwarded to the police agency in which the person to be served resides.
- d. A copy of the warrant and cover letter will be filed with the original report by the Administrative Assistant.

2. Felony warrants

- a. In cases when a felony warrant is on file and available information indicates that the subject is located within the state, the investigating officer will contact the Stafford County Sheriff's Department and have a teletype sent to the jurisdiction with information to include:

- (1) Wanted person(s) name
- (2) Description
- (3) Charge on warrant that is on file
- (4) Address where subject may be located and any other pertinent information

3. If available information indicates that the suspect may be located outside of the state, the following steps must be taken:

- (1) Commonwealth Attorney will be contacted to confirm or decline extradition.
- (2) If extradition is confirmed, a teletype message will be sent (including the same information as above) to the police agency including extradition conditions as indicated by the Commonwealths Attorney.
- (3) If the subject is arrested by the agency, the investigating officer must mail/fax a copy of the felony warrant to the police agency making the arrest.

- b. If a felony warrant has been issued and there is no information available indicating the suspect's location, but it is suspected that the suspect has left the town:
  - (1) The Commonwealth Attorney will be contacted to confirm or decline extradition.
  - (2) If extradition is confirmed, felony warrant information will be entered in VCIN/NCIC files by contacting the Stafford County Sheriff's Office and shall include extradition conditions as indicated by the Commonwealths Attorney.
  - (3) Officers traveling to other jurisdictions to pick up arrested suspects will transport them in accordance with guidelines established in G.O. 2-4.

3. Criminal Document Received

- a. Criminal documents received from other jurisdictions will be handled as follows:

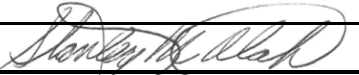
- (1) Entered into warrant module.
- (2) Assigned for execution.
- (3) If not served in seven (7) days, the warrant/summons will be mailed back to requesting jurisdiction with an explanation for non-service by our department. Update warrant module and file report submitting to supervisor.

G. Purging:

- 1. Originals of all non-served warrants are kept by mutual agreement in the custody of the Stafford County Sheriffs Offices and are therefore purged as required in accordance with section 19.2-76.1 of the Code of Virginia

H. Execution of Civil Documents (i.e. ECO's TDO's etc

- 1. The officer serving such documents may complete an incident report if deem necessary to include all pertinent information regarding the circumstances causing the officer to become involved in the obtaining/receiving and serving such document.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Asset Forfeiture</b>		<b>NUMBER: 2-36</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 03/01/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-36, MAR 2001, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: OPR.03.05</b>			

**NOTE**

This order 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. This General Order remains for informational purposes only in accordance with the MOU with SCSO.

**INDEX WORDS**

Asset forfeiture  
Drug enforcement  
Forfeiture  
Narcotics

**I. POLICY**

A constitutional amendment to state law permits law enforcement agencies to benefit directly from the seizures made in narcotics or drug investigations. Formerly, in order to receive financial assistance through seized assets, law enforcement agencies had to use the federal forfeiture process. The department aggressively enforces narcotics and dangerous drugs laws, and where officers make a substantial seizure of property according to state law, the department shall begin forfeiture proceedings. Any assets recovered through the forfeiture process, whether money or property, will be applied to legitimate enforcement needs, primarily to carry out other drug enforcement strategies. Under no circumstances will personnel select enforcement targets because of the expected financial gain accruing to the department: enforcement strategies are not dictated by profit.

**II. PURPOSE**

To outline the department's participation in asset forfeitures from drug enforcement cases, and to state responsibilities of the asset forfeiture coordinator.

In the event of the lawful and proper forfeiture or seizure of assets within Stafford County (inclusive of Aquia Harbour),

those assets become the property of the Sheriff in accordance with Virginia law and the MOU between AHPD and SCSO.

### III. DEFINITIONS

#### A. Asset Forfeiture Coordinator (AFC) of SCSO

The AFC is the officer designated by the chief to be conversant in state forfeiture law to identify assets in case records, and begin the legal process to appropriate these assets for department use. The AFC also performs as liaison to other state and federal agencies, and the courts as needed. For the purposes of this policy the Investigator is the designated AFC. (OPR.03.05.d.e)

1. The AFC shall also understand the authority which allows for the seizure and forfeiture of property used in narcotics trafficking.
2. The AFC shall maintain a current edition of the *Forfeited Assets Seizure Manual* (FASP), published by the Department of Criminal Justice Services (DCJS).
3. Will be conversant with applicable federal guidelines for asset forfeiture.

#### B. Designated seizing agency

The designated seizing agency is the one which initiates the seizure or which retains possession of the seized property. It may be the agency chosen by mutual decision of the participating agencies. Per MOU will be SCSO.

#### C. Assets

Assets are **anything** of value seized in connection with a drug transaction and include both in-kind property and proceeds. In-kind property consists of whatever an agency can put to immediate use. Proceeds refer to money that is raised through sale of property of a kind not immediately useful.

### IV. PROCEDURES

#### A. Responsibilities of the Asset Forfeiture Coordinator (AFC) of SCSO

1. Has overall responsibility for management of property seized and stored under asset seizure laws. (OPR.03.05.b)
2. Responsible for the effective processing of applicable asset forfeiture paperwork. (OPR.03.05.a)
3. Reviews all offense reports to identify property subject to forfeiture.
4. Ensures that all seizures or forfeitures are reported to DCJS.
5. Reports to the chief of police on all matters pertaining to forfeiture proceedings.
6. Chooses and coordinates with vendors hired to manage seized property.



7. Coordinates, where possible, with other agency representatives, as designated by the chief, for "pre-seizure" planning meetings to evaluate target assets to ascertain ownership and the existence of liens or encumbrances.
  - a. Personnel planning a seizure of assets shall make every reasonable effort to identify innocent lienholders to avoid inconveniencing them.
8. Coordinate with the commonwealth's attorney to enter a default judgment against persons who fail to respond to the court within 30 days to defend against seizure of their property.
9. Apply to DCJS for return of in-kind property for legitimate law enforcement use.
10. Coordinate with the commonwealth's attorney or other officials as necessary to obtain a commercial sale of property in appropriate cases.
11. Coordinate with other agencies participating in a regional drug enforcement task force to agree on which agency will become the designated seizing agency for purposes of forfeiture proceedings. Negotiate with participating law enforcement agencies for a suitable division of assets.
  - a. Where agencies seize property pursuant to membership in a regional task force, the AFC shall forward to DCJS a copy of the interagency agreement or contract that authorizes the task force.
  - b. The AFC shall assist inter-jurisdictional coordination to ensure that localities maintain separate forfeitures, accounts, and auditing procedures. Similarly, the AFC shall track cases in which the department is involved but is not the primary seizing agency.
12. Ensure that the locality's certification (that the proceeds will be used for law enforcement purposes only and will not supplant existing resources) is submitted to DCJS, and renewed annually by the WPOA Comptroller. **(OPR.03.05.c)**
13. Ensure that seized money is forwarded to DCJS in check form. Coordinates with the WPOA Comptroller, as necessary.

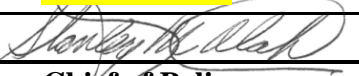
**B. If the agency elects to pursue forfeiture through federal proceedings, then the AFC does not notify DCJS.**

**C. Evidentiary considerations**

1. Officers searching businesses, residences, or vehicles for narcotics evidence shall try to obtain documents relating to the ownership of the items seized.
2. Officers must obtain complete data on all suspects and participants when a seizure is

made. This data include name, date of birth, race, sex, nationality, height, eye and hair color, complete address with zip code, telephone number, Social Security number, and any other identifying numbers such as driver's license number.

3. When interviewing suspects or participants, officers shall try to elicit statements of ownership or lienholding, and origin (how did the property come into the suspect's possession).

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDER</b>	
<b>SUBJECT: Automated External Defibrillator (AED)</b>		<b>NUMBER: G.O. 2-37</b>	
<b>EFFECTIVE DATE: SUSPENDED (MAR 2016)</b>		<b>REVIEW DATE: <b>SUSPENDED</b></b>	
<b>AMENDS/SUPERSEDES: G.O. 2-37, Mar. 2002, December 1, 2006</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>Suspended by order of the Chief 03/01/2016</b>		<b>VLEPSC STANDARDS: PER. 10.02</b>	

**NOTE**

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**INDEX WORDS**

- AED
- AED Coordinator
- AED Operator
- Basic Life Support
- Medical Director
- Ventricular Fibrillation
- Ventricular Tachycardia

**I. POLICY**

Each year, more than 250,000 Americans die of sudden out-of-hospital cardiac arrest. Survival from sudden cardiac arrest in adults depends directly on the speed of defibrillation; every minute of delay in defibrillation reducing the chances of survival seven to 10%.

This General Order is issued for the purpose of establishing guidelines for and defining the use and care of the Automated External Defibrillator, hereafter referred to as AED, in order to ensure the most effective and efficient delivery of emergency AED services to the citizens of Wintergreen and Nelson County.

**II. PURPOSE**

It is the policy of the Wintergreen Police Department to provide twenty-four hour emergency AED services to the citizens within its service area. The primary responsibility for delivery of these vital

services rests with the officer on patrol. Therefore, it is of paramount importance that procedures for the use and care of the AED are formalized in order to ensure continuous coverage and promote better understanding among affected personnel.

Use of this equipment is restricted to personnel trained in its operation.

### III. DEFINITION

- A. AED Operator - Someone who has completed a training program approved by the Board in cardiopulmonary resuscitation and in the use of the AED and who is currently recognized as a member of an “Early Defibrillation Service” whose registration has not expired.
- B. Automated External Defibrillator or AED - A device which combines a heart monitor and defibrillator and
  - (i) Has been approved by the United States Food and Drug Administration,
  - (ii) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia,
  - (iii) Is capable of determining, without intervention by an operator, whether defibrillation should be performed, and
  - (iv) Automatically charges and requests delivery of an electrical impulse to a individual’s heart, upon determining that defibrillation should be performed.
- C. AED Coordinator – The AED Coordinator is the primary liaison between the department’s AED Program and the Medical Director. This person is responsible for maintaining all equipment and supplies, organizing initial training and re-training programs, forwarding any incident data to the medical director, holding post-incident debriefing sessions for any employee’s involved and registering AED’s with the State Office of Emergency Services.
- D. Basic Life Support - A level of pre-hospital and Inter-facility care which includes the recognition of other life threatening conditions which may result in respiratory and cardiac arrest, and the application of life support functions including cardiopulmonary resuscitation (CPR), use of adjunctive techniques and procedures.
- E. Board - the State Board of Health
- F. Early Defibrillation Service - Any person as defined herein, who routinely may be expected to provide care to victims of cardiac arrest, and are trained in the use of automated external defibrillation and related patient care.
- G. Medical Directors – The medical directors have authority over the entire AED program and its participants. Responsibilities include the establishment and maintenance of the guidelines for care included in this protocol ensuring quality assurance, compliance to protocols, proper

training and corrective instruction. The WPOA and Resort Management shall designate the Medical Directors.

- F. Registration - Recognition by the Board that an individual or entity has met the eligibility requirements, completed the required training, and is granted permission to provide Early Defibrillation Services according to the regulations established by the Board.
- G. Ventricular Fibrillation - A disturbance in the normal rhythm of the heart which is characterized by rapid, irregular and ineffective twitching of the lower chambers, or ventricles of the heart.
- H. Ventricular Tachycardia - A rapid dysrhythmia originating in the ventricles. A pulse may or may not be present with this dysrhythmia.

#### IV. PROCEDURES

The Early Defibrillation Service is a program intended solely for the immediate response to location of a Suspected cardiac or respiratory arrest for the delivery of life support until the arrival of higher trained EMS or other medical personnel qualified to provide for patient care and/or transport.

##### 1. Communications responsibilities

Dispatch shall tone out all rescue calls that involve chest pains and/or difficulty breathing. Simultaneously, the officer on patrol is to be notified, via radio if possible, of the above call (location and nature).

If a rescue squad arrives on a scene before the responding officer, the Dispatch shall notify the responding officer that rescue is on the scene and to disregard unless additional assistance is requested.

##### 2. Supervisor responsibilities

Supervisors will ensure that the AED is assigned and placed in a patrol car at the beginning of each shift. The AED Unit is to be kept in the passenger compartment of the patrol vehicle for quick access and to minimize the effects of severe weather.

At the beginning of each shift every officer assigned an AED will check the unit out utilizing the Daily Check Sheets (PD 731). These Daily Check Sheets shall be maintained in a notebook at the gatehouse. It is mandatory that each unit is inspected for equipment and readiness and the officer's initials are placed on the Daily Check Sheets. If the closest officer is signed out on a call or en route to a call, the supervisor (if on duty) shall determine whether to disregard this officer from the previously assigned call and assign them to the AED call. As a general rule, officers may be disregarded from property crimes (unless the crime is in progress) to respond to an AED call. It is acceptable for the officer to respond to the AED call and return at a later time to the property crime.

- A. It is imperative that the closest officer with an AED unit responds to the rescue call.

- B. Communications officers shall designate the appropriate response code for the officer.
3. Officer responsibilities
- A. Keep AED Unit in passenger compartment of the vehicle at all times for quick access.
  - B. Respond to all assigned calls for chest pains and/or difficulty breathing. Respond Code as designated by the communications officer.
    - (a) If out on a property crime, where there is no chance of any physical injury occurring, explain to the victim/complainant why you need to leave and assure the victim/complainant that you will return as soon as possible.
    - (b) If you are en route to a property crime and have been disregarded to respond to the chest pains/difficulty breathing call, ensure that the dispatch calls the victim/complainant and explains the delay in response.
    - (c) Dispatch will disregard the officer if rescue arrives on the scene prior to the officers arrival unless additional help is requested. The officer will return to normal duty once disregarded.
4. Operation procedures
- A. Take AED Unit out of patrol vehicle and have available for instant access.
  - B. Assess Scene safety
  - C. Verify unresponsiveness. In line drag/move victim to a safe area if required.
  - D. If this has not yet occurred activate emergency response plan. Call 911, who will;
    - 1. Provide Wintergreen Rescue Squad with location, emergency details, and notify them that an AED is being deployed within the resort.
    - 2. Broadcast over the emergency radio system an announcement to activate authorized responders, and indicate the location of the patient.
  - E. Confirm responsiveness. Tap shoulder and shout; “Are you OK?”
  - F. Check ABC’s;
    - 1. Assess Airway: Perform head-lift, chin lift to open airway.
    - 2. Assess Breathing: Look, listen, and feel. If breathing is absent, deliver 2 rescue breaths with a pocket mask. If airway is open **insert oral airway.**

3. Assess Circulation: Check carotid pulse. If pulse is absent begin CPR.
- G. Place AED near head of patient (patients left)
- H. Prepare the patient for electrode placement:
  - (a) If possible, place the patient on a hard surface away from standing water or conductive material.
  - (b) Remove clothing from the patient's upper torso.
  - (c) If necessary, dry shave excessive hair from the electrode sites. Avoid cutting skin.
  - (d) Clean the skin and dry it briskly with dry washcloth.
  - (e) Do not apply alcohol, tincture of benzoin, or antiperspirant to the skin.
  - (f) Remove medication patches from electrode sites and wipe clean.
- I. Turn on AED by opening case.
- J. Apply the electrodes to the patient's chest. Follow drawing on pads. Starting from one end, press the electrodes firmly onto the patient's skin.
- K. Do not touch patient.
- L. Allow AED to analyze.
- M. If indicated, deliver shock by pressing the orange, "heart-shaped" button.
- N. Continue care per AED Treatment Algorithm.
5. Special situations for electrode placement
  - A. Obese Patients or Patients With Large Breasts

Apply the electrodes to a flat area on the chest, if possible. If skin folds or breast tissue prevents good adhesion, spread skin folds apart to create a flat surface.
  - B. Thin Patients

Follow the contour of the ribs and spaces when pressing the electrodes onto the torso. This limits air space or gaps under the electrodes and promotes good skin contact.

**Warning!**

Possible interference with an implanted electrical device. Defibrillation may cause

implanted electrical devices to malfunction. Place therapy electrodes away from implanted devices if possible. Check implanted device function after defibrillation.

C. Patients with Implanted Pacemakers

If possible, place defibrillation electrodes away from the internal pacemaker generator. Treat this patient like any other patient requiring emergency care. Pacemaker pulses may prevent advisement of an appropriate shock, regardless of the patient's underlying rhythm. A pacemaker physician should check the pacemaker after resuscitation.

D. Patients with Implanted Defibrillators

Apply the electrodes in the anterior-lateral position. Treat this patient like any other patient requiring emergency care. Implanted defibrillator physician should check implanted defibrillator after resuscitation.

E. **SPECIAL INSTRUCTIONS FOR SCREEN & VOICE PROMPTS**

1. **“Stand Clear” and “Analyze Now”** - DO NOT touch the patient, AED, cable or patches until “Check for Pulse” prompt given.
2. **“Stand Clear” and “Push to Shock”** - Operator immediately states: “I’m clear, you’re clear, everybody’s clear” and visually checks that no one is touching the patient; then depresses shock button.
3. **“Connect Electrodes”** - Verify cable connected fully to AED. Verify patches stuck to chest. If excessive chest hair is present, remove patches, dry shave chest and use NEW patches.

V. **SAFETY PROCEDURES**

- A. The AED will self check automatically every 24 hours at 03:00 a.m.
- B. The AED units will be inspected daily for absence of trouble symbols and presence of supplies by each officer carrying a unit using the Daily AED Check Sheet (PD 731) located in a notebook at the gatehouse.
- C. An inspection of each AED unit will be conducted monthly by the AED Coordinator or his designee. These inspections will be completed utilizing the Monthly AED Check Sheet. These check sheets will be located in a notebook in the Sergeant's Office. This inspection will include the AED case, connector, battery well, battery pins, condition of Quick-Combo Electrode patches, and appropriate illumination of messages.

VI. **RECORDS AND REPORTS**

- A. The following records and reports shall be maintained by the department for a period of not less than five (5) years:



- (1) Current personnel records of each Early Defibrillation Service member or employee including a file for each which provides documentation of training and qualifications including evidence of certification.
- B. Records of each automated external defibrillator currently in use to include maintenance records and records of safety inspections.
- C. Records of Early Defibrillation Service activity including call reports which specifically identify agency personnel, dispatch records and summary data.
- D. An "Incident Report" shall be completed by the officer utilizing the AED for each instance where the AED is deployed and eventually applied to an actual or potential patient. The report shall be completed on forms provided by the Office of EMS and shall be in three parts:
  1. Original COPY - Maintained by the Early Defibrillation Service (WPD-Communications Sergeant) as described above.
  2. COPY 2 - Forwarded to the Office of EMS for review not more than 15 business days following the patient care incident.
  3. COPY 3 - Provided to the responding EMS agency, which assumed care of the patient. The copy of the completed report may be provided during the patient care incident or at a later time; not more than five (5) business days following the patient care incident.
- E. Additionally, a Law Enforcement Automatic External Defibrillator (AED) Use Form shall be completed by the responding officer if the AED is utilized. The officer will complete the above reports and forward them to the Administrative Assistant. The Administrative Assistant will ensure that all reports are filed with the appropriate agencies.
- F. When the AED is actually utilized on a patient, it will be the responsibility of the supervisor on duty to complete the "After Use AED Check Sheet" (PD 731A) on the AED unit that was used. These forms are located in the Daily Use AED Notebook which is maintained in the gatehouse. Officers shall notify the supervisor on duty that the AED was utilized and arrange for the inspection.
- G. The Communications Supervisor shall inspect each AED unit on a monthly basis utilizing the AED Monthly Check Sheet. These forms are located in the Daily Use AED Notebook, which is maintained at the gatehouse.

## **VII. PROVISION OF CARE**

- A. Personnel shall be responsible for providing automated external defibrillation consistent with their levels of training.

- B. No one shall refuse to provide required services based upon the inability of the patient to provide means of payment or based upon the race, sex, religion, age or national origin of the patient.
- C. Personnel shall be authorized to withhold treatment from patients in respiratory and/or cardiac arrest only when provided with documentation that the patient involved has a valid Virginia “Do Not Resuscitate Order” or a valid “Do Not Resuscitate Order” issued by a state which has a reciprocal agreement with Virginia.
- D. Medical information concerning any individual is confidential and shall not be shared or disclosed expect for continuing medical care or for investigations by the Department of Health.
- E. Personnel shall not leave a patient without assuring that an equal or higher level of care is provided. Informed consent shall be obtained or informed refusal of care shall be documented by responding EMS workers.

## **VII. REFERENCES / AUTHORITY**


- A. §32.1-111.14:1 - Automated External Defibrillators; registration required.
- B. §8.01-225 - Persons Rendering Emergency Care, Obstetrical Services Exempt From Liability
- C. Virginia Department of Health - Office of Emergency Medical Services - Public Access Defibrillation: Guidelines and Procedures for the Implementation of Early Defibrillation Services.

## **VIII. TRAINING**

- A. A.E.D. initial/refresher training will be conducted on a Biennial basis. **(PER.10.02.a.b)**

## **IX. MAINTENANCE**

- A. Routine maintenance/testing as required by the AED manufacturer will be conducted. **(PER.10.02.c)**

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Theft of Historic Resources</b>		<b>NUMBER: 2-38</b>	
<b>EFFECTIVE DATE: APRIL 10, 2016</b>		<b>REVIEW DATE: 03/08/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-38, DEC 2001, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: NONE</b>			

**NOTE**

This order 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**

Archaeology; see historic resources  
 Burials  
 Caves  
 Cemeteries  
 Graves  
 Historic resources; theft of  
 Investigations; theft of historic resources  
 Looting; of historic resources  
 Relic hunting  
 Shipwrecks; looting of  
 Theft; of historic resources

**I. POLICY**

The jurisdiction served by this agency may include parks, caves, cemeteries, marked and unmarked historic sites, plus other areas of potential historic interest although they may not have been excavated, studied, or otherwise presented for public enjoyment. Further, Aquia Harbour is close to areas within federal jurisdiction, both national parks and other lands controlled by the U.S. government. Federal, state, and local governments are custodians of Virginia's history on behalf of all citizens, and current laws recognize this custodianship and outlaw the illegal excavation and looting of historic sites.

Officers are required to investigate fully any reports of illegal digging for artifacts and to make arrests if necessary. This order serves to heighten concern about looting of artifacts or relics, and to equip officers with appropriate investigative aids to help articulate a reasonable suspicion that a crime has

occurred or is occurring, and to develop probable cause to arrest.

Private collecting has created a marketplace for antiquities, leading to high prices, thus encouraging illegal trafficking. No one has a right to enter upon private or public land without appropriate permission for the purpose of furthering one's own hobby of collecting relics.

## II. PURPOSE

To outline applicable laws concerning theft of and vandalism to historic resources and to provide investigative guidelines.

## III. DEFINITIONS

### A. Archaeology

The scientific, systematic study of past cultures through material remains.

### B. Artifact

Any example of material culture; anything made by a person or persons. Relevant examples include beads, pottery, Civil War bullets, and arrowheads. (Note that a common term used commercially and by hobbyists for artifacts is "relics.")

### C. Historic resources

Any material remains that give physical evidence of human occupation, habitation, use, or activity, of the past. "Past" encompasses the very remote past of thousands of years ago, to as recent as yesterday. For the purposes of this general order, "historic" simply means "past." "Any material remains" include **both** artifacts, defined under (B), and other materials not made by people but either used by them or which constitute meaningful clues to past environments, such as animal bones.

1. Note that Virginia law uses the term "objects of antiquity" for artifacts (and other materials) and places no time restrictions on what constitutes "antiquity."

### D. Human remains

Any material traces of deceased people.

### E. Looting

The removal of historic resources from state or federal properties without appropriate permits, or from private property without permission (whether given orally or in writing, unless specifically stated by law).

1. Note: No state nor federal law prohibits the unscientific removal of historic resources from private property with the property owner's consent.

F. Object of antiquity

Any artifact, remain, skeletal material found on, in, or below the surface of the earth, which has historic, scientific, educational value (per *Virginia Code* § 10.1-2302).

**IV. PROCEDURES - Legal Background**

A. Applicable state laws

This section summarizes applicable laws because many of them are unfamiliar to officers. Note that some pertinent laws are not found with other criminal statutes in § 18.2. Refer to the *Virginia Code* for the entire text of the statutes listed below.

1. Trespass: Trespass offenses almost always apply when looting occurs.
  - a. After being forbidden to do so either orally, in writing, or by a posted sign, a person who goes upon another's property has violated § 18.2-119.
  - b. A person who encourages or instigates others to trespass has violated § 18.2-120 (misdemeanor).
  - c. A person who trespasses to dig for artifacts also violates § 18.2-121 (entering property of another for purpose of damaging it, a misdemeanor).
2. Graves and cemeteries
  - a. Disturbing, removing, or displacing human bodies or body parts from *any property*, private or public, with or without a property owner's permission, is a felony unless the excavator has either a permit from the Department of Historic Resources (DHR) or a circuit court order (§ 18.2-126, violation of sepulchre). *Note that no private person may consent to disturbing or excavating a human burial anywhere.*
  - b. Removing, damaging, or destroying grave flowers or wreaths on church cemetery property is a misdemeanor, while destroying, removing, or defacing a permanent structure within church property or any other place of burial is a felony (§ 18.2-127).
  - c. *Any type* of archeological investigation involving the removal of human skeletal remains *or* any associated artifacts from a human burial, no matter where located, requires an archeological permit from DHR (violation of which is a misdemeanor under § 10.1-2305). Appendix B to this order contains a sample permit for the removal of human burials.
  - d. Buying or selling human bodies or trafficking in dead human bodies to any place outside Virginia is a misdemeanor (§ 32.1-303).
  - e. With limited exceptions, selling, offering to sell, buy, or offering to buy a

human body part *for any reason* except for certain medical and scientific purposes is a felony (§ 32.1-289.1).

3. Vandalism

- a. Destroying, defacing, or damaging *any* property, personal or real, any Civil War marker or city/town/county boundary marker is either a misdemeanor (damage or value under \$1000) or a felony (over \$1000, per § 18.2-137).

4. Protection of caves: Caves and rock overhangs receive special protection under Virginia law, as follows. Note that various federal laws protect caves and the archaeological resources within them, namely § 16 *United States Code* 4301 through 4309.

- a. Before excavating or removing any archeological or historic feature of any cave, in addition to the property owner's *written* permission a person must have a permit from the Department of Conservation and Recreation (without a permit, a misdemeanor per § 10.1-1003).
- b. A person who, without the property owner's *written* permission, breaks off, carves upon, or in any manner marks or harms the surfaces of any cave or natural material therein, tampers with any gate or obstruction designed to prevent access, or excavates, removes, defaces any archeological materials, bones, or remains of historic human activity has committed a misdemeanor (§ 10.1-1004).

5. Underwater resources

- a. A person who conducts *any type* of recovery involving the removal, destruction, or disturbance of *any underwater historic property* without first obtaining a permit from the Virginia Marine Resources Commission has committed a misdemeanor (§ 10.1-2214).

(1) For enforcement purposes, artifacts on river or lake bottoms, whether associated with shipwrecks or not, can be assumed to be state-owned.

- b. A person who dumps, trespasses, encroaches upon or over, or takes and uses *any* materials from the beds of bays, rivers, streams, or creeks which are property of the commonwealth has committed a misdemeanor unless he or she possesses a permit (§ 28.2-1203).

6. State-controlled property

- a. Persons who conduct *any type* of field investigation, exploration, or recovery involving the removal, disturbance, or destruction of objects of antiquity from state-controlled property have committed a misdemeanor unless they have a permit from DHR (§ 10.1-2302).

(1) See Appendix A to this order for a sample permit to conduct archaeological excavations.

b. A person who intentionally defaces, damages, destroys, disturbs, or removes any object of antiquity from a state archeological site or other state-controlled property has committed a misdemeanor (§ 10.1-2306).

B. Applicable federal law

i. The Archaeological Resources Protection Act (ARPA), as amended, 1988, provides the most significant federal law-enforcement tool with an application to local law enforcement, carrying both misdemeanor and felony penalties (§§ 16 *United States Code* 470aa-470mm; the criminal penalty found under 470ee). Its key provisions include the following.

a. No person may excavate, remove, damage, or otherwise alter or deface any archaeological resource (or attempt to do the same) on public or Indian lands without a permit.

(1) Protected resources under ARPA include material remains of past human existence, of archaeological interest, *and* which are over 100 years old.

b. No person may sell, purchase, transport, receive, or offer to sell or purchase any archaeological resource *in violation of any law, regulation, or permit under state law*.

c. No person may perform the actions specified under (b) above in interstate or foreign commerce, *in violation of any law, regulation, or permit under state law*.

(1) *Note that any violations of state laws incidental to illegal excavation or theft of archaeological resources [as defined under a.(1) above] which involve interstate commerce become federal violations.*

d. Penalties: A person violating any of the provisions above commits a felony if the value of the archaeological resources involved and the restoration or repair of the damaged or looted resource exceeds \$500 (if less, a misdemeanor). ARPA also requires forfeiture of all equipment, vehicles, and tools used in taking, or attempting to take archaeological resources.

ii. Native American Grave Protection and Repatriation Act (NAGPRA), § 18 *United States Code* 1170.

a. Provisions: Any person who knowingly sells, purchases, uses for profit, or transports for sale or profit human remains and associated cultural items of Native Americans *without right of possession* may be guilty of misdemeanor or felony penalties.

3. Abandoned Shipwrecks Act (See parallel state law under IV.A.5 or this order.)
  - a. Provisions: This act assigns jurisdiction over shipwrecks in state waters to the respective states.
  - b. As a practical matter, law-enforcement officers will have no way of determining if a shipwreck belongs to state or federal jurisdiction. Nevertheless, *any one diving on a wreck* and looting artifacts from it or otherwise disturbing it must possess a permit from either state or federal authorities.

## V. PROCEDURES - Investigative Methods

- A. Officers shall bear in mind that neither federal nor state law (generally) regulates historic resources on private land. Persons excavating or otherwise disturbing artifacts in the ground on private property, with the owner's consent (**except for burials or in a cave, where only possession of a permit renders the activity legal**), have committed no offense.
  1. Officers shall at least conduct a preliminary inquiry when observing persons using metal detectors or other sensing devices and digging tools on any public property, state- or federally-controlled.
    - a. It is a federal offense to bring metal detectors or artifacts onto national park properties. People possessing either shall be detained and a park law-enforcement officer shall be summoned.
- B. When patrolling on or near either state or federally-controlled property, including national parks, officers shall place under surveillance any person(s) using metal detectors or digging equipment on such property. If federal property, officers shall contact the dispatcher and request assistance from federal law enforcement agents who, upon arrival, shall begin an investigation. On state-controlled properties, officers may request assistance from the State Police.
- C. In conducting surveillance of possible looters, observe the following:
  1. Furtive behavior of suspects (hiding from passers-by or watching for approaching persons);
  2. Attempts to disguise their activities (camouflaged clothing and equipment); or
  3. Specific instances of digging.
- D. At all times, observe officer safety techniques.
  1. Perform a records check on all suspects.



2. Looters may carry firearms; some have been arrested with drugs in their possession.
  3. Looters may have a nearby "stash" of equipment, illegally-excavated items, and perhaps weapons.
- E. Violations of historic resources protection laws can be difficult to investigate: few crimes are discovered in progress and historic sites are too numerous to monitor intensively. If the officer discovers a site that he or she suspects has been looted and has historic value, document the incident and contact the state archaeologist in Richmond (804-786-3143) as soon as practicable. Sites showing signs of very recent illegal activity might be placed under surveillance.
- F. If the officer encounters suspects who may have committed or are committing violations of the offenses specified in this directive, the following specific clues support reasonable suspicion to investigate further:
1. Suspect's vehicle is left outside the historic area. Vehicle's proximity to protected public areas may be significant. Be sure to look into the vehicle's interior, if possible, for further clues to illegal digging. See GO 2-1 for further guidance on plain-view seizures.
  2. If a suspect claims to be transporting legally-possessed artifacts, check to see whether the artifacts appear to be recently or freshly dug up.
  3. Suspect may claim to have obtained artifacts from private property (with consent), yet may possess maps of protected lands with site markings on them. If suspect admits to obtaining artifacts from private property without the owner's consent, then trespass and possibly larceny have been committed and the artifacts should be confiscated as evidence. Consult the list of statutes above.
  4. Both digging tools and the suspect's clothing may be camouflaged to avoid reflecting light. If a summons is to be issued for violation of any laws herein described, confiscate tools and the suspect's clothing as well as artifacts.
    - a. Tools used for looting may include: metal detectors with headsets; hand spades; insulated coveralls; topographical maps; flashlights; batteries; a compass; picks; a wood-framed sifting screen to sort out artifacts from dirt; face masks to inhibit dust inhalation; preservatives for artifacts (such as cotton soaked in lubricating solution); backpacks; trowels; small brushes; metal rods up to five feet long with a T-handle (used to probe for human remains and artifacts by noting changes in soil density); a "flipper" (usually a stick or staff used to overturn surface debris to locate artifacts); two-way radios and scanners; cameras.
  5. Time of day: Suspects located with digging equipment at 3:00 a.m. will find it difficult to give a credible explanation.

- a. Looters frequently operate at night and on holidays when local officials--such as park rangers--are generally absent. Looters sometimes work in teams, with one or more persons posted as lookouts.
  - b. Be aware that looters have sometimes threatened landowners or passers-by with firearms.
6. Informants: The most likely sources of information about violations of historic resources preservation laws are people who use the outdoors avocationally or professionally. Hikers, farmers, campers, hunters, and fishermen may witness an act of looting, or encounter a ravaged site.
- a. Some looters hide digging tools or screens at or near the scene of the illegal digging, thus indicating their intention to return soon.
7. Artifacts: If uncertain whether any artifacts in a person's possession may be contraband **and** the materials include what appear to be recently-dug human remains, confiscate the materials (pending further investigation), first inventorying (and photographing) all items. Have the suspect sign the inventory.

G. Probable cause exists to arrest whenever:

- 1. A suspect admits to digging or collecting without a permit on protected properties; or
- 2. A suspect admits to digging or collecting without the owner's consent on private property; or
- 3. A suspect admits to removing artifacts or associated items from **any** burial, whether on private or public property, without a permit; or
- 4. A suspect has in his or her possession artifacts that came from a burial and cannot produce a permit to allow a burial excavation. The suspect might also be charged with offenses relating to trafficking in stolen property. A federal charge applies if items illegally excavated in Virginia are sold out of state.
  - a. The officer will find it difficult to determine if artifacts came from burials. Contact the office of the state archaeologist or contact one of the archaeologists listed on the call-out sheet.
  - b. Paragraphs #1 and #2 in this section apply both under state and federal law.

H. Underwater historic resources: Officers who encounter divers or others who appear to be disturbing, excavating, or otherwise tampering with an underwater site, **particularly shipwrecks**, shall be questioned about their activities. Anyone found to be excavating or disturbing a shipwreck **without a federal or state permit** is very likely committing a crime. In such cases, write a comprehensive case report, summon federal law enforcement officials, if possible, to assist in determining jurisdiction, make an inventory of all artifacts in divers' possession, and have the diver sign it. Contact the state archaeologist as soon as practicable.

- I. Remember that it is not illegal to be a dealer or collector of antiquities. For most people, collecting and selling are lawful. That a person is identified as a collector or dealer does not, by itself, furnish reasonable suspicion nor probable cause that a crime has been/is being committed.
  
- J. Managing the crime scene
  - i. A site of suspected illegal digging or disturbance must be treated as a crime scene. Apply techniques for processing the crime scene and securing physical evidence as detailed in GO 2-15.
    - a. Pay particular attention to soil evidence. In some cases, individual characteristics can be identified within the dirt associated with artifacts or other materials, and then linked to a specific site. Soil evidence will also assist comparison with samples collected from the suspect's clothing, person, or vehicle.
    - b. Preserve dirt attached to the suspect's footwear and tools. Dirt samples from a site are particularly important evidence: obtain control samples plus samples from any holes. Cast tool and shoe impressions.
    - c. Officers may or may not be able to identify recovered or discarded artifacts for what they are: artifacts. An archaeologist must be consulted (see below). In documenting the crime scene, officers will take care to sketch it accurately and to scale. Items may be listed (and separately photographed) in terms of material (stone, bone, metal, clay, or ceramic) and broad type (bullet, button, or bead).
  - ii. Because of the comparatively unusual nature of the crime scene, officers shall, upon reasonably securing the site, obtain the assistance of a qualified archaeologist as soon as practicable. Contact the state archaeologist or an archaeologist on the call-out list.
    - a. An archaeologist helps determine the amount of damage to the site, helps with crime scene photographs, and in identifying, collecting, marking, and preserving physical evidence. The archaeologist may even help "profile" the offender as a private collector, commercial looter, or otherwise. Further, archaeologists can help prepare search warrants. The archaeologist can write a narrative report to supplement the case report. Although not required by state law, an assessment of the amount of damage to a site by an archaeologist is essential to the investigation.
  - iii. If probable cause exists to arrest under any of the statutes cited, issue a summons or physically arrest, if appropriate. Confiscate all evidence, fruits, or tools of the crime. When issuing summonses, make use of the trespassing offense if no other crime can be charged: offenses that violate state or federal antiquities laws can be charged later if further investigation appears warranted. Document the incident thoroughly.

4. Underwater sites containing historic resources have the same status as those on land, although an underwater crime scene will prove difficult to process. An archaeologist's assistance will be necessary to evaluate the site and the theft/vandalism of it.

## **VI. RESOURCES**

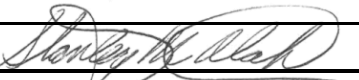
As noted earlier, the unusual nature of the crime of theft of historic resources requires assistance of an archaeologist. During routine business hours, call the state archaeologist in Richmond, 804-786-3143. The state archaeologist will try to evaluate the circumstances over the telephone, and may send a staff archaeologist to investigate, or may refer the officer to a local town or county archaeologist. If calling the state archaeologist is not practicable, contact an archaeologist on the call-out list.

## NOTE CONCERNING GENERAL ORDER 2-38, THEFT OF HISTORIC RESOURCES

Virginians' pride in their state is rooted in reverence for its past. Thousands of years of habitation by Native Americans were followed by the first permanent colony of English-speaking peoples. The independence of the United States was finally won in Virginia, and the country's first president and wartime leader, George Washington, was a Virginian. The Civil War of the (**century before the**) last century saw many Virginians--Robert E. Lee pre-eminent among them--achieve worldwide fame. Historians have estimated that 60 percent of all Civil War battles and skirmishes were fought in Virginia. Today, the primary reason tourists give for visiting Virginia is its past.

Unfortunately, whether out of ignorance or a commercial motive, some have sought to plunder Virginia's past by looting and vandalizing historic sites. "Historic site" in this context refers to marked or signposted monuments such as earthworks, houses or other buildings, as well as marked or unmarked graves, mounds, or other sites of past human activity. "Looting" does not refer to theft of artworks from museums, but instead the illegal, unscientific unearthing of artifacts--Indian beads, Civil War arms or uniform paraphernalia, for example--from archaeological sites. Law enforcers should recognize that many state and federal laws protect historical sites: General Order 2-38 summarizes applicable local and federal laws and offers investigative guidelines for detecting and arresting "thieves of time." Consider the following facts which show the need for law-enforcement involvement:

- The rising interest in our past has led to an increasing market and demand for Native American artifacts, whether legally acquired or not. One rare arrowhead was appraised at \$20,000; a Native American pot from the southwest United States was sold for \$400,000.
- To date, some of the most important arrests of looters under federal archeological protection law (the Archaeological Resources Protection Act, or ARPA) have occurred in Virginia. In 1997, two men pled guilty to illegally digging scores of holes over many acres and removing thousands of artifacts from the Colonial National Battlefield in Petersburg. The conviction of the three men entailed a prison sentence, the payment of fines, and forfeiture of assets and artifacts.
- The alarming increase in the looting of historic sites and the commercial trafficking in artifacts led Florida legislators to pass § 943.1728, a statute requiring law enforcement officers to receive instruction in skills "relating to the protection of archaeological sites and artifacts." The Florida basic law enforcement training curriculum now includes a module on the topic which covers applicable state laws, identification of equipment used by looters, how to identify a possible law violation, and appropriate investigative responses.
- Federal and state laws recognize that the past is a valuable, non-renewable resource, held in trust for our descendants and us. Since many people who illegally hunt for relics or artifacts see little or no harm in what they do, law enforcers have an educational mission apart from an investigative one. Many people legally collect objects or artifacts for their own curiosity or for commercial purposes. The investigative guidelines outlined in General Order 2-38 address illegal activities only.
- Vigorous law-enforcement investigations help maintain the objectives of state and federal laws which recognize the importance of the scientific, archeological exploration of historic sites and emphasize the importance of relics in context with other relics and soil characteristics. With proper study, artifacts eventually become museum displays available to anyone, the information gathered from them published in books on history, archaeology, early Native American cultures, and the Civil War.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDER</b>	
<b>SUBJECT: Incident and Administrative Reports</b>		<b>NUMBER: 2-39A</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 03/08/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 78-8, FEB 1992, GO2-39A APR 2002, DEC 2006</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.25.03, ADM.25.06, ADM.25.07</b>			

**NOTE**

This order 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.

**I. POLICY:**

It is the policy of the Aquia Harbour Police Department to document citizen calls for service, the Department's response to those calls and their resolution, all criminal investigations, traffic accident investigations, criminal arrest information, specific policing activities, and personnel and administrative records. Such documentation will be maintained conforming to the guidelines of the requirements of the Virginia Central Criminal Records Exchange, accessible 24 hours a day, and according to the retention schedule defined by the department and AHPOA.

**II. PURPOSE:**

The purpose of this policy is to define the procedures and processing used in documenting reported incidents received by the Aquia Harbour Police Department. It shall serve to identify the forms utilized to document those incidents, as well as Administrative forms and their proper use.

**III. PROCEDURES:**

The appropriate forms shall be used for incident and administrative investigations. Refer to Appendix A of this general order for a listing of Aquia Harbour Police Department forms and their purpose.

- A. Definitions of Forms: This is not a complete listing. It is intended to list those forms, which the officer will come in frequent contact. As stated above, a listing can be found in the appendix of this general order.

Incident Report - The originating report form for any incident which requires preliminary or follow-up investigation. For the most part an officer's day to day duties are taken up by incidents instead of offenses. While a majority of common incidents only require computer input the following classifications are provided in the event that a written copy must be generated. Most all incidents fall within one of these classifications. (**ADM.25.07.a**)

1. **OPEN DOOR/WINDOW** - This is used any time an Officer finds a door that is not secured or is standing open on any building or residence. This will also include open windows. If door cannot be secured either the officer encountering the open door/window or the communications officer will place an entry in the communications book calling special attention to the situation until secured or resolved.
2. **PROPERTY DAMAGE** - This is used when property damage has occurred without intent or malice. This is not to be confused with Destruction of Property, which is a criminal offense.
3. **OTHER COMPLAINT** - This is used to describe any incident that does not fall into the listed categories and does not warrant an Offense report.
4. **DOMESTIC COMPLAINT** - This is used in any call where a family dispute is settled or calmed down by intervention of the Officer. If any member of the dispute obtains a warrant, the classification shall be changed on the Supplemental Report Form PD 202.

Handle by SCSO  
Handle by SC Animal Control

5. **DEATH REPORT** - Handle by SCSO
6. **ASSIST OTHER AGENCY** - This is to be used when an Officer is required by another department to assist in any manner, such as traffic control on Route 664 at an accident scene, etc. Be as specific as possible (i.e. if you had to “put hands on an individual” state such) The requesting agency should be listed, such as Nelson County, etc.
7. **ALARMS** - This is used for all burglar/hold-up calls no matter how they are received. If the burglar alarm is false, this will not be used in the classification block, but should be stated in the narrative of the report.

- PD-120 Transport/Assist/Vehicle or Residence Lockout Report – Used to document motorist/residence assist efforts by the officer as well as provide documentation of individuals requesting entry to private households.
- PD-150 Roadway Hazard Report – Used to document those hazards encountered by the officer on patrol.
- PD-173 Authority to Tow – Form used to document any time that a vehicle is towed by an officer, private property owner or authorized representative.
- PD-174 Traffic Violation Record – Form used to document all traffic stops initiated by patrol officers. This form will be completed whether or not a UTS is issued. Will be followed up by entry into the Traffic Stop File on the computer.
- PD-200 Offense Report – Used to document any criminal offense that occurs within the Wintergreen.
- PD-205 Ski Larceny Report – Offense report modified to reflect the specific information required when a set of ski’s or snowboard is stolen.
- PD-220 Waiver of Rights, Miranda Form - Signed acknowledgment and understanding of constitutional rights having been explained before questioning. Document signed by person being interrogated and witnessed by officers present.



- PD-257 Consent to Search - Signed acknowledgment and understanding of constitutional rights concerning search and seizure and granting consent to search the person/property of the signing party. Witnessed by officers. Shall be submitted with PD-100, PD-200, PD-205, or PD-255.
- PD-300 Continuation/Supplement Report - A supplemental form used in conjunction with the PD-100, 200, 600 for additional narrative information, or as a follow-up report.
- FR-300P DMV Police Accident Report Form - Form is completed on all reportable and company involved non-reportable accidents investigated by officers.
- PD-600 Property in Custody - Utilized to inventory recovered stolen property, found property, or evidence which comes into possession of the department. It also serves to establish a chain of custody of the property.
- PD-602 Submission of valuable property. ( Kept in Safe - Non Evidence )
- PD 605 Submission of Evidence Form,
- PD 606 Removal / Retention History.
- PD607A Destruction of Property/Evidence ( No Court )
- PD607B Order of Destruction of Controlled/Confiscated Items, Drugs & Weapons.
- PD608 Quarterly Property/Evidence Room Inspection.
- PD-700 Daily Patrol Activity Log – Form used to document the activities performed by patrol officers and sergeants.
- PD-702 Radio Log – Form used to document all calls for service in addition to radio traffic.
- PD-900 Monthly Vacant House Check Form – Listing of residences checked by officers during their patrol shift.
- SP-67 Affidavit for Missing Person Age 18 and Over Report Form - Documents all descriptive personal data on the missing person, vehicle information, and applicable condition of disappearance. Signature of reporting person other than police officer is required. Form required as supporting documentation for Virginia Criminal Information Network entry. Shall be accompanied by original PD-100.
- VSP-183 Virginia Missing Children Information Clearinghouse Report Form (SP-183) - Documents all descriptive personal data on a missing child and any supporting information required for Virginia Criminal Information Network

entry. Signature of reporting person other than police officer is required.  
Shall be accompanied by original PD-1.

VSP-187 Virginia Department of State Police Criminal Firearms Clearinghouse Report Form - Provides information on weapons recovered, seized, or found by officers that may have been used in the commission of a crime. This form also requires a trace be made of the weapon through Alcohol Tobacco Firearms (ATF) with results forwarded to the Department of State Police Clearinghouse. No substitute form may be used.

B. Police Investigations Which Require Documentation:

Those incidents and/or citizen reports in which a reasonable person would find the circumstances to be suspicious, or such as to make one suspect a violation of law or ordinance has occurred, shall be documented. The following list, though not all inclusive, indicates the type of incident for which a report shall be filed.

1. Abandoned vehicles
2. Assault or threatened assault
3. B&E, burglary
4. Bomb threats
5. Check fraud, worthless checks, etc.
6. Child abuse or neglect
7. Concealed weapon
8. Contributing to the delinquency of a minor
9. Cruelty to animals
10. Deaths, (accidental, homicide, natural, suicide)
11. Drug offenses
12. Felonies (all)
13. Fraud (all types including flim flam)
14. Found property (all)
15. Hit & Run

16. Indecent Exposure
17. Injuries, serious, (other than auto accidents)
18. Kidnapping (including parental)
19. Larcenies (all)
20. Lost property (all)
21. Missing persons
22. Overdose
23. Phone calls, (annoying, obscene, threatening)
24. Rape
25. Recovered stolen autos, property
26. Runaways
27. Sex offenses, (sodomy, sexual battery, fondling, etc.)
28. Shoplifting
29. Stored autos
30. Tampering with auto
31. Trespassing
32. Destruction of Property
33. Traffic Accidents (See paragraph H)
34. Auto Theft
35. Attempted Suicide
36. 911 Hang-up Calls

**\*\* Note: When in doubt, write a report.**

- C. Reports **must** incorporate all the facts and information the Officer has learned through investigation which pertains to the case.

1. A portion of some report forms will require narrative writing. When preparing the narrative, be sure and answer the investigative questions of who, what, when, how, where, and why.
  2. Officers will write for the benefit of the reader, 3rd person, taking into consideration that partially stated facts are often misleading and create false impressions.
  3. Facts and information should be placed in chronological order and should enable the reader to reconstruct the scene of the crime or incident.
- D. All Officers are required to submit a completed PD 700 at the expiration of a tour of duty, as well as any forms required by shift activity. With exception stated below most Incident reports shall be computer entries only, all Property in Custody (PD 600) and Offense reports and Supplements (PD 200, 205, 300) shall be written in addition to computer entry.
- E. **All reports** shall be entered into the Wintergreen Police Department Computer system. All names in report are to be recorded in the alphabetical master name index. In the event that an incident report may be of special interest to the Chief of Police or the Executive Director it shall be written in addition to being entered into the computer.
- F. **\*\*NOTE\*\* IN THE EVENT THAT COMPUTER SYSTEM IS DOWN ALL REPORTS WILL BE HAND WRITTEN**
- G. **ERASURES AND WHITEOUTS are NOT PERMISSIBLE** on any department report form. All officers should check reports before submitting them to insure they are accurate and complete. A single line through the mistake along with the officers initials is acceptable.
- H. Motor Vehicle Accidents: The **FR-300P** shall be completed for all reportable traffic accidents. At the officers discretion or request of the victim a **FR-300F** may be used to thoroughly record all of the facts and circumstances surrounding the reportable incident, and the actions taken by the investigating officer(s) or to document non-reportable accidents on public or private property.
- I. Procedures for Submission, Review and Processing of Incident Reports, Police Investigation Reports and Motor Vehicle Accident Reports
1. Submission: (**ADM.25.06**)  
  
Officers shall submit at the conclusion of each tour of duty, on the appropriate forms, the preliminary investigative results of those incidents investigated by them which require documentation. All incident reports shall have assigned a discrete number (Case Control Number, or CCR) made up of the year, month and sequential number starting with the first report of any given year. The number will either be assigned by the dispatch center or requested by the officer on scene. A supplemental report shall be submitted by officers on all assigned follow-up investigations within seven (7) days of the assigned date and every fourteen (14) days thereafter.

Should this time expire during assigned days off or annual leave, a supplemental report shall be submitted on the last day worked before the day off or leave time is taken.

2. Review:

All written reports shall be submitted for supervisory review at the conclusion of each tour of duty. The reports shall be reviewed for accuracy and completeness of information. Upon signature approval, the supervisor acknowledges responsibility for the content of the incident report. (**ADM.25.07.b**)

a. Assignment:

The reviewing supervisor may assign an incident report for follow-up investigations at time of review.

b. Inaccurate/Incomplete Reports:

Upon review if a report is found to be inaccurate/incomplete, at the reviewers discretion, the report shall be returned to the reporting officer noting the deficiency. The reporting officer shall by the conclusion of his/her next tour of duty make corrections and submit the completed corrected report for review and approval.

3. Investigative Review:

All incident reports shall be reviewed by the patrol supervisor for possible assignment, distribution and case status designation.

a. Assignment:

In most cases the officer initiating the report will be responsible for follow-up investigation if necessary, or the patrol sergeant may assign the incident to another officer for follow-up investigation. If such assignment requires the officer to file a supplemental report of actions taken, it will be accomplished within seven days of assignment. Additional supplements shall be filed as the investigation progresses.

b. Distribution:

Distribution will be as determined by the patrol sergeant or the chief of police.

c. Case Status:

Case status designation is required on all PD-100 series, PD-200, or PD-205 forms. This designation shall be initially assigned by the reporting officer and confirmed by the patrol supervisor at the time of review. Such designation shall be by initials, and date.

4. Coding & Entry:

All incident and supplemental reports require entry into the department's automated Records Management System. This shall be performed by the officer initiating the report, prior to the end of his or her shift.

5. Missing Reports:

An audit of the Computerized Records Management System will be conducted at least once a week by the patrol supervisor to determine those incidents where a report has not been filed. The patrol supervisor shall notify the officer responsible of the deficiency and the need to provide both a hard copy (if required) and the computer entry of said report. **Note: All officers should make it a daily practice to check computer, Radio Log, Day Book, AED Book, House Check Checklist.**

6. Vice & Narcotic Reports:

Whenever an officer receives a complaint or report of vice, drug, organized crime or related criminal activity, such officer will record as much information as possible on an Offense Report (PD-200) and placed in a sealed envelope. The patrol supervisor who reviews such a report shall determine whether information contained therein is of a highly sensitive nature requiring limited dissemination, and if so, shall ensure that the report is enclosed in a sealed envelope, or filed in a secure area until determination can be made as to the follow-up investigation requirements. See general order on Vice, Drug, and Organized Crime Enforcement (GO 2-16) for detailed guidance on reporting requirements.

7. Multiple Victims/Incidents:

- a. Due to limitations presently in place regarding the Wintergreen Police Department Report System each victim will have an incident/offense report number assigned.

8. Recovered/Found Property:

The responsibility for completing a report for recovered or found property, and removal of all VCIN/NCIC entries shall be that of the recovering officer. The number of the original incident shall be used. If no previous number exists, the report shall be assigned a new (CCR) number. For those incidents that have been previously assigned for investigation, the recovering officer should also notify the originally assigned officer or agency of the incident and the circumstances involved.

J. Juvenile Records

Juvenile records, including fingerprints and photographs, require special security and privacy precautions in accordance with §16.1-299 through §16.1-309.1 of the Code of Virginia. All members shall adhere to the provisions of the aforementioned statutes when obtaining, processing, recording, filing or otherwise storing any juvenile record, photograph or fingerprints of a juvenile charged with any delinquent or criminal act.

1. Fingerprints and photographs shall be taken and filed with the juvenile court on forms provided by the Central Criminal Records Exchange when any juvenile is taken into custody and charged with a delinquent act for which, if committed by an adult, is required to be reported to the Central Criminal Records Exchange pursuant to subsection A of §19.2-390.
2. Fingerprints of a juvenile shall be forwarded to the Central Criminal Records Exchange when a juvenile of any age is adjudicated delinquent or found guilty of any offense which would be a felony if committed by an adult or any other offense for which a report to the Central Criminal Records Exchange is required by subsection C of §19.2-390 if the offense were committed by an adult.
3. Fingerprints and photographs taken of a juvenile pursuant to any of the above sections shall be retained or disposed as follows:
  - a. If no petition is filed, the fingerprints, photographs and any copies thereof shall be destroyed sixty days after the prints were taken.
  - b. If the juvenile is found not guilty of the charge of delinquency or in any other case resulting in a disposition for which fingerprints are not required to be forwarded to the Central Criminal Records Exchange, the fingerprints, photographs and copies thereof shall be destroyed within sixty days of such finding.
  - c. 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. They will be stored in a locked file cabinet in the Assistant Chief of Police's office.

K. Adult Records: **(ADM.25.03.a)**

Adult Records shall be kept separate from juvenile records and shall be kept in a secure manner in accordance with state law. Fingerprinting and photographing of arrested adults will be performed in compliance with §19.2-390 through §19.2-392.1, Code of Virginia.

L. Domestic Violence Reports

1. §19.2-81.3, as amended July 1, 1995, provides that copies of the offense report regarding incidents of domestic violence shall be made available to the victim of such violence upon the request of the victim.
2. The reporting officer shall advise the victim of domestic violence at the time the report is taken, that he or she may obtain a copy of the report from the Wintergreen Police Department.

3. The victim must show proper identification at the Community Offices Building to verify that the person seeking a copy of the report is in fact the victim listed in the report.
4. Each officer who responds to an incident of domestic violence shall take great care in the preparation of the report to ensure that the report is an accurate documentation of the reported incident. The report should be neat, concise, legible, and thorough in capturing the available information. Caution should be used to avoid opinions and unverifiable information stated as facts.

M. Administrative Reports, working papers, and personnel records

1. Appropriate reports shall be completed and maintained using the proper forms as needed. These records are compiled specifically for internal agency use and are to be maintained separate from Incident/Investigation Reports.
2. Administrative reports may be either for department wide use or for specific operational/functional purposes. The Chief of Police shall periodically initiate an assessment to review administrative documents for utilization and effectiveness.
3. Centralized storage for all reports and forms, related instructions, and supply inventories will be maintained at the community offices building.

N. Distribution of reports and records

1. No report or record will be distributed without the express permission of the Chief of Police or Assistant Chief. (**ADM.25.03.d**)

O. Records retention schedule

1. All records (both computerized and paper files) shall be maintained for a period of no less than ten (10) years. At the end of that period the Chief of Police shall determine which files are to be maintained or destroyed.

P. Confidentiality & Dissemination

All criminal investigations conducted by department members or Administrative Reports, working papers, personnel records maintained by the department are considered confidential. All such files will be maintained in a centralized secure location at the Community Offices Building. Information shall not be disseminated outside of the department except during the course of an official investigation where:

1. The release of that information is essential to the investigation.



2. It is used for analysis purposes.
3. It is a matter where such dissemination is required by law, subpoena duces tecum, or by court order.
4. It is presented in court through testimony.
5. It is presented through a Media Release, as prescribed in Regulation 1-13 "Media Relations" in this manual.
6. Unless approved by the Chief of Police or Executive Director of WPOA.

Q. Subpoena Duces Tecum Documents and Freedom of Information Requests

Any member served with a subpoena duces tecum shall promptly forward the same to the Chief of Police. The Chief of Police or his designee will coordinate the department's response through the Commonwealth Attorney's Office.

**APPENDIX A**  
**January 13, 2016**

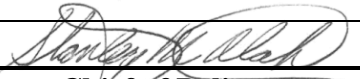
A. The Department will use the below listed forms:

<b><u>PD Number</u></b>	<b><u>Report Description</u></b>
VIW 3	Warning Sticker
DSA 10	Suspension/Revocation/Disqualification Notice
VSA 28	Illegible License Plate Notice
SP 67	Affidavit for Missing Person Age 18 or over
DFS 70-001	Request for Laboratory Examination
DFS 70-014	Request for Independent Sample (Blood)
R-84	Final Disposition Report
100	Incident Report
120	Transport/Assist/Vehicle or Residence Lockout Report
150	Roadway Hazard Report
163	Prosecution Report
165	Authorization to Return Property
172	Vehicle Report
173	Authority to Tow
174	Traffic Violation Record
SP 180	Central Criminal Records Exchange
VSP 183	Missing Child Report Form
DL 192	Driver Review Request
200	Offense Report
DC 201	Notice of Administrative Suspension of Driver's License/Driving Privilege
205	Ski Larceny Report
DC 217	Virginia Prepayable Offenses Information Sheet
220	Miranda Form
220A	Miranda Form ( Optional )
222	Record of Statement
222A	Record of Statement Continuation

224	Polygraph Form
225	Juvenile Polygraph
SP 236	Sex Offender & Crimes Against Minors Registry
FD 249	FBI Fingerprint Card
PD 249-A	Palm & Blade Print Sheet
250	Informant Portfolio
253	Photographic Record
255	Arrest Report
256	Arrest Log
257	Consent to Search
258	DUI Report
259	DUI Letter
260	Forged Check Letter
SP 266	Sex Offender & Crimes against Minors Name Search Request Form
270	Report of Complaint against Police Personnel
272	Request for Copy of Report
275	Administrative Proceedings Rights Notice Of Allegations
280	Polygraph Acknowledgement Of Rights
285	Certificate To Be Completed In Event Of Refusal To Sign Form
290	Employee Resignation/Termination Report
300	Continuation/Supplement Form
FR 300P	Police Accident Report
DC 301	
DC 311	Criminal Complaint
DC 312	Warrant of Arrest-Felony
DC 314	Warrant of Arrest-Misdemeanor
DC 325	Request for Witness Subpoena
DC 326X	Request for Witness Subpoena
DC 338	Affidavit for Search Warrant
FD 353	Personal Identification Fingerprint Card
DC 367	Order and Certificate of Destruction of Controlled/Confiscated Items
FR 422A	Confirmation of Liability Insurance
450	Skill, Knowledge & Ability Survey
600	Property in Custody
PD602	Submission of Valuable Property (Safe –Non Evidence)
PD605	Submission of Evidence Form
PD606	Removal / Retention History
PD607A	Destruction of property/Evidence (No Court)
PD607B	Order of Destruction of Controlled / Confiscated Items, Drugs And Weapons
PD608	Quarterly Property/Evidence Room Inspection Report
610	Credit Card Return
620	Ski Register (For CA)
625	Shoe Print Database
700	Daily Patrol Activity Log

700C	Daily Log Continuation
700R	Weekly Activity Summary Report
700-S	Sergeant Daily Patrol Activity Log
701	Daily Gate Activity Log
702	Radio Log
725	Vehicle Inspection
727	Vehicle Maintenance Record
730	Gate Inventory Form
731	AED Log
731A	After Use AED Checksheet
732	Expense Report
733	Off Duty Employment
734	Time Cards
750	Trespass Notice
775	Deer Harvest Activity
780	Remit Letter
800	Fax Cover Sheet
809	Property Damage/Loss Report
820	Speed Survey Form
825	Traffic Counter Shift Report
850	Firearms Training Record Form
850C	Firearms Classroom Training
851	Firearms Inspection (Monthly)
852	Firearm Issue Form
853	Weapon Maintenance Form
880	Patrol/Sergeant Performance Evaluation
881	Communications Officer Performance Evaluation
882	Civilian Employee Performance Evaluation
883	Field Training Daily Observation
883C	Communications Field Training Daily Observation
884	Field Training Evaluation Form
884C	Communications Field Training Evaluation Form
885	Field Training Data and Evaluation Sheet
886	Field Training Officer Trainee Evaluation Sheet
887	Recruit Officer Checklist
887A	Field Training Officers Instructional Guide
888	Leave Request
889	Change of Shift Form
890	Officer Counseling Form
900	Monthly Vacant House Check Form
901	Vacant House Check System Activation/Deactivation Form
902	House Check Application Letter
903	House Check Application Form
904	Ski Registry
905	Operation I.D Letter
910	Operation I.D. Log/Inventory
911	Personal Safety Program Letter
912	Personal Safety Program Application

915	Personal Safety Program Log
920	Ride Along Program
921	Ride Along Program Application
UTS	(Uniform Traffic Summons)Virginia Uniform Summons

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>RULES AND REGULATIONS</b>
<b>SUBJECT: Offense Report Case File Management</b>	<b>NUMBER: 2-39B</b>
<b>EFFECTIVE DATE: MARCH 16, 2016</b>	<b>REVIEW DATE: 03/08/19 by 804</b>
<b>AMENDS/SUPERSEDES: GO Mar.29, 2002, DEC. 12, 2006, DEC 2010</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLEPSC STANDARDS: ADM.25.03, ADM.25.07,</b>	

**NOTE**

This order 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.

**I. POLICY:**

It is the policy of the Aquia Harbour Police Department to comply with arrest records, investigative records, reportable incident records, and noncriminal incidents of records requirements established by § 15.2-1722 of the Code of Virginia.

It will be the practice of the Aquia Harbour Police Department to thoroughly and accurately receive, investigate, and document reported offenses, traffic accident, suspicious situations, and criminal investigations. Offense/Incident Report Case Files will be created by officers from reports made by citizens and include resulting investigative information gathered by officers.

It will be the practice of Department personnel to gather available information and reporting documents into a central repository. A secure file cabinet at the Police Department will be the sole repository of the original copy of all such reports, documents, and recorded media created by members of the Aquia Harbour Police Department. The administrative assistant under the supervision of the Chief of Police will be responsible for managing and retaining case files in accordance with Department retention schedules. (ADM.25.03.c)

**II. PURPOSE:**

The purpose of this policy is to define procedures relating to the creation, maintenance, and retention of Offense Report Case Files.

### **III. PROCEDURES:**

#### **A. Origin**

The Offense Report Case File will originate at the time an officer completes and submits for review and approval a written report of an investigation conducted by him/her of criminal activity or a motor vehicle accident. Such reports shall be assigned a number at the time of origin. The number shall be that which is assigned by the Communications Center when the call for service was originally received or as requested by the officer on the scene. The case file folder containing the original report and other documents will be imprinted with a table of contents, compiled by the investigating officer, that will be annotated by the administrative assistant whenever new documents or materials relating to the case are placed in any of the files. In the case of active vice and narcotics investigations, the offense case report file originates when associated documentation are prepared for submission to the central file. Prior to this time all documented data is considered to be Intelligence Information and will be retained in a separate secure location.

#### **B. Case Review and Assignment**

1. A review of the Offense Report will be made by a supervisory officer at the conclusion of each tour of duty for accuracy, completeness of information, and the thoroughness of the investigation. A supervisory officer may, upon review, forward the case to SCSO for further investigation if needed.

#### **C. Report Distribution**

1. Upon completion of review by the a supervisory officer, the original of the Offense Report will be filed by the officer for creation and securing of the Offense Report Case File.

#### **D. Supplements and Additional Documents**

The original of all additional documents shall, upon completion, review, and approval, be filed by the officer for inclusion in the Offense Report Case File. These documents will include, but not be limited to, all supplemental reports, storage reports, medical reports, evidence examination results, forensic/crime search reports, charts, and any other documentation related to the case.

2. The investigating officer will insure that the original recordings (Audio, Video) and all original transcriptions are placed on CD/DVD and submitted to the Stafford County Evidence Manager for inclusion in the Property/ Evidence Room.

3. In those cases where only notes are taken of the interview, the officer will prepare a supplement report summarizing the results of the interview.

F. Photographs

1. The investigating officer will keep printed photographs for inclusion in the Offense Report Case File.
2. Any incident which is photographed by officers of this department shall be done according to the guidelines to include the CCR Number, date, time taken, name and unit number of the officer taking the photograph and the location where the photograph was taken.
3. Digital pictures will be stored in the network computer files under the CCR Case number. Generally photos are not printed until needed for court or other purposes.
4. Printed/Finished photographs will have the Offense Report Number written on the reverse side to ensure case identification.

G. Video Recordings

1. The original of any video recording will be forwarded to the Stafford County Evidence Manager for inclusion in the Property/Evidence Room.. Video recordings may be used to document situations such as crime scenes, lineups, and interviews.
2. The video recorded CD/DVD will be labeled to include the Offense Report Number, the date and time the recording was made, the name and unit number of the officer making the recording, the reason for making the CD/DVD, and the location where the recording was made.

H. Access to Files

1. Access to the General Offense Report Case File shall be limited to sworn personnel of the Department. Only authorized personnel will pull / replace case files to reduce the chance of misfiling.
2. The file will not be removed from central files, either all or in part, without the authorized requesting person properly signing out the file in the case log book.
  - a. The requesting authorized person will sign out the file in the case log book, listing the purpose for the removal.
  - b. Items removed will be returned within five (5) working days unless taken by the court as evidence.
  - c. Whenever an item is removed from the file, a copy will be made and inserted in the file in place of the original that was removed.



- d. In those cases where the recipient does not require the original document, a copy will be provided to the individual and will be marked as a copy.
- e. The officer who received items that are taken by the court as evidence will obtain a receipt from the court for the items.
- f. The receipt from the court will be placed in the file.

**I. Dissemination of Offense Report Case Files**

- 1. The Aquia Harbour Police Department conforms with the requirements of the Virginia Freedom of Information Act for Offense Report Case Files.
- 2. Information contained within the Offense Report Case Files is confidential information and shall not be disseminated, or discussed outside of official agency business.
- 3. Dissemination is appropriate when:
  - a. The release of that information is considered beneficial to an active investigation.
  - b. It is used for analysis purposes.
  - c. The victim of a domestic assault requests a copy of the incident report.
  - d. It is a matter where such dissemination is required by law, such as Subpoena DucesTecum, or by Court Order.
  - e. Dissemination of case information to insurance companies will be only after approval from the Chief or Assistant Chief. All victims are generally entitled to basic offense information.
  - f. Copies of information contained in Offense Report Case files may be obtained by departmental members other than the investigator assigned to investigate the case when they have been authorized by supervisory or management personnel.

**J. Evidentiary Nature of File Contents**

- 1. All case file materials that are of evidentiary nature, such as waiver of rights forms, original medical reports, are considered part of original case file and shall be filed . Exception: Investigator initiated and assigned follow up investigations will be maintained in the Investigator's secured files in his office.
- 2. Items of an evidentiary nature may only be removed from the file by the originating officer or supervisor.

3. The item will be returned to central files within five working days. When an item
4. is relinquished to the court, the clerk will be asked to provide a receipt, which will be returned within five working days.

**K. Types of Offense Report Case Files**

1. General Offense Report Case File

General Offense Report Case Files deal with all cases except those that are classified as Special Access Cases.

2. Special Access Report Case File

Special Access Report Case Files are files that are so categorized by virtue of being a privileged communication between the Department and the Commonwealth Attorney's Office through the attorney/client relationship or cases so designated by the Chief of Police or his designee.

**L. Special Access Offense Report Case Files**

1. Access

Access to a Special Access Offense Report Case File for maintenance, review, or removal shall be limited to:

- a. Commonwealth's Attorney
- b. Chief of Police
- c. Individuals designated by the above.

2. Maintenance, Review & Removal

- a. Special Access Offense Report Case Files will be maintained in a file envelope and filed by the assigned CCR Number.
- b. The file envelope will be imprinted with a log for noting the date, time, name and unit number of the person/officer who accesses the file, and the reason for the access.
- c. Supplemental reports, documents, and materials shall be turned over to the Chief of Police or his designee for inclusion in the file.
- d. Review of this file is limited to only those authorized personnel listed in part 1 of this section.
- e. The log shall reflect individual reviews.

**M. Retention**

1. The original hard copy retention of all files will be for a period of not less than 10 years. At the end of that period the Chief of Police will determine which files are to be maintained or destroyed.

**N. Records and Reports Pertaining to Active Vice, Drug and Organized Crime Investigations**

Due to the confidentiality of undercover operations or organized crime investigations and the sensitive nature of information contained therein the following procedures will be utilized:

1. Records and reports pertaining to active vice, drug or organized crime investigations will be maintained in secure areas with access limited as specified by the Chief of Police or designee.
2. Access to the files shall be limited and documented by individuals authorized by the Chief of Police.
3. The case files shall be transferred to general offense files as soon as maximum confidentiality has expired.

**O. Inspections**

The record files shall be subject to periodic audits as determined by the Chief of Police.

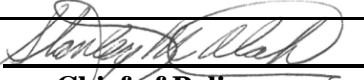
**P. Physical Access to Records File**

The Records File must meet state mandated security requirements for criminal history record information. For that reason, only the following personnel shall be allowed physical access to central files: Which shall be kept in a locked file cabinet. **(ADM.25.03.b) (OPR.02.04.d)**

1. Chief of Police or designee
2. Patrol Supervisor/Investigator

**Q. Jurisdiction: **(ADM.25.07.c)****

Offense/Incident Reports will be created by officers whether or not at the time of the report by any citizen jurisdiction of the offense can be established. Once jurisdiction is established, and it is determined to be outside of the Department's coverage area the report will be forwarded to the appropriate law enforcement agency.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>RULES AND REGULATIONS</b>	
<b>SUBJECT: Freedom of Information Act</b>		<b>NUMBER: 2-39C</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 03/01/19 by 804</b>	
<b>AMENDS/SUPERSEDES: NOV. 15, 2007, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.22.03</b>			

**NOTE**

This order 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.

**I. POLICY**

It is the policy of the Aquia Harbour Police Department to treat every oral and/or written request for records as a request under the VFOIA whether or not that law is explicitly cited in the request. However, a request for public records shall identify the requested records with reasonable specificity.

**II. PURPOSE**

This General Order is issued for the purpose of establishing procedures for assisting employees in complying with the Virginia Freedom of Information Act (VFOIA).

The VFOIA creates a general rule of mandatory disclosure. Except as otherwise specifically provided by law, it permits any Virginia citizen, or representative of news media circulating or broadcasting in or into Virginia, to inspect and copy public records during the regular office hours of the custodian of the records. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

**III. DEFINITIONS**

For purposes of the Virginia Freedom of Information Act, and this General Order, unless the context requires a different meaning, the following terms shall have the meanings indicated:

“Criminal Incident Information” means a general description of the criminal activity reported, the date and general location the alleged crime was committed, the identity of the investigating officer, and a general description of any injuries suffered or property damaged or stolen.

“Law Enforcement Official” includes the attorneys for the Commonwealth.

“Public Body” includes any authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns, and counties.

“Public Records” means all writings and recordings which consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, Photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

#### IV. **DISCLOSURE OF RECORDS; LIMITATIONS**

##### A. Records Subject to Mandatory Release

The following records, reports and documents may be released utilizing the “AHPD Criminal/ Incident Report Form” except where such disclosure is restricted or prohibited by law:

1. Criminal Incident Information: Law enforcement officials shall make available upon request criminal incident information relating to *felony* offenses. However, even this minimal amount of information may be withheld by the law enforcement agency if disclosure is likely to (1) jeopardize an ongoing investigation or prosecution, (2) jeopardize the safety of an individual, (3) cause a suspect to flee or evade detection; or (4) result in the destruction of evidence. It is important to note that the “criminal incident information” may be withheld *only until the specified damage is no longer likely to occur from release of information*. Nothing herein shall be construed to prohibit the release of those portions of such information that are not likely to cause the above-referenced damage.

While “criminal incident information” is required to be released for felonies only, *release of such information in misdemeanor cases is not prohibited. The Chief of Police or Assistant Chief shall approve all requests that are released.*

Criminal incident information includes the following, unless otherwise restricted or prohibited by law:

General Description of Criminal Activity: This means the nature of the offense, though the specific criminal charge that may be involved need not be specified. For example, “sexual assault” may be used rather than the more specific terms of rape, sodomy, sexual battery and similar offenses. “Drug law violation” could be used without specifying the substance involved or whether the case involved possession or distribution.

Date and general location the alleged crime was committed: A specific date should generally be provided, though in some cases a time frame may be appropriate. While the approximate time an event occurred is not required, it may be provided. Street and

hundred block is one of the most frequently used methods of identifying location. However, if a street or block contains only several residences or buildings, use of a geographic community or subdivision locator identity may be appropriate if protection of a victim's identity is desired.

Identity of investigating officer: This could include either an officer taking an initial report or an investigator assigned to follow up on a case, either or both.

General description of injuries suffered, property damaged or stolen: Phrases such as "stab wound," "life-threatening injuries," or "injuries which are not life threatening" are appropriate. Property may be described in such terms as "construction materials," "household goods," or "assorted merchandise."

**Restrictions on release of certain information:** The following restrictions on release of information outlined above or of other information in the custody of a law-enforcement agency should be carefully observed:

(a) Pursuant to Va. Code the identity of any victim, witness or undercover officer, or investigative techniques or procedures need not but may be disclosed unless disclosure is prohibited or restricted. §19.2-11.2.

(1) Va. Code §19.2-11.2 provides that *upon request of any crime victim*, "neither a law enforcement agency, the attorney for the Commonwealth, a court nor the Department of Corrections, nor any employee of any of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the victim or a member of the victim's family, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law or Rules of the Supreme Court, (iii) necessary for law enforcement purposes, or (iv) permitted by the court for good cause."

(2) Va. Code §19.2-11.2 also provides that "*except with the written consent of the victim*, a law enforcement agency may not disclose to the public, information which directly or indirectly identifies the victim of a crime involving any sexual assault or abuse, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law, (iii) necessary for law-enforcement purposes, or (iv) permitted by the court for good cause."

(b) Pursuant to Va. Code, the identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

2. Accident Report: This report shall be released upon request, either in person or through the mail, unless otherwise prohibited by law.

3. Traffic Summons and Arrest Reports [Adults Only]: Information in the custody of law enforcement officials relative to the identity of any individual, *other than a juvenile*, who is arrested and charged, and the status of the charge or arrest shall be released. This applies to felony, misdemeanor and traffic arrests or temporary detentions and shall include the identity of the person arrested or detained, the nature of the arrest or

detention, and the charge, if any. Any chronological listing of adult arrests is a public document. However, the Code of Virginia, reflecting federal mandates, prohibits the dissemination of *criminal history record information* outside the law enforcement community by law enforcement agencies. Thus, the release of arrest information is commonly understood to apply to “*reasonably contemporaneous*” arrests. Requesters seeking older information may be advised to check court records, which are public.

4. Investigative Reports: Law enforcement officials shall release “criminal incident information” as defined above unless such disclosure is prohibited or restricted by law. However, complaints, memoranda, correspondence and evidence relating to a criminal investigation or prosecution, *other than* the basic facts described as criminal incident information, are excluded from the disclosure requirements of the VFOIA.
5. Arrestee Photographs: It is required that photographs of adults who are arrested be released *if doing so will not jeopardize an investigation*. The arrestee photograph may be withheld until such time as the release of the photograph will no longer jeopardize the investigation. For example, a photograph may be withheld if the person is to appear in either a photo or live lineup to avoid possible tainting of the process. However, *once these activities are concluded, the photo must be released*. If several agencies are involved in an investigation, coordination is essential to insure that the release of a photo by one agency does not jeopardize the investigation of another agency. There are no requirements in VFOIA relating either to size or quality of adult arrestee photographs. It is important to note that the requirement to release applies to all adult arrestees who are photographed, regardless of whether they are charged with a felony or a misdemeanor. Unprocessed film does not constitute an existing record and the requirement to release does not apply until a photograph has been developed and printed.
6. Personnel Records: Records of the *position, job classification, official salary or rate of pay of*, and records of the *allowances or reimbursements for expenses* paid to any employee of the department shall be released upon request. However, these provisions shall not require public access to records of the official salaries or rates of pay of any such public employees *whose annual rate of pay is \$10,000.00 or less*. NOTE: Other than the information outlined above, personnel records containing information concerning identifiable individuals are exempt from disclosure under VFOIA. However, present and past employees, eighteen years of age or older, have an absolute right to see their own personnel records. Present and past employees may waive in writing the confidentiality of his or her personnel records. If the Aquia Harbour Police Department receives a signed waiver from the present or past employee, it must then produce that person’s personnel records for other requesters, including the news media.
7. Reportable Incident Reports: A compilation of complaints received by the Aquia Harbour Police Department and action taken by the law enforcement agency in response thereto.

B. Records Subject to Discretionary Disclosure or Withholding:

The following records, reports and documents are excluded from disclosure under the provisions of VFOIA, but *may* be released **by the custodian of records at the discretion of the Chief, except where such disclosure is prohibited by law:**

1. Criminal Investigations Information: Exempt from *mandatory* disclosure are all complaints, memoranda, correspondence and evidence relating to a criminal investigation (except for “*criminal incident information*” relating to felonies). The VFOIA Officer should be consulted before refusing to release this information. Commonwealth’s attorneys are specifically defined as law enforcement officials, so criminal investigative materials remain protected when they are turned over to a prosecutor by a law enforcement agency.

Such information *may* be released at the discretion of the Chief, but such a discretionary release shall be made only upon completion of a criminal investigation *unless the Chief directs otherwise.*

2. Noncriminal incident or other investigative reports or materials: Exempt from disclosure are those portions of such reports or materials *containing identifying information of a personal, medical or financial nature provided to a law enforcement agency where the release of such information would jeopardize the safety or privacy of person(s).* Examples of information which can and should be protected under this exemption are: reports of suicide attempts, medical information obtained during unattended death investigations, credit card numbers, and other identifying information recorded on lost property reports, and response to domestic disputes where no violence occurs.
3. Adult arrestee photographs are excluded from disclosure when necessary to avoid jeopardizing an investigation in felony cases; such exclusion continues until such time as release of the photograph will no longer jeopardize the investigation. See “Arrestee Photographs” at Section IV. A. 5 herein.
4. Reports submitted in confidence to (i) state and local law enforcement agencies, (ii) investigators authorized pursuant to Va. Code §53.1-16 or §66-3.1, and (iii) campus police departments of public institutions of higher education established pursuant to Va. Code §23-232 et seq. need not but may be disclosed unless disclosure is prohibited or restricted by law.
5. Portions of records of local government crime commissions that would identify individuals providing information about crimes or criminal activities under a promise of anonymity will not be released. NOTE: Va. Code expressly provides that the “identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.
6. Records involving Neighborhood Watch Programs. The names, addresses, and operating schedules of individual participants in the program that are provided under a promise of anonymity will **not** be released.



7. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment need not but may be released unless disclosure is prohibited or restricted by law.
8. The identity of victims, witnesses, or undercover officer(s), or investigative techniques or procedures need not but may be *disclosed unless disclosure is prohibited or restricted under §19.2-11.2.*

C. Exempt Non-Criminal Records of Law Enforcement Agencies

The following noncriminal records, reports and documents are, *in general*, excluded from disclosure under the provisions of the VFOIA: **(ADM.22.03.d)**

1. *Those portions* of noncriminal incident or other investigative reports or materials containing identifying information of a personal, medical, or financial nature provided to a law enforcement agency where the release of such information could jeopardize the safety or privacy of any person. Examples of such information which can and should be protected under this exemption are: reports of suicide attempts, medical information obtained during unattended death investigations, credit card numbers, and other identifying information recorded on lost property reports, and response to domestic disputes where no violence occurs.
2. Information that reveals investigative techniques or procedures. The Chief of Police has the option to disclose these.
3. Those portions of any records containing information related to plans for or resources dedicated to undercover operations. For example, unmarked undercover vehicles could be excluded from the agency's fleet roster, which would otherwise be releasable.
4. Records of background investigations of applicants for law enforcement agency employment, or other confidential administrative investigations conducted pursuant to law. Examples of this would include internal affairs investigations.
5. Engineering and architectural drawings; operational, procedural, tactical planning or training manuals; or staff meeting minutes or other records which would reveal surveillance techniques, personnel deployments, alarm systems or technologies, or operational or transportation plans or protocols to the extent such disclosure would jeopardize the security or employee safety of any courthouse, jail, detention, or law enforcement facility.
6. Records of law enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law enforcement personnel or the general public. Also included in this exemption are records of emergency service agencies to the extent that such records contain specific tactical plans related to anti-terrorist activity.

7. Any information describing the design, function, operation or access control features of any security system used to control access to or use of any automated data processing or telecommunications system.
8. Computer programs used to process data that may be included within official records.

D. Electronic Data:

Non-exempted *public* records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. When electronic or other databases are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided in the VFOIA. "The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation or compilation of a new public record." The designated electronic data shall be released or withheld as follows:

1. Master Name Database: (Information may be released at the discretion of the Chief of Police).
2. Warrant Files: (Not to be released).
3. Criminal Arrest: (Released as per A.1. and A.3.).
4. Traffic Arrest: (Released as per A.3.).
5. Criminal Histories: (Not to be released).
6. Issued Service Weapons Records: (Not to be released).
7. Wanted Person Files: (Release at discretion of Chief of Police).
8. Photographs/Fingerprint Repository: (Release as per A.5., B.2., and B.3.).
9. Crime Analysis Data: (Release at discretion of Chief of Police).
10. Traffic Activities: (Release at discretion of Chief of Police).
11. Crime Trends and Rates: (Release at discretion of Chief of Police).
12. Policy and Procedure Manual of the Wintergreen Police Department. (Release at discretion of Chief of Police).

No public body shall be required to *create* a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions *as agreed to between the requester and the public body*.

E. All Other Records, Reports and Documents:

All other records, reports and documents not mentioned in the above list shall **not** be released except under the direction of the Chief of Police, unless prohibited by law.

F. Nonexistent Records

The VFOIA only requires disclosure of existing records. It does not require any public body to create a new record or report that does not already exist. Many reporters and other

citizens make the mistake of asking for “information” about a particular subject, or of submitting a list of questions for the public body to answer. Even if the answers to these questions can be gleaned from existing records, the VFOIA does not require the public body to abstract or summarize information out of its records. However, a public body *may* abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

## V. VFOIA OFFICER AND CUSTODIAN OF RECORDS

- A. The Chief of Police or his designee shall serve as the VFOIA Officer. Responsibilities of the VFOIA Officer are: (**ADM.22.03.a**)
1. Ensure that this policy is updated as necessary in accordance with changes made by the Virginia General Assembly to the VFOIA or with other changes.
  2. Maintain a complete record of the requests for information submitted to the Aquia Harbour Police Department under the VFOIA as well as the responses to those requests.
  3. Monitor the responses provided by agency custodians to ensure that those responses conform with the VFOIA and with agency policy.
  4. Maintain a complete written record of all record custodians and alternate records custodians for VFOIA purposes.
  5. Compile an annual report to file summarizing VFOIA activities.
  6. Report to the Chief of Police instances of non-timely response, unauthorized denial of access, any response by someone other than an authorized custodian, or other violations of law or policy.
- B. Custodians of Records
1. The Chief of Police is the ex officio custodian of the records of the Aquia Harbour Police Department.
  2. The Administrative Assistant to the Chief will routinely prepare responses to VFOIA requests under the auspices of the Chief of Police (who serves as the VFOIA Officer) or his designee. **All releases of VFOIA requests must be approved and signed by the Chief or Assistant Chief of Police**
- C. Employees of the Aquia Harbour Police Department will direct requests for information to appropriate official.

All employees will direct requests for information to the Administrative Assistant, the VFOIA Officer (if designated), or Chief or Assistant Chief of Police. Request forms for Records, Reports and Documents shall be maintained by the Administrative Assistant and provided to the requestors as needed.

D. Violation of Virginia Freedom of Information Act

Employees of the Aquia Harbour Police Department shall comply with the Virginia Freedom of Information Act and this policy. The following acts shall be considered violations of this policy and may result in disciplinary action and/or civil penalties:

1. Refusal to release information as required by state law and this policy.
2. **Release of information to the public by employees other than those employees authorized by the Chief of Police, is prohibited.**
3. Release of information to the public that is restricted or prohibited by law or by direction of the Chief of Police.

Va. Code sets forth a minimum civil penalty of \$100.00 and a maximum civil penalty of \$1,000.00 for violations of the VFOIA that are found by the court to have been willfully and knowingly made. A second or subsequent violation is punishable by a minimum civil penalty of \$500.00 and a maximum civil penalty of \$2,500.00.

VI. **RECORDS DISCLOSURE PROCEDURES AND COST**

A. Letter of Request

Requestors who wish documents, records and reports must fill out a letter of request form or present a written letter of request. The letter of request shall identify the requested records with reasonable specificity. No mention of the VFOIA is needed.

1. *The VFOIA Officer may deem that a copy of single reports and other documents routinely distributed by this Department will not require a written letter of request.*
2. The Letter of Request Form shall include a listing of fees to be charged by the public body for its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen. The Requestor will be informed that payment will be expected at time of delivery of documents, if applicable. Failure to pay will prevent requestor from being delivered a copy of requested documents. In any case where it is deemed in advance that charges for producing the requested records are likely to exceed \$200.00, the Aquia Harbour Police Department may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. Va. Code provides that “The period [of time] within which the public body shall respond under this section shall be tolled [suspended or stopped temporarily] for the amount of time that elapses between notice of the advance

determination and the response of the requester.”

3. Cost of Reproduction of Material. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication, if fee is appropriate. (ADM.22.03.c)

a. Documents

◆ 1 to 5 sheets: Cost \$1.00 per sheet.

◆ General or Insurance Reports: Cost \$3.00 per report.

◆ 6 plus sheets: Cost \$.25 per sheet - *plus* \$12.00 per hour of work by employee - minimum of \$8.00 for less than one hour.

**NOTE: VICTIMS OF CRIMES AND/OR COMPLAINANTS (PERSON WHO REPORTED CRIME) WILL NOT BE CHARGED A FEE FOR THE VFOIA REPORT OR INSURANCE REPORT. PROPER I.D. MAY BE REQUIRED BEFORE REPORT IS RELEASED.**

b. Electronic Data/Storage

◆ Hard Copy: Cost \$.25 per sheet - *plus* \$12.00 per hour of work by employee - minimum of \$8.00 for less than one hour.

◆ Data Copy: Cost \$1.00 per disk (disk to be provided by requestor) - *plus* \$12.00 per hour of work by employee - minimum of \$8.00 for less than one hour.

◆ Videotapes: Cost \$20.00 per tape, (tape(s) to be provided by requestor).

B. Responses to Letter of Request

Any public body which is subject to the VFOIA and which is the custodian of the requested records shall promptly, *but in all cases within five (5) working days of receiving a request*, make one of the following responses: (ADM.22.03.b)

1. The requested records will be provided to the requester.
2. The requested records will be entirely withheld because their release is prohibited by law or the custodian has exercised his discretion to withhold the records in accordance with the VFOIA. Such response shall be (i) in writing, (ii) identify with reasonable particularity the volume and subject matter of withheld records, and (iii) cite, as to each category of withheld records, the specific state code section which authorizes the withholding of the records.
3. The requested records will be provided in part and withheld in part because the release of part of the records is prohibited by law or the custodian has exercised his discretion to withhold a portion of the records in accordance with the VFOIA. Such response shall (i) be in writing, (ii) identify with reasonable particularity the subject matter of withheld portions, and (iii) cite, as to each category of withheld records, the specific state code section which authorizes the withholding of the records. When a portion of a

requested record is withheld, the public body may delete or excise *only that portion* of the record to which an exemption applies and shall release the remainder of the record.

4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall be in writing and specify the conditions which make a response impossible. If the response is made within five working days, the public body shall have an *additional* seven (7) work days in which to provide one of the three preceding responses.

C. Extension of Time Period for Response to Letter of Request

1. As noted in paragraph 4 in the preceding section, where it is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period and such response (i) is made in writing, (ii) specifies the conditions which make a response impossible, and (iii) complies with the above two requirements *and* is made within five working days, then the public body shall have an *additional* seven (7) work days in which to provide the requested records, withhold the requested records entirely (and document reason therefor), or provide requested records in part and withhold in part (and document reasons therefor).
2. Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records and a response by the public body within the time required by the VFOIA will prevent the public body from meeting its operational responsibilities. However, before proceeding with a petition, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.
3. When it has been determined in advance that charges for producing the requested records are likely to exceed \$200.00 and the Chief has elected to require the requester to agree to payment of a deposit (not to exceed the amount of the advance determination) prior to continuing to process the request, then the period of time within which the Aquia Harbour Police Department shall respond under the VFOIA shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

D. Effect of Failure to Respond to Letter of Request

Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of the VFOIA.

E. Receipts Log

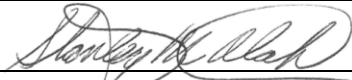
1. The Administrative Assistant will maintain a receipt log for all documents/records that are release. The receipt will include any charge paid, what documents were released, and to whom. The original receipt will be maintained by the Aquia Harbour Police Department and a copy given to the Requester.
2. Money received as payments by the Administrative Assistant shall be kept in a locked safe pending deposit in the Associations bank account.

3. The Administrative Assistant is responsible to ensure that payments received are deposited into the Associations bank account by the last working day of each week.
4. The Association comptroller shall conduct monthly audits to ensure that total amounts resulting from payments received match deposits made to the association.

**VII.** References

The Code of Virginia, Sections 2.2-3700 - 3706, 15.2-1722, 16.1-301, 19.2-389, 52-8.3.



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: RECORDS RETENTION</b>	<b>NUMBER 2-39D</b>
<b>EFFECTIVE DATE: APRIL 10, 2016</b>	<b>REVIEW DATE: 03/12/19 by 804</b>
<b>AMENDS/SUPERSEDES: NOV 2007</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
	<b>VLEPSC STANDARDS: ADM.25.11</b>

**NOTE**

This order 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.

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**I. PURPOSE:**

The Aquia Harbour Police Department generates thousands of records each year. In order to be in compliance with state code, the Department must have a satisfactory plan to deal efficiently in the filing and retention of these records. The purpose of their directive is to ensure that the plan is consistent in its treatment of all records and personnel assigned to maintain records in their command are cognizant of their responsibilities.


**II. POLICY:**

The Aquia Harbour Police Department shall comply with the Virginia Public Records Act of the Code of Virginia ( Section 42.1-76 et seq. ) and the records and disposition schedules and procedures established by the Records Management and Imaging Services Division of the Library of Virginia. General Schedule 17 is the primary records and disposition schedule pertaining to law enforcement records. There are, however, separate schedules pertaining to Administrative Records (Chapter 19), Fiscal Records (Chapter 2), Personnel Records (Chapter 3), Electronic Records (Chapter 23), and Training Records (Chapter 29 ). The Department will additionally comply with any requirements of the Wintergreen Property Owners Association.

### **III. PROCEDURE:**

- A. The Chief of Police ( hereinafter referred to as the Department's Records Management representative) will be the point of contact for department personnel regarding questions and concerns on the record retention and preservation. For the purpose of this policy, all records created by the Aquia Harbour Police Department fall under state guidelines for record retention and preservation. This includes papers, letters, photographs, films, tapes, microfilm, photostats, recordings, maps, drawings, computer disks, fiscal records of any type and any representation in computer memory.
  - 1. Records that need to be destroyed will be reviewed by the Records Management Representative, with a request specifying the type of records, the time period the records cover, (beginning month and year, and ending months and year).
  - 2. The Records Management Representative or his designee will complete and submit a Certificate of Records Disposal (State Form RM-3), arrange for the physical destruction of the records, and return a copy of the completed Certificate of Records Disposal form(s) to the Administrative Assistant to retain for the department.
  
- B. Departmental personnel shall ensure that all records (applicable to their assignment) are retained for at least the minimum time span set forth in the Records and Retention Schedule of the Commonwealth of Virginia's Archives and Record Division before being submitted for destruction.
  
- C. Records Protection and Recovery During/After Emergencies
  - 1. Natural disasters (hurricanes/tornadoes) and unforeseen emergencies, such as fire and broken water lines, pose the most significant risk to record preservation. Hurricanes/tornadoes, accompanied by heavy rains and high winds, have the potential of widespread damage, flooding, power outages, and major disruption of customary services. In these times of peril, it is the responsibility of all police personnel to ensure police records are safeguarded.

- a. All Supervisory personnel will be knowledgeable of the location of all computer equipment and record storage areas.
  - b. In anticipation of any forecasted natural disaster, supervisors will survey areas to ensure adequate protective plastic sheeting and duct tape is on hand to cover all computer equipment and records storage areas under their command. Request additional items to replenish depleted stocks if necessary.
  - c. Electronic data will be backed up on the backup computer and on the Chief's laptop to be taken off-site to another secure location.
2. If a forecasted natural disaster has the potential to damage the Community Office Building, Communications Center or the Secured Storage Building, police personnel will move equipment to a secure location . It may also be necessary to move all computer equipment away from windows.
3. Once the emergency has passed, all supervisory personnel will be required to survey their areas of responsibility to ascertain if any damage was done to computer equipment or stored records.
- a. If damage to computer equipment or stored records are apparent, supervisory personnel will notify the Chief of Police immediately so an assessment of damage can be arranged.
  - b. Under no circumstance will damage or water soaked computer equipment be turned on or operated.
  - c. Water or fire damaged paper records, taped recordings, microfilm, negatives or other similar items will be left intact until an assessment has been conducted.
  - d. The Chief of Police will coordinate damage assessment, removal, salvage and recovery efforts for all damaged records regardless of type or location.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDER</b>	
<b>SUBJECT: Communications</b>		<b>NUMBER: 2-40</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 03/01/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-28, DEC. 27, 1995, GO 2-40 FEB.16, 2002, JAN. 3, 2007, FEB 11, 2011, FEB 2015</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.24.01, ADM.24.02, ADM.24.03, ADM.24.04, ADM.24.05, ADM.24.06, ADM.24.08, ADM.25.01</b>			

**NOTE**

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**INDEX WORDS:**

Air Evacuation	Missing Persons
Cell Phones	Military Time
Calls for Service	Radio Capabilities
Channel Hold	Radio Log
Codes	Radio Procedure
Code Signals	Rescue Paging-Special Alarms
FCC Call letters	Rescue Procedures
Fire Procedures	Response Areas
Jurisdiction	Security
First Due	Special Circumstance Paging
First Responders	"10 Signals"
Loss of Contact	Aquia Harbour Police Radio System

**I. Policy:**

The Aquia Harbour Police Department maintains and operates a modern, well disciplined two-way radio communication system, utilizing standard/recognized codes and signals. The system provides continuous 24-hour two-way radio communications between the Stafford County Communications Center, police officers and other local public safety agencies. Every officer engaged in a field assignment will have access to radio communications through the use of a mobile unit, a portable unit, or cell phone. (ADM.24.06.d)

An additional function is to act as a backup Emergency Communications Center for Stafford County, if requested. Through Stafford County Sheriff's Office, communications also provides the police department with access to local, state, and federal criminal justice

information systems.

Communications personnel will maintain all radio logs, issue complaint numbers (CCR Numbers), and any other records required by this department.

## **II. Purpose:**

This General Order is issued for the purpose of explaining the procedures and practices of the Stafford Communications Center as it relates to Aquia Harbour police, units.

## **III. Authority**

Communications officers issue directions that carry the authority of management direction. Lawful instructions and assignments made by Communications personnel will be followed without argument. Patrol units assigned as backup will respond as directed. Their assignments are made by classifying the information available on a situation, determining the time frame of the occurrence and then, applying the appropriate departmental procedures. While a supervisor may change a communication officer's directions based on their knowledge of a situation, ordinarily dispatch is assumed to have a more complete view of a specific situation and the availability of resources to adequately respond to calls for police service.

## **IV. Procedure**

### **A. Administration**

1. The communications center dispatches calls for service to the Aquia Harbour Police Department.
2. Dispatch issues directions to patrol units applying the appropriate departmental procedures. The following information will be recorded as situations dictate for Police, calls for service. **(ADM.24.05) (ADM.25.01.c)**
  - a. Control or CCR number if assignment mandates it. **(ADM.24.05.a)**
  - b. Date and time of Request. **(ADM.24.05.b)**
  - c. Name and address of complainant (if possible). **(ADM.24.05.c)**
  - d. Type of incident reported. **(ADM.24.05.d)**
  - e. Location of incident reported. **(ADM.24.05.e)**
  - f. Identification of officer(s) assigned as primary and backup. **(ADM.24.05.f)**
  - g. Dispatch time. **(ADM.24.05.g)**
  - h. Time of officer arrival. **(ADM.24.05.h)**

- i. Time of officers' return to service. (**ADM.24.05.i**)
  - j. Disposition or status of reported incident. (**ADM.24.05.j**)
3. Access to the gatehouse is limited to authorized personnel only. Authorized personnel include: (**ADM24.08.a**)
- a. Police and security officers;
  - b.
  - c. Sheriff's deputies and state police on official business;
  - d. Any person, when authorized by the Chief of Police or his designee.
4. Security for gate personnel
- a. The gate personnel is able to dispatch officers when applicable. The dispatch radio is located inside the gatehouse.
  - b. A sign limiting access is posted on the inner security gate of the gatehouse center. This gate will remain closed at all times and secured.
  - c. Civilians requiring information from the gate guards shall go to the police department and request assistance.
  - d. The dispatcher is responsible for the proper care, use and protection of all equipment in the gatehouse. A portable Radio will be available if needed. (**ADM.24.08.b**)
  - e. In case of equipment failure within the gatehouse, the guard shall notify the supervisor on duty to contact the appropriate agency to arrange for expeditious repair.
  - f. When equipment will be out of service for an extended period of time the guard shall contact the duty officer to provide a portable radio, until further notice.
  - g. In case of power failure, continuous communications capabilities are endured through a backup generator, . Testing and maintenance of the generator is performed bi-annually. Backup power sources are provided for both the remote transmitter and the gatehouse.

B. Communication operations meet FCC requirements: (ADM.24.03)

1. The gatehouse shall operate radio communications equipment in accordance with FCC Rules and Regulations. These include, but are not limited to:
  - a. The FCC assigns frequencies and enforces the operating practices of the radio spectrum;
  - b. FCC rules require stations to identify themselves every thirty minutes and to keep proper records. They prohibit profane, indecent, or abusive language; and,
  - c. FCC CALL LETTER: The automated dispatch system will automatically broadcast station identification of the FCC call letters as required. The call letters are as follows:

Police	WNRO-681 (Automated)
Rescue	WNMK-286 (Automated)
Fire	KNGW-320 (Automated)

C. 24-Hour, Toll Free Service

The communications center serving the Wintergreen Police Department provides 24-hour, toll-free telephone access for emergency calls for service through the E911 telephone system. It has a single emergency phone number, 911, and prominently displays it in phone books, on police vehicles, public phones, and in other conspicuous places.

D. Continuous, two-way capability

The Stafford County communications center serving the Aquia Harbour Police Department maintains and operates a modern, well-disciplined two-way radio communications system. The system provides continuous, 24-hour, two-way radio communications between the communications center, and the Aquia Harbour Police, , and other local public safety agencies. Every officer engaged in a patrol assignment will have access to radio communications through the use of a mobile unit, a portable unit, or cell phone.

E. Cell Phones



1. Personal cell phones may be carried by departmental personnel. All phones will be used in a manner that is conducive to the safe operation of motor vehicles. Generally, this means stopping vehicles in a safe location to make calls.
2. Texting while operating any motor vehicle is strictly prohibited as defined in V.C.C. 46.2-1078.1.
3. Confidential conversations should not be held on cell phones as they are not a secure means of communications.

#### F. Dispatch Recordings

The dispatch center maintains the capability of immediate playback of recorded telephone and radio conversations while it maintains continuous recording of radio transmissions and emergency conversations within the dispatch center.

1. Audio recordings are retained for a minimum of sixty days. (**ADM.24.04.a**)
2. Audio records will be stored in a secured manner and only those individuals designated by the Chief of Police shall access. (**ADM.24.04.b**)
3. The Chief or Assistant Chief determines when the tapes are to be reviewed. (**ADM.24.04.c**)

#### G. Dispatcher responsibilities

1. Dispatchers operate on assigned shifts to provide twenty-four hour coverage of the communications center.
2. The dispatcher is responsible for the following:
  - a. Radio communications: This includes for police, fire and rescue.
  - b. Telephone communications: The department provides for twenty-four hour toll-free telephone access for non-emergency and emergency 911 calls for service.
  - c. Teletype and data communications: this includes NCIC/VCIN entries and DMV requests. (**ADM.24.02.c**)
  - d. Alarm monitoring: Alarms are relayed by alarm companies to the dispatcher. (**GO 2-13**) (**ADM.24.02.d**)

#### H. Operations

1. Aquia Harbour gate personnel shall have immediate access to the following:

- a. Home telephone numbers and address of all police department personnel;
  - b. Duty rosters and cell numbers of all personnel;
  - c. On-call supervisor;
  - d. Radio designators of all sworn personnel;
  - e. An on-call list of agencies providing support services to the police department;
  - f. Emergency contact numbers for any agency, company, facility or resource that may be required by the department in the provision of emergency services;
  - g. On-call lists of other agency resources, i.e. VSP TAC Team, Hostage Negotiators, Investigators, etc. and, through SCSO
  - h. Visual maps detailing the agency's service area.
2. Gatehouse personnel shall maintain accurate radio logs, and any other required documentation.
  3. Gatehouse personnel shall be familiar with the department's Emergency Operations Plan.
  4. Contacts with the media will be handled in accordance with the Chief of Police and/or SCSO Media Relations (RR 1-13).

**V. Radio Procedures/General Guidelines: (ADM.24.02.a)**

- A. When an officer receives a call for service via the telephone, cell phone, or while performing functions at the gatehouse, etc., the call for service is to be announced over the police radio by the gate guard. This broadcast will alert officers on duty in the area to be made aware of the call and offer assistance if necessary.
- B. Think before you speak. This will eliminate errors, increase clarity, and reduce the possibility of having to repeat the message. Plain language, appropriate codes, and the phonetic alphabet (whenever necessary) shall be used. Do not request services, give elaborate dispositions, or transmit messages over the radio when they can be communicated by other means. Requests for listings, CCR numbers, the relaying of messages, etc., which are not of an emergency nature, can be handled more easily by telephone.

- C. The gate guard will make telephone calls when necessary for emergency equipment, and to assist the patrol officer in non-emergency request or messages only if a phone is not available to the officer. Non-emergency business will be referred to the patrol officer as radio time permits.
- D. Acknowledge messages which are understood without elaboration. Statements concerning your location (other than reporting on location) are not usually necessary, unless the complaint is of an emergency nature or there is need for assistance. Units should not acknowledge a message until it is fully understood and necessary information is noted. Addresses, names, and other pertinent data should be recorded when initially dispatched so the information will not have to be repeated.
- E. If a supervisor or additional assistance is needed, the request shall be made as brief and clear as possible. Supervisors should be informed in the event of major crimes or other circumstances which require the supervisor's presence on the scene i.e. serious injury and fatal accidents, major traffic problems, personal injury, use of force, etc.
- F. Generally, only one unit will be assigned to handle any one call (though does not preclude the additional unit if available from responding); however, certain calls and situations may require the dispatching of an additional (backup) unit to ensure officer safety and adequately deal with the problem. Calls which would normally indicate the need to dispatch a backup unit include, but are not limited to, the following: an assault on an officer; on-scene arrest for a felony or violent misdemeanor; resistance to an arrest; use of force; a crime in progress; or a fleeing suspect. SCSO shall be notified immediately.
- G. It shall be the responsibility of each member of the department who uses the police radio to keep dispatch and/or the gate guard advised of their status. To ensure proper command and control, each unit is responsible for advising their status and location when leaving their vehicle. Upon return to the vehicle, officers shall immediately update their status. Additionally, changes of location by mobile units assigned to events shall be relayed to dispatch. **(ADM.24.06.a)**
- H. It shall be the responsibility of dispatch and/or the gate guard to check the status of any officer out of their vehicle for an extended period of time. This is accomplished by radioing the unit and asking "status". If all is okay with the officer, the officer will respond "10-4". If there is no response or a negative response is given, the communications officer shall immediately send another officer to the same location. **(ADM.24.06.b)**
- I. When contacting dispatch and/or gate guard, units shall state their badge/unit designator and await dispatch acknowledgment. It must be taken into consideration that, because of various duties, dispatchers and/or gate guard are not always prepared to record (radio traffic) information without warning, i.e. complex messages, license numbers, names, addresses, etc. **(ADM.24.06.c)**

- J. Points of law, policy, or procedural decisions, etc., will not be made by gate personnel regarding operations performed by patrol units. If an officer needs advice or assistance, a supervisor is to be requested.
- K. Communications personnel and/or gate guards will be advised of all calls received by patrol units. Information, such as name, address, phone numbers, and nature of complaint, will be relayed via telephone or radio as soon as possible.  
**(ADM.25.01.d.e)**
- L. In the event location is determined to be other than that dispatched, communications personnel and/or gate personnel shall be advised.
- M. The 2400-hour time system shall be used by gate and communications personnel in all operational transmissions.
- N. Calls for service are classified by Stafford County dispatch based on information received, as Code 1, 2 or 3 depending on circumstances. The codes are defined as follows. For additional guidance see Vehicle Operation (GO 2-9).
  - a. **Code 1: Code 1 responses are authorized for any emergency where the preservation of life is a consideration.**
    - (1) Primary and support units responding to Code 1 calls shall proceed rapidly to the location of the emergency by the most direct means (consistent with § 46.2-920), using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.
  - b. **Code 2: Code 2 responses are authorized for any other situation regardless of apparent urgency where the preservation of life is not a consideration.**
    - (1) Units responding to Code 2 calls shall respond to the location without delay, complying with all traffic regulations and shall not use emergency warning devices.
  - c. **Code 3: Code 3 responses are authorized for any situation readily evident to be a non-emergency.**
    - (1) Units responding to Code 3 calls shall respond to the location in a non-emergency manner. The calls are to be completed at the officers' convenience.
  - d. Patrol officers shall assume that any assignment dispatched without a code given by the communications officer to the patrol unit is considered no higher than a code 2.
  - e. Supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes. Additionally, supervisors shall closely monitor all Code 1 calls and respond if necessary.

- O. **"10 SIGNALS"** The use of "10 code signals" is **not required** by this department, however; the following may be used:

10-0	Use Caution
10-3	Stop Transmitting (Unless Emergency)
10-4	Okay, call received
10-6	Busy, on assignment
10-7	Out of service
10-8	Back in service
10-9	Repeat traffic
	Fight in progress
10-12	Stand by
10-16	Domestic
10-17	Complainant
10-20	Your location
10-21	Communicate by phone
10-22	Disregard
10-23	On location
10-33	Emergency radio traffic, clear the air
10-37	Suspicious
10-40	Traffic stop
10-41	Police Personnel logged In-Service for duty
10-42	Police Personnel logged Out of Service
10-50	Crash
10-55	D.U.I.
10-56	D.I.P.
10-76	Enroute to assignment
10-78	Start a back up
10-90	Alarm
10-92	Improperly parked vehicle
10-95	Prisoner/Subject in custody
10-96	Mental subject
10-99	Stolen Vehicle
10-110	Drug Activity
<b>Signal 13</b>	<b>OFFICER IN TROUBLE, send help/back-up immediately</b>

- P. **"CODE SIGNALS"**
- |    |               |   |
|----|---------------|---|
| a. | <b>CODE 1</b> | <b>EMERGENCY RESPONCE</b>                   |
| b. | <b>CODE 2</b> | NON-EMERGENCY/URGENT, respond without delay |
| c. | <b>CODE 3</b> | NON-EMERGENCY, regular response             |

## VI. Supervisory responsibility

- A. The Assistant Chief of Police is responsible for the communications function of the gate personnel and shall ensure that all applicable procedures are followed by personnel as set forth in this and related general orders and regulations.

**(ADM.24.01)**

- B. It is the responsibility of the supervisor to monitor the radio traffic of the personnel under them to ensure that proper radio techniques are employed at all times and that the appropriate number of units respond to all calls.
- C. A supervisor can overrule assignments which are made by the gate guard dispatch in extenuating circumstances or when information exists of which the communications officer is not aware.

## VII. Calls for service

A. **JURISDICTION:** Aquia Harbour Police officers will not be dispatched outside the property boundaries of the Aquia Harbour subdivision, except when an officer from another department is in trouble and needs help immediately or by request of the SCSO. Officers shall follow the guidelines set forth in regulation Jurisdiction, Mutual Aid (RR 1-17).

B. General Responsibilities:

1. **CALL TAKER:** Answer all telephone calls promptly, in a courteous and professional manner.(ADM.24.02.b)
2. The communications officer will obtain complete information from the caller or complainant of any incident reported. The following INFORMATION and ORDER of INFORMATION will be obtained. (ADM.25.01.a)
  - a. The physical location where the incident occurred. If a street address, list number and street name. Any additional information regarding specific directions, which side of the road, etc., will be listed in the additional information section.
  - b. The complainant's home phone number and phone number they are calling from, if not the same.
  - c. Nature/Type of complaint. Be as specific as possible.
  - d. Information which may be pertinent to the nature of the call. (Examples: Are weapons involved? Is there a threat of fire? Is there a history of heart problems?)
  - e. The name, address, and telephone number of any person reporting an incident when they are not the victim or the owner of the property involved.
  - f. Full name of complainant. The subject will be asked to spell parts of their name that personnel either do not know how to spell or those names that have several known variations, for example - Steven - Stephen; Jeffrey - Geoffrey - Jeffery; or Smith - Smyth.

The spelling of names will not be assumed or guessed.

C. Non-emergency

1. Non-emergency complaints are those requests for service that are citizen generated and patrol unit initiated which do not require immediate law enforcement intervention to prevent bodily injury, property loss or damage. Some items grouped in this category may be considered routine, but because

they require some type of law enforcement action to resolve, they shall be considered non-emergency complaints. (ADM.25.01.b)

## 2. Classification

- a. Phone messages: personnel will not, under any circumstances, give out home telephone numbers of law enforcement personnel to non-law enforcement personnel. In emergency situations, the officer will be called and asked to return the call as soon as possible.

In all cases of telephone messages, a copy of the telephone message form will be completed including date and time taken and call taker name or number and forwarded to the intended person.

### b. Referrals:

1. Many calls are received which are not directly law enforcement related. These include such cases as social services, public utilities, etc.
2. In situations which require immediate response by the affected agency, they will be contacted by personnel and given a message.
3. In other routine situations, the caller will be given the requested business number and hours they can be contacted.
4. Gate personnel in a manner, which is deemed appropriate to the situation, should handle those calls that are received that are of an urgent, but non-emergency nature.

## D. Officer - Reported complaints

Complaints are often received by gate personnel/communications directly from a patrol unit. These complaints will fall in two general categories. The first are reports received by the patrol unit from citizens directly and, secondly, complaints the patrol units discover during routine patrol. Both types will be handled in a generally similar manner with a few differences.

### 1. Citizen reports to patrol units

The patrol unit will advise communications/gate personnel of the nature of the complaint and the exact location as soon as he receives the complaint. It will be the patrol unit's responsibility to obtain the information necessary to complete required fields on the radio log. This information will be relayed to gate personnel/communications by radio or telephone at the patrol unit's earliest opportunity.



Gate personnel/Communications personnel will complete the complaint information immediately upon receipt of information from patrol units. The time of receipt and dispatch will be the time information is relayed to communications.

## 2. Officer - Initiated complaints

Patrol units will report incidents to gate personnel/communications that they themselves discover, i.e., automobile accidents, unsecured residences and businesses, etc.

These complaints, both emergency and non-emergency, will be handled as above. The only exception is that the arrival time on the complaint will be the same as the time of receipt and dispatch.

In both cases, gate personnel/communications personnel will take the appropriate action based on the nature of the complaint. For example, a citizen reports an intoxicated pedestrian in front of a local business to a patrol unit and communications has received a report of a destruction of property in progress. Communications personnel will divert the field unit to the more urgent complaint and the patrol unit will respond as dispatched.

## E. Anonymous complaints

Some calls will be received in which the caller will refuse to identify him/herself. These calls can run the full range of types of calls for service answered by this agency.

All 911 Emergency Calls shall be handled as such and dispatched to patrol for response and filing of a report.

In these situations, an attempt should be made to obtain the name and address of the caller. Usually by promising confidentiality and explaining that the information is needed for record-keeping purposes only, the caller will agree to provide the required information.

If the caller still refuses to be identified, the complaint must still be considered valid. The exceptions to these are obviously false calls, for example, a young child reporting a major aircraft accident. The call should be handled as any other emergency call and dispatched in the appropriate priority.

At all times, the patrol unit will be advised that the complaint was anonymous during the initial broadcast.

## F. Receiving complaints on department personnel

When a citizen calls to report a complaint on a Aquia Harbour Police Department member or gate personnel member, Department personnel will often be the first to receive the complaint and, as such, will greatly influence the complainant's impression

of this department's concern for the

conduct of its members. Therefore, the following procedure is to be followed for receiving and relaying such complaints:

1. All members of the department are to follow the guidelines set forth in Complaints against Police Personnel (RR 1-9).
2. All such information will be considered strictly confidential and will not be discussed with any employee of the Aquia Harbour Police Department other than the affected supervisor, including the officer/member involved.

## **VIII. Emergency radio traffic channel hold**

In order to provide a clear radio network for the use of patrol units on the scene of an emergency, the following procedures have been implemented:

- A. A patrol unit requests to hold the channel for emergency traffic;
  1. Communications and/or gate personnel will immediately broadcast to all units the following announcement, "All units, Standby"
  2. All patrol units will cease non-priority traffic on the primary channel.
  3. The only personnel authorized to use the primary channel during the emergency will be the unit(s) on the scene or responding to assist, the supervisor(s) dealing with the emergency and Stafford County communications personnel.
- B. Immediately after making the above announcement, dispatch will notify a supervisor if the situation requires.
- C. If necessary, communications personnel will rebroadcast that PD Highband is being held for emergency traffic only. This will announce that the channel is still held for emergency traffic and:
  1. Remind patrol units to release the channel from emergency status as soon as possible;
  2. Advise supervisors of an ongoing emergency (if required); and
  3. Reduce traffic from patrol units not hearing the original announcement.
- D. In the event a field unit does not hear the emergency traffic announcement and interrupts the cleared frequency, the response from Communications personnel will be, "Unit calling, Standby".
- E. Patrol units on scene will be expected to update communications personnel within five minutes. If dispatch does not receive a status report, they will attempt to contact the patrol unit(s) and will initiate a "No Contact Report" as described in this document.

## **IX. Loss of contact with unit**

The following emergency procedures will apply after loss of radio contact with a unit after a period of five minutes:

- A. Advise unit(s) in area, give last location, have unit respond to check status;
- B. Advise supervisor of situation and last known location. Keep him/her advised;
- C. It will be the discretion of the supervisor to advise what steps will be taken over the loss of contact with a unit after 15 minutes;
- D. Every three minutes, an attempt will be made to contact the missing unit by radio until located;
- E. Once the unit is located, the reason will be documented.
- F. Below listed are possible reasons for loss of radio contact with field units.
  - 1. Officer in trouble
  - 2. Radio/pager malfunction
  - 3. Radio operator error (volume turned down, etc.)
  - 4. Officer failed to mark out of vehicle

These or other reasons will be documented as appropriate.

## **X. Police department radio procedure**

Traffic Stops (routine)

- A. Patrol Procedures
  - 1. Pre-plan all traffic stops, if possible. The situation seldom arises when some time period does not exist between the recognition of a traffic violator and the actual traffic stop. This time can best be used to pre-plan the exact location of the actual stop and to provide a safe and convenient location. It is during this pre-planning when Communications/gate personnel should be advised of;
    - a. The intended traffic stop.
    - b. The registration of the vehicle
    - c. The location of the traffic stop
    - d. A description of the vehicle
    - e. Number and description of occupants
    - f. The reason or probable cause for the traffic stop

If the violator does not stop in the predetermined location, then a brief update of the location is all that is required.

3. It will be the responsibility of the patrol unit to advise communications/gate personnel of their status within 5 minutes of initiating the traffic stop. If the patrol unit does not report their status, communications/gate personnel will radio the unit and ask "status". If all is okay, the field unit will respond, "10-4". If there are problems, the patrol unit will respond as such. If there is no response, the communications/gate personnel should initiate action as in VIII of this General Order.

B. Communication Procedure

1. When receiving a notification of a traffic stop, communications/gate personnel are responsible for obtaining certain information, even if that information is not given by the patrol unit. Vital information consists of exact location of stop, model, make, color of vehicle, number of occupants, and vehicle registration number.
2. If requested, communications personnel will check the vehicle registration number via NCIC/VCIN as soon as possible after receiving the information from the patrol unit. Communications personnel will then advise that registration information is available.
  - a. In the event a notification of a stolen vehicle is received in response to a vehicle inquiry, the correct response will be to reestablish contact with the patrol unit immediately and advise of NCIC/VCIN response and verifying vehicle registration number.
  - b. Immediately after notification to the field unit of a stolen vehicle status, any available back-up will be sent to the appropriate location.

C. Felony (high risk) vehicle stops

Basic procedures for routine traffic stops will be adhered to where applicable.

Pre-planning the high risk vehicle stop should include such vital considerations as:

1. Space required for vehicles, including suspect and law enforcement vehicles;
2. Suspect vehicle design and occupant location;
3. Direction of travel of both suspects and responding back-up units; and
4. Basis of high risk stop.

Stafford County Communications personnel will determine the reason for the high risk traffic stop and current location of reporting patrol unit. This information will be

forwarded to a field supervisor as soon as obtained.

Upon receiving the current location and direction of travel of suspects, Communications will direct additional patrol units to proceed towards reporting patrol unit.

Communications personnel will request of the reporting patrol unit their desired location of the actual stop. Responding back-up units will be directed to that location and the supervisor will also be informed.

Communications personnel will keep in mind the strong possibility of a pursuit starting from the intended stopping point. Therefore, some pre-thought should be given to notification of adjoining jurisdictions if deemed necessary.

Just prior to the actual vehicle stop, the emergency radio traffic procedure should be initiated and followed throughout.

## **XI. Rescue procedures**

- A. All incidents requiring rescue units will be recorded in the radio log, indicating the time received and paged, as well as additional equipment requested. The times dispatched or notified will be recorded.
- B. Rescue squad unit numbers shall be used when communicating by radio.
- C. When the unit on location gives a progress report, it shall be repeated on the Rescue frequency for the benefit of other responding units.
- D. Squad units returning from a call should advise dispatch when the unit is in-service and ready for another call.
- E. When dispatch receives notice that a piece of equipment is taken out-of-service for any reason, the squad shall be paged advising them of the same.
- F. "10 CODES" should **NOT BE USED** when transmitting to the rescue squad.
- G. Individual squad member pagers will not be encoded for delivery of messages that are not related to police, fire, or rescue business.
- H. When transmitting special assignments, such as equipment out of service, meetings, etc., use normal paging procedures and state "this is not an emergency" and deliver the message.
- I. A test of the rescue group pagers will be completed every Tuesday at approximately 1800 hours and entered into the radio log.

## **XII. Rescue paging - special alarms**

- A. Alarms for missing persons should be paged as above and your message would be for Rescue to respond to (location - Station 1 or 2) to standby for a possible search/rescue mission. Page Stafford Fire Department to respond and give the same information (See G.O. 2-10).
1. If the location changes, re-page giving the new location.
  2. Give complete description, last seen location and all other pertinent information, if available.
  3. Upon request of the patrol officer handling this call, re-page to set up a command center for a search/rescue mission at Station 1 or 2.
  4. Request for special equipment should be broadcast as soon as possible.
  5. Notify Stafford County Emergency Services Coordinator.
  6. Notify Aquia Harbour Management Office.
  7. Aquia Harbour Police Department patrols roadways surrounding the search area and provides assistance at command post.
- B. Standbys for Alarms of Fire - The rescue squad will respond to structure fires or working vehicle fires.
1. Page the rescue squad simultaneously with the fire department by use of the **console and simulcast**.
  2. If no response after 2 minutes, re-page.
- C. When paging the rescue squad for possible drowning:
1. Determine if the person is in or out of the water and number of victims.
  2. If the victims are reported in the water, notify Stafford EOC to respond with a dive team.
  3. Use the same procedure for scuba accidents.
- D. Vehicle Accidents: Refer to general order on Accident Investigation (GO 2-20). All communications personnel should be familiar with applicable portions of General Orders on Traffic Control (GO 2-21) and Hazardous Materials (GO 2-24).
1. Attempt to determine the number and type of vehicles involved, number of victims, and entrapment status.
  2. Are rescue and fire units needed?



3. If a truck or tanker is involved try to determine the cargo, the HAZMAT PLACARD description, i.e. color, number, etc.
4. If there is a fire hazard or hazardous materials involved, page the fire department to respond advising of these facts.
5. If a bus is involved page both fire and rescue thru the simulcast radio system. Contact Stafford County Emergency Services Coordinator.
6. If an accident occurs outside the confines of Notify Stafford County.
7. Page out any and all equipment requested by the park service.
8. Notify the Parkway, State Police or other proper authorities if the accident has occurred in their jurisdiction.

### **XIII. Fire procedures**

- A. Notify Stafford Fire Department using Via Stafford Communications.
  1. If no response, re-page after 2 minutes giving the same information. Announce it is a second page and log it as such.
- B. 10 codes are not used when transmitting to the fire department.
- C. The first fire company responding will repeat the location of the dispatched alarm. The second and other companies will use the word responding.
- D. The first company or unit on the scene will give a condition report. Dispatch will repeat the condition for the benefit of all other responding units.
- E. Responding companies will advise dispatch upon arrival at the scene and when they are in-service for another alarm.
- F. The fire official on the scene will give a progress report to dispatch as soon as possible including any other information he or she deems available.
- G. Additional alarms: These are request for special equipment, more personnel, etc.
- H. Upon receipt of a BOMB THREAT, the fire and rescue departments will be paged for standby. Refer to general order Bomb Incidents (GO 2-25) for specific guidance.
- J. Special announcements will be paged stating the department/person responsible for the message. Record page and information in the radio log. Such pages may include equipment out of service, streets closed, water shut-offs, and training or meetings, etc.

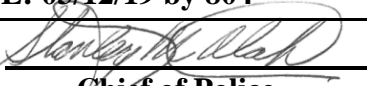
- K. Any additional assets needed will be requested by the ON SCENE VFD official.
  
- I. The rescue squad response area is:
  - 1. All Aquia Harbour Property.

**XIV. Air evacuations**

- A. There are occasions when it is expedient to transport victims of illness or accident by air.
- B. There are three stages of obtaining their services and they are as follows:
  - 1. **Availability** - The medical personnel at the scene may ask if the helicopter is available. Dispatch will call to make the determination and pass the information along to the requesting person.
  - 2. **Stand-by** - If the helicopter is available then the medical personnel may ask dispatch to place them on "stand-by." The flight crew will be notified by Medcom to be on stand-by.
  - 3. **Request to Fly** - When the medical personnel determines that the helicopter is needed, they will make the request and dispatch will immediately notify Medcom that they are needed. The fire department will be paged to respond to set up the landing zone.
- C. The communications officer needs to be aware that the availability or stand-by stages may be skipped if the medical personnel simply ask to have the helicopter respond. The fire department will be paged to set up a landing zone at this time.
- D. Landing zone locations are on Lion's park, Brent park, Briar Patch park, Rudolph park, and Friendship park.

**XV. Radio System Failure Procedure**

- 1. Test all channels to ensure nothing is malfunctioning.
- 2. If unable to resume radio function contact supervisor and advise them of the situation.
- 3. Notify Clear Communications that the radio console is down. (daylight contact only unless approved by the Communications Supervisor or Chief)

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: VCIN &amp; NCIC</b>		<b>NUMBER: G.O. 2-40A</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 03/12/19 by 804</b>	
<b>AMENDS/SUPERSEDES: April 01, 2012, April 28, 2015</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.25.10</b>			

**NOTE**

This order 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**

VCIN	OL Check	Cancellation of Record
NCIC	Registration Check	
Criminal Justice Purposes	Record Retention	
Criminal Justice Information	Wanted Check	
Criminal History Log	Hit	

**I. POLICY**

The members of the Aquia Harbour Police Department will comply with the requirement to preserve the confidentiality of criminal justice information obtained from VCIN and NCIC. AHPD members will use criminal justice information for only criminal justice purposes. Members who violate this policy subject themselves to possible AHPD disciplinary action, civil penalties and criminal prosecution.

By this reference, this General Order incorporates the most current version of the Virginia Criminal Information Network (VCIN) Manual published by the Virginia State Police and the most current version of the National Crime Information Center (NCIC) 2000 Manual published by the FBI as policy for the Wintergreen Police Department. The AHPD will also establish additional policy as necessary to establish local procedures for using the VCIN and NCIC systems within the AHPD's operations in compliance with VCIN and NCIC operational requirements.

Aquia Harbour Police Department does not operate a VCIN Level B terminal which authorizes properly trained VCIN operators to make inquiries, respond to hits, send and receive administrative messages, etc. Stafford County Dispatch is the VCIN Level A & B terminals that will make necessary entries into the NCIC and VCIN systems for AHPD. **(ADM.25.10.a)**

## II. PROCEDURE:

Criminal justice information can be electronic (paperless) or hard copy (paper).

**“Criminal Justice Information”** is defined in the NCIC manual as information collected by criminal justice agencies needed for the performance of their legally authorized, required function. This includes wanted person information; missing person information; unidentified person information; stolen property information; criminal history information; information compiled in the course of investigation of crimes that are known or believed on reasonable grounds to have occurred, including information on identifiable individuals; and information on identifiable individuals compiled in an effort to anticipate, prevent, or monitor possible criminal activity. Criminal justice information can be used only for criminal justice purposes.

**“Criminal Justice Purposes”** are generally defined as prevention, investigation and reporting of criminal activity and the apprehension, prosecution and sentencing of criminal offenders. Other police activities have been specifically defined as criminal justice purposes include such as hiring police officers, selecting police volunteers, locating missing persons, etc.

All messages transmitted over the VCIN system shall be considered confidential unless specified otherwise by the originating agency or the contents of the message clearly indicate that it is intended for public information.

The Confidentiality of criminal justice information can be compromised by improperly releasing the information to persons outside of the AHPD who are not authorized to have the information. A second way the confidentiality of criminal justice information can be compromised is by a AHPD member improperly accessing criminal justice without a criminal justice purpose. AHPD members will access criminal justice information only when they have a criminal justice purpose that can be articulated.

Information obtained through the VCIN system must be destroyed (shredded, burned or electronically obliterated) after it has served its purpose for which it was obtained. Electronic data received through the VCIN system shall not be stored within a computer system or on any other storage device or media for later retrieval. Any future need of the data shall require that it be retrieved again from the VCIN system at that future time.

Only AHPD personnel who have completed training specified by the Virginia State Police will be allowed to operate the VCIN terminal.

When available, trained AHPD personnel will supervise the use of the VCIN terminal when assigned to the dispatch function and they will ensure operation in compliance with the VCIN and NCIC manuals. If a trained member has to leave the dispatch position for a period of time, they will log out of the VCIN program and their replacement will log in, if properly trained to do so.

Every effort to have VCIN trained personnel assigned to the dispatch position will be made in order to achieve 24/7 access to the VCIN system. Should an officer not be trained in the use of the VCIN system, Stafford County Dispatch will be notified to handle all VCIN/NCIC requests.

### **III. User ID and Passwords for VCIN System Access:**

Each person who is authorized to store, process, and / or transmit information on the terminal connected to the VCIN system shall be uniquely identified by use of their sign-on user identification (user ID).

A certified operator shall access the VCIN system with only their user ID and password.

When a VCIN terminal operator has been assigned a user ID and password to access the VCIN system, the authorizations shall be used only by the person to whom they are assigned.

### **IV. Password Guidelines:**

Passwords shall be a minimum length of eight (8) characters with at least one numeric character and cannot be a dictionary word or proper name.

Passwords and the user ID shall not be the same.

Passwords shall be changed within a maximum of every 60 days.

All systems shall prevent password reuse of the last ten passwords.

Passwords shall not be transmitted in the clear outside the secure domain.

If a certified operator gets locked out of the system because they forgot their password, they must contact the VCIN Help Desk at (804) 674-2028 and request that their password be reset.

### **V. VCIN/NCIC MANUALS:**

When obtained, the current version of the VCIN and NCIC manuals will be maintained by the AHPD in a form accessible to trained operators of the VCIN system and other department members. This form can be in either electronic format or hard copy format or both, depending upon the needs of the department. The Terminal Agency Coordinator (TAC) is responsible for ensuring these manuals are current.

The VCIN and NCIC operating manuals will be stored at locations approved by the TAC that facilitate their use by operators of the system and other AHPD members.

Operators of the VCIN / NCIC system will receive training on the contents of these manuals and are expected to maintain sufficient familiarity with the operating manuals and their training to comply with system operational requirements.

Operators of the VCIN / NCIC system are expected to be familiar enough with the manuals to be able to know the VCIN / NCIC system capabilities and then use the manuals as reference documents to look up specific procedures for using the VCIN / NCIC system.

Contents of the VCIN / NCIC manuals are not to be released to anyone who is not a member of the AHPD unless such release is approved by the Chief of Police.

## **VI. NCIC and VCIN Terminology**

Efficiency of communication can occur only when both parties understand what request is being made and what answer is being given. Aquia Harbour Police members will use the following terminology when asking for checks through NCIC and VCIN or replying to a request for information.

### **Definitions:**

**“OL Check”** is defined as a request to check a driver’s license through the state issued. When an OL Check is performed on a Virginia driver’s license using Name, DOB and SEX, the reply from VCIN will also check NCIC and VCIN Wanted/Missing and other NCIC/VCIN Files. The NCIC/VCIN files will be checked by name, sex, race, date of birth, operator’s license number and social security number when a driver inquiry is transmitted using the SOC field. Inquiry with the operator’s license number in the SOC field may also include IMG/Y for a copy of the DMV photo. When an OL Check is performed on an out-of-state driver’s license, the reply includes only the driver’s license information.

**“Registration Check”** is defined as a request to check a license plate through the state issued to determine ownership and the vehicle to which it is issued. When a Registration Check is performed on a Virginia license plate, the reply from VCIN includes Virginia DMV information and a wanted check through VCIN and/or NCIC of the Vehicle, License Plates, Wanted/Missing Persons, Foreign Fugitive, Protection Order, Gang/Terrorist, Deported Felon, and U. S. Secret Service Protective Files provided a vehicle was part of the entry record. When a Registration Check is performed on an out-of-state license plate, the reply from VCIN will give the registration information and wanted status on out-of-state registered vehicles.

**“Wanted Check”** is defined as a request to check to determine if a person, a car by registration or vehicle identification number, an article of property by serial number, etc. is listed as wanted in the NCIC and/or VCIN system.

**“Hit”** is defined as any positive response to an inquiry into the NCIC/VCIN system that indicates a person has an outstanding arrest warrant or an article of property such as a car, gun or leaf blower has been reported stolen. A hit is not probable cause to arrest. A hit must be confirmed with the entering agency and, based on the information in that reply, appropriate law enforcement action can then be taken. Hit Confirmation: A hit confirmation is done to determine two things. (1) Is the entry still valid? (2) Is the entering agency going to extradite the wanted person or does the entering agency want us to seize the recovered property? The answer to both questions must be "yes" before any seizure can take place. **(ADM.25.10.d)**

## **VII. Hit Handling and Confirmation Procedures**

Hits may occur on names that are close in spelling or sound like the checked name. Care must be taken to ensure the information actually matches the person being checked.

When a record is found to exist in NCIC and/or VCIN, the hit will be verified using established procedures to ensure accuracy of the hit. Stafford Dispatchers will conduct hit confirmations in accordance with NCIC/VCIN policy. Aquia Harbour Police Department members will understand that a hit is not probable cause to arrest but is reason to further investigate the wanted status of a person or property.

An NCIC/VCIN hit may or may not be indicative of a danger to the officer or a crime. However, sorting out a hit can take time that can put an officer at risk of injury or losing a wanted person or stolen property. Efficient measures must be in place to rapidly discern the contents of a hit. When the Stafford Dispatcher receives a positive response that appears to match the information queried, the following procedure will be followed.

To alert the requesting officer and all other units of a wanted status, Stafford Dispatch will call the officer making the request and when he says go ahead Stafford Dispatch will advise the officer a hit or a positive response has been received by the use of a "CODE 10".

The requesting officer, after receiving the notification, will position himself to be able to ask Stafford Dispatch for initial details of the hit. When the requesting officer is ready to be advised of the hit contents, he will call Stafford Dispatch and advise them to go ahead with the hit information. Stafford Dispatch will advise the requesting officer if the match to the inquiry is exact or partial and the nature of the hit such as stolen vehicle, wanted person for robbery, local want for trespassing, etc. Stafford Dispatch will do their best to answer any initial questions of the requesting officer.

If needed, Stafford Dispatch will make the hit confirmation request. There is no set time limit to accomplish this contact. The entering agency is supposed to respond within 10 minutes to an urgent hit confirmation.

Hit Confirmation: A hit confirmation is done to determine two things. (1) Is the entry still valid?  
(2) Is the entering agency going to extradite the wanted person or does the entering agency want us to seize the recovered property? The answer to both questions must be "yes" before any seizure can take place.

If the entering agency has included extradition limits on the entry and Wintergreen does not fall within the extradition limits then no hit confirmation (YQ) will be done per NCIC/VCIN policy. This does not preclude Wintergreen Dispatch from making phone contact with the entering agency to inquire about the hit and any needed details.



## **VIII. Responsibilities for Handling a Hit**

Any AHPD which receives a record(s) in response to an NCIC/VCIN inquiry, we must confirm the hit on any record(s) which appears to have been entered for the person or property inquired upon prior to taking any of the following actions based upon the hit from the NCIC/VCIN system:

- arresting the wanted person,
- detaining the missing person,
- seizing the stolen property, or
- charging the subject with violating a protection order.

Additionally, an agency detaining an individual on local charges where the individual appears identical to the subject of the wanted person record, and is within the geographical area of extradition, must confirm the hit.

Confirming a hit means to contact the agency that entered the record to:

- Ensure that the person or property inquired upon is identical to the person or property identified in the record,
- Ensure that the warrant, missing person report, protection order, or theft report is still outstanding; and
- Obtain a decision regarding
  - the extradition of a wanted person when applicable,
  - information regarding the return of the missing person to the appropriate authorities,
  - information regarding the return of stolen property to its rightful owner, or
  - information regarding the terms and conditions of a protection order.

**REPORTING:** The AHPD will also file the appropriate form with all pertinent information.

A copy of the form will be attached to the original Aquia Harbour/ Stafford incident report.

## **IX. Hit confirmation procedures - Urgent and Routine.**

### **Priority U: Urgent**

The hit must be confirmed by the entering agency within 10 minutes. In those instances where the hit is the only basis for detaining a suspect or the nature of a case requires urgent confirmation of a hit, priority "U" should be specified.

### **Priority R: Routine**

The hit must be confirmed within 1 hour. Generally, this priority will be used when the person is being held on local charges, property has been located under circumstances where immediate action is not necessary, or an urgent confirmation is not required.

After establishing the priority level, AHPD should then follow these procedures.

After Stafford dispatch sends a hit confirmation request (YQ), the ORI of the record must furnish a substantive response within the designated timeframe, i.e., a positive or negative confirmation or notice of the specific amount of time necessary to confirm or reject. If AHPD does not receive a substantive response within the designated timeframe, AHPD should generate a second request with a copy to the VCIN Control Center and to the Control Terminal Officer "CTO" of the agency that originated the record by entering a "2" in the "RNO" field of the "YQ" format. The CTO (or his/her designee) of the originating agency will initiate appropriate action to ensure proper response to a hit confirmation request and to comply with System standards.

If AHPD still fails to receive a response, the agency should then notify the NCIC Quality Control staff by a third message with a copy to the Control Terminal Agencies "CTAs" involved by entering a "3" in the "RNO" field of the "YQ" format.

The **formats and examples** for sending HIT request (YQ) and replies (YR) are located:  
**Virginia = Administrative Message section of the VCIN Operating Manual.**  
**Out of State = NLETS section of the VCIN Operating Manual**

Even if the initial confirmation is handled via telephone, the "YQ" and "YR" hit confirmation messages should be used for documentation. This produces a hard copy printout that documents the information used to make seizure decisions.

Responsibilities for the hit confirmation process are shared between the agency that received the hit and the agency that enters the record.

AHPD, upon taking a person into custody or recovering property, after confirming the hit, must place a locate on the corresponding NCIC and/or VCIN record(s).

When a hit is announced, backup officers will begin proceeding to the requesting officer's location. Officers able to provide backup will advise Stafford Dispatch, using proper radio procedures, they are responding as backup. A minimum number of radio transmissions should be used to keep the air as free as possible for the officer making the inquiry.

Since the inquiring officer is receiving an automatic backup response, he should provide Stafford Dispatch with a response code to minimize the operation of emergency vehicles by responding officers and to better coordinate the backup response.

## **X. Retention of Records**

Retention and storage requirements of CJIS and DMV data limits the storage of VCIN/NCIC queries and responses to no more than 300 characters in Computer Aided Dispatch transaction logs.

### **Retention of Terminal Produced Hit Printout**

When an operational inquiry on an individual or property yields a valid positive response (hit), the terminal-produced printout showing the inquiry message transmitted and the record(s) on file in

NCIC and/or VCIN should be retained for use in documenting probable cause for the detention of the missing person, arrest of the wanted person, or seizure of the property. The printout may also prove valuable in a civil suit alleging a false arrest, a false imprisonment, a civil rights violation, or an illegal seizure of property. The terminal printout is admissible in federal and state court.

When an NCIC and/or VCIN inquiry yields a hit, the terminal employee making the inquiry should note on the terminal-produced printout precisely how, when, and to whom the information was given, initial and date this notation, and forward the printout to the inquiring officer or agency for retention in the case file. This procedure establishes the chain of evidence for the communication should the arresting officer need to substantiate actions in a judicial proceeding.

The printout should be retained for as long as there remains any possibility that the defendant will challenge the arrest, search, or other law enforcement action taken because of the information contained on the printout. The printout should be retained until all possible levels of appeal are exhausted or the possibility of a civil suit is no longer anticipated.

**A. Retention of DMV Transcript Records**

The transcript shall be destroyed when it has served the purpose for which it was originally requested.

**B. Retention of Record Entry Supporting Documentation**

Retention of supporting documentation for entry records varies depending upon the entry. Consult the VCIN or NCIC manual for various record retention periods to support an entry into NCIC/VCIN.

**C. Retention of Criminal History Records**

Criminal records must be destroyed (shredded or burned) when they have served the investigative purposes for which they were requested. No personal file may be kept for maintaining criminal records from the computerized files, as all criminal records are readily available from the computer when needed.

**D. Retention of Records of Criminal History Record Dissemination Logging**

**Primary Dissemination** is defined as a criminal history response, either positive or negative, received by a terminal device and delivered to the requester named in the QH and QR format provided the requester is a member of the Wintergreen Police Department. A primary dissemination shall be logged in the criminal history logbook.

**Secondary Dissemination** is defined as a criminal history response, either positive or negative, received by terminal device and disseminated to any individual who is not a member of the Wintergreen Police Department but has a legitimate right to access criminal history information. Examples include but are not limited to a Park Ranger, ABC Agent, Game Warden or a Virginia State Trooper. A secondary dissemination shall be logged in the criminal history log book.

The CCH log must include the following minimum information.

(1) Date of inquiry.

- (2) Requesting agency ORI identifier.
- (3) Name of subject in furnished record.
- (4) State record's SID or Federal record's FBI number or the words "No Record if subject has no record.
- (5) Initials and last name or complete name of requester, name of agency to whom record was disseminated and date of dissemination. Include rank or title if applicable. Include the name and rank/title (if applicable) of the person who picked the record up, if it is not the same as the requester.
- (6) Initials and last name or complete name of Terminal Operator that released the record.

Each entry on the log shall be maintained for a period of not less than two (2) years from the date of entry. The log shall be open to inspection by any VCIN/CCH representative. All irregularities will be investigated by a VCIN/CCH representative. The logbook must be a hardback, bound cover, pages sewn in, and factory numbered page book, similar to a bookkeeping journal. Any type of loose-leaf notebook is not acceptable.

Only agencies holding approved Computerized Criminal History Users Agreements will have direct terminal access to VCIN/CCH data.

An automated Criminal History log file is maintained at SPHQ on all QH and QR format inquiries and responses processed through the VCIN System. Also, an automated log file of all other inquiries and responses on the VCIN terminal is maintained at SPHQ.

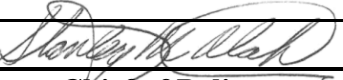
The radio log shall reflect all VCIN/NCIC inquiries made and shall include, at a minimum, the information inquired upon, the officer making the inquiry and the results of the inquiry. Inquiries for training purposes using the training records provided by the VSP do not need to be entered into the radio log.

#### **XI. Entries into NCIC and VCIN**

***Dispatchers will use the appropriate entry worksheets to complete a package of documentation that captures the entry information used for an arrest warrant, stolen property, stolen/wanted vehicle or a missing person/juvenile. The package will be submitted to the communications supervisor for review and filed with the original case file until the possibility of civil litigation has passed. The Communications Supervisor will make a copy of entry information worksheet package for the dispatch centers records and Retained in accordance with standards published by the State.***

#### **XII. Cancellations into NCIC and VCIN (ADM.25.10.e)**

The Aquia Harbour Police Department is not a VCIN Level B Agency. Therefore, cancellations can only be made through a VCIN/NCIC Holder of Record Agreement with the Stafford County Sheriff's Office.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Use of Cellular Phones/Pagers</b>	<b>NUMBER: 2-41</b>
<b>EFFECTIVE DATE: MARCH 16, 2016</b>	<b>REVIEW DATE: 03/12/19 by 804</b>
<b>AMENDS/SUPERSEDES: March 16,2007 February 11, 2011</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLEPSC STANDARDS: OPR.01.06</b>	

**NOTE**

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**INDEX WORDS**

Departmental Issued Cell Phones  
Personal Cell Phone Usage

**I. POLICY**

Advancements in technology give law enforcement new tools to more effectively and efficiently help with daily operations. Communications and availability of personnel are critical factors in the operation of the police department. It is the policy of this department that issued cell phones and personal cell phone devices are operated in a professional and safe manner.

**II. PURPOSE**

The purpose of this policy is to provide guidelines for the use of personal cell phones.

### **III. PROCEDURE**

#### **A. General Guidelines/ Cell phones**

1. Personnel will use cell phones in a manner that is conducive to the safe operation of motor vehicles.
2. Confidential conversations should not be held on cell phones as they are not a secure means of communications and may be monitored.

#### **B. Usage: (OPR.01.06.a)**

1. Cell phones (personal) should not be operated while the police vehicle is in motion.
2. Agency members should pull off the travel portion of the roadway, to a safe location, to continue their use of the cell phone until the conversation is over.
3. If a conversation over the cell phone is initiated before the vehicle is put into motion, then the use of the cell phone must cease before the vehicle is put into motion.
- 4.

### **IV. PERSONAL CELL PHONES**

#### **A. Guidelines**

1. Even though these are not Department issued, they need to be used in the same manner as described.

2. Abuse of a personal cellular phone by a Departmental member will be disciplined according to department standards. (NOTE: Confidential information involves the release of **any** work related information that would be damaging to the department).

B. Contact Information

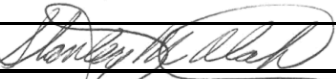
The current duty roster of all personnel is placed at the gate building . The roster will have cell numbers for all personnel. Guards/Dispatchers are able to access both group and individual numbers. (see G.O. 2-40, Communications ) **This information is to be considered confidential and will not be released to others.**

a.

V. **OTHER WIRELESS COMMUNICATION DEVICES:**

- A. Other wireless communication devices such as Smartphones, tablets and GPS will be operated in the same safe manner as described above. **(OPR.01.06.c)**



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: SOCIAL NETWORKING</b>	<b>NUMBER: 2-41A</b>
<b>EFFECTIVE DATE: JULY 11, 2013</b>	<b>REVIEW DATE: 03/12/19 by 804</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Chief of Police</b>
<b>VLEPSC STANDARDS:</b>	

**NOTE**

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**INDEX WORDS**

Blog	Social Media
Post	Social Networking
Profile	Wiki
Speech	

**I. POLICY**

The proper functioning of any law enforcement agency relies upon the public's confidence and trust in the individual members of the agency to effectively protect and serve the public. (Aquia Harbour Employees have the right to use personal/social networking web pages or sites, as does the general public). It is the policy of the Aquia Harbour Police Department to maintain a high level of professionalism in both on-duty and off-duty conduct whereby employees shall not engage in conduct that contradicts or impedes the mission statement of the department

**II. PURPOSE**

The purpose of this policy is not to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge. The Aquia Harbour Police Department has a duty to protect the reputation of the organization and its employees, as well as guard against liability and potential legal risk. Social Networking sites

are those that use Internet services to allow individuals to construct a public or semi-public persona system that includes comments posted on the sites. Examples of Internet-based social networking sites include: blogs, networking sites, photo sharing, video sharing, micro blogging and podcass

### **III. DEFINITIONS**

- A. Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro blogging sites (Twitter, Nixle), photo and video-sharing sites (Flickr, You Tube), wikis (Wikipedia), blogs and news sites (Digg, Reddit)
- B. Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- C. Profile: Information that a user provides about himself/herself on a social networking site.
- D. Post: Content an individual shares on a social media site or the act of publishing content on a site.
- E. Blog: A self-published diary of commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”
- F. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communications.
- G. Wiki: Web pages(s) that can be edited collaboratively.

### **IV. FIRST AMENDMENT CONSIDERATIONS**

- A. Employees are free to express themselves as private citizens on social media sites to a degree that their speech does not:
  - 1. Impair working relationships of the department for which loyalty and confidentiality are important.
  - 2. Impede the performance of duties,
  - 3. Impair discipline and disrupt harmony among coworkers, or
  - 4. Negatively affect the public perception of the Department.

- B. As public servants, employees are cautioned that speech on-duty or off-duty, made pursuant to their official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department. Such speech is that which owes its existence to the employee's professional duties and responsibilities.

V. **PROCEDURES:**

- A. Employees should exercise caution and good judgment when social networking Online. Employees should be aware that the contents of these social networking sites can be subpoenaed and used in criminal and civil trials to impeach the employee's testimony.
- B. Employees should be aware that they may be subject to criminal penalties for;
  - 1. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
  - 2. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.
  - 3. Using someone else's name, likeness or other personal attributes without the person's permission for an exploitative purpose; or
  - 4. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner;
  - 5. Violations of the Federal Stored Communications Act of 1986, 18 U.S.C., 2701, et seq.
- C. Employees should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- D. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice.
- E. Employees should be aware that during any internal investigation into violations of this or related policies, the Department may order an employee to provide access to personal social networking sites when the subject of the investigation is

directly, narrowly, and specifically related to employee performance, conduct, and/or the best interest of the Department.

- F. Photographs, personal phones, cameras or other video devices, taken or used to record any incident while on duty, at crime scenes; or on police-related calls and events are the property of the Aquia Harbour Police Department and shall not be posted on social network sites. As stated elsewhere in this policy, no photographs will be taken, printed, downloaded, or distributed for any officer's personal use and/or beyond the scope of an officer's official capacity or duty assignment.

**VI: PROHIBITIONS:**

- A. Employees are prohibited from posting, transmitting and/or disseminating any confidential information related to official Department training , activities or work related assignments, without the express permission of the Chief of Police..
- B. Employees are prohibited from using Department titles, logos, emblems, uniforms and other material to create personnel business cards, letterheads, electronic signatures, or similar material without the express permission of the Chief of Police.
- C. Employees are prohibited from posting any offensive or unethical contents, such as, speech containing obscene or sexually explicit language, images or acts and statements or other forms of speech that ridicule, malign, disparage or otherwise express bias against any race, any religion or any protected class of individuals is strictly prohibited,
- D, Employees are prohibited from posting speech involving themselves or other Department employees reflecting behavior that would reasonably be considered reckless or irresponsible.
- E. Employees shall not represent that they are speaking or acting on behalf of the Department, or that they are representing or presenting the interests of the Department, without the express permission of the Chief of Police.
- F. Employees shall not post, transit or otherwise disseminate any information to which they have access as a result of their employment without the written permission from the Chief of Police or his designee.
- G. Employees are prohibited from using social networking sites to harass or attack others, including those who work for the Department.
- H. Employees must take proper care not to purposefully or inadvertently disclose any information that is confidential or law enforcement sensitive. Employees, without

the written authorization of the Chief of Police or his designee, are prohibited from disclosing information or details concerning the following:

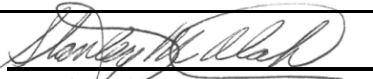
1. Criminal or traffic investigations;
2. Administrative investigations, actions;
3. Official agency training, calls for service, traffic stops, vehicle crashes and other contacts with citizens; and
4. Personnel issues, including disciplinary action, transfers, etc.

I. Employees are cautioned that photographs posted on sites may be used for negative purposes. Unless permission is granted in writing from the Chief or his designee, employees are prohibited from posting photographs of the following:

1. AHPD personnel
2. AHPD patches;
3. AHPD badges;
4. AHPD logos;
5. AHPD vehicles;
6. AHPD equipment
7. AHPD uniforms;

**What an employee says or posts on a site or what an employee allows someone else to say or post on their site, will potentially be grounds for discipline.**

...

<b>Aquia Harbour POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: PLANNING AND RESEARCH</b>		<b>NUMBER: 2-42</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 03/12/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-42 Mar 15, 2002, DEC. 11, 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM 10.01</b>			

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**INDEX WORDS**

Budgeting  
 Crime Analysis  
 Enforcement Pattern Analysis  
 Forms Selection and Control  
 IBR Reporting  
 Manpower Allocation Alternatives  
 Multi-Year Planning  
 Operations Planning  
 System Analysis

**I. POLICY**

It is essential that there be planning in the law enforcement field. From the Chief of Police who must devise long-range plans involving all department resources, to the individual officer who must discuss an operational plan with his associate officers, there exists a necessity for planning. The requirement that employees plan their action is commensurate with the degree of responsibility and accountability for the results of that action.

Officers are confronted with a myriad of circumstances, which require action. In an attempt to utilize collective experience and research in assisting officers to deal with such diverse situations, procedures are formulated to direct action in certain generalized situations. It is impossible to provide standing procedures for officers to follow in every situation; therefore, officers must be provided with policy guidelines to assist them in exercise of discretion. The combination of

policy and procedures reinforced by training acts to provide a structurally sound framework within in which to function.

In addition to developing standing procedures, the Aquia Harbour Police Department must devise single-use plans to accommodate specific needs. These plans may involve a department-wide response to a major occurrence or a tactical answer to an isolated incident. Once executed, such plans should be evaluated for the development of standing procedures or for future reference in analogous situations.

## II. PURPOSE

The purpose of this General Order is to explain how the departments planning and research function is performed, responsibilities assigned, and relationships clarified.

## III. PROCEDURES: (ADM.10.01)

### 1. General

- a. Planning and research activities are essential to effective management of the Aquia Harbour Police Department. Complex demands for law enforcement services require that the department carefully research operational alternatives and plan future programs.
- b. Planning and research functions are performed under the direct supervision of the Chief of Police and include, but are not limited to, the following types of activities.
  - 1) **Crime Analysis** is a function of the Aquia Harbour Police Department supervisory staff.
  - 2) **Multi-Year Planning** is a function of the Chief of Police whose duties include long-range (five-year) planning of need for the Aquia Harbour Police Department. This includes, but is not limited to, budget, equipment, and manpower needs, based on forecast change of population, service area, etc.
  - 3) **Operations Planning** is a function shared by ALL supervisors. In addition to operational plans for events and activities, they assist the Chief of Police in developing and maintaining standard operating procedures, design preventive patrol activities, and publish policies and procedures known as Regulations and General Orders. These orders are reviewed on a preset schedule for the purposes of deletion or revision.
  - 4) **Budgeting** is a responsibility of the Chief of Police with input developed by his staff.
  - 5) Development of **Manpower Allocation Alternatives** is a function of the Chief of Police in conjunction with his staff.

- 6) **System Analysis** is a function shared by the Chief of Police and supervisors, uniform patrol and investigations. They all will periodically review the Aquia Harbour Police Departments information management systems and attempt to introduce appropriate law enforcement application systems as used in Departments of our size elsewhere in the United States.
  - 7) **IBR Reporting** is a function of the Assistant Chief. The Aquia Harbour Police Department utilize the IBR method of documenting calls for service and offenses in addition to Harbour Report form for minor incidents, it does none the less provide reports to the Stafford County Sheriff's Office
  - 8) Contingency planning is done by all staff within functional areas.
  - 9) **Traffic Accident and Enforcement Pattern Analysis** is accomplished by the Assistant Chief.
  - 10) **Forms Selection and Control** is a function of the Chief of Police.
- c. All supervisors will accomplish planning and research activities on a part-time basis, as part of their normal staff activities. All will report directly to the Chief of Police in areas of planning and research.
  - d. As part of the planning and research function, the Chief of Police and his supervisory staff will, at a minimum, semiannually analyze field operational activities to assure adequate resources and enforcement measure are being applied. These field operational activities are based on data collected from crime reports, including such data as:
    - 1) Type of activity
    - 2) Time and date
    - 3) Month
    - 4) Year
    - 5) Shift
    - 6) Zone
    - 7) Location
  - e. The Assistant Chief will ensure that analytical reports are disseminated to the patrol officers to assist in planning of proper field patrol activities.
  - f. The Chief of Police will ensure the goals and operational objectives for the Department are well planned and documented in order to provide for adequate staffing/operational funding for future years. Multi-year considerations will include:
    - 1) Anticipated workload and population trends
    - 2) Anticipated personnel levels
    - 3) Anticipated capital improvements and equipment needs

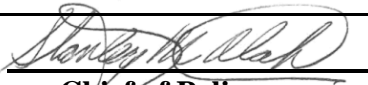


2. Scope of Planning

While every plan differs according to the need for which it is developed, each should define need, objective, scope and purpose, method for implementation, and a means of evaluating effectiveness.

3. Use of Planning Task Force

When a need develops for a single-use plan affecting more than a single department, or when it is necessary to develop a major project within a limited time, it may be appropriate to assemble a task force whose staff is provided on loan from various AHPOA departments. When a task force is assembled, it must be structured with clearly defined objectives, organization, responsibility, and authority. It should be placed under the control of an existing organizational unit whose supervisor has responsibility and accountability for its performance.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: CRIME ANALYSIS</b>		<b>NUMBER: 2-43</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 03/12/19 by 804</b>	
<b>AMENDS/SUPERSEDES: G.O. 2-43 Mar.15, 2002, DEC. 12, 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: ADM.11.01</b>			

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**INDEX WORDS**

Crime Analysis  
Crime Data  
Crime Data Analysis

**I. POLICY:**

Crime analysis is a law enforcement function whereby data relating to crimes is collected, collated, analyzed, and disseminated. Data pertaining to crime and criminal activities is primarily generated from records and reports within the department. The utilization of this data will assist in preventing and suppressing crime and aid in the apprehension of criminal offenders both strategically and tactically.

**II. PURPOSE:**

The purpose of this General Order is to describe the procedure for the collection, analysis, and dissemination of crime data. Also, to show how the analysis of valid and reliable data will provide line units with useful information that can benefit them in the development of daily operational and tactical plans. Staff units will likewise be able to use the data for planning as it relates to crime trends, agency resource allocation, crime prevention and other associated areas.

### III. PROCEDURES: (ADM.11.01)

#### 1. General

- A. **Crime Analysis** is a part-time activity conducted by the Chief of Police and his staff.
- B. Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by:
  - (1) Identifying and analyzing methods of operation of individual criminals.
  - (2) Providing crime pattern recognition.
  - (3) Providing analysis of data from arrests.
  - (4) Identification of potential or actual police/citizen concerns.

#### 2. Collection of **Crime Data**

- A. Essential crime analysis data will be collected from the following sources:
  - (1) Offense Reports.
  - (2) Arrest reports.
  - (3) Daily work reports (Incident Reports and Daily Run Sheets).

#### 3. Collation of Crime Data

- A. Criminal offense data will be collated and charted by crime type, time of shift, and geographical location on computer printouts.
- B. The computer generated printout will help to identify similarities among different offenses and reveal patterns in the characteristics of current crime patterns. Some of these printouts will include:
  - (1) Offense incident file.
  - (2) Day, date and time of offense.
  - (3) Location of offense.
  - (4) Zone of offense.
  - (5) Type premise.
  - (6) Point of entry.

- (7) Method of entry.
  - (8) Protective devices on premises.
  - (9) Property taken.
  - (10) Suspect's physical description.
  - (11) Suspect's action/trademark.
  - (12) Distinguishing features of suspect.
  - (13) Suspect vehicle description.
  - (14) Victim's physical description.
  - (15) Victim/suspect relationship.
  - (16) Description of victimized vehicle.
  - (17) Description of stolen vehicle.
- C. Special attention will be given to any crime patterns or trend development information during the analysis of crime data. Specific crime factors to be included in the crime analysis function are:
- (1) Frequency by type of crime.
  - (2) Geographical and chronological factors.
  - (3) Victim and target descriptions.
  - (4) Physical evidence information.
  - (5) Suspect and suspect vehicle description.
  - (6) Modus operandi information.
  - (7) Physical evidence information

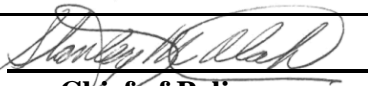
#### **4. Crime Data Analysis**

- A. Computer data will be analyzed by the Chief of Police and his staff on an as needed basis.

- B. The computer printouts and reports will include the total number of crimes that were reported to the Wintergreen Police Department during requested time period, including the following information:
    - (1) Type of crime.
    - (2) Day, date and time of occurrence.
    - (3) Number of crimes in each zone area.
    - (4) The physical description of suspects.
    - (5) The descriptions of suspects' vehicles.
  - C. The Aquia Harbour Police Department supervisory staff will make recommendations to the Chief of Police concerning geographic or special allocation and deployment of police resources.
5. Dissemination of Crime Data
- A. The Chief of Police or his designee will disseminate information in a timely fashion within the Police Department.
  - B. The Chief of Police or his designee will disseminate information relevant to the operational and tactical plans of specific line units directly to the Executive Director.
  - C. The Chief of Police or his designee will disseminate to the general public appropriate crime information necessary to enhance public information and solicit community assistance and support when deemed necessary.
  - D. Information concerning police operational matters or investigative methods will be carefully controlled and not normally be disseminated. (See RR 1-13, Media Relations)
6. Use of Crime Analysis Information
- A. Crime analysis information will be used by the Chief of Police and all police department supervisors in the following ways:
    - (1) Short range tactical planning of crime reduction techniques and strategies.
    - (2) In the development of departmental plans for and response to operational problems.
    - (3) In long range planning, particularly as it relates to predicting manpower and resource needs for a multi-year period.

## 7. Evaluation of Data

- A. For the crime analysis function to be effective, feedback from each officer within the department will be essential. The utility and effectiveness of crime analysis can be evaluated by:
  - (1) The reduction of crime in certain areas as a result of useful crime analytical information.
  - (2) An increase in arrests in dealing with certain problems identified in the analysis process.
  - (3) Having specific problem areas identified by analysis of data gathered through the police reporting system.
- B. Feedback relating to crime analysis data disseminated to each officer is an essential part of the evaluation of the analytical effort. Such feedback will provide the Chief of Police with information as to whether the crime analysis process, as currently employed, is efficient and whether its products are effective tools for combating the crimes selected by the department for analysis.
- D. Each division or unit supervisor should solicit feedback from their officers on analytical data provided to them and then discuss any comments at the regularly scheduled staff meetings.

<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: PHYSICAL FITNESS</b>		<b>NUMBER: 2-44</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: 02/22/19 by 804</b>	
<b>AMENDS/SUPERSEDES: GO 2-44, APR 2002, DEC 2006, FEB 2011</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: PER.03.06</b>			

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**I. POLICY**

The Aquia Harbour Police Department subscribes to the concept that the law enforcement profession requires a high degree of physical fitness in order to appropriately perform quality-policing functions.

**II. PURPOSE**

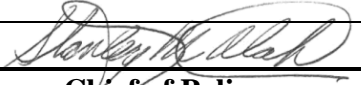
To identify the resources that are available to Department personnel that can assist them in attaining and maintaining a level of general health and physical fitness that is necessary to be physically fit for duty at all times.

**III. PROCEDURE**

- A. As part of the Department hiring/selection process, all applicants who are offered employment are provided a medical examination including physical fitness for participation in the physical parameters of law enforcement training as described by DCJS. This establishes a base line for future health examinations and fitness levels.
- B. During basic recruit training at the local regional criminal justice training academy newly hired recruit officers participate in a physical training program. Recruit officers are encouraged to continue their level of fitness throughout their professional law enforcement career.
- C. Each officer is personally responsible for his or her own level of conditioning and insuring that he or she is always fit for duty. As part of APOA's benefit program, a health care program is offered to all employees. Officers are strongly encouraged to take advantage of the benefits that are provided under their individual health care program. A discussion with the employee's health care provider will assist the officer in determining the appropriate timing schedule based on his or her age and condition..

- D. AHPD encourages employees to physical fitness training. Officers are encouraged to develop and maintain a personal level of physical conditioning.
- E. All officers are encouraged to maintain a diet that is specific to the wellness and health needs of the individual officer. It is recognized that a healthful diet in conjunction with a regularly implemented physical fitness program contributes significantly to the overall wellness and fitness of the individual. (**PER.03.06**)



<b>AQUIA HARBOUR POLICE DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Field Training Program</b>		<b>NUMBER: 2-45</b>	
<b>EFFECTIVE DATE: MARCH 16, 2016</b>		<b>REVIEW DATE: Dec 9 2018 by 804</b>	
<b>AMENDS/SUPERSEDES: NEW</b>		<b>APPROVED:</b>  <b>Chief of Police</b>	
<b>VLEPSC STANDARDS: TRN.01.01, TRN.01.02</b>			

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**INDEX WORDS**

Field Training Program	Field Training Officer
Recruit	Selection of FTO
Phases	Training of FTO
Evaluation	Coordination of FTO Program

**I. POLICY**

Field Training is an integral part of a recruit officer's training in which the transition is made from the theory of classroom instruction to its practical application. The most important element, the Field Training Officer (FTO), is responsible for developing the recruit officer to his/her fullest potential. The selection, training, and continuous evaluation of the FTO are critical to the professional development of recruit officers. Therefore, it is the policy of the Aquia Harbour Police Department to establish a Field Training

**II. PURPOSE**

The purpose of this policy is to establish procedures and requirements for the Field Training Program

### III. PROCEDURE:

#### A. Recruit Training

1. To ensure each recruit officer is provided an opportunity to reach his/her fullest potential, the Field Training Program will consist of four (4) Phases.

##### a. Phases of Training:

(1) Phase I consists of one hundred (100) hours of on the job training with a FTO. The recruit officer will complete a comprehensive checklist of tasks to assure the FTO that he/she has mastered the basic police skills, and will be evaluated daily on how well they utilize those skills in their job performance. Upon completion of Phase I the recruit will be evaluated by the Chief of Police, Deputy Chief and the FTO. **(TRN.01.01.a.b.d)**

- a) If the recruit does not show, in the opinion of the Chief of Police, FTO Supervisor and/or the FTO, a satisfactory performance level, he/she may be reverted back to Phase I, in a probationary status, for closer supervision and more personal assistance, in lieu of termination. Failure of the recruit to perform satisfactory in Phase I during their probationary period will be cause for termination after review of FTO evaluations by the FTO Supervisor and Chief of Police.

(2) Phase II - Academy training.

a) If the recruit has already successfully completed an approved Virginia Department of Criminal Justice Services (DCJS) basic training the recruit will move to Phase III of the Field Training Program.

b) If the recruit has **not** already successfully completed an approved DCJS basic training they will attend the academy and upon return move to Phase III of the Field Training Program. **(TRN.01.01.c) (TRN.01.02.a)**

(3) Phase III - The recruit officer will operate the police vehicle and perform all tasks without the direct intervention of the FTO. The FTO will accompany the recruit during this period, functioning only as an observer and evaluator. Except in emergencies, or in situations beyond the recruit's ability to handle or control, the FTO will avoid interfering with the recruit's performance. The recruit will be advised of his/her progress on a daily basis and by an evaluation prepared by the FTO every day for a period of forty (40) hours. **(TRN.01.02.f)**

a) Following the forty (40) hour training period, the FTO will make one of the below listed written recommendations to the Chief.

- 1) Certification of the recruit officer to work independently as a patrol officer and assigned to Patrol Operations.
- 2) Retention of the recruit officer in the training program for remedial training.
- 3) Recommend termination.

- b) In the event the FTO recommends remedial training, the FTO Supervisor will meet with the Chief of Police and a course of action will be decided upon.
- c) Upon completion of remedial training, the FTO will meet with the FTO Supervisor and Chief of Police to discuss the recruit. In the event the recruit has not shown an improvement in his/her performance, the FTO Supervisor will make a recommendation to the Chief of Police for termination.
- (4) Phase IV - The newly released officer will be assigned to Patrol Operations and will operate the police vehicle in solo status and perform all police duties as required. The FTO Supervisor will continue to monitor the performance of the new officer together with input from fellow members and will complete a performance evaluation at six months and then annually thereafter.

**B. Field Training Officer Selection: (TRN.01.02.b)**

The selection of the FTO is extremely important, as his/her influence on the recruit officer is very profound. Prospective FTO's must meet the following requirements:

- 1. Eligibility:
  - a. Must have a minimum of one (1) year of service with the Aquia Harbour Police Department. This requirement must be met prior to appointment as an FTO.
  - b. Demonstrate daily performance that reflects self-motivation and initiative to include no excessive absenteeism/tardiness.
  - c. During the year prior to the proposed date of appointment as an FTO, have received no disciplinary action resulting in a written reprimand or greater or exhibited any performance deficiencies.
  - d. Demonstrate the ability to communicate effectively both orally and in writing.
  - e. Present and maintain a neat and professional appearance at all times.
  - f. Project a positive attitude supported by adherence to the Code of Conduct, solid performance evaluations, and a review of citizen complaints and commendations.
  - g. Submit request in writing to the Chief.
  - h. Selected FTO candidates must successfully complete thirty-two (32) hours of special classroom instruction and training at an approved DCJS Training Academy. In order to maintain FTO status, they must complete a minimum of two (2) hours of related training every three years for recertification at an approved DCJS Training Academy. **(TRN.01.02.d)**
  - i. FTO's must, in addition to their normal duties, maintain adequate and timely documentation of the recruit's performance under their supervision by completing daily and final evaluation reports. **(TRN.01.02.g)**

2. FTO Evaluation and Status:

Understanding the need to protect the integrity of the FTO Program and maintain a high standard of professional instruction for novice police officers, it may become necessary to remove a FTO from the program.

- a. Evaluation: FTO's will be evaluated on a continuous basis to include review of the FTO's documentation of the recruit officer's performance, completion of required evaluations, and the FTO's overall performance.
- b. Status: FTO's will be classified in one of the following categories:
  - 1) Active - The FTO is in a Patrol Operations assignment which makes it possible to train a recruit officer.
  - 2) Inactive - The FTO is not in a position to train because of a current duty assignment.
  - 3) Withdrawn - The FTO has notified the Chief in writing that he/ she wishes to be voluntarily removed from the program.
  - 4) Removed - The FTO has been found to be ineffective as a training officer, been recommended for removal by the Chief, or has been formally disciplined in such a manner so as to undermine the integrity and credibility of the program.

Note: In all instances in which an individual is removed or withdrawn from the program, the final decision rests with the Chief of Police.

C. Duties of the Field Training Officer:

The FTO has two (2) primary sets of duties to fulfill: (1) as a police officer responsible for regular patrol activities and (2) as a trainer of the recruit officer assigned to him/ her.

1. Responsibilities of Every FTO:
  - a. Provide an ongoing "on the street" instruction for the recruit utilizing innovative and practical techniques.
  - b. Complete all required checklists and DCJS mandates for police officers with each assigned recruit officer. (TRN.01.01.c)
  - c. Complete daily evaluations prior to the end of shift or as soon as reasonably practical.
  - d. Utilize a curriculum based on tasks of the most frequent assignments of officers completing recruit training. (TRN.01.01.a)
  - e. Properly monitor the recruit officer's demeanor, conduct, and personal appearance.

- f. Recommend successful completion of field training for recruit officers with the potential to function effectively as law enforcement officers, or the termination of employment when their potential for effectiveness is in doubt based on the accurate documentation of performance.
- g. Perform all other duties that may be required.

D. Field Training Program Coordinator:

The FTO Supervisor is the designated Coordinator/Supervisor of the Field Training Program. (TRN.01.02.c)

1. Duties of the FTO Supervisor include but are not limited to.
  - a. Coordinate all Field Training Program activities, including meetings.
  - b. Review all recruit officer field training on a continuous basis.
  - c. Review performance evaluations of all recruit officers and FTO's.
  - d. Identify problem areas and modify recruit officer training as needed.
  - e. Rotation of recruit assignments, if possible. (TRN.01.02.e)
  - f. Recommend changes in recruit and FTO training courses.
  - g. Actively enlist qualified officers for FTO candidates.
  - h. Review performance and conduct of FTO's in order to maintain the highest standard of training.
2. Schedule meetings, as necessary, during the time recruits are in training. Meetings are to be attended by the FTO. Meetings will be structured to discuss the strengths and weaknesses of recruits and formulate training strategies aimed at producing the highest caliber officer possible.
3. DCJS CERTIFIED OFFICERS:

Certified Officers who have been hired from other jurisdictions, or officers who, through professional experience, demonstrate proficiency during training at a DCJS certify academy, may participate in an abbreviated version of this program. Duration of training will be handled on a case by case basis, between two to four weeks, at the discretion of the FTO Supervisor with the approval of the Chief of Police. Training will include familiarization with the policies and procedures of the Aquia Harbour Police Department, the Stafford County Sheriff Office, and Stafford Court System.

F. Field Training Program Manual:

An FTP manual is maintained by the FTO Supervisor which provides instruction and guidelines on the completion of required paperwork involved in the Field Training Program.